

Fee, Smith & Sharp LLP



Brian J. Tagtmeier

SENIOR COUNSEL



E-MAIL

btagtmeier@feesmith.com



TELEPHONE

713-362-8308

With over 30 years of litigation experience defending and prosecuting complex legal, factual, and damage issues in multiple jurisdictions throughout Texas, Brian has a proven track record of success in high-stakes litigation and complex negotiation.

Practice Areas & Education

PRACTICE AREAS

- Trucking Accidents
- Construction Defect Cases
- General Construction Law (lien and bond claims, contracts)
- Mediation and Arbitration

EDUCATION

- Rice University 1989, Psychology and History, Cum Laude
- University of Texas School of Law, 1992

BAR ADMISSIONS

- Texas 1992

About Brian

EXPERIENCE

With over 30 years of litigation experience defending and prosecuting complex legal, factual, and damage issues in multiple jurisdictions throughout Texas, Brian has a proven track record of success in high-stakes litigation and complex negotiation. Brian serves as lead trial counsel for companies and individuals facing high-risk, large-dollar, catastrophic personal injury. Brian has extensive experience defending the trucking industry, involving claims filed against commercial drivers and companies, and the insurers who underwrite the claims. Brian has extensive experience involving construction defects and construction accidents. He also works directly with the contractors and subcontractors as their legal counsel on all of their needs.

Brian also is a mediator in many different trial areas, including construction cases, personal injury cases, partnership disputes, insurance coverage matters, employment cases, and many other civil matters having conducted over 2000 mediations since 2006. Brian has also taught the 40-hour mediation certification classes at the A.A. White Dispute Resolution Center at the University of Houston, the Harris County Dispute Resolution Center, the Fort Bend County Dispute Resolution Center and the Austin Dispute Resolution

COURT ADMISSIONS

- Texas 1992
- United States for the Northern District of Texas
- United States for the Eastern District of Texas
- United States for the Western District of Texas
- United States for the Eastern District of Florida
- United States Fifth Circuit

PROFESSIONAL AFFILIATIONS

- State Bar of Texas: ADR, Commercial and Consumer Law, and Construction Law Sections
- College of the State Bar of Texas
- Pro Bono College of the State Bar of Texas
- Austin Bar Association – Construction and Real Estate
- Houston Bar Association ADR, Construction Law, and Consumer and Commercial Law Sections
Houston Bar Association Construction Law Section – Council Member 2008 – 2011
- Houston Bar Association Consumer and Commercial Law Section – Council Member 2009 – 2015 Texas Mediator Trainers Roundtable – Council Member 2009- 2015
- Austin Bar Association ADR, Construction Law, and Consumer and Commercial

Center. Bran also frequently arbitrates construction, employment and securities cases as the chairperson of the arbitration panel in most cases.

Brian's strength is in his ability to take his experience as a trial lawyer, mediator, and arbitrator to every matter that he handles. It allows him to focus on the best strategy to prepare the case for settlement, if possible, and for trial when a settlement cannot be reached. It allows him to evaluate a case early on and form a plan to get it ready for trial and settlement.

Brian is very involved with his alma mater, Rice University, and helps with annual fund-raising activities and interviewing potential students. He has also volunteered his time with Rodeo Austin.

REPRESENTATIVE MATTERS

- Represented concrete subcontractor in arbitration over work performed for retirement community where the overall demand was \$13,000,000.00. Settled for costs of defense.
- Represented Gypcrete contractor in arbitration over work performed on a premium hotel where the overall demand was \$12,000,000.00. Settled for costs of defense.
- Represented waterproofing contractor on water penetration case involving an apartment complex in arbitration where overall demand was \$9,000,000.00. Settled for costs of defense.
- Represented developer and general contractor in fire that destroyed a neighboring apartment building where demand was \$11,000,000.00. Settled for costs of defense.
- Represented trucking company in three way crash involving a fatality. Settled for costs of defense.

TRIAL VICTORIES

- Represented developer in negligence and Water Code violation arbitration in a residential project. Defense verdict of no liability.
- Represented cement truck driver and cement company in collision involving truck parked partially on shoulder of the highway. Defense verdict of no liability.
- Represented partner in a partnership dissolution matter with allegations of breach of fiduciary duties. Won an affirmative verdict of \$400,000.00 for our client where demand against him was for \$2,000,000.00.
- Represented general contractor in arbitration against owner for unpaid fees in excess of \$2,000,000.00. Won a verdict for the total amount owed plus attorney's fees of \$125,000.00.

- Houston Maritime Arbitration Association
- FINRA Dispute Resolution (NYSE and NASD) – Houston Panel Arbitrator; New Orleans Panel Arbitrator; Nashville Panel Arbitrator; Memphis Panel Arbitrator; Jackson MS Panel Arbitrator; Atlanta Panel Arbitrator; Little Rock Panel Arbitrator; Birmingham Panel Arbitrator, San Juan, PR Panel Arbitrator; Oklahoma City Panel Arbitrator
- National Center for Dispute Settlement (NCDS) – National Panel Auto Warranty and Construction Claims Arbitrator; National Panel Construction and Civil Claims Mediator Construction Arbitration Services – Texas Panel Arbitrator/Texas Panel Mediator

ARTICLES

- Handling Negligence Claims after Tort Reform – 1997
- Reviewing the RCLA – Tricks, Traps and Triumphs – 2000
- Texas Mechanic’s Lien and Surety Bond Claims – 2001
- Insurance Coverage for Mold/Water Damage Claims – 2003
- THE RCLA: A Legislative Attempt to Protect Homeowners and Builders and A Judicial Revision of thee to Protect Homeowners – 2005
- Handling Residential Construction Claims in 2008 – A Practical Guide to the Texas Residential Construction Commission Act and the Residential Construction Commission Act – 2008
- Texas Mechanic’s Liens – 2011, 2018

HONORS AND AWARDS

- 2008 Houston Bar Foundation Outstanding Contribution Award for the Harris County Dispute
- Resolution Center – Top Volunteer Mediator
- Houston Bar Journal, May 2008 – Honored as a “Local Hero” for volunteer work with pro bono family law mediations.
- Houstonia Magazine 2018 – One of Houston’s Top Lawyers – Mediation Houstonia Magazine 2017 – One of Houston’s Top Lawyers – Construction H Texas Magazine, June 2010 – One of Houston’s Top Lawyers – Mediation
- H Texas Magazine, June 2007, June 2016 – One of Houston’s Top Lawyers — Construction Law Texas Bar