STITES & HARBISON PLLC



Steven M. Henderson

Title: Member

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Location: Louisville, KY

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As a registered professional engineer and attorney, Steven represents owners, contractors, and design professionals in all aspects of the construction and design process. He successfully litigates cases in state and federal courts, and regularly manages the resolution of disputes for clients. Having spent time working as an engineer with the Kentucky Transportation Cabinet prior to becoming an attorney, Steven continues to maintain in-depth knowledge of the multiple demands placed on owners, design professionals and contractors involved in complex transportation projects. Steven is chair of the firm's Construction Service Group.

CAPABILITIES

Practice Areas

- Construction
- Drafting, Reviewing & Negotiating Construction Contracts
- Fabricated Structural Steel
- Public Private Partnerships (P3)
- Federal, State & Local Public Construction and Procurement

RECENT ASSIGNMENTS

- Represented the Kentucky Association of Highway Contractors in a high-profile appeal resulting in the reversal of a $22.5 million judgment against a highway contractor, and a published Kentucky Court of Appeals opinion reaffirming critical protections for contractors

under Kentucky's Workers' Compensation Act and anti-indemnity statute.

- Defending multiple engineering firms in cases involving allegations of property damage caused by defective design or construction.
- Defending engineering firm in a multi-party dispute involving personal injury claims arising from a propane gas explosion.
- Defending major international equipment manufacturer in multiple product liability cases.
- Assisted contractors in protesting multiple OSHA citations and penalties.
- Successfully resolved dispute on behalf of a contractor accused of submitting fraudulent payment documents to a government agency.
- Obtained a favorable settlement of subcontractor’s delay claim against a government agency arising from relocation of water and sewer lines on a highway project.
- Negotiated a favorable settlement with a state transportation agency concerning payment for material on a highway project that allegedly did not comply with the agency's standard specifications.
- Successfully represented multiple contractors in bid protests challenging the award of contracts for highway and bridge projects.
- Representing multiple contractors in pursuing or defending performance and payment bond claims related to subcontractor defaults.
- Obtained summary judgment in a complicated commercial construction dispute involving delay claims and allegations of defective construction.
- Successfully resolved a design and construction defect case on behalf of a condominium owner’s association.
- Successfully litigated a multi-party case for a national developer involving claims of fraud and defective construction asserted by a condominium owner's association.
- Successfully resolved complicated payment dispute on contracting mining project that resulted in multi-million dollar payment to client.
- Drafted multi-million dollar construction contracts for several owners, including manufacturing facilities, hotels, museums and a recycling facility.
- Drafted design-build contract and proposal documents for quasi-public agency.
- Successfully litigated a contractor’s claims against a manufacturer and a design engineer involving a poorly designed telecommunications tower. The client obtained a substantial settlement during early mediation and avoided substantial litigation costs.
- Drafted and negotiated various design and construction contracts on behalf of contractors, subcontractors and design professionals.
- Drafted and negotiated multiple contract mining agreements for a multi-million dollar surface mining project.

BAR ADMISSIONS

- Kentucky
- U.S. Court of Appeals for the 4th Circuit
- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Federal Claims
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- SB 195 - What the Bill Does and Does Not Do for our Industry
  Speaker, Kentucky Association of Highway Contractors (KAHC), May 7, 2026
- Important Update to Retainage Requirements for Private Construction Projects in Kentucky
  ,with John Paul Stilz (JP) Stites & Harbison Client Alert, January 7, 2026
- Don't Bet the Company! Tips for Managing Risk of Third-Party Claims on Highway Projects
  presenter, 2025 Kentucky Highway Industries (KHI) Annual Convention, February 11, 2025
- Evaluating and Mitigating the Impact of Trump's Tariffs on Construction Projects
- Best Practices for Presentation of Damages in Arbitration
  Speaker, 2024 Construction Law Institute, Lexington, KY, October 17, 2024
- Preventing Structural Failures Through Improved Communication of Design Intent: Recent Revisions to the AISC Code of Standard Practice for Steel Buildings and Bridges
  co-presenter, 2024 Annual Conference, Structural Engineers Association of Kentucky, May 24, 2024 *,with Gregory P. Parsons*
- Navigating The Trenches: How to Avoid, Manage, and Resolve Construction Disputes
  Speaker, Dig Down Deep Spring 2023, NUCA of Middle Tennessee, March 31, 2023
- Labor Shortages, Supply Chain Issues, and Inflation in the Construction Industry
  co-presenter, 2022 Construction Law Institute, UK Rosenberg College of Law CLE, October 20, 2022
- Nerves of Steel Needed as Firms Face Inflation, Broken Contracts and Price-Gouging
  by Richard Korman, Jonathan Barnes and Greg Aragon, *Engineering News-Record (ENR)*, October 7, 2021
- Stites & Harbison: New Member
  We Dig Tennessee Podcast, National Utility Contractors Association (NUCA), October 7, 2020
- State of the Union – Mitigating the Impact of COVID-19 on Infrastructure Projects
  ARTBA's 12th Annual Law & Regulatory Forum, June 3-4, 2020

- ARTBA 12th Annual Law & Regulatory Forum – Live Online

  Webinar presented by American Road & Transportation Builders Association (ARTBA), June 4, 2020

- Information You Need on the COVID-19 Coronavirus

  Stites & Harbison, PLLC March 2020

- Professional Ethics for Structural Engineers

  Thirty-Ninth Annual Structural Conference, Structural Engineers Association of Nebraska (SEAON), Omaha, Nebraska, September 20, 2019

- Pre-Bid Due Diligence

  ,with David B. Ratterman Modern Steel Construction, American Institute of Steel Construction, March 2019

- Supreme Court of Kentucky Holds Claim-Preservation Requirements Not Barred by KFCA; Strictly Enforced Notice Provisions

  Stites & Harbison Client Alert, December 21, 2018

- Guided Choice and Emerging ADR Trends

  ARTBA Southern Regional Meeting, Atlanta, Georgia, October 30, 2018

- The steel tariff. What does it mean to the construction industry and to individual steel fabricators?

  ,with Gregory P. Parsons and David B. Ratterman Stites & Harbison Client Alert, June 13, 2018

- Kentucky Amends Public-Private Partnership Laws to Reduce Red Tape

  Stites & Harbison Client Alert, April 20, 2018

- Project Delivery Trends and Practical Advice for Public Infrastructure Projects

  Presenter, Kentuckians for Better Transportation (KBT) Annual Meeting, January 19, 2018

- From the Backstretch to the Finish Line and Contested Results - Bid Protests

  Panelist, Off to the Races–Government Contracts: From the Paddock to the Winner's Circle and Beyond, ABA Section of Public Contract Law, November 2-3, 2017

- Bid Protests: Tips for Navigating Procedural and Substantive Obstacles in Local Procurements

  Paper, Off to the Races–Government Contracts: From the Paddock to the Winner's Circle and Beyond, ABA Section of Public Contract Law, November 2-3, 2017

- Ethics, Laws, and Regulations

  Webinar, Steel Joist Institute, 2017

- Court of Appeals Approves Franklin Rock Quarry

  WBKO, March 31, 2017

- Subsurface Trespass in Kentucky for Coal and Aggregate Producers: Adopting Net Value Rule and Elimin

  Stites & Harbison Legal Update, February 25, 2016

- Joint Ventures: Considerations for Effective Organization and Execution

  American Road & Transportation Builders Association (ARTBA) Southern Regional Meeting, December 3, 2015

- OSHA Is Coming . . . OSHA Issued Your Company a Citation . . . Now What?

Annual Transportation Construction Law & Regulatory Forum, American Road & Transportation Builders Association (ARTBA), June 16, 2015

- Subsurface Conditions & Construction Contracts - What you Need to Know
  Webinar, American Road & Transportation Builders Association (ARTBA), November 5, 2014
- False Claims Act Warnings to Heed
  Construction Law Institute 2014, University of Kentucky College of Law, Lexington, Ky., October 23, 2014
- Building Information Modeling (BIM): Past, Present and Future
  Structural Engineers Association of Kentucky, Annual Conference, May 8, 2014
- Ethics: Where Does Your Responsibility End
  University of Louisville, Civil Engineering Professional Practice Course, November 2013
- Public Contracts & Procurement Regulations for Kentucky
  Presenter, Lorman Education Services, September 18, 2013
- Documentation Requirements for Construction Projects
  Ky. Highway Industries Annual Convention, February 2013
- Insurance Issues in the Construction Industry
  Associated Builders and Contractors, Kentucky Chapter, October 2012
- Legal Issues for Kentucky Design Professionals
  HalfMoon Education, July 26, 2011
- Engineering Ethics - Understanding the Relationship between Professional Ethics and Legal Liability
  KSPE Annual Convention, April 28, 2011
- Ethics: Where does your responsibility end?
  Presenter, North American Steel Construction Conference, 2010
- Contractors Beware – Strings Attached to Projects using Stimulus Funds
  Stites & Harbison, PLLC, Client Alert, April 5, 2010
- Kentucky Construction Law
  Stites & Harbison, PLLC, Bowling Green, Ky., March 12, 2009
- What you need to know about dealing with project suspension
  Stites & Harbison, PLLC, Client Alert, December 24, 2008
- What you need to know about contracting with the government
  Small Business Administration seminar sponsored by Congressman John Yarmuth, October 2008
- What to do When a Construction Project Goes Bad
  Lorman Education Services, Louisville, Ky., February 26, 2008 *,with Erika R. Barnes*
- Construction Compendium
  Authored chapter on Kentucky Construction Law, The Harmonie Group (2008)

- Legal Handbook for Architects, Engineers and Contractors, Issues in Construction and Technology 2006/2007
  Contributing Author, Albert H. Dib ed., 2007
- Kentucky Construction Law Handbook
  assisted with research and writing, 2007
- Walking the Line Between Contract and Tort in Construction Disputes: Assessing the Use of Negligent Misrepresentation to Recover Economic Loss after Presnell
  Note, 95 Ky.L.J. 145 (2006)
- Fundamentals of Construction Contracting
  Co-author of materials for seminar

FIRM LEADERSHIP

- Construction Service Group, Chair

MEMBERSHIPS

- American Bar Association
- Kentucky Bar Association
- Louisville Bar Association
- American Society of Civil Engineers
- Kentucky Association of Highway Contractors
- Registered Professional Engineer,
  - (Ky., No. 22555)

COMMUNITY INVOLVEMENT

- Kentuckians for Better Transportation, Board of Directors (Chair, 2021-22)
- Shelby Co. UK Alumni Association, Board of Directors

EDUCATION

- University of Kentucky College of Law J.D., *magna cum laude* 2007
- University of Kentucky M.S., Civil Engineering, 1999
- University of Kentucky B.S., Civil Engineering, *cum laude* 1997

MORE THAN STITES & HARBISON

Steven is a member of the Board of Directors of Kentuckians for Better Transportation, the Shelby Co. UK Alumni Association, and the finance committee of Centenary United Methodist Church in Shelbyville, Ky. Steven is an avid outdoorsman and enjoys hunting, backpacking, snow skiing, and any other activity that gives him the opportunity to enjoy some quiet time in the woods. He also enjoys golf (most of the time) and spending time with his wife, Emily, and his daughter, Clara.

ACCOLADES

- *Martindale-Hubbell*® AV-Preeminent® Peer Review Rated
- *Best Lawyers in America*®, Construction Law and Litigation - Construction (2017-27)
- *Best Lawyers in America*®, Louisville Litigation – Construction Lawyer of the Year (2026)
- *Best Lawyers in America*®, Louisville Area Lawyer of the Year in Construction Law (2021, 2025)
- *Kentucky Super Lawyers*® (2018-26)
- *Kentucky Super Lawyers*®, Rising Star (2015-17)
- *Benchmark Litigation* magazine, Litigation Star (2026)