

Calvin L. Cowan

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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 in Construction Law – Texas Board of Legal Specialization
Member Texas Bar College

Work Experience

Sanderford & Carroll, P.C.

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

Pratt & Sanderford, P.C.

Associate Attorney (August 2003 – December 2006)
Law Clerk (May 2003 – July 2003)

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

- *Capitol Concrete Contractors, Inc., v. Bennett Paving, Inc.*, Cause No. 17-1195
Williamson County Court at Law No. 2 – Obtained verdict following a one week jury trial defending against prime contractor’s breach of contract claims and winning all subcontractor’s breach of contract and quantum meruit counterclaims arising out of an asphalt paving project.
- *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.
- *Gene Doss Construction, Inc. v. Frank Smith’s Inc.*, Cause No. 245,047, 146th District Court, Bell County, Texas. 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 5th 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 – Member and Past President

Community Activities

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

First United Methodist Church, Belton, Texas – Scouts BSA, Scoutmaster

Personal Interests

- Married to Heidi Horton Cowan
- Children: Luke (14), Ryan (11)
- BSA Leader (Scoutmaster)
- Outdoor Activities – hunting, outdoor education, fishing, hiking, camping