

Brian K. Carroll

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Education

Juris Doctor, Business Transactions Concentration, February 2002, Baylor School of Law, Waco, Texas.

Christian Legal Society

Dean's Discretionary Scholarship

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

Bachelor of Science, Architectural Engineering, May 1998, The University of Texas at Austin.

Terry Foundation Scholar - Academic Full Ride

Robert C. Byrd Scholar

Freshmen Engineering Honors

Experience

Sanderford & Carroll, P.C. - Temple, Texas - Principal Shareholder (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. Additionally, serves as a mediator for commercial and complex civil suits.

Appellate, Successfully defended \$1.8 million award at oral argument before the Texas 3rd Court of Appeals

TxDOT, assisted large road contractor in preparation of over \$100 million in claims on TxDOT Project.

TxDOT, served as consulting counsel to large law firm regarding presentation and appeal of TxDOT cases.

TxDOT, settled wrongful termination case for in excess of \$1.4 million on rest area project.

TxDOT, settled debarment action allowing contractor to continue work on TxDOT projects.

TxDOT, settled claims on major multi-level interchange project for in excess of \$5 million.

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.

CGL Policy Defense, Successful defense of major excavation subcontractor via Summary Judgment.

**Pratt & Sanderford, P.C. - Temple, Texas - Associate Attorney (May 2002 - January 2004);
Shareholder (January 2004 – December 2006)**

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 lead to a dismissal.

Lien Foreclosure, Successfully recovered for client on foreclosure of leasehold liens.

Mediation, Settled home construction case for price of home, attorney fees and over \$100,000 in mental anguish .

RCLA, Successfully resolved homeowner claim for mold and defective construction.

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

Pratt & Sanderford - Temple, Texas – 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, Texas - 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 - Waco, Texas - Legal Extern (Summer 2001)

Responsible for research and preparation of numerous patent applications.

McLennan County District Attorney Waco, Texas - 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 - Austin, Texas - Graduate Engineer (March 1999 - August 1999, Summer 2000)

Was the 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 Services

Holdsworth Drive, Kerrville, Texas (City of Kerrville ~ \$10 million) Lead Designer

IH-35 Master Plan, San Antonio, Texas (TxDOT ~ \$4 billion) Schematic Designer

US 79, Round Rock, Texas (TxDOT ~ \$9 million) Schematic, Hydrology/Hydraulic Designer

SH-130 (Mo-Kan), Section A (TTA ~ \$350 million) Schematic Designer

Turner, Collie & Braden - Austin, Texas - 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 Designer

Loop 1 (Mo-Pac)/ SH 45/ US 183A (TTA ~ \$1 billion) Utility Coordinator, Schematic Designer

SH-130 (Mo-Kan), Section B (TTA ~ \$350 million) Schematic Designer

CMAQ, Dallas & Ft. Worth, Texas (TxDOT ~ \$20 million) Intersection and Traffic Signal design

Texas Dept. 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)

Registrations, Professional Organizations & Certifications

Texas State Bar - #24034363

Passed Engineer in Training Examination

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

Bell County Young Lawyer of the Year – 2006

State Bar of Texas, Construction Law Section – Young Construction Lawyer Rep. (2010)

American Society of Civil Engineers

Texas Society of Professional Engineers (Director 2005/2006)

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

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

Teaching Experience

- Lecturer, University of Texas at Austin, College of Engineering for ARE-366: *Contracts, Liability and Ethics*; Summer 2008, Spring 2010.

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)

Interests and Activities

Eagle Scout

Backpacking, Hiking, and Rappelling

Sporting Clays, Skeet and Long –Distance Target Shooting

Member – First United Methodist Church, Temple, Texas

Staff-Parish Relations Committee, Outdoor Ministry Committee

Greater Ft. Hood Area Habitat for Humanity, Board of Directors.

Acting Secretary 2010, Executive Committee 2011/2012