



David D. Peden Jr. ,Esq.  
Houston, Texas



**Current Employer-Title**

Porter Hedges LLP - Partner

**Profession**

Attorney - Construction, Surety Litigation and Arbitration, Construction Contracts, Domestic and International Arbitrations

**Work History**

Partner, Porter Hedges LLP, 2001 - Present; Shareholder/Director and Vice President, Greenberg Peden P.C., 1974 - 2001.

**Experience**

Over forty years of experience as an attorney with 90% of concentration in construction law, bench and jury trials, appeals, arbitrations and mediations. Experience in industrial, infrastructure, and commercial construction. Chair, State Bar of Texas Construction Law Section, 2006 - 2007. Chair, Porter Hedges Litigation Section, 2004 - 2005. Current Chair, Porter Hedges LLP Construction Law Group. Negotiation and drafting of major construction contracts. Representation of general contractors, sureties, subcontractors, suppliers, owners, lenders and design professionals. Served as a representative of the American Bar Association interfacing with the American Institute of Architects during the development of the 1997 AIA documents. Taught classes in construction law for Associated General Contractors. Member and Counsel to the Joint AIA-AGC Committee, Houston.

**Alternative Dispute Resolution Experience**

Domestic and International Alternative Dispute Resolution Experience:

Service as counsel to parties in arbitration and as an arbitrator. Experienced chair and wingman in three-member arbitration panels, and as party appointed arbitrator. Experienced sole arbitrator in other cases. Typical cases include: complex, multi-party, owner, contractor, and subcontractor delay and acceleration claims; owner, design team, contractor and

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Neutral ID: 67829*

The AAA's Rules provide the AAA with the authority to administer an arbitration including, arbitrator appointment and challenges, general oversight, and billing. Accordingly, arbitrations that proceed without AAA administration are not considered AAA arbitrations, even when the parties select an arbitrator who is on the AAA's Roster.

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subcontractor disputes over defective design and construction, with insurance coverage issues; EPM and EPC contract disputes; joinder issues; on shore and off shore construction disputes; structural, operational and mechanical failures; and building envelope problems.

## **Education**

University of Texas (JD - 1974; BBA, Finance - 1971).

## **Professional Licenses**

Admitted to the Bar: Texas (1974); all Texas State Courts; U.S. District Court: Southern and Western Districts of Texas; U.S. Court of Appeals, Fifth Circuit; U.S. Supreme Court.

## **Professional Associations**

American College of Construction Lawyers; State Bar of Texas (Construction Law Section, Past Chair, Vice-Chair, Secretary, Treasurer and Council Member; Litigation Section); Houston Bar Association (Construction Law Section; Litigation Section); Federal Bar Association; American Bar Association (Construction Law Section; Litigation Section); College of State Bar of Texas (Past Director); Texas Bar Foundation (Life Fellow); Associated General Contractors;; Advisory Council member; serving on the Executive Committee, University of Texas Marine Science Institute; Houston Chapter of the Association of General Contractors, Member and has served on the Surety and Bonding Committee, AIA/AGC Joint Committee, Mentor Education Committee, Executive Development Committee and the Advisory Board; Texas Board of Legal Specialization Construction Law Advisory Commission, 2015-2016; and Texas Board of Legal Specialization Construction Exam Committee Member, 2016-2018.

## **Recent Publications & Speaking Engagements**

**PUBLICATIONS:** "Will Your Expert Do Enough to Keep You in the Game?" Construction Law Journal, December 2017; Construction Alert: "Texas Supreme Court Opinion Impacts General Contractor's Statutory Indemnity Rights Against Manufacturers of Construction Products", June 28, 2016; Construction Alert: "Personal Liability for Fraudulent Pay Applications", November 16, 2015; Construction Alert: "Texas Supreme Court Unanimously Blocks Contractors' Economic Loss Tort Claims Against Designers", July 1, 2014; Construction Alert: "Texas Supreme Court Issues Ewing Opinion", January 27, 2014; "Texas Justices Poised To Shake Up Public Works Projects," Law360, August 30, 2013; Construction Alert: "What to Do Before Repairing Building Defects", March 11, 2013; "Certificate of Merit Dilemma for the Design Builder," Build Houston, January 2013; Construction Alert: "Fifth Circuit Withdraws Ewing Opinion", August 9, 2012; Construction Alert: "Fifth Circuit Ruling on Commercial General Liability Policies Could Have a Significant Impact on the Texas Construction Industry", June 22, 2012; "The Anti-Indemnity Bill; Unintended Consequences House Bill 2093: Prohibitions on Broad Form Indemnity and Defense / Consolidated Insurance Programs" Cornerstone, June 5, 2012.

**SPEAKING ENGAGEMENTS:** "Construction Lending: The Golden Rule," Porter Hedges Construction Lending Program, April 27, 2017; "Damages in Construction Cases," TSCPA Business Valuation Conference, October 20, 2016; "Mediation and Construction Law - The Industry's

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Perspective," October ADR Section Breakfast Meeting, October 11, 2016; Co-speaker, "Tri-Party Relationships Between Regular Counsel, Insurance Defense Counsel, and Coverage Counsel in Construction Litigation – Ethics", State Bar of Texas 29th Annual Construction Law Conference, March 6, 2016; "Indemnity Agreements and Ch. 151, Texas Insurance Code", Porter Hedges CLE, February 16, 2016; co-speaker, "Recommended Practices regarding Construction Project Property Insurance", AIA/AGC Joint Committee, January 18, 2016; "Construction Lending: Texas Law, Contracts and Insurance", IBC Bank Seminar, January 15, 2015; "Texas Statutes of Repose: The Long and Short of It, After S.Tex. College of Law v. KBR, Inc.; Examining Statutory Protection of Architects, Builders, Developers, and Others Involved in Designing, Constructing, or Inspecting Improvements to Real Property", Harris County Judicial Education Conference, August 6, 2014; "Behind the Scenes of a Major Construction Defects Case", State Bar of Texas Construction Law Section Conference, February 28, 2014; "Understanding and Negotiating the Construction Manager at Risk Contract", City of Houston Airport System, June 3, 2013; "2007 ED. AIA A201 General Conditions Document Conflicts with Texas Law and Other Problems" Lorman Education Services, March 21, 2013; "Robinson, Daubert and McGinty v. Hennen Update on Experts and Evidence in Construction Cases" State Bar of Texas Construction Law Section, February 28, 2013; "Summary of Legislation Affecting the Texas Construction Industry Passed by the 82nd Texas Legislation" Houston Bar Association Real Estate Section, April 18, 2012; "Summary of Legislation Affecting the Texas Construction Industry Passed by the 82nd Texas Legislature" Associated General Contractors of America, February 15, 2012; "How Will Recent Changes in Texas Construction Law Affect Your Company" Porter Hedges, September 20, 2011; "Surety Bonds in Texas Construction – A Practice Primer", AGC/AIA Houston Joint Committee, March 22, 2011; "Negotiating the Construction Manager at Risk Contract", 24th Annual SBOT Construction Law Conference, March 3-4, 2011; "Problems with Design-Build Documents in Texas", HBA Construction Law Section Luncheon, October 21, 2010.. A list of prior publications and speaking engagements is available upon request.

**Citizenship**

United States of America

**Languages**

English

**Compensation:**

Hearing:	\$525.00 per hour
Study:	\$525.00 per hour
Cancellation:	\$2,000.00 per day
Cancellation Period:	5 days
Comment:	Cancellation Fee Policy: no charge if notified at least 30 days before first day of scheduled hearing date. Travel, hotel and meals charged at cost for out of town cases.

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