



## Will W. Allensworth

PARTNER

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### PRACTICE AREAS

Construction Disputes  
Professional Licensure & Defense  
Outside General Counsel Services  
Arbitration Services

### EDUCATION

J.D., *with honors*, University of Texas  
School of Law (2010)

B.A., Philosophy, Texas Tech University  
(2005)

### LICENSES & CERTIFICATIONS

Supreme Court of Texas

Admitted to U.S. District Courts for the  
Western, Eastern, Northern, and  
Southern Districts of Texas

Admitted to the Fifth Circuit Court of  
Appeals

Board Certified, Construction Law —  
Texas Board of Legal Specialization



Will helps clients translate legal scenarios into specific business cases and actionable, strategic plans, with the ultimate goal of **resolving disputes as favorably and rapidly as possible.**

### OVERVIEW

Will Allensworth is a lawyer who stands out for his analytic mind and deep commitment to legal scholarship. His greatest strength, however, is his ability to bridge the gap between theory and real-world application in complex construction disputes, distilling his analysis into straightforward risk assessments and pragmatic advice that clients rely on to navigate conflict and promote their long-term business goals.

As an advisor and problem solver, Will counsels construction industry clients on legal issues with the goal of helping them make informed business decisions about legal costs, settlement negotiations, and potential recovery and risk, among other things. A seasoned construction dispute attorney, he helps them translate legal scenarios into specific business cases and actionable, strategic plans, with the ultimate goal of resolving disputes as favorably and rapidly as possible.

His process begins with diagnosing the specific problem his client faces and determining whether a construction lawyer (or a corporate, bankruptcy, or other specialist) is really what's needed. He then evaluates what he calls a "win condition"—what success would be, what kind of return it would provide, and how that compares to the costs, both financial and managerial, of any potential alternative. Will places great analytical emphasis on possible legal outcomes and avoids substituting his own business thinking for his clients'.

Will is a jack-of-all-trades in a highly specialized field. He brings to his work an unusually broad range of both clients (owners, general contractors, and design professionals) and industry insight (insurance defense, payment disputes, project closeout, lien claims, and professional ethics). His industry focus is augmented by an insatiable scholarly drive—Will has written over a dozen papers on construction-related topics, including risk allocation strategies and claims, the Economic Loss Rule, statutes of limitations, and consequential damages, among others. He has spoken several times at the State Bar of Texas's annual Construction Law Conference, and he teaches Construction Litigation at the University of Texas School of Law.

Will is an avid fan of ice-cold Coors Lights, B-movies, and Texas Tech sports, but these days you'll mostly find him watching *The Octonauts* with his young children.

## REPRESENTATIVE EXPERIENCE

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- Obtained favorable dismissal on behalf of architect after compelling underlying owner-contractor dispute to arbitration while abating ongoing lawsuit claims against architect.
- Drafted and filed numerous amici curiae briefs on behalf of design-professional trade organizations in Texas appellate courts, including the Texas Supreme Court.
- Obtained Chapter 150 dismissal, affirmed on appeal, on behalf of civil engineer for negligence and personal injury claims relating to curb-cut designs.
- Obtained partial summary judgment, and ultimately a defense judgment after bench trial, on behalf of land use and permitting company against allegations of fraud, negligence, and breach of contract.
- Successfully represented special utility district in declaratory judgment action, through bench trial, securing final judgment preserving district's federal rights and claims.
- Represented water supply corporation through successful settlement of water service area dispute and secured federal court order denying non-settling defendants' demand for attorney's fees.
- Assisted in representation of subcontractor on payment and scheduling dispute, including the drafting of briefs on appeal to the Supreme Court of the United States.

- Obtained complete summary judgment on behalf of structural engineer against claims by owner, architect, and general contractor relating to alleged foundation defects at an Austin hotel.
- Secured take-nothing defense award and attorneys' fees on behalf of general contractor against \$621,000 claim for additional compensation by subcontractor.
- Intervened on behalf of rural water district in declaratory judgment action and, after bench trial, secured favorable ruling narrowing order to avoid interference with client's state and federal rights.
- Represented subcontractor in dispute with insurers to secure seven-figure settlement for alleged construction defects.
- Represented general contractor in dispute with insurer over amount of coverage under commercial general liability policy, ultimately resulting in settlement of entire dispute within policy limits.

## PRESENTATIONS & PUBLICATIONS

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- Assignment: Assignment  
Place: Construction Law Foundation of Texas CLE Webinar (August 2022)
- Facing the Consequentials: How to Recover, Negotiate, and Waive Consequential Damages  
Place: State Bar of Texas 34th Annual Construction Law Conference (March 2021)
- Consequential Damages Update  
Place: Houston Bar Association Construction Law Section (November 2020)
- The Contingent Payment Statute: Rather Complex  
Place: Published in *The State Bar of Texas Construction Law Journal* Volume 15, Number 2 (Winter 2019)
- Construction Accessibility—Common Preventable Errors and the Role of the Accessibility Specialists  
Place: Accessibility Professionals Association Conference and Expo (January 2019)
- Rebuilding the Economic Loss Rule: A Request for Information on Texas Construction Law  
Place: Published in *The State Bar of Texas Construction Law Journal* Volume 14, Number 3 (Winter 2018)
- Rebuilding the ELR: A Request for Information on Texas Construction Law  
Place: Construction Law Foundation of Texas' Annual CLE for Board Certified Construction Lawyers (December 2018)
- Back to the Future: Updates in Construction Law and 2019 Legislative Preview  
Place: Build On: The Construction Seminar for Construction Experts (September 2018)
- A Question of Consequence: Consequential Damages (Read More)  
Place: Presented to State Bar of Texas 30th Annual Construction Law Conference (March 2017)

- Case Study: Port of Houston/Zachry Contract  
Place: Presented to the Construction Industry Institute Executive Leadership Program, The University of Texas at Austin (January 2017)
- Chapter 150: Updates and Trends in Certificate of Merit Law  
Place: *The Advocate, State Bar of Texas Litigation Section Report* (Summer 2016)
- Overview of Contract Law  
Place: Presentation for HalfMoon Education, Inc.: Legal Issues for Texas Civil Engineers and Professional Land Surveyors (November 2015)
- Theories of Liability against Architects and Engineers  
Place: Presented to the Texas State Bar Construction Law Section Basic Course in Construction Law (December 2015)
- Architect/Engineer Defense in Practice  
Place: Presented to the State Bar of Texas 28th Annual Construction Law Conference (March 2015)
- Overview of Contract Law  
Place: Presentation for HalfMoon Education, Inc.: Legal Issues for Texas Civil Engineers (August 2014)
- Increased Use of Bifurcation in Construction Cases Involving Derivative Claims  
Place: *The Construction Lawyer: Journal of the American Bar Association Forum on the Construction Industry* Vol. 33, No. 4 (Fall 2013)
- The Certificate of Merit: Field of Opportunity and Peril  
Place: Presented to the State Bar of Texas 26th Annual Construction Law Conference (March 2013)
- Construction Law Update  
Place: Presented to The University of Texas School of Law Construction Law Conference (September 2012)
- The Witching Hour: Limitations, Repose, Tolling, and Other Horrors  
Place: Presented to the State Bar of Texas 25th Annual Construction Law Conference (March 2012)
- Construction Law Update  
Place: Presented to the State Bar of Texas 27th Annual Litigation Update Institute (January 2011)
- Contractual Devices to Limit, Waive, and Liquidate Schedule-Related Damages  
Place: Presented to the State Bar of Texas 23rd Annual Construction Law Conference (March 2010)

## INDUSTRY INVOLVEMENT

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- University of Texas at Austin School of Law | Adjunct Professor, Construction Litigation (2019-Present)
- State Bar of Texas, Construction Law Section | *Texas Construction Law Journal* Editor (2021-Present), Assistant Editor (2019-2021), Editorial Board Member (2018-2019); Young Construction Lawyer Representative (2015); Member (2010-Present)
- State Bar of Texas, Appellate Law Section | Member (2010-Present)
- Austin Bar Association, Construction Law Section | Member (2010-Present); Section Officer (2014-2017)
- Austin Young Lawyers Association | Member (2010-Present)
- Robert W. Calvert American Inn of Court | Member (2013-2017)

## AWARDS

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### Chambers USA

- Texas Construction Law, Band 3 (2020-2022)
- Texas Construction Law, Up and Coming (2018-2019)
- Texas Construction Law, Associates to Watch (2017)

### Super Lawyers by Thompson Reuters

- Rising Stars – Texas Construction Litigation (2017-2022)
- Up-and-Coming 100 – Texas (2020-2022)

### Best Lawyers by BL Rankings

- “Lawyer of the Year” Litigation: Construction – Austin, Texas (2023)
- “Lawyer of the Year” Construction Law – Austin, Texas (2023)
- Construction Law – Austin, Texas (2018-2023)
- Litigation: Construction – Austin, Texas (2018-2023)
- Administrative/Regulatory Law – Austin, Texas (2019-2023)

### Austin Monthly’s Austin Top Attorneys – Construction (2022)