

# Keith A. Langley - Mediator

Keith has more than 35 years of experience in construction and commercial trial matters in Texas, Florida, Arkansas, Oklahoma, and other states. He has served as counsel in trials, mediations, and arbitrations in Texas, Florida, Arkansas, Oklahoma, and other states. Keith has argued cases before the appellate courts in the state of Texas and the Fifth Circuit Federal Court of Appeals.

As a mediator, Keith has successfully mediated construction cases for decades. Regarding arbitration Keith has been involved with cases involving claims as large as \$150,000,000.

Keith's trial and arbitration experience includes many lengthy trials and arbitrations including a 16 week jury trial, a 60-day arbitration trial, construction claims, real estate matters, usury, and insurance coverage. Regarding construction, Keith has handled matters involving design assist, prime contractor matters, subcontractor matters, differing site condition claims, Eichleay, change order disputes, indemnity claims, disruption claims, and surety issues. The subject matters have included engineer procure construct (EPC), cryogeneration plants, highways, bridges, other site work and other geotechnical issues.

## Honors & Distinctions

Martindale-Hubbell  
AV® Preeminent Rating  
Superlawyers  
College of the State Bar of Texas

## Professional Activities

America Inns of Court Foundation including Board Service  
American Bar Association  
Fidelity & Surety Law Committee  
Forum on the Construction Industry  
Pearlman Association  
National Bond Claims Association – Litigation Section

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## EDUCATION

UBA Law School (1985)  
Old Dominion University, B.S.  
Criminal Justice (1980)

## BAR ADMISSIONS

Texas  
Florida  
Arkansas  
Oklahoma  
U.S. Supreme Court, Fifth Circuit,  
all Federal Courts in Texas

## Recent Presentations

2022

Presenter, Gone Fishin': Navigating the Waters, Avoiding Snags, and Smooth(er) Sailing with the Joint Defense and Common Interest Privileges

Presenter, NBCA, Virtual Trials & Hearings

## Publications

### Newsletters

October 2022, Surety – Schuff Steel Company case

October 2022, NBCA Conference 2022 – Virtual Trials & Hearings

September 2022, Surety – Pearlman

September 2022, Pearlman Conference 2022 - Gone Fishin': Navigating the Waters, Avoiding Snags, and Smooth(er) Sailing with the Joint Defense and Common Interest Privileges

September 2022, Bankruptcy – Birding and Bankruptcy

August 2022, Surety - Clarity, Materiality, and Contracts

July 2022, Litigation - A Brief Primer on Suing Auditors

June 2022, Surety - Indemnity

April 2022, Litigation - Sanctions

March, 2022, Arbitration – Summary Judgment

February 2022, Litigation - Consequential Damages

January 2022, Litigation - Attorney-Client Communication Privilege

### Speaking Engagements

October, 2022; Pearl Association meeting "Gone Fishin': Navigating the Waters, Avoiding Snags, and Smoother(er) Sailing with the Joint Defense and Common Interest Privileges in September 2022;

ABA-TIPS Spring meeting "Protecting the Purse: Contract Funds After the Default" presentation titled "Show Me the Money – The Three R's – Recourse, Rights, and Remedies of the Surety" in May 2014;

Moderator for contract surety claims panel discussion on "The Promise – To do, or not to do..." at the 2014 National Association of Surety Bond Producers Program in April 2014;

Moderator for panel discussion on "Working SMART in a Relationship Economy: Science Meets ART in Surety Claim Handling" at the 2013 Pearlman Association Program in September 2013;

Midwest Surety Law Conference meeting presentation titled "Case Law Update" in July 2013;

ABA-TIPS Property Insurance Law Committee Spring meeting "Exclusions and Extensions of Coverage Under the All-Risk Property Policy" presentation titled "Governmental Action and Code and Ordinance as Coverage Extensions and Exclusions" in May 2013;

ABA-TIPS Mid-Winter meeting "Construction Damages: An In-Depth Analysis" presentation titled "Pass Through Claims" in January 2013;

"The Surety Underwriter's Reference Book" chapters for Arkansas, Oklahoma and Texas in October 2012;

Moderator for panel discussion on Lumbermens case at 2012 Pearlman Association Program in September 2012;

ABA-TIPS Mid-Winter meeting "The Law of Performance Bonds" Chapter 3 presentation titled "Performance Options Available to Surety" in January 2012;

ABA-TIPS Spring meeting "The Law of Payment Bonds" panel presentation titled "Notice and Proof Requirements", Michael Less, John McDevitt, Blake Wilcox, and Keith Langley in June 2011;

For the book "The Surety and Bankruptcy" chapters titled "The Surety's Rights to Contract Balances" and "The Surety's Use of the Debtor's Property" presented at the Spring FSLC meeting in May 2010;

For the book "The Law of Performance Bonds, Second Edition" chapter titled "Liability of the Performance Bond Surety for Damages (Under Contract of Suretyship)" presented at ABA Tort Trial & Insurance Practice Section – The Law of Performance Bonds, A New Look at Today's Issues in May 2009;

"Effects of Bankruptcy on the Construction Industry" presented at the 22nd Annual Texas Advanced Construction Law Conference in February 2009; "Protecting the Surety in First Day Orders" presented at the 2009 Pearlman Association Program in September 2009

### **Book Chapters**

Bond Claims Manual

Performance Bond Manual

Payment Bond Manual

For the book "The Surety and Bankruptcy" chapters titled "The Surety's Rights to Contract Balances" and "The Surety's Use of the Debtor's Property" presented at the Spring FSLC meeting in May 2010;

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