

Richard

Partner

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Richard Whiteley, co-chair of the firm's construction litigation practice group, enjoys solving complex problems for his clients in an adversarial context, and believes an aggressive strategy of always preparing a case like it will ultimately go to trial is the best way to achieve the most favorable outcome. Richard has a wide range of experience in trial work and arbitration, with an emphasis on construction litigation, intellectual property litigation, products liability litigation, real estate litigation, condemnation and eminent domain matters, and other types of commercial litigation. Richard has tried and arbitrated cases involving condemnation and eminent domain matters, general contractual disputes, patent infringement, construction defects, manufacturing defects, trade secret misappropriation, trademark and copyright infringement, products liability, defamation, fraudulent transfers, real estate disputes, business disputes, deceptive trade practices, personal injury, and premises liability. In addition, Richard has experience with obtaining extraordinary and injunctive relief for clients, including temporary restraining orders, temporary injunctions and other writs. Richard has written numerous articles relating to construction contracts and litigation, including but not limited to force majeure issues, indemnity issues, consequential damages, defect claims, product liability issues, and effective construction contract drafting and negotiation and has been recognized as one of the more experienced construction lawyers in Texas.

Industries

[Energy](#)

[Finance](#)

[Technology](#)

Practices

[Litigation](#)

Credentials

Education

- University of Law, London, J.D., 1999, *magna cum laude*
- University of KwaZulu-Natal, Howard College, B.S., 1993, *cum laude*

Bar Admissions

- Texas

Chambers USA

- Texas Construction, 2022 – 2024

The Legal 500 United States

- Construction (including Construction Litigation), 2017 – 2018, 2023 – 2024 (Leading Lawyer, 2023 – 2024)
- Real Estate and Construction, 2014, 2016

BL Rankings

- *Best Lawyers*, Litigation – Intellectual Property, 2024 – 2025

Lawdragon Inc.

- *Lawdragon 500 Leading Litigators in America*, Commercial Litigation, including Construction, IP and Products Liability, 2024 – 2025

Thomson Reuters

- *Texas Super Lawyers*, Rising Star, 2006, 2009 – 2010

Resources

Texas Supreme Court Clarifies Scope of Property Owners' Statutory Protections

Update

The New Rules: Liability Limitations for Construction Design Defects in Texas

Update

The New Rules (Part 2): Restrictions on the Duty to Defend for Architects and Engineers

Update

The COVID-19 Change Order

Update

Important Terms for Price Escalation Clauses to Mitigate the Inflationary Effect of Tariffs on Construction Materials

Update

Publications & Speeches

- “The New Rules: Liability Limitations for Construction Design Defects in Texas” Bracewell Litigation Alert, September 22, 2021.
- “The New Rules (Part 2): Restrictions on the Duty to Defend for Architects and Engineers” Bracewell Litigation Alert, October 7, 2021.
- “Texas Supreme Court Clarifies Scope of Property Owners’ Statutory Protections” Bracewell Insight, March 29, 2021.
- “Expanded CISA Guideline Broadens the Scope of “Essential Business” for Manufacturing and Construction Operations” Bracewell Insight, April 2, 2020.
- “Stay-At-Home Orders – 10 Step Evaluation Process for Manufacturers” Bracewell Insight, March 30, 2020.
- “Is Your Manufacturing Operation an “Essential Business” in the Age of the Coronavirus”? Bracewell Insight, March 24, 2020.
- “The Dotted Line: When should contractors use COVID-19 Liability Waivers” *Construction Dive*, August 25, 2020.
- “Understand and Define Key Substantive Contract Provisions” *Construction Executive*, December 6, 2019.
- “Define the Forum and Scope of Recovery in Contract Disputes” *Construction Executive*, November 29, 2019.
- “Public Entity Construction Contracts: The Pivotal Dispute Provisions” Bracewell Litigation Update, July 10, 2019.
- “Force Majeure, Now What?” Bracewell Litigation Update, April 19, 2018.
- “Steel and Aluminum Tariffs? Can You Turn to Your Force Majeure Clause?” Bracewell Litigation Update March 22, 2018.
- “Pitfalls of the Standard AIA Contract for Owners and Developers, Bracewell Webinar Presentation, June 15, 2017.
- “Do Contractors Have Blanket Indemnity?” *Law360*, August 15, 2016.
- “Effectively Managing Product Issues” *IndustryWeek Magazine*, June 2015.