



# CANTEY HANGER LLP

## ATTORNEYS

### CONSTRUCTION LAW SECTION

#### Cantey Hanger LLP Aids in Big Win for Construction Industry

*By: John Polzer, October 8, 2015*

Fort Worth, Texas – September 23, 2015. The Texas Court of Criminal Appeals, Texas’ highest criminal court, handed down a decisive win for the construction industry in *Liverman v. State*, No. PD-1595-14, PD-1596-14. Cantey Hanger partner, John S. Polzer, and associate, Christopher A. Brown, filed an amicus curiae brief on behalf of the Texas Construction Association.

In a case arising out of Denton County, Texas, an invalid lien affidavit was filed with the Denton County Clerk’s Office. The Denton County District

Attorney’s Office prosecuted the lien filer for securing the execution of documents by deception. The Court held, in an opinion by Presiding Judge Keller, that a person does not commit a crime by filing an invalid lien.

This opinion is an important win for the construction industry as liens are often disputed. As Cantey Hanger argued on behalf of the Texas Construction Association, an opinion criminalizing the filing of invalid liens would have negative and far-reaching consequences to the industry.

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**You want us on your side.<sup>SM</sup>**

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