



MACDONALD DEVIN  
ZIEGLER  MADDEN  
KENEFFICK HARRIS

## William (Bill) I. Gardner

Shareholder

### Contact

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Linked 

### Areas of Practice

Architects and Engineers  
Business Litigation  
Construction Litigation  
Professional Liability



### Overview

Whether closing a deal, guiding clients through complex regulatory landscapes, protecting livelihoods, or resolving complex disputes, Bill Gardner works tirelessly to advance the interests of his clients. He strives to avoid needless litigation and the associated costs by resolving claims swiftly to the benefit of his clients.

With a keen eye for finding solutions that are positive from both a legal and business perspective, Bill represents businesses, entrepreneurs, and design professionals in complex litigation, construction, and land use matters throughout Texas. Bill's practice focuses on construction litigation, government and private contracts, the defense of professional liability claims against design professionals, and overcoming regulatory obstacles faced by owners and developers in the use of land.

Bill's construction practice encompasses all phases of the contracting process for public and private contracts, from bidding and contract negotiation throughout administration and performance, to claims and litigation.

A seasoned litigator, Bill brings his advocacy skills to disputes involving public and private contracts for the design and construction of governmental and commercial buildings, high-rise towers, hospitals, mixed-use developments and transportation infrastructure such as port facilities, passenger railways and highways. Bill resolves lawsuits involving corporate litigation matters on behalf of businesses, local entrepreneurs, globally-recognized design firms, and sole practitioners.

Bill also represents design professionals in complex litigation, disciplinary proceedings and sophisticated transactional matters throughout Texas. His extensive experience and success in professional liability matters has earned him inclusion on the Texas Rising Stars list for four years in a row. This honor, given to no more than 2.5 percent of the lawyers in the state, is reserved for attorneys 40 years or younger or in the first 10 years of their practice who have attained a high degree of peer recognition and professional achievement.

Bill earned his Juris Doctor degree from St. Mary's School of Law after graduating from the Honors College at Baylor University. His experience and insights have made him a sought-after speaker and contributor on a wide range of subjects, and he is active in numerous professional organizations.

Bill is admitted to practice in all Texas state courts as well as the U.S. District Court for the Northern, Southern, Eastern, and Western Districts of Texas and the U.S Court of Federal Claims.

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## **Representative Experience**

### **Land Owners, Developers, and Builders**

- For prominent downtown Dallas property owner and developer: obtained multiple licenses from municipality for use of public right-of-ways for private business purposes.
- For property owners and developers: structure and draft lease, maintenance, and development agreements with municipalities; negotiate and draft ordinances; negotiate the purchase of abandoned city property.
- For noted preservationist and owner of historical buildings: protected nineteenth-century urban landmarks from damage caused by an encroaching demolition project through the forced negotiation of revised deconstruction methodology.
- For property owners, developers and builders: negotiate with historic overlay districts and local landmark commissions regarding the adaptive reuse of property.

### **Architects, Engineers, Landscape Architects, and Land Surveyors**

- Representing a global Top 100 architectural engineering firm, reached a settlement in excess of seven figures against worldwide computer software provider for breach of contract and warranty
- Obtained dismissal for global geotechnical engineering firm in which the client paid nothing in a settlement of a multi-party lawsuit involving a 43-home residential construction defect claim in New Mexico
- For an international architectural engineering firm: obtained dismissal upheld on appeal in lawsuit for multiple millions of dollars arising from a dispute involving a minority sub-consultant who was not selected to be part of a large transportation project.
- For ENR Top-50 international engineering firm: member of defense team that obtained favorable settlement of geotechnical engineering firm involving the failure of a new wharf under construction on the Texas coast.
- For ENR Top-15 international architectural engineering firm: acquired successful settlement (nuisance value) for architect in extensive construction delay of multimillion-dollar civic center.
- For multi-family architecture firm: obtained dismissal of derivative work copyright infringement claims involving multiple senior living apartment complexes.
- For ENR Top-150 international architectural firm: won favorable settlement (nuisance value) for renowned architect of record in building envelope failure of new high-rise tower.
- For design professionals facing administrative proceedings and investigations: Successfully represented design professionals in disciplinary proceedings before the Texas Board of Architectural Examiners and the Texas Board of Professional Engineers.
- For design professionals involved in sophisticated transactional matters: Negotiation and drafting of professional design service agreements in a manner to discourage litigation, ensure proper allocation of risk and safeguard design team members.
- For engineer and engineering firm: Corpus Christi Court of Appeals reverses trial court denial of dismissal for failure to file a satisfactory certificate of merit in accordance with Chapter 150 of the Texas Civil Practice & Remedies Code resulting in dismissal of all claims against engineering clients.

### **Business Owners and Entrepreneurs**

- For North American manufacturer of specialty bath products: obtained favorable settlement in breach of asset purchase agreement suit against Fortune 500 listed global manufacturer of bath & kitchen products.

- For ENR Top-50 architectural engineering firm: won administrative hearing and trial against municipal transit authority regarding the proper allocation of overhead costs in engineering services contract.
- For commercial real estate owner: won declaratory judgment action seeking removal of fraudulent lien and obtained clear title on behalf of owner.

## **Professional Affiliations**

- Texas Young Lawyers Association, past Director
- Texas Bar Foundation, Fellow
- Dallas Association of Young Lawyers, past Director
- Dallas Association of Young Lawyers Foundation, Fellow
- Dallas Bar Association
- State Bar of Texas
- Defense Research Institute

## **Honors & Recognitions**

- Selected to the Texas Rising Stars list, published by *Texas Monthly Magazine*, Professional Liability, 2014–2017
- *Up-and-Coming 100* list of Texas attorneys, 2017
- Texas Young Lawyers Association Keith L. Krueger Leadership Award, 2014
- Dallas Association of Young Lawyers – One to Watch, 2008

## **Publications/Presentations**

- *The Contract for Design Services: A Checklist of Essential Elements*, Macdonald Devin Architect & Engineers Legal Risk and Insurance Conference, February 2017
- Featured speaker at Joint session of Texas Association of Defense Counsel/New Mexico Defense Lawyers Association - *Navigating Cases Involving High Damages and Low Liability*, Ruidoso, New Mexico, July 2016
- Featured speaker at meeting of the Texas Association of Defense Counsel - *Application of Settlement Credits*, Amelia Island, FL, July 2016
- *Architectural Copyright Basics Every Lawyer Should Know*, The Critical Path, December 2015
- Featured panel speaker presenting *Lagerheads: Construction Defect Interplay with A&E Claims* at the Claims and Litigation Management Oktoberfest meeting. Dallas, Texas, October 2015
- Featured speaker at HalfMoon Education's Construction Contract Workshop – *Reviewing Bidding Documents, Ethical Issues in Construction Contracting and Understanding Issues in Contract Administration*. Arlington, Texas - November 2015
- *Flow-Down Indemnity Clauses in Construction Contracts*, Headnotes, Dallas Bar Association, September 2013
- *Beyond the Essential Elements: Provisions to Protect Your Client*, The Dicta, February 2010

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## **Educational/Professional Background**

St. Mary's School of Law, Juris Doctor, 2005

Baylor University, Bachelor of Arts, Honors College, 2001

Phi Delta Phi Legal Honor Society

## **Court Admissions**

Texas

U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas

U.S. Court of Federal Claims