

# Brian K. Carroll

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## EDUCATION

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### **Baylor University, Baylor School of Law**

Waco, TX

*Juris Doctor*, Business transactions concentration, February 2002

- Christian Legal Society
- Dean's Discretionary Scholarship

### **The University of Texas at Austin**

Austin, TX

Bachelor of Science, Architectural Engineering, May 1998

- Terry Foundation Scholar - Academic Full Ride
- Robert C. Byrd Scholar
- Freshmen Engineering Honors

## PROFESSIONAL EXPERIENCE

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### **Sanderford & Carroll, P.C.**

Temple, TX

Managing Partner, January 2007 – Present

- Responsible for all aspects of construction litigation practice including discovery, motion practice, depositions, mediations, arbitrations, trials and appeals.
- Responsible for operations management for Firm.
- Mediator for over one-hundred construction, large commercial, and complex civil suits.

#### Appellate

- Successfully defended \$1,800,000 award at oral argument before the Texas 3<sup>rd</sup> Court of Appeals

#### Arbitration

- Successfully defended general contractor on COE project resulting in take-nothing verdict.

#### CGL Policy Defense

- Successful defense of major waterproofing subcontractor via summary judgment.
- Successful defense of major excavation subcontractor via summary judgment.

#### Texas Department of Transportation

- Successfully resolved over \$750,000,000 in terminations for a major contractor on Projects statewide.
- Assisted large road contractor in preparation of over \$100,000,000 in claims on TxDOT Project.
- Served as consulting counsel to large law firm regarding presentation and appeal of TxDOT cases.
- Settled wrongful termination case for in excess of \$1,400,000 on rest area project.
- Settled debarment action allowing contractor to continue work on TxDOT projects.
- Settled claims on major multi-level interchange project for in excess of \$5,000,000.

#### Federal Procurement

- Successfully resolved multiple multi-million dollar claims on US Army Hospital Project.
- Represented Contractors in multiple Miller Act lawsuits worldwide.
- Assist clients with preparing claims on government construction claims nationwide.

### **Pratt & Sanderford, P.C.**

Temple, TX

Shareholder, January 2004 – December 2006

Associate Attorney, May 2002 - January 2004

- Responsible for all aspects of construction litigation practice including discovery, motion practice, depositions, mediations, arbitrations and trials.

#### Arbitration

- Successfully advanced claim for breach on high performance FF/FL numbered concrete warehouse.

#### CGL Policy Defense

- Successful defense of major foundation leveling contractor resulting in agreed non-suit.

#### Expert Witnesses

- Successfully deposed hostile Ph.D. in geotechnical engineering which led to a dismissal.

#### Mediation

- Settled home construction case for price of home, attorney fees and over \$100,000.00 in mental anguish.

#### SOAH

- Obtained verdict in excess of \$1.2 million against TxDOT including attorney fees.

**Pratt & Sanderford, P.C.**

Temple, TX

Law Clerk, Spring 2001 – May 2002

- Responsible for legal and technical research on various cases. Prepared claims for TxDOT claim process. Wrote several sections for a guide to contracting with TxDOT.

**Texas Life Insurance**

Waco, TX

Legal Extern, Summer 2001

- Responsible for research and support for general counsel and senior management concerning legal issues. Drafted the corporate policy and procedure for handling subpoena and search warrant requests. Researched ability of Texas Life to recover their internet web name from a non-using third party.

**Naman, Howell, Smith & Lee, PLLC**

Waco, TX

Legal Extern, Summer 2001

- Responsible for research and preparation of numerous patent applications.

**McLennan County District Attorney**

Waco, TX

Legal Extern, Spring 2001

- Responsible for research, screening cases, and recommending cases for trial. Provided legal research and support for three Assistant District Attorneys.

**Carter & Burgess, Inc.**

Austin, TX

Graduate Engineer, March 1999 - August 1999, Summer 2000

- Youngest schematic designer in Austin. Supported as many as six project managers simultaneously with design and planning services on major projects statewide. After three months was assigned two projects with responsibility for preparing contracts with clients and scope of services. Responsible for daily contact with clients and project status reports to senior project manager. Developed route and design alternatives balancing need, cost, environmental and constructability issues on multiple projects.

*Representative Experience*FM 1431, Cedar Park, Texas (City of Cedar Park ~ \$20 million) Lead Designer, Contract & Scope of ServicesHoldsworth Drive, Kerrville, Texas (City of Kerrville ~ \$10 million) Lead DesignerIH-35 Master Plan, San Antonio, Texas (TxDOT ~ \$4 billion) Schematic DesignerUS 79, Round Rock, Texas (TxDOT ~ \$9 million) Schematic, Hydrology/Hydraulic DesignerSH-130 (Mo-Kan), Section A (TTA ~ \$350 million) Schematic Designer**Turner, Collie & Braden, Inc.**

Austin, TX

Graduate Engineer, June 1998 – March 1999

- Responsible for schematic design on numerous projects. Team member on the Texas Turnpike Authority General Engineering Contract. Responsible for coordination of twenty million dollars of utility relocation with over twenty utilities in Austin on this project. Worked on developing the Total Quality Management program for this project. Worked on Congestion Mitigation and Air Quality (CMAQ) improvement projects for the Dallas/ Ft. Worth area. Also worked on the initial tolling plan for US 183A, SH 45 and Loop 1 in Austin.

*Representative Experience*Loop 363, Temple, Texas (TxDOT ~ \$60 million) Assistant Lead DesignerLoop 1 (Mo-Pac)/ SH 45/ US 183A (TTA ~ \$1 billion) Utility Coordinator, Schematic DesignerSH-130 (Mo-Kan), Section B (TTA ~ \$350 million) Schematic DesignerCMAQ, Dallas & Ft. Worth, Texas (TxDOT ~ \$20 million) Intersection and Traffic Signal design**Texas Department of Transportation**

Engineering Tech (I-III) (Summers: 1994, 1995, 1996, and 1997)

- Promoted twice and provided engineering services and support while interning during college. Part of the first TxDOT district to make one year with no loss-of-time accidents. Prepared construction plans, performed concrete design and testing, and asphalt inspection. Project leader for field implementation of the U.S. 281 digital photogrammetry survey program. Team member on historic suspension bridge revitalization that received state accords. (One of two remaining operational suspension bridges in Texas)

## **TEACHING EXPERIENCE**

### **The University of Texas at Austin, Cockrell School of Engineering**

Austin, TX

Lecturer, ARE-366: *Contracts, Liability and Ethics*; Summer 2008, Spring 2010.

## **REGISTRATIONS, PROFESSIONAL ORGANIZATIONS & CERTIFICATIONS**

American Society of Civil Engineers

Bell County Young Lawyers (Secretary 2003/2004, President-Elect 2004/2005, President 2005/2006)

Bell County Bar Association

Passed Engineer in Training Examination

State Bar of Texas, Bar Number 24034363

State Bar of Texas, Construction Law Section (Young Construction Lawyer Representative 2010)

Texas Dispute Resolution Institute - 40 Hour Mediator's Training Certificate

Texas Society of Professional Engineers (Director 2005/2006)

American Subcontractors Assoc. (Attorney's Council Chair 2015/2016, National Board of Directors 2016-Current)

Board Certified, Construction Law – Texas Board of Legal Specialization (January 2017 – Inaugural class certified)

## **SELECTED LECTURES, PRESENTATIONS, PAPERS & PUBLICATIONS**

*Construction Law Handbook, 2005 Cumulative Supplement, Chapter 28 - Exceptions to no Damages for Delay Clauses*, Aspen Publications, Co-Author.

*Construction and Engineering Law - 101*, Spring 2004, Fall 2004, Spring 2005, Fall 2005, Spring 2006, etc.

University of Texas at Austin, Fall ARE 465 Capstone Course

*Top 10 things NOT to do as an Engineer*, January 2004

Central Texas Chapter, American Society of Civil Engineers

*The Road to Nowhere, A Practical Guide to Success with the TxDOT Claims Process*, March 2011

State Bar of Texas, Construction Law Section, Annual Continuing Education, San Antonio, Texas

*Texas Tech Administrative Law Journal*, *The Road Goes on Forever and the Claims Process Never Ends: An Approach for Success in Handling Texas Department of Transportation Construction Claims*, Volume 13, Book 2, Summer 2012.

*Texas Construction Law Journal*, *The Devil is in the Details: Why Delay Damages Are not the only Game in Town and why this Matters in Light of Zachry*, 12 Tex. Const. L.J. No. 1, 2015, at 33 (Jul. 2015).

*The Art of Litigation: How Sun-Tzu's Teachings and the Disciplinary Rules of Professional Conduct Apply to Construction Disputes in Texas*, 28th Annual Construction Law Conference (2015)

*The Devil Is in the Details: Why Delay Damages are not the Only Game in Town and why this Matters in Light of Zachry*, 12 Tex. Constr. L.J., no. 1, 2015 at 33.

*Pre-Suit Discovery Tools: Getting a Head Start by Starting Early*, 31st Annual Construction Law Conference (2018)

## **PUBLISHED CASES**

- *U.S. ex rel. United Rentals, Inc. v. Hartford Fire Insurance Company*, 339 F.Supp.2d 799 (W.D. Texas, 2004)
- *State v. Mid-South Pavers, Inc.* 246 S.W.3d 711 (Tex.App. – Austin, 2007, pet. denied)

## **AWARDS AND HONORS**

- Eagle Scout
- First Place Team - 2001 Naman, Howell, Smith & Lee Client Counseling Competition
- Second Place Team - 2002 ABA Regional Client Counseling Competition
- Second Place American Team - 2002 ABA National Client Counseling Finals
- Bell County Young Lawyer of the Year, 2006
- *Super Lawyers*, Rising Star – Construction Litigation, 2014-Current

## **INTERESTS AND ACTIVITIES**

- Backpacking
- Hiking
- Rappelling
- Sporting Clays, Skeet and Long –Distance Target Shooting
- Member – First United Methodist Church, Temple, Texas
  - Finance Committee
- Scottish Rite - Orient of Texas, Valley of Austin