

# Calvin L. Cowan

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[calvin@txconstructionlaw.com](mailto:calvin@txconstructionlaw.com)

## **Education**

Juris Doctor, 2003, Baylor Law School - Waco, Texas  
Bachelor of Science *Cum Laude*, 1995, Texas A&M University - College Station, Texas

## **Primary Practice Areas**

Commercial Construction  
General Civil Litigation

## **Professional Certifications**

Board Certified: Construction Law – Texas Board of Legal Specialization

## **Work Experience**

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

Partner (January 2018 – Present)  
Associate Attorney (January 2007 – December 2017)

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

Associate Attorney (August 2003 – December 2003)  
Law Clerk (May 2003 – July 2003)

## **United States House of Representatives**

The Honorable Chet Edwards  
Congressional Staff (1996 – 2000, Waco, Texas)  
Natural Resource Policy Intern (1996, Washington, D.C.)

## **Admitted to Practice before the following Courts**

All Courts of the State of Texas  
United States District Courts (Northern, Southern, Eastern & Western Districts of Texas)

## **Representative Cases**

- Won six figure judgment for subcontractor against a general contractor following a one week jury trial where general contractor alleged defective work and subcontractor pursued a counterclaim for unpaid subcontract balance and the reasonable value of extra work.

- *Tom Wright Construction, LLC v. JDM Steel Construction, LLC*, 10-17-00214-CV, 2017 WL 4543651 (Tex. App.—Waco Oct. 11, 2017, no pet.) – Won interlocutory appeal before the Texas Tenth Court of Appeals reversing the trial court’s order denying client’s motion to compel arbitration.
- Won six figure judgment for general contractor against an owner following a one week trial where owner alleged construction defects and refused payment under a cost-plus type agreement.
- *Legends Landscapes LLC v. Brown*, 06-13-00129-CV, 2014 WL 1260624 (Tex. App.—Texarkana Mar. 27, 2014, no pet.) – Won restricted appeal before the Texas Sixth Court of Appeals reversing a no-answer default judgment. Appellate court unanimously agreed that the appellee failed to exercise reasonable diligence in serving the lawsuit upon a registered agent before resorting to substitute service upon the Texas Secretary of State.
- Obtained summary judgment against a hometown bank seeking a six figure judgment for conversion claim. Bank alleged a general contractor client converted property belonging to a subcontractor that bank claimed was collateral for a secured transaction.
- Obtained six figure settlement for client against a third party administrator for negligently administering and Employee Stock Ownership Plan.
- *State v. Mid-South Pavers, Inc.*, 246 S.W.3d 711 (Tex.App.—Austin 2007, pet. denied). Co-authored appellate brief successfully defending \$1.3 million judgment against TxDOT concerning interpretation of agency rules and statutes related to power granted to SOAH administrative law judges and TxDOT’s Executive Director.

### **Representative Presentations and Articles**

- *Enforceability of Indemnity Agreements in Construction Contracts*
- *Best Practices for Contractors and Subcontractors-Avoiding Suits and Project Documentation*
- *Taking Focus on the “Scope of Work”*
- *Sham Contracts and the Constitutional Mechanic’s Lien*
- *When a Handshake is Not Enough – the Change Order*
- *Criminals in the Construction Industry – Texas’ Trust Fund Statute*
- *When Owners Withhold Payment – Enforceability of Contingent Payment Clauses in Texas*

- *Reverse and Render – Texas 5<sup>th</sup> Court of Appeals Holds Trial Courts Lack Discretion to Deny Mechanic’s Lien Foreclosure*
- *Texas Supreme Court: Economic Loss Rule Bars Negligence Claims against Architects*
- *Getting Paid: Subcontractor Mechanic’s and Materialman’s Lien Notice Requirements*

### **Affiliations**

State Bar of Texas – Construction Law Section

Bell County Bar Association – Director

Construction Financial Management Association – Director, Heart of Texas Chapter

### **Community Activities**

Immanuel Lutheran Church, Temple, Texas – Member, Board of Elders

Salvation Army-East Bell County – Advisory Board & Capital Campaign (2007-2013)

### **Personal Interests**

- Married to Heidi Horton Cowan
- Children: Luke, Ryan
- Cub Scout Leader
- Outdoor Activities