

Steve Rodgers
Department of Construction Science
Texas A&M University



Steve Rodgers / Clinical Professor

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W. Stephen “Steve” Rodgers is a native of Midland, Texas, located in the Permian Basin area of West Texas. He moved to College Station after graduation from Texas Tech University School of Law in 1978. Before joining the faculty of the Construction Science Department at Texas A&M, Rodgers maintained a trial law practice with the firm of Rodgers, Miller & Rodriguez, P.C. for over 35 years. He is named in the “Bar Register of Preeminent Attorneys” by Martindale-Hubbell’s listing. Early in his practice Rodgers achieved a Martindale-Hubbell rating of A-V, the highest possible for competency and ethics, and has maintained it for over three decades. He has also been recognized for over thirty (30) years as “*Board Certified - Civil Trial Law by the Texas Board of Legal Specialization*”, handling cases both in courts and in administrative forums. In 2004 the prestigious American Board of Trial Advocates invited Rodgers to serve as a Charter Member of the organization in the Brazos Valley. He has served as its President and as the National Board representative.

As a faculty member at Texas A&M University, Rodgers is appointed to the Department of Construction Science in the College of Architecture. He teaches classes on advanced construction law topics and risk management. Since 2015 he has served as the Faculty Director in London, England, for the Department’s study abroad semesters. He has also served as a guest instructor on legal issues in a number of other Texas A&M University departments. Other organizations which have requested educational presentations include the National Royalty Owners Association, International Right of Way Association, the State Bar of Texas Oil and Gas Section and other governmental entities

Although his courtroom experience includes everything from patent disputes to capital murder defense, his practice focused on litigation of matters involving construction law, oil and gas disputes and insurance issues. Rodgers maintained a full docket of trial and appellate work throughout his legal career personally handling the trials and appeals of his client’s cases. He has served the State Bar of Texas as an expert witness in disciplinary matters. He has testified as an expert witness for other attorneys on numerous occasions on procedural and substantive issues. He is an active Mediator holding certification from the A.A. White Dispute Resolution Center at the University of Houston School of Law.

Rodgers also holds an appointment from the Texas Supreme Court to the Unauthorized Practice of Law Committee and from the State Bar of Texas to the Rules of Evidence Committee which makes recommendations to the Texas Supreme Court for modifications to the Texas Rules of Evidence. In the past, Rodgers has chaired the District 8 Grievance Committee and served on the select Funding for the Judiciary Committee and the State Bar of Texas Rules of Civil Procedure Committee. Early in his career he was elected by his peers to the Board of Directors of the Texas Young Lawyers Association (TYLA). In conjunction with the TYLA Rodgers was asked to serve as a delegate to the American Bar Association Annual Meeting for a number of years. He has been honored as a Past-President of the Brazos County Bar Association and is a Life Fellow of the Texas Bar Foundation and American Board of Trial Advocates.

Education:

Texas Tech University School of Law, Lubbock, Texas, 1978 - Juris Doctorate
Texas Tech University, Lubbock, Texas, 1975 - Bachelor of Arts in Mass Communications

Personal:

Born December 21, 1952, Amarillo, Texas
Places of residence include Amarillo, Abilene, Midland and Lubbock, Texas
Present Address: 903 Carmel Place, College Station, Texas
Married to Marci Moore Rodgers since August 12, 1978 - one adult child
Attorney (Rodgers, Miller & Rodriguez P.C. - 1979 to present)

University Experience:

Faculty at Texas A&M University:

- Clinical Professor- Department of Construction Science (COSC) in the College of Architecture;
- International Study and Internship Coordinator / UK;
- Member - Marshall Scholarship Applications (Honors and Undergraduate Research) 2016;
- Member – Department Head Search Committee 2016-17;
- Member – College of Architecture International Affairs Council 2017-18
- COSC Classes

381. Professional Ethics in the Construction Industry. Principles of ethical behavior in preparation for a professional internship with a construction or construction-related company; various construction company case studies emphasizing: personal accountability, integrity, moral courage, individual, association and company codes of conduct; accepted business practices, decision making, company cultures, peer pressure, public opinion. Prerequisite: Admission to upper level in Construction Science.

463. Introduction to Construction Law. Introduction to basic contract and tort issues and their application in the construction industry; delineation of the various types of contracts and remedies available to parties involved in a construction project; additional related topics including bidding, delays, mechanics liens, site conditions, warranties and the Uniform Commercial Code as it relates to the construction industry, introduction to legal research and reasoning as used by professional constructors. Prerequisite: Admission to upper level in Construction Science.

465. Advanced Topics in Construction Law. Legal issues affecting construction, including the parties to construction work, contracting, responsibilities and risk, risk management, damages, handling of claims and disputes, indemnification, bonds, insurance, bankruptcy, labor and employment, and subcontract management; litigation and alternative dispute resolution methods regularly used in the construction industry. Prerequisite: COSC 463.

468. Risk Management in the Built Environment. Decision-making and risk analysis concepts in the context of the built environment and construction projects; major categories and tools of risk management regularly used in the construction industry such as contracts, insurance and bonds. Prerequisites: Admission to upper level in construction science and COSC 463 or concurrent enrollment.

485. Directed Studies. Special problems in building construction. Prerequisite: Admission to upper-level in Construction Science.

628 Construction Contracts and Risk Management. Advanced construction law, contracts, and risk management applicable to construction management; identification of common disputes and construction risks among the owner, design professionals, and contractor; analysis of construction contracts with an emphasis on troublesome provisions and solutions; demonstration of tools of negotiation and dispute resolution; ethics in construction.

Guest Lecturer in various departments at Texas A&M University on topics including:

- *"The Impact of Tort Litigation on Construction Engineering";*
- *"A Pragmatic Approach to Basic Engineering Education from a Legal Perspective";*
- *"Intellectual Property Concepts For New Engineers";*
- *"Use and Abuse of the AIA Form Contract"*

Selected Professional Presentations & Publications:

Advanced Oil & Gas Seminar of the State Bar of Texas

"The Perfectly Perplexing Problems With Pipelines"

National Royalty Owner's Conference

"Issues & Remedies in Mineral Disputes" - (21 Petroleum Accounting and Financial Management Journal No. 2, Summer 2002);

Permian Basin Oil & Gas Law Seminar

"Common Issues and Remedies: What Do You Do When a Good Thing Goes Bad?"

International Right of Way Association Conference

"Facilitating Communications with Landowners in the Oil Patch - A Study in Body Language of Landmen"

International Right of Way Association Conference

"Body Language of Persuasion"

International Right of Way Association Conference

"Oculesics, Proxemics, Kinesics and Haptics: Getting to Yes In Negotiation"

Texas Public Pool Council

"Indemnity Issues for the Public Pool Professional"

Law Practice:

95 % of practice devoted to litigation or resolution of commercial disputes

Admitted:

State Bar of Texas 1979

U.S. Court of Appeals 5th Circuit, 1979

U.S. District Court Western District and Southern Districts of Texas, 1979

Certifications/Specialties:

Board Certified in Civil Trial Law -Texas Board of Legal Specialization since 1985

Mediator - A. A. White Dispute Resolution Center at University of Houston Law Center

Activities & Affiliations:

American Board of Trial Advocates - National Board Representative and former President, Bryan/College Station Chapter

State Bar of Texas:

Rules of Civil Evidence Committee 2014 to present

Court Rules Committee - 2007 to 2014

Unauthorized Practice of Law (Texas Supreme Court appointment) - 2000 to present

Grievance Committee - Chairman District 8 1992 to 1995

Committee on Administration of Justice - 1990 to 1992

Committee on Funding the Judiciary - 1986 to 1989

Texas Young Lawyers Association Board of Directors 1982 to 1984

Brazos County Bar Association

Member - 1979 to present

President - 1990 to 1991

American Bar Association:

Section on Litigation - Member

Appellate Casework:

Capps v. The Known and Unknown Heirs of Priscilla Foster, et al- 10th Court of Appeals District (10-14-00061-CV, — S.W.3d—, 04/08/15)

Land Titles - Heirs of former slave prevailed against land shark trying to acquire their heritage land.

Rippy Interests, LLC v. Nash, --- S.W.3d ----, 2014 WL 4114328, Tex.App.-Waco, August 21, 2014 (NO. 10-12-00233-CV)

Oil and Gas - top lessee challenge to underlying lessee's operations

Hansen v. Lechin, Not Reported in S.W.3d, 2013 WL 5952139, Tex.App.-Waco, November 07, 2013 (NO. 10-13-00146-CV)

Employment - physician sued hospital and other physicians over dismissal

Hubbard v. Rosenthal, Not Reported in S.W.3d, 2012 WL 1992124, Tex.App.-Waco, May 30, 2012 (NO. 10-10-00267-CV)

Tort - suit to set aside recovery in wrongful death case based on fraud

Alongi v. Mostellar, 2011 WL 2937470 (Tex.App.-Waco, 2011 no pet.)

Real Estate - deed construction of a father's gift to his children after a subsequent grantee demanded a greater royalty interest than they bought.

Alongi v. Mostellar, 398 S.W.3d 258, Tex.App.-Waco, 2010 (NO. 10-10-00269-CV)

Procedure - court reporter delay in record delivery

C.D.S. Enterprises, Inc. v. Main Street Homes-CS, Ltd., Not Reported in S.W.3d, 2010 WL 2010947, Tex.App.-Waco, May 19, 2010 (NO. 10-09-00388-CV)

Tort - landowners were flooded after development of adjacent land

Bates v. Global Credential Evaluators, Inc., Not Reported in S.W.3d, 2010 WL 1797400, Tex.App.-Waco, May 05, 2010 (NO. 10-09-00264-CV)k

Procedure - special appearance to contest jurisdiction

Baughn v. Capps, Not Reported in S.W.3d, 2010 WL 730369, Tex.App.-Waco, March 03, 2010 (NO. 10-09-00111-CV)

Real Estate - adverse possession claim by adjacent landowner

In re Smithtex, LLP, Not Reported in S.W.3d, 2010 WL 486649, Tex.App.-Waco, February 10, 2010 (NO. 10-10-00036-CV)

Mandamus/Ethics - Attorney disqualification

In re Seven-O Corp. II, Not Reported in S.W.3d, 2010 WL 311505, Tex.App.-Waco, January 27, 2010 (NO. 10-10-00012-CV)

Mandamus/Ethics -Attorney disqualification

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP v. Mercer,
Not Reported in S.W.3d, 2009 WL 5155999, Tex.App.-Waco, December 30, 2009 (NO. 10-09-00250-CV)

Contract - attorneys sought to prevent expert witness from testifying

Southwest Homes, Inc. v. Conner, Not Reported in S.W.3d, 2008 WL 5473085, Tex.App.-Waco, December 31, 2008 (NO. 10-08-00056-CV)

Mediation - enforcement of agreement

Bluebonnet Petroleum, Inc. v. Kolkhorst Petroleum Co., Inc., 2008 WL 2744282 (Tex.App. - Houston [14th Dist.] 2008 - pet. den'd)

Employment and Fiduciary - former corporate officer and director took new business to his new employer. Case complicated by the fact that departing officer was the brother of the former employer's corporate president.

Shannon v. Barbee, 2008 WL 802266 (Tex.App.-Waco, 2006 - pet. den'd)

Oil and Gas - landowners challenged the validity of the draft for their mineral lease.

Imperial Lofts, Inc. v. Imperial Woodworks, Inc., No. 10-06-00126-CV (Tex.App.- Waco, 2006, pet. den'd.)

Tort and Insurance - Departing tenant caused fire that destroyed landlord's building "sparking" debate as to coverage of damage by carriers involved.

Dennis v. College Station Hosp., L.P., 169 S.W.3d 282, (Tex.App.-Waco, 2005, pet. den'd.)

Employment Contract and Arbitration - Medical employer sued physician for return of advancements on employment contract. Contract contained arbitration clause that was upheld on appeal.

Daftarian v. S.B. ex rel. W.M., 2004 WL 2801582, (Tex.App.-Waco, 2004, appeal dism'd.)

Tort - representation of underprivileged children suing professional photographer for "grooming" them to pose for pornographic photographs. (Judgment believed to be the largest in history of Brazos County).

In re Dennis, 2004 WL 2474424, (Tex.App.-Waco, 2004, orig. proceeding)

Mandamus - (see *Dennis v. College Station Hospital, L.P.* above).

Pioneer Natural Resources USA, Inc. v. W.L. Ranch, Inc. 127 S.W.3d 900, (Tex.App.-Corpus Christi, 2004, pet. den'd.)

Oil and Gas - reversal and rendition of \$1,000,000+ "drilling malpractice" judgment for landowner.

Monsanto Co. v. Davis, 110 S.W.3d 28, (Tex.App.-Waco, 2002, no pet.)

Procedure and Professional Responsibility - One of three trips to the Court of Appeals in this case. This was an interlocutory appeal of a trial court's denial of motion for protective order to seal an inadvertently disclosed attorney/client communication.

Heard v. Moore, 101 S.W.3d 726, (Tex.App.-Texarkana, 2003, pet. den'd.)

Tort and Procedure - Plaintiff appealed default judgment on cross-claim against plaintiff's driver for his contributory negligence being 100% of cause of accident.

Monsanto Co. v. Davis, 97 S.W.3d 642, (Tex.App.-Waco, 2002, pet. den'd.)

Procedure - involving class action defense of seed manufacturer on claims by a group of cotton farmerson res judicata, release, and accord and satisfaction. Class certification reversed.

Union Pacific Resources Group, Inc. v. Neinast, 67 S.W.3d 275, (Tex.App.-Hous. [1st Dist.], 2001, no pet.)

Oil and Gas and Procedure - Class action certification of royalty owners reversed.

Monsanto Co. v. Davis, 25 S.W.3d 773, (Tex.App.-Waco, 2000, no pet.)

Procedure - two interlocutory appeals from the trial court grant of class certification brought by Defendants because "dispositive" evidence was excluded from class hearing and injunction was issued prohibiting contact with absent class members.

In re Monsanto Co., 998 S.W.2d 917, (Tex.App.-Waco, 1999, no pet.)

Procedure and Mandamus - review of trial court's order requiring production of

privileged information.

Monroe v. Blackmon, 946 S.W.2d 533, (Tex.App.-Corpus Christi, 1997, orig. proceeding)

Procedure and Mandamus - original proceeding following trial court order refusing to disqualify regular judge of court.

Rhodes v. Batilla, 848 S.W.2d 833, (Tex.App.-Houston [14th Dist.], 1993, writ granted and w/drawn post argument; writ den'd)

Ethics / Tort - legal malpractice case against tax attorney entering consent judgment with IRS which was alleged to have caused the divorce of the plaintiff.

Loehr v Kincannon, 834 S.W.2d 445, (Tex.App.-Houston [14th Dist.], 1992, no writ)

Probate and Real Estate - summary judgment affirmed declaring void a restraint on alienation in a will

Clarke v. Ruffino, 819 S.W.2d 947, (Tex.App.-Houston [14th Dist.], 1991, writ dismissed w.o.j)

Ethics - trial court disqualification of attorney under State Bar rules.

Lehtonen v. Clarke, 784 S.W.2d 945, (Tex.App.-Houston. [14th Dist.], 1990, writ den'd)

Procedure and Partnership - ordinary appeal and petition for writ of error to challenge trial court's sanctions order striking all post-trial pleadings.

Keller v. Davis, 694 SW2d 355 (Tex.App.-Houston [14th Dist.]1985, writ ref'd n.r.e)

Tort and Procedure - landowner wrongfully converted a vacuum truck and obtained ex parte writ of attachment without posting bond.

Whitt v. Whitt, 684 S.W.2d 731 (Tex.App. Houston 14th Dist. 1984, no writ)

Family Law and Procedure - original contempt proceeding in the Court of Appeals for failure to make temporary support payments pending finality of divorce judgment.