



Misty H. Gutierrez, Esq.  
Plano, Texas

**Primary Areas of Expertise**  
Construction

<b>Current Employer-Title</b>	Misty H. Gutierrez, PLLC - Attorney
<b>Profession</b>	Attorney
<b>Work History</b>	Partner, Thomas, Feldman & Wilshusen LLP, 2009-Present; Associate, Macdonald Devin PC, 2007-2009.
<b>Experience</b>	Seventeen years' experience with more than 90% of practice devoted to construction law and matters impacting the construction industry for the past 15 years. Representation of owners, design professionals, general contractors, subcontractors, and suppliers handling dispute resolution through litigation, arbitration, and mediation; contract drafting and negotiation; and employment matters. Advocacy experience includes trying cases in arbitration, state, and federal courts handling complex, multiparty disputes involving projects such as airports, stadiums, educational facilities, industrial facilities, warehouses, condominiums, multi-family housing, hotels, general commercial and retail, and residential. Handling of claims involving delays, termination, contract disputes, mechanic's liens, removables, bond claims, defects, and design defects.
<b>Alternative Dispute Resolution Experience</b>	Over the past two years, have been appointed as an arbitrator in more than two-dozen arbitrations and have mediated multiple construction-related disputes. Issues handled as an arbitrator and mediator include breach of contract, construction defects, fraud, deceptive trade practices.
<b>Education</b>	Southern Methodist University Dedman School of Law (JD, with honors-2007); Texas Tech University (BA, Psychology-1997).
<b>Professional Licenses</b>	Admitted to the Bar: Texas (2007); US District Court: Western, Northern, Eastern and Southern Districts of Texas; US Court of Appeals: 5th Circuit.  Board Certified in Construction Law by the Texas Board of Legal Specialization.
<b>Professional Associations</b>	State Bar of Texas (Council Member, Construction Law Section); Dallas Bar Association (Council Member, Construction Law Section, Employment Law Section); American Bar Association (Forum Committee on Construction Industry, Division 5 Steering Committee; Employment Law Section); Texas Bar College, Fellow; Construction Lawyers Society of America, Fellow.

*Misty H. Gutierrez, Esq.*  
*Neutral ID : 5796160*

The AAA's Rules provide the AAA with the authority to administer an arbitration including, arbitrator appointment and challenges, general oversight, and billing. Accordingly, arbitrations that proceed without AAA administration are not considered AAA arbitrations, even when the parties select an arbitrator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual arbitrator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in an arbitrator's resume. If you have any questions about an arbitrator's experience or background, you are encouraged to contact your case manager.

Arbitrators on the AAA Roster are not employees or agents of the AAA.

<b>Recent Publications &amp; Speaking Engagements</b>	<p>Co-Presenter and Co-Author, Leave it to the Professionals; Why Construction Administration Services Should Not be Optional, ABA Forum on Construction Law Fall Meeting, October 2024; Presenter and Author, Someone Filed A Mechanic's Lien—Now What Do I Do?, 36th Annual Construction Law Conference, March 2024; Co-Editor, Construction Checklists, Second Edition: A Guide to Frequently Encountered Issues; Co-Author, The Rest of the Story: The Fascinating Backstories Behind Lonergan and Spearin, The Construction Journal, Winter 2018; Co-Author, A Survey of Certificate of Merit Statutes, The Construction Lawyer, Vol. 34, No. 2, Spring 2014; Co-Author of the Texas Section; Case Law &amp; Legislation Affecting the Construction Industry, ABA Forum on the Construction Industry, 2011- 2016; Presenter and Author, (Not So) Prompt Payment: Asserting and Defending Against Prompt Payment Claims, Texas Bar Association, Construction Law Section, March 2021; Presenter, Mandatory Paid Sick Leave and FMLA Expansion: How The Families First Act Impacts the Construction Industry, American Subcontractors Association, National Webinar, April 2020, Co-Presenter, Lonergan: A Look Behind the Curtain; 32nd Annual Construction Law Conference, March 2019; Presenter, What Happens to Subs While the Owner and General Contractor Arbitrate? Dallas Bar Association Construction Law Section, October 2017; Presenter, Using Noncompetes to Protect Your Workforce; Construction Industry Summit, September 2019; Presenter, Update on Mandatory Sick Leave Ordinances; ASA of North Texas, August 2019, DACA October 2019.</p>
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Dallas, Tarrant, Collin, Rockwall, and Hunt Counties.
<b>Citizenship Languages</b>	United States of America English
<b>Compensation</b>	<div>Hearing: \$350.00/Hr</div> <div>Study: \$350.00/Hr</div> <div>Travel: \$175.00/Hr</div> <div>Cancellation Period: 0 Days</div> <div>Comment:</div>

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