

Joe Virene

Partner

Joe Virene combines deep industry knowledge with efficient dispute resolution skills in and out of the courtroom to help clients navigate the various challenges that arise during sophisticated construction projects. With broad experience handling every issue and dispute imaginable – contract negotiation and drafting, payment disputes, lien filings, suspensions and delays, construction and design defect claims, plus many more – Joe is well-equipped to guide clients through projects from start to finish. His client list runs the gamut of businesses working on industrial, pipeline, oil field and general construction projects, including suppliers, distributors, subcontractors, general contractors, project owners and engineers.

Construction and energy clients routinely rely on Joe to advise on the entire range of other issues that arise during their projects and daily operations, including general employment matters, contract review, business governance, insurance, collections and protecting their interests as creditors in a customer bankruptcy. He also negotiates and prepares a variety of construction and operational contracts, including master service agreements, master purchase agreements, distributorship agreements, personal guarantees, security agreements, general terms and conditions, non-competes and non-disclosure agreements.

Joe also handles complex commercial litigation in a wide variety of commercial contexts. He has handled lawsuits involving covenants not to compete, trade secret theft, breach of fiduciary duty, products liability, UCC security interests, fraudulent transfers, fraud and bankruptcy preference claims. Joe has also worked on numerous appeals in state and federal courts. Throughout every step of the process, Joe will outwork the other side and provide creative solutions in litigating or resolving the dispute.

Experience

- Defense of large, international manufacturer of valves against alleged



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Industries
Construction
Energy

Practices
Construction
Construction Litigation
Commercial Litigation
Corporate Restructuring & Bankruptcy

Education
J.D., *cum laude*, University of Houston
Law Center, *Order of the Barons*
(2007)
B.S., The University of Texas (2003)

Bar Admissions
Texas

Court Admissions
United States Court of Appeals, Fifth
Circuit

misappropriation of trade secrets.

- Defense of an exploration and production company sued for allegedly overcharging for indirect operating expenses under an operating agreement.
- Defense of electrical distributorship and its CEO against alleged violations of restrictive covenants and alleged misappropriation of trade secrets.
- Represented a large high-rise condominium association in a construction defect case against the general contractor and its subcontractors and obtained favorable resolution.
- Represented world's leading waste and environmental service provider in connection with construction of a Mixed Materials MRF Project.
- Won a bench trial on behalf of Schlumberger Technology Corp. in a suit against a former drilling fluids specialist for breach of the non-competition and training reimbursement provisions of his employment agreement. The court issued a permanent injunction enforcing the restrictive covenant and awarded Schlumberger damages and attorneys' fees for the employee's breach of his training reimbursement obligation.
- Obtained a temporary injunction against former employees of an oil field services company for violations of covenants not to compete.
- Obtained numerous successful resolutions on behalf of parties prosecuting and defending against covenants not to compete.
- Obtained numerous summary judgments on behalf of construction suppliers against subcontractors who failed to pay for materials purchased on credit.
- Filed and successfully prosecuted numerous mechanic's liens.
- Obtained a dismissal of negligence and breach of contract claims

against an electrician and an award of attorney fees against plaintiff in arbitration.

Reported Decisions

- *Grynberg v. M-I L.L.C.*, 398 SW3d 864 (Tex. App. - Corpus Christi 2012, pet. filed)
- *M-I L.L.C. v. Stelly*, 733 F. Supp. 2d 759 (S.D. Tex. 2010)
- *Dealers Elec. Supply Co. v. Scroggins Const. Co.*, 292 S.W.3d 650 (Tex.2009)
- *Scoggins Constr. Co. v. Dealers Elec. Supply Co.*, No. 13-06-00368-CV, 2009 WL 3390324 (Tex.App.-Corpus Christi 2009, pet. denied)
- *Morales v. Cemex Construction Materials South*, 14-10-00727-CV; 2011 WL 3628861 (Tex.App.-Houston [14th Dist.] 2011, no pet. h.).

Press Releases

- “Twenty-Nine Gray Reed Attorneys Named 2018 Top Lawyers in Houston” (December 3, 2018)
- “Gray Reed Elects Five New Shareholders” (September 10, 2015)

Thought Leadership

- “Coronavirus-Related Construction Delays Likely to Raise Legal Questions for Contractors”, *Houston Business Journal* (March 23, 2020)
- “Wave Goodbye to Unenforceable Mineral Lien Waivers: The Houston Court of Appeals Weighs in with *Mesa v. Deep Energy*”, Gray Reed Legal Alert (December 30, 2019)
- “Establishing Personal Liability Without a Guaranty”, *Build Houston* (June/July 2018)

- “Protecting Yourself in a Volatile Labor Market”, *Build Houston* (February/March 2018)
- “Practical Tips for Drafting Noncompetes: Lessons Learned from the Courthouse”, *State Bar of Texas Corporate Counsel Newsletter* (Winter 2015)
- “The Supreme Court Blesses Arbitration Clauses in Non-Competes”, Gray Reed & McGraw Legal Alert (December 19, 2012)

Speeches and Presentations

- “Texas Lien and Bond Rights”, Lonestar Electric Supply Seminar (September 17, 2019)
- “Who to Pay and When: Strategies for Complying with the Texas Construction Trust Funds Act and Funds Trapping Obligations”, Construction Financial Management Association - Houston (January 16, 2019)
- “Recent Legislative Changes in Lien Law”, 27th Real Estate Law Conference at South Texas School of Law (2012)
- “The Exclusivity Theory and Public Projects”, Construction Law Section of the Houston Bar Association CLE (June 18, 2010)

Honors

- Selected by his peers for inclusion in Woodward/White, Inc.’s *The Best Lawyers in America* in the field of Construction Law (2020)
- Named a Rising Star (2015 - 2019) and recognized in the Up-And-Coming 100 list (2018) by Texas Super Lawyers (a Thomson Reuters company) as published in *Texas Monthly* and *Texas Super Lawyers* magazines
- Named a *Houstonia Magazine* Top Lawyer in Houston (2017 - 2019)

Judicial Internships

- Honorable Lynn Hughes, United States District Court for the Southern District of Texas
- Justice Terry Jennings, First Court of Appeals of Texas

Organizational Involvement

- National Association of Credit Management - Gulf States
- Houston Bar Association
 - Construction Law Section
 - Appellate Practice Section

State Bar of Texas

- Construction Law Section
- Appellate Practice Section
- Texas Bar Foundation - Fellow
- American Bar Association
- [Gray Reed Pro Bono Committee member](#)