



Phillip Schmandt

Partner

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PRACTICE AREAS

Technology

Real Estate

*Corporate & Business
Transactions*

Mergers & Acquisitions

*International Trade and
Transactions*

Water Law

INDUSTRIES

Technology

Real Estate

Phillip Schmandt's practice began with an international law firm in Austin, Texas, where he focused primarily on corporate and real estate transactions. Within four years of beginning to practice law, Phillip was primary counsel for one of the largest real estate developments in Texas, a 5,000-acre development in Williamson County. Phillip continues to represent that client 20 years later.

Later, Phillip had opportunities to practice in Kuwait, Frankfurt and later Houston, where he developed expertise in technology and internet law.

He offers clients substantial expertise in structuring, negotiating and drafting electronic data agreements, software licensing and software-as-a-service (SaaS) agreements, licensing and marketing agreements, joint ventures and strategic alliances. Phillip represents both software (as product) and SaaS providers — as well as companies acquiring those technologies — on a worldwide basis. He has also represented technology companies that serve the upstream oil and gas industry, including U.S.-based and multinational oil companies.

Phillip has deep expertise in representing industry consortiums and tax exempt standards setting bodies, including organizations promoting electronic commerce, electronic data standards and renewable energy.

Phillip continues to practice in his original area of expertise, Central Texas real estate and development. He has worked extensively with clients in Travis, Hays and Williamson Counties in all aspects of the development process including: entity formation and financing, acquisition, due diligence and entitlements, and sales and leasing. Phillip has counseled residential, commercial and industrial developers and represented them before governmental agencies, municipalities, counties, state and federal agencies, and other governing bodies. He also has experience in special district laws, such as utilities and taxing districts. Moreover, Phillip has represented governmental entities in preparing their own development regulations, experience which is reflected in his balanced and practical approach to issues that arise in the development process.

Phillip practices in state and federal courts, as well as international arbitration tribunals.

Representative Experience

TECHNOLOGY

Phillip's comprehensive technology experience includes:

- Acting as lead counsel on a \$100 million plus global web hosting and storage outsourcing contract for a Fortune 500 company operating on all continents.
- Serving as lead counsel on a \$100 million plus global telecommunications contract for a Fortune 500 oilfield service company.
- Acting as lead counsel on many multi-million dollar SaaS transactions.
- Acting as general counsel to an e-commerce consortium of oilfield service companies that is leading the implementation of e-commerce in oil and gas exploration.
- Acting as lead counsel for an electronic commerce standards setting organization that is a nonprofit business league.
- Providing local counsel for an international software developer with a global customer base in oil rig and ship construction.
- Serving as technical editor for the European Union's Committee for Standardization (Comité Européen de Normalisation or "CEN"), regarding electronic invoicing in the European Union.
- Negotiating electronic data exchange and network interoperability agreements with electronic networks operating in North America, Latin America and Europe.
- Serving as primary counsel to internet-based, e-commerce and technology businesses from start-up through all phases of operation.
- Representing the co-founder of a privately-held software development company in a buyout on advantageous terms, and through the successful assertion of complete control over the company following a dispute among the co-founders.

Real Estate

Phillip's key experience and clients include:

- Serving as lead counsel for foreign investors acquiring and developing a 2,500-acre ranch in Central Texas for a master-planned community.
- Acting as local counsel for the national developer of a 5,000-acre master-planned community and assisting in real estate, governmental relations, and nonprofit homeowner association matters.
- Serving as lead counsel in negotiating and obtaining development agreement with City of Kyle for 2,000+ acres.
- Representing a county government in developing subdivision and environmental protection regulations that have served as a model for other counties across Texas.
- Counseling one of the largest real estate developments in Hays County, Texas with particular emphasis on water- and utilities-related issues.
- Acting as lead counsel for re-development of former semi-conductor factory in Austin, Texas.
- Negotiating joint venture, financing, leasing, sale and acquisition of commercial real estate including raw land and developed properties throughout the United States and the world.
- Negotiating hotel management and franchise agreements on behalf of both managers and owners.

Establishing and serving as counsel to homeowner and condominium owner associations and other nonprofit entities.

Publications & Presentations

- Editor and contributing author, *The European Union Model Interoperability Agreement for Electronic Business Documents* (European Committee for Standardisation (Comité Européen de Normalisation (CEN), 2011)
- Editor and contributing author, *Code of Practice for Electronic Invoicing in the European Union* (European Committee for Standardisation (Comité Européen de Normalisation (CEN), 2011)
- Author, Guest Editorial *Politics Not Economics Drives Austin Electric Rates* (Austin American Statesman, December 8, 2013)
- Co-Author (with Stefan Engel-Flechsigt), *The Transposition of the European Union's 2010 Electronic Invoicing Directive and the Resulting Legal Landscape*, Journal of Internet Law (July 2013)
- The Wild Wild West: 4 Questions a CEO Should Ask to Best Sheriff Cloud Computing and Big Data, Texas CEO Magazine: General Counsel (January/February 2013)
- Author, *The European Union Model Interoperability Agreement for Electronic Business Documents*, American Bar Association, The Business Lawyer, Vol. 68 (1) (November 2012)
- Author, "Commercial (B2B) Electronic Commerce Law," *Chapter 15 of Internet Law for the Business Lawyer, Second Edition*, edited by Juliet M. Moringiello, American Bar Association (August 2012)
- Written and oral testimony regarding the governance of Austin Energy and SB 410, Texas Senate Business & Commerce Committee (March 2013)
- Speaker, *Recent E-Invoicing Developments in the EU*, State Capital Group 2012 International Meeting, Utrecht, The Netherlands (June 2012)
- Speaker, *Protecting Your Client's Commercial Data on the Internet*, American Bar Association Business Section Spring Meeting, Denver, Colorado (April 2010)
- Co-author, Op-Ed, *Why the Proposed Generation Plan is the Right Path Forward for Austin*, Austin American Statesman (February 2010)
- Co-author, *How CEN E-Invoicing Compliance Guidelines Impact Your Company*, E-Commerce Times (February 2010)
- Co-author, *Single Field Encryption of Electronic Invoices*, published by OFS Portal, LLC (July 2009)
- Author, *E-Invoicing in Europe*, News Bulletin, McGinnis, Lochridge & Kilgore, LLP (July 2009)
- Moderator, *Electronic Marketplaces and Exchanges; Antitrust and Commercial Perspectives*, American Bar Association, Business Law Section, Vancouver, British Columbia (April 2009)
- Author, *EU Commission Proposed New Rules Streamlining Use of Electronic Invoices in Europe*, ABA Business Law e-Newsletter (March 2009)
- Speaker, *Compliance Framework for B2B Marketplaces (and Their Customers)*, Open Network for Commerce Exchange Conference, Dallas, Texas (March 2009)
- Speaker, *Ten Lessons Learned in Negotiating International E-Commerce Agreements*, American Petroleum Institute 2008 PIDX Latin America Conference, Buenos Aires, Argentina (May 2008)
- Moderator, *Hot Cyberspace Issues*, American Bar Association Business Law Section Meeting, Dallas, Texas (April 2008)
- Speaker, *Electronic Business Data at Risk — It's 10:00 pm, Do You Know Where Your Electronic*

Data is?, Petroleum Equipment Suppliers Association (March 2008)

- Author, *Is Your Electronic Data Agreement Your Supply Chain's Weakest Link?*, E-Commerce Times (February 2008)
- Moderator, *Top Ten Challenges in Clean Tech Venture Funding*, Clean Energy Venture Summit, Austin, Texas (May 2007)
- Author, *Move to Electronic Transactions Easier with Data Agreement*, Austin Business Journal (July 2006)
- Author, *E-Commerce meets Sarbanes-Oxley*, Business Edge (February 2006)

Professional Associations & Community Involvement

- Board Member, Habitat for Humanity (2020 - present)
- Director and President, Austin Convention Enterprises, Inc. (which owns and manages the Austin Convention Center Hotel) (March 2020 - present)
- Board of Directors, Workers Defense Project (2019 – present)
- Exemplary Service Award, City of Austin (July 2013)
- Texas C-Bar Community Leader Award, Common Ground Health Clinic (2007)
- City of Austin Electric Utility Commission (Commissioner, 2006–2013; Chair, 2008–2012)
- Co-Chair, Cloud Computing Contracting Subcommittee, Cyberspace Committee of the American Bar Association Business Law Section (2012 - present)
- Co-Chair, Electronic Commerce Subcommittee, Cyberspace Committee of the American Bar Association Business Law Section (2008–2012)
- Board of Directors, CleanTx Foundation (2012–present)
- Chair, City of Austin Mayor's Task Force: Energy Conservation, Audit and Disclosure Ordinance (unanimous recommendations from diverse stakeholders resulting in Austin's landmark Energy Conservation and Audit Disclosure ordinance) (2008)
- City of Austin Mayor's Task Force on Zero Energy Capable Homes
- Chair, Mayor's Task Force on Generation Resource Planning (advising Austin City Council on energy resource planning through 2020), Chair (2009 - 2010)
- Technical Expert for European Committee for Standardization (Comité Européen de Normalisation, or CEN) Electronic Invoicing Workshop, (2009 – 2012), responsible for drafting and editing Code of Practice for Electronic Invoicing in the European Union and contributing author to Model Interoperability Agreement for Transmission and Processing of Electronic Invoices
- State Bar of Texas Grievance Committee, District 9A (Travis County, 2008–2014)

Court Admissions

- United States District Courts for the Western District of Texas

Bar Admissions

- Texas

Education/Professional Background

- The University of Texas School of Law, J.D., 1990 (Order of the Coif)
- Johns Hopkins University, B.A., 1983 (Phi Beta Kappa)

Other Languages

- French