



Brent Hicks

Shareholder

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Brent Hicks concentrates his practice in construction litigation, commercial litigation, and government contracting.

Mr. Hicks has more than 20 years of experience representing owners, contractors, subcontractors, insurers, engineers, designers, architects, and other industry professionals in all aspects of construction law. He also advises clients through all stages of construction projects, including preparing and negotiating contracts and dispute avoidance or resolution.

His complex litigation experience is focused in commercial and industrial construction disputes, including disruption claims, acceleration claims, construction defect claims and design defect claims. Mr. Hicks also has significant trial and arbitration experience with large, high-risk construction, commercial, and real estate transaction cases. He has represented clients before international tribunals, arbitration panels, state and federal district courts, the United States Court of Appeals for the Fifth Circuit, *en banc*, as well as multiple state appellate courts.

In his government contracting work, Mr. Hicks serves as counsel to clients in public bid disputes related to federal, state, and local construction projects and procurements, where he evaluates and negotiates proposals, bids, and contracts. Mr. Hicks has also served as counsel to several governmental agencies, including the State of Louisiana, its agencies, and retirement systems, including representing counties, sheriffs, and local jails in civil rights claims by detainees and representing state agencies in civil rights claims by prisoners in state-run prisons.

As an inactive Certified Public Accountant, Mr. Hicks approaches matters from a business-oriented perspective. His financial knowledge allows him to have further insight into his clients' commercial concerns.

Representative Matters

Construction

- Represented an EPC contractor on the construction of a \$6 billion ethylene cracker plant in a dispute with a Thai steel supplier in an international arbitration proceeding.
- Represented the owner and general contractor of an apartment complex in defending construction defect claims exceeding \$40 million.
- Represented an industrial facility in multiple arbitration proceedings related to large plant expansion projects concerning construction defects, acceleration, and delay claims.
- Represented a fire suppression subcontractor in a dispute with the owner and general contractor of a \$110 million crude oil industrial storage facility project.
- Represented a general contractor in disputes with subcontractors on federal projects in federal court and in arbitration proceedings.
- Represented a heavy-equipment dealer with locations throughout Louisiana and Texas in disputes concerning their equipment, including liens, rehibition, replevins, and collections.
- Represented a subcontractor seeking over \$1.2 million for work performed on a large industrial project in Houston, Texas. The subcontractor sought claims on breach of contract, suit on sworn account, violations of the Texas Prompt Pay Act, and violations of the Texas Trust Fund Act. After a

three-day bench trial, the 80th Judicial District Court for Harris County Texas ruled in favor of the subcontractor, awarding claimed damages, attorneys' fees, prompt-pay interest, and punitive damages for violation of the Trust Fund Act totaling over \$3 million.

- Successfully represented a fire protection systems contractor in an industrial construction dispute, with the court awarding the client the full contract value, nearly \$400,000 in prompt pay interest, and exemplary damages totaling more than \$1.8 million.
- Successfully represented a subcontractor in mediation on a \$2 million dispute against the general contractor on a large industrial construction project.

Commercial Litigation

- Represented a rail transload facility in an arbitration proceeding in a dispute with the facility operator.
- Represented a frac sand mining facility in a \$30 million contract dispute with a customer.
- Represented a general contractor in ERISA claims by former employees.
- Represented a general contractor in FLSA claims by former employees.

Government

- Represented Louisiana Retirement Systems in litigation with employers and former members.
- Represented state agencies in nursing home license revocation proceedings.
- Represented counties, sheriffs, and local jails in civil rights claims by detainees.
- Represented state agencies in civil rights claims by prisoners in state-run prisons.
- Represented state agencies in defending the addition of the COVID-19 vaccine as a required vaccination to attend public schools.
- Represented state agencies in defending the termination of the state's \$200 million Medicaid Management Information System contract.



Professional Honors & Activities

- Member – American Bar Association (Public Contracts Section, Construction Law Forum) (2012 – present)
- Member – Louisiana State Bar Association (1995 – present)
- Member – Baton Rouge Bar Association (Construction Law Section) (2012 – present)
- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell (2010 – present)
- Recipient – Louisiana State Bar Association's Pro Bono Publico Award (2008)



Speaking Engagements

- "Arbitration 101," Baton Rouge Bar Association CLE By the Hour (December 2022)
- "Non-Compete Clauses and Restrictive Covenants," Louisiana Medical Society 139th Annual Meeting of the House of Delegates (January 2020)
- "What You Need to Know About Public Records and Open Meetings Law," Louisiana State Bar Association Practice in the Public Section XVIII Conference (November 2018)



Education

- Loyola University New Orleans College of Law, J.D., 1995
- Louisiana State University, Certified Public Accountant, 1994 (inactive status)
- Louisiana State University, B.S. Accounting, 1991



Admissions

- Louisiana, 1995
- Texas, 2024
- U.S. District Court for the Eastern District of Louisiana
- U.S. District Court for the Middle District of Louisiana
- U.S. District Court for the Western District of Louisiana

- U.S. Court of Appeals for the Fifth Circuit
- U.S. Supreme Court