



Melissa Dewey Brumback, Partner

D 919.881.2214 | F 919.783.8991

mbrumback@rl-law.com

Melissa is a litigation partner with over 20 years of experience, whose practice is focused on construction law and business disputes. She primarily represents architects and engineers, advising them on contract proposals to limit risks, defending them when litigation does arise, and assisting them in the collection of their accounts receivables. Her cases have included construction administration and management claims, plan defect claims, testing failure claims, and delay claims, and she has represented them in State and Federal courts as well as in binding arbitration. Her practice includes the defense of all sizes of claims, from private commercial buildings to large, multi-million dollar public projects.

In addition to construction cases, Melissa handles commercial litigation, business torts, contract negotiation, medical negligence claims, product defect liability, premise liability, title insurance litigation, and director and officer liability.

Since 2009, Melissa has written and edited Construction Law in North Carolina (www.constructionlawNC.com), which is dedicated exclusively to the design professional community. The blog is critically-acclaimed at the national level and has been awarded the "Best Construction Blog" prize by *Design and Construction Report*.

Experience Highlights

(Every case is different and depends on its own unique facts. Results may vary.)

Confidential Arbitration. Arbitrator found in favor of plaintiff-contractor (client) in private binding arbitration involving unpaid fees with counterclaim for alleged construction defects totaling over \$800,000.

After two week jury trial, awarded complete defense verdict (\$0.00 award) in favor of architect-client in construction litigation lawsuit involving allegations of architect's professional negligence.

Confidential Arbitration. Arbitrator awarded complete defense verdict (\$0.0 awarded) in favor of engineer-client after lengthy binding private arbitration.

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Areas of Focus

Business Litigation
Complex Litigation
Construction Law
Construction Litigation
Insurance Litigation
Professional Licensing Boards
Title Insurance

Education

UNC at Chapel Hill School of Law, J.D. 1998
UNC at Chapel Hill 1994, highest honors

Admissions

North Carolina Bar 1998
North Carolina State and Federal Courts |
US Court of Appeals - 4th Circuit
Supreme Court of the United States

Professional Affiliations

American Bar Association, Litigation and
Construction Sections
North Carolina Bar Association, Construction
Law Section - AIA/Design Professionals
Liaison Committee, Co-chair
Wake County Bar Association
10th Judicial District Bar, Grievance
Committee
Claims & Litigation Management Alliance,
Editorial Board of *Journal of American Law*
Defense Research Institute (DRI)
NC Association of Defense Attorneys,
Construction Law Section
RL Mace Universal Design Institute, Board of
Directors & President, 2008-13

Community

North Carolina Jaycees, General Counsel,
2007-08
Chapel Hill Jaycees, 2002-08; 2002 Steering
Committee Chair to re-charter the chapter

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Publications & Presentations

Ms. Brumback is a well-respected author and presenter in the construction industry. Dozens of her articles relating to legal issues for design professionals, and risk avoidance for construction projects have been published and she routinely lectures to multiple national, regional, and local construction-related industries on legal matters, including the American Council of Engineering Companies (ACEC) and the American Institute of Architects (AIA), the Construction Defect Claims Managers Association (CDCMA) and the Construction Super Conference. Her speech topics have included:

- Top Ten Amendments to the 2018 version of the AIA A-201 General Conditions
- 7 Critical Mistakes that Engineers & Architects Make During Project Negotiation & Execution that Sabotage their Projects and Invite Litigation
- Designing the Project: Insurance for the Design Team
- Keeping Your House in Order: Risk with BIM and LEED projects
- Construction Contract Drafting Strategies: Scope of Services, Duties of Parties, Project Modifications, and Termination Issues
- Multi-Party Construction Cases: Joinder of Subcontractors & Design Professionals in Binding Arbitration Agreements
- Scope of Services Under AIA, EJCDC, and ConsensusDocs Contract Forms

Recent Publication

THE Construction Contracts Book (3rd Edition), Editor, "Re-design Costs," American Bar Association (2020)

Honors & Awards

AV Preeminent® Peer Rating – Martindale-Hubbell®
Super Lawyers® NC list in Construction Litigation since 2015; Rising Star list, 2011-12
Claims & Litigation Management Alliance, Journal of American Law Editorial Board
Legal Elite in Construction Law by *Business North Carolina* magazine 2013, 2016, 2021
LEED (Leadership in Energy and Environmental Design) Green Associate, 2011
Bar Register of Preeminent Women Lawyers – Martindale-Hubbell®
Best Construction Blog award by *Design and Construction Report*, 2011
JD Supra's Annual Reader's Choice Award – Best Top Ten Construction Blog 2019
Impact Law Leader 2008 by *Business Leader Magazine*
Triangle Business Journal's 2006 "40 Under 40" Award
Corning Community College 2017 Eileen Collins Professional Achievement Award

