

**PORTER
HEDGES LLP**

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February 22, 2016

007108-0015
via email: paguilar@ramongarcia-law.com

Hon. Ramon Garcia
County Judge
Hidalgo County, Texas

Re: New Hidalgo County Courthouse

Dear Judge Garcia,

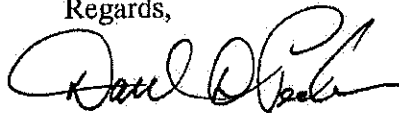
It was a pleasure speaking with you this afternoon. We are pleased to be considered for representation of Hidalgo County in the design development and awarding of construction contracts for the new Hidalgo County Courthouse. Our conflicts check was clear, so we can proceed if the County decides to engage Porter Hedges LLP.

Attached for your consideration is a brochure regarding our construction group, of which I am the Chair. My personal CV is also included. I would lead the effort, but we may use associates as needed to help hold down the legal fees. Having represented several public entities over the years, I am sensitive to the need to be cost effective for my clients. Public entities I have represented in construction matters include City of Houston Airport System, County of Victoria, and the City of Sugarland.

On a personal note, as I mentioned, my wife and I come to McAllen frequently. My wife, Tish, was married to Mack Pike in her first marriage. She became close friends with Jim and Kathy Collins, Shelby and Tita Longoria, Lan and Mary Vance Jones, and Johnny and Melinda Wright, to name a few. When I married Tish 10 years ago, I was lucky enough to be taken in by these gracious people, and they have become my friends as well. We miss Lan a lot.

If it would be beneficial, I would be glad to come down and meet with the Commissioners at a mutually convenient time. I look forward to answering any questions you may have.

Regards,



David D. Peden
Partner

DDP: ddp
Encl.

CONSTRUCTION PRACTICE

February 2016

- 110+ lawyer, Houston-based full-service firm established in 1981 with an office in Oklahoma City.
- Business and trial lawyers experienced in a wide range of legal services across a broad spectrum of industries.



**HOUSTON
BUSINESS JOURNAL**

7th Largest Firm in Houston

TEXAS LAWYER

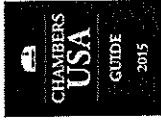
25th Largest Firm in Texas

- Our construction team represents owners, lenders, contractors, subcontractors and suppliers, sureties, design professionals and construction managers in resolving complex construction disputes.
- We have extensive federal, state, and administrative litigation experience.
- We have the resources to meet the needs of large national and multi-national corporations as well as those of small to mid-sized companies and individuals, from pre-litigation negotiation through trial and appeal.
- Our partners are leaders in the construction industry:
 - Two partners are on the American Arbitration Association Panel of Arbitrators in construction. We have extensive experience in handling domestic and international arbitrations.
 - Two partners have chaired the State Bar of Texas Construction Law Section, chosen from over 2,000 dues paying section members.

Representative Experience

- Delay and inefficiency claims
- Defective design
- Payment and performance bond issues
- Wrongful termination
- Cost overruns
- Breach of contract
- Lien claims
- Construction defect claims
- Negligence and gross negligence
- Warranty issues
- Deceptive trade practices
- Environmental and mass torts
- Surveying errors
- Insurance coverage
- Jobsite injury
- Professional liability clauses
- Fraud claims
- Surety claims
- Pre-dispute workouts

***Chambers USA* (2015)**



- Construction practice has been ranked by *Chambers USA* for eleven consecutive years among the leading construction practices in Texas (Band 1); three attorneys have also been named among the industry leaders.

***Legal 500* (2015)**



- Named among the leading construction law firms in the country, noted for “a thorough knowledge of the construction industry in Texas,” and praised for being “easy to work with” and “well able to handle anything thrown at it.”

***U.S. News Best Lawyers* (2015)**



- Construction Law named among the leading practices nationally (Tier 2) and in Houston (Tier 1)

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PRACTICES

Construction
Litigation
Alternative Dispute Resolution
Commercial Litigation
Financial Institution Litigation
International Arbitration

INDUSTRIES

Construction

EDUCATION

J.D., The University of Texas
School of Law, 1974

B.B.A., The University of Texas at
Austin, 1971

ADMITTED

Texas

United States District Court
Southern District of Texas

United States District Court
Western District of Texas

United States Court of Appeals
Fifth Circuit

United States Supreme Court

David Peden is a partner in the litigation practice group and heads the construction section of Porter Hedges. He has extensive experience in litigation and arbitration of construction, insurance, surety and commercial issues. His construction law practice focuses on claims; disputes; arbitration and litigation; contract documents; mediation services; commercial, industrial, offshore, multi-family, surety, and residential' trials and appeals of contractual disputes; trade secrets; supply contracts; deceptive trade practices; and breach of warranty. Mr. Peden frequently represents owners, lenders, general contractors, subcontractors, and design professionals.

Mr. Peden served as Chair of the State Bar of Texas Construction Law Section (2006-07). He is listed as one of America's leading lawyers in construction law by *Chambers USA*, is listed as a recommended construction lawyer by *The Legal 500* since 2010, and has been listed in *The Best Lawyers in America*, *Construction Law*, since 2004. He was named the Best Lawyers' 2012 Houston Construction Law "Lawyer of the Year." Mr. Peden was also named one of the state's leading lawyers in the Construction practice area by *Who's Who Legal: Texas 2008*. He has been selected for inclusion in *Texas Super Lawyers* in Construction Litigation since 2003 and *Super Lawyers Corporate Counsel Edition* for the State of Texas in construction litigation since 2009.

After 27 years at Greenberg Peden P.C., Mr. Peden merged his construction law practice with Porter Hedges in 2001.

Representative Experience

- Industrial construction experience includes pipelines on and offshore, storage facilities, vessel failures, turbines, jack up rigs, welding, cogen, delays, insurance claims, man power efficiency, and equipment failures.
- Successful prosecution settlement of claims on behalf of a city near Houston against the city's design and construction team consisting of a construction manager, a contractor, and an architectural firm relating to construction defects and delays affecting a city administrative building (new construction).
- Successful defense settlement (reduction in contract balance, without litigation or media coverage) of claims on behalf of a county near Harris County for substantial delays and extras on a hospital expansion.

- Successful trial of a construction delay and default case involving three projects, 7,000 exhibits, and 60 witnesses, spread over four months in federal court. Obtained a multi-million dollar punitive damage award to complement an actual damages and attorneys fees award, from a defensive, counter-claim position.
- Successful appeal and reversal of trial court's denial of demand for arbitration in alleged fraud case involving a construction project.
- Successful defense of offshore engineering company, dismissal on summary judgment of design error and omission claim.
- Design and construction contract document preparation for \$100MM projects in California, Florida and Texas.

Professional / Civic Affiliations

- Martindale Hubbell AV Preeminent Rated Attorney
- American Arbitration Association, Member , Panel of Arbitrators, for more than 20 years
- State Bar of Texas, Member of Construction and Litigation Sections (Chair 2006-2007; Vice-Chair 2005-2006; Secretary 2004-2005; Treasurer 2003-2004; Past Council Member)
- Houston Bar Association, Member of Construction and Litigation Sections (Past Chairman)
- American Bar Association, Member of Construction and Litigation Sections (Steering Committee Division 2 1994-1996, 1999-2002)
- Federal Bar Association, Member of Construction and Litigation Sections
- College of the State Bar of Texas; Past Board Member
- 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

News

- Twenty-One Porter Hedges Partners Selected by Texas Super Lawyers for 2015 (09/08/15)
- Twenty-Two Porter Hedges Partners Listed in The Best Lawyers in America 2016 (08/17/15)
- Legal 500 Once Again Ranks Porter Hedges Among the Leading Firms in the Country (06/03/15)
- Chambers USA Recognizes Porter Hedges Construction Practice for the 11th Consecutive Year (05/20/15)
- Chambers USA 2015 Guide Recognizes Porter Hedges Among the Country's Leading Law Firms (05/19/15)
- Porter Hedges Construction Practice Recognized in 2014 (01/27/15)
- Porter Hedges Lawyers Named to Who's Who Legal 2014 (11/05/14)
- Nineteen Porter Hedges Partners Selected by Texas Super Lawyers for 2014 (09/05/14)
- Nineteen Porter Hedges Partners Recognized in Best Lawyers in America 2015 (08/18/14)

- Legal 500 Once Again Ranks Porter Hedges Among the Leading Bankruptcy and Construction Practices in the Country (06/25/14)
- Chambers USA Ranks Porter Hedges' Construction Practice Among the Leading Practices in Texas for the Tenth Consecutive Year (06/05/14)
- Chambers USA Ranks Porter Hedges Among the Country's Leading Law Firms in its 2014 Law Firm Rankings (05/23/14)
- Porter Hedges Construction Practice Recognized in 2013 (01/06/14)
- Sixteen Porter Hedges Partners Selected by Texas Super Lawyers for 2013 (09/09/13)
- Nineteen Porter Hedges Partners Recognized in Best Lawyers in America 2014 (08/16/13)
- Legal 500 Ranks Porter Hedges Among the Leading Bankruptcy and Construction Practices in the Country (06/03/13)
- Porter Hedges' Construction Practice Ranked By Chambers USA Among the Leading Practices in Texas for the Ninth Consecutive Year (05/31/13)
- Porter Hedges' Partners selected by Super Lawyers Business Edition and Texas Super Lawyers for 2012 (09/20/12)
- Twenty-One Porter Hedges Attorneys Recognized in Best Lawyers in America 2013 (09/05/12)
- Porter Hedges' Construction Practice Ranked By Chambers USA Among the Leading Practices in Texas for the Eighth Consecutive Year (06/29/12)
- Porter Hedges Ranked by Chambers USA 2012 Among the Country's Leading Law Firms (06/07/12)
- Porter Hedges Named to The National Law Journal's 2012 Midsize Hot List (04/23/12)

Publications

- Construction Alert: "Personal Liability for Fraudulent Pay Applications" (11/16/15)
- Construction Alert: "Texas Supreme Court Unanimously Blocks Contractors' Economic Loss Tort Claims Against Designers" (07/01/14)
- Construction Alert: "Texas Supreme Court Issues Ewing Opinion" (01/27/14)
- Construction Alert: "What to Do Before Repairing Building Defects" (03/11/13)
- "Certificate of Merit Dilemma for the Design Builder," Build Houston (01/2013)
- Construction Alert: "Fifth Circuit Withdraws Ewing Opinion" (08/09/12)
- Construction Alert: "Fifth Circuit Ruling on Commercial General Liability Policies Could Have a Significant Impact on the Texas Construction Industry" (06/22/12)
- "The Anti-Indemnity Bill; Unintended Consequences," CornerStone (06/2012)
- "Summary of Legislation Affecting the Texas Construction Industry," Houston Bar Association Real Estate Section (04/2012)
- Construction e-Alert: "Fifth Circuit Holds that Contractor is Entitled to Additional Insured Coverage even though Indemnity Agreement is Unenforceable" (01/11/12)
- Construction Client Alert: "Unknown Conditions - Can Parties Contractually Assign Liability Without Limits?" (11/17/11)
- "How Will Recent Changes in Texas Construction Law Affect Your Company?" (09/20/2011)
- "Best Practices on Bonds and Liens" (04/2011)

Articles

- "Texas Justices Poised To Shake Up Public Works Projects," Law360 (08/30/13)

Events

- "Briefing: Construction Project Property Insurance - An Update of the Recommended Practices Publication," Houston Chapters of the American Institute of Architects and Associated General Contractors (01/18/16)
- "Getting the Arbitration You Want," Porter Hedges Construction Practice Group Client Breakfast (10/07/15)
- "Texas Statutes of Repose; The Long and The Short of It," Harris County Judicial Education Conference (08/06/14)
- "Texas Statutes of Repose: The Long and The Short of It," Annual Harris County Judiciary Education Conference (08/05/14)
- "An Inside Look at Houston's Booming Construction Market," Porter Hedges Construction Law Program (04/09/14)
- "Behind the Scenes of a Major Construction Defects Case," 27th Annual Construction Law Conference (02/28/14)
- "Lessons Learned From Decades of Mediating and Arbitrating," Houston Bar Association Construction Law Section (01/16/14)
- "Ouch! Contracts That Sting, and Who Gets Stung" Porter Hedges Construction Law Program (04/03/13)
- "AIA Contracts Seminar: A201," Lorman Education Services Seminar (03/21/13)
- "Liquidated Damages – Pros and Cons," South Central AAE Annual Conference, Panelist (03/05/13)
- "ROBINSON, DAUBERT, AND MCGINTY V. HENNEN: Update on Experts and Evidence in Construction Cases," 26th Annual Construction Law Conference (02/28/13)
- "2011 New Laws Affecting Construction in Texas," presentation to the HBA Real Estate Section (04/18/12)
- "Summary of Legislation Affecting the Texas Construction Industry," Associated General Contractors of America (02/15/12)
- "2007 AIA A201 General Conditions Document: "Conflicts with Texas Law and Other Problems," presented to the Houston Bar Association Construction Law and Real Estate Law Joint Luncheon (04/16/08)
- "Warranties and Quality Control in Construction," presented to the Houston Chapter of the Associated General Contractors' Program on Project Management for the Construction Industry. (12/04/07)
- "Construction Contracts from the General Contractor's Perspective," State Bar of Texas Real Estate Course, San Antonio (07/14/07)
- "Liquidated Damages Seminar," AGC/AIA Houston Joint Committee (06/28/06)
- "Recent Changes in Implied and Extended Warranties," Houston Chapter of Associated General Contractors (05/18/05)
- "Solving Problems with Design-Build Documents in Construction in Texas," Lorman Education Services Seminar (11/03/04)
- "Girding for Shortages: U.S. Steel Price Crisis," Associated Builders and Contractors, Inc. (04/28/04)
- "Preparing the Expert Witness," firm seminar (03/10/04)