



Benjamin L. Weible

Partner

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Ben is an advocate for those in the construction industry and other professional fields. He represents clients in a range of construction disputes, licensing board complaints, and professional liability matters.

Before becoming an attorney, Ben spent 15 years in the construction industry, working his way from apprentice to master electrician, estimating and installing building automation systems, and serving as a project manager and trade compliance manager in the services division of a Fortune 50 home improvement company. Realizing that many business resources are diverted from actual production to regulatory and liability issues, Ben finished college and attended law school with the intent of working with businesses to address those issues that distract from their calling head on. In doing so, Ben brings real-world experience to his litigation practice that results in the ability to solve problems practically.

Representative Experience

- Obtained take-nothing judgment as second-chair trial attorney in trial defending insurance agent against misrepresentation-based claims in connection with obtaining an insurance policy for a residential construction contractor
- Obtained jury verdict for client as second-chair trial attorney in multiparty jury trial defending contract surety against \$1.5MM performance bond claim related to the allegedly defective construction of foundation piers
- Obtained directed verdict for client as second-chair trial attorney in multiparty jury trial defending insurance agent from negligence, fraud, DTPA, and Insurance Code claims in connection with damages arising from a building collapse
- Obtained take-nothing judgment as first-chair trial attorney defending third-party debt collector against claims arising from the Fair Debt Collection Practices Act
- Defended Fortune 500 insurance carrier as first-chair attorney in jury trial for breach of contract claims arising from alleged lightning damage to HVAC equipment

Services & Industries

- Professional Liability
- Construction
- Commercial Litigation

- Obtained dismissal of Texas Department of Licensing and Regulation complaints for electrical and air conditioning contractors
- Obtained summary judgment based on an attorney/receiver's derived judicial immunity from claims of breach of fiduciary duty, fraud, and negligence arising from an underlying business liquidation; upheld on appeal to the Second District Court of Appeals
- Obtained summary judgment for real-estate attorney alleged to have committed breach of contract, wrongful foreclosure, conversion, and negligence in the handling of a foreclosure sale
- Negotiated takeover, tender, and completion agreements for construction projects in which contractors defaulted on performance bonds
- Litigated and negotiated settlement of payment bond claims and lien claims

Education

- Southern Methodist University Dedman School of Law (J.D., 2013)
 - *cum laude*
- Dallas Baptist University (B.B.S., 2009)
 - Business Studies
- North Lake College (A.A.S., 2005)
 - Electrical Construction

Bar Admissions

- Texas, 2013

Court Admissions

- United States Courts for the Northern, Southern, Eastern, and Western Districts of Texas

Professional and Community Activities

- Texas Home School Coalition Advisory Board Member
- Rockwall Central Appraisal District, Board of Directors (2014-2017), Chair (2016-2017)

Speeches and Presentations

- *Fidelity Law and Commercial Surety Law Update 2019*, Surety Claims Institute Annual Meeting (June 2019)
- *Fidelity Law and Commercial Surety Law Update 2018*, Surety Claims Institute Annual Meeting (June 2018)
- *Liens and Bond Claims*, Rockwall County Bar Association (March 2018)
- *An Exploration of the Material Alteration Defense*, 28th Annual Northeast Surety and Fidelity Conference (September 2017)
- *Civil Engineering Liability*, HalfMoon Seminars (January 2016)

Professional Recognition

- Strasburger and Price's Richard Davis Litigation Associate of the Year Award (2018)

Publications

- Co-author. Texas Insurance Agent Liability in Light of the Elusive “Special Relationship,” 20th Annual Insurance Law Institute (November 2015)