



GREGORY M. WEINSTEIN

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Greg Weinstein takes a direct approach to client services. A key part of his practice is developing and maintaining open communications with his clients by keeping them actively involved in the planning and strategy stages throughout a case. He also counsels clients on setting realistic expectations regarding likely case outcomes based on his 20 plus years of experience at the trial and appellate level. His trial experience includes serving as lead counsel on federal and state cases in Texas, Oklahoma, Arkansas, and other jurisdictions as well as arbitrations and appeals. Greg primarily represents various business entities that include developers, contractors, property insurance carriers, and sureties in construction and complex commercial litigation cases.

REPRESENTATIVE EXPERIENCE

CONSTRUCTION AND SURETY

- Successfully represented national bonding companies, insurance companies, contractors, and developers in several multi-million dollar cases involving construction defects, design defects, coverage disputes, and complex defaults on projects involving power plants, roadways, transmission lines, hotels, and commercial buildings
- Extensive work with experts including geotechnical engineers, structural engineers, MEP engineers, civil engineers, accountants, meteorologists, metallurgists, and architects
- Obtained multi-million-dollar judgments on behalf of construction surety companies in cases involving the pursuit of indemnity and salvage claims

- Construction litigation matters involving prosecution and defense of delay damage, liquidated damage, impact, warranty, design defect, property insurance coverage and work defect claims
- Drafting and negotiating commercial construction contracts including design/build, design professional, EPC, and AIA contracts
- Representation of construction surety companies as creditors in commercial bankruptcy matters in Texas, California, Nevada, and other courts
- Representation of national surety companies with particular emphasis on construction disputes, contract administration, contract terminations, completion obligations, and claim perfection

COMMERCIAL LITIGATION

- Successfully represented corporate partners in a case involving claims of breach of fiduciary duty and member oppression
- Complex commercial litigation matters for corporations and partnerships including claims by and against officers and directors, secured credit matters, employment disputes, and all matters involving commercial contracts.

APPELLATE

- Counsel in a successful petition for review to the Texas Supreme Court in the case *Fidelity & Guaranty Insurance Co. v. Drewery Construction Co., Inc.*, which reversed an adverse default judgment in a construction payment bond case against our client (No. 05-0295, Tex. Feb. 24, 2006)
- Counsel in a successful appeal to the Houston Court of Appeals in the case *Hornell Brewing Co., Inc. v. Lara*, 252 S.W.3d 426 (Tex. App.—Hous. [14th Dist.] 2008, no pet.), which reversed an adverse default judgment in a personal injury case against our client
- Counsel in a successful appeal to the Amarillo Court of Appeals in the case *IBP, Inc. v. Klumpe*, 101 S.W.3d 461 (Tex. App.—Amarillo 2001, pet. denied), which reversed an adverse summary judgment in a misappropriation of trade secret case brought on behalf of our client

PROPERTY INSURANCE

- Represent carriers on catastrophic claims involving defense and indemnification that include damage from hurricanes, tornado impact, collapse (whether partial or complete), and earth movement. Particular focus on isolating damage from construction, construction defects, and other pre-existing conditions from damage caused by covered events

HONORS AND AWARDS

- Repeatedly selected as a Texas Super Lawyer by Texas Monthly and Law & Politics Magazine

ADMITTED TO PRACTICE

- State Courts of Texas
- State Courts of Oklahoma
- State Courts of Arkansas
- U.S. Court of Appeals, 5th Circuit
- U.S. District Courts for the Northern, Southern, Eastern and Western Districts of Texas
- U.S. District Court for the Eastern District of Arkansas
- U.S. District Court for the District of Arizona
- U.S. District Court for the District of Nevada
- U.S. District Courts for the Central and Northern District of California
- U.S. Bankruptcy Courts for the Northern, Southern, Eastern and Western Districts of Texas
- U.S. Bankruptcy Courts for the Central and Eastern Districts of California
- U.S. Bankruptcy Courts for the District of Nevada
- U.S. Federal Court of Claims

PRESENTATIONS AND PUBLICATIONS

- Co-Author of Bond Default Manual, 4th Edition Chapter IX: The Surety's Relationship with the Completion Contractor, ABA Publishing, 2015, p. 543-562
- Speaker, The Bond Claim – Working with the Surety Instead of Against It, 25th Construction Law Conference, Construction Law Section of the State Bar of Texas, March 2012
- Speaker, The Holy Grail for Sureties: The Right to Contract Balances, American Bar Association Fidelity and Surety Law Committee Midwinter Meeting, January 2010

- Speaker, Discovery of Electronic Media: You Got to Show What You Got, National Bond Claims Association, October 2005
- Author, The Role of the Surety Construction Attorney, Inside the Minds: Legal Strategies for the Construction Industry, Aspatore, Inc., 2005, p. 115-124
- Speaker, Trust Fund Statutes-Surety's Friend or Foe?, Eastern Bond Claims Review, May 2004
- Speaker, Enforceability of Liquidated Damage Provisions, National Board of Claims Association, October 2001

MEMBER

- American Bar Association, Litigation Section; Tort and Insurance Practice Section; Forum on the Construction Industry
- Dallas Bar Association, Business Litigation and Construction Law
- National Bond Claims Association, Program Chairman
- State Bar of Texas
- State Bar of Oklahoma
- State Bar of Arkansas

EDUCATION

- AV Preeminent rated Martindale-Hubbell
- Southern Methodist University Dedman School of Law (J.D., 1991), National Mock Trial Team
- Edinburgh University (M.Sc., History, 1988)
- University of Pennsylvania (B.A., Distinguished Honors, History, 1987)