

# Ashley Cummings

Shareholder

**Practices:** Construction; Business Litigation

**Industries:** Real Estate

Ashley is a member of Winstead's Construction Practice Group. Her practice is industry-focused, and involves both a transactional practice as well as efforts to resolve and litigate disputes. She represents owners and contractors in all aspects of the construction process, including drafting and negotiating contracts, working to resolve disputes that arise during design and construction, and litigating construction-related disputes. Because of the breadth of her experience, Ashley is able to assist clients from the beginning of a project through litigation of any post-construction disputes.

Ashley also has experience analyzing and litigating a variety of commercial disputes, including real property disputes and title insurance issues. She has experience representing clients both at trial and on appeal. Her commercial litigation experience both informs her transactional practice and provides additional experience from which she is able to draw when litigating construction-related disputes.

Ashley is Board Certified in Construction Law by the Texas Board of Legal Specialization.

## Representative Experience

### Real Estate

- Represents multiple developers in drafting suites of custom design and construction contracts for company-wide use on construction projects of various sizes, with agreements specialized for projects ranging from less than \$100,000 to over \$100 million.
- Represents multiple developers in negotiating design and construction contracts for multi-family, commercial, mixed-use, and hotel projects in various states, including:
  - Represented developer in drafting and negotiating design and construction contracts for an out-of-state hotel project with construction costs of approximately \$200 million.
  - Represented developer in drafting and negotiating design and construction contracts for a mixed-use project with various components, including multi-family and office space, with construction costs in excess of \$100 million.
  - Represented real estate investor in reviewing design and construction contracts proposed by various joint venture partners for projects in multiple states with construction costs between \$25 million and \$150 million.
- Represents multiple developers in negotiating design and construction contracts for both residential and non-residential condominium projects, both of which demand unique considerations in the drafting and negotiation process.
- Represents developer and its captured general contractor in drafting and negotiating design and construction contracts for projects of



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### Education

Baylor Law School

– J.D., 2013

– *magna cum laude*

– *Baylor Law Review*

University of Texas at Austin

– B.S., Communication Studies, Political

Communication, 2010

– *highest honors*

various sizes in multiple Texas markets, taking into account the complexities associated with utilizing a related contractor.

- Advises clients on current events and emerging issues, including issues related to COVID-19 impacting the construction industry.
- Represents various owners and contractors in resolving lien claims and other issues that arise during construction, including:
  - Represented a developer in ensuring the release of liens in excess of \$2 million on a multi-family project near Houston, Texas. All lien claims were released or bonded around.
  - Represented a general contractor in negotiating a project close out agreement on a difficult project, and following the successful negotiation and execution of such agreement, assisted the contractor in exchanging releases of multiple subcontractor liens for final payment.
  - Represented a subcontractor in taking steps to perfect a lien claim in excess of \$1.5 million on a facility in Southeast Texas. The claim was subsequently paid in full.
- Represents developer in lawsuit concerning construction defects throughout a high-rise tower project. As part of the lawsuit, successfully negotiated a settlement in which the contractor repaired the defects at issue.
- Represents contractor in an arbitration proceeding concerning disputed change orders, project delays, and construction defects. As part of the proceeding, successfully prepared and argued a motion for summary judgment defeating a majority of the opposing party's claims.

## Healthcare

- Represents a medical services provider in incorporating construction-related issues into facility leases.
- Represents a hospital system in preparing construction contracts for use on a variety of facility projects.

## Universities

- Represented a private university in defending against a lawsuit filed by a subcontractor alleging that it was wrongfully terminated from a construction project and seeking foreclosure of a mechanic's lien. The case was successfully settled at mediation with the client paying no portion of the claim, instead recovering a portion of its attorneys' fees from a co-defendant.
- Represented a private university in preparing a suite of design and construction contracts for use on future construction projects.

## Professional & Community Service

Ashley is committed to partnering with local organizations that provide invaluable services for and assistance to the North Texas community. Her service includes:

- The Real Estate Council, 2015-Present
  - *Young Guns Core Committee, Rising to the Top Chair, 2020*
  - *Young Guns Breakfast Group Leader, 2019*
  - *Young Guns Casino Night Committee, 2017-2019; Raffle Sub-Committee Chair, 2019*
  - *Young Guns Foundation Project Committee, 2016*
- State Bar of Texas Construction Law Section
  - *Dallas Young Construction Lawyers Committee Chairperson, 2020-2021*
- Dallas Bar Association Construction Law Section
  - *Council Member, 2021-Present*
- Dallas Area Habitat for Humanity Young Professionals, 2017-2020
  - *President, 2020*
  - *Vice President, 2018-2019*
  - *Board Member, 2017*

- Dallas Area Habitat for Humanity, Dallas Neighborhood Alliance Board Member, 2019-2020
- Dallas Bar Association, Student Law Internship Program Committee, 2015-2021
  - *Chair, 2018-2021*
  - *Vice-Chair, 2017*

## Awards & Recognition

- *Best Lawyers: Ones to Watch*, (BL Rankings, LLC), 2021-2025

## Admissions

- Texas, 2013