



Melissa Dewey Brumback, Partner
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Melissa is a litigation partner with over 25 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 and defending them when litigation does arise. Melissa is a Panel Member of the American Arbitration Association in Construction Law.

Melissa's cases have included construction administration and management claims, plan defect claims, testing failure claims and delay claims. Her practice includes the defense of all sizes of claims, from private commercial buildings to large, multi-million dollar public projects. She defends clients in State and Federal courts as well as in binding arbitration.

In addition to construction cases, Melissa handles commercial litigation, business torts, contract negotiation, medical negligence claims, product defect liability, premises 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)*

Received all damages sought for client after jury trial involving business partnership dissolution.

Obtained summary judgment for engineer-client on the basis that the identified experts against client were unable to state that client violated any standard of professional conduct.

Obtained summary judgment and dismissal of all claims against architect-client, including claims of gross negligence in Superior Court of the basis of the statute of repose and statute of limitations.

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
- Contracts
- Insurance Litigation
- Professional Liability
- Title Insurance

Education

- UNC at Chapel Hill School of Law, JD 1998
- UNC at Chapel Hill, BA 1994
- Honors and highest distinction*

Admissions

- North Carolina 1998
- North Carolina State & Federal Courts
- US Court of Appeals – 4th Circuit
- Supreme Court of the United States

Professional Affiliations

- American Arbitration Association - Panel Member in Construction Law
- American Bar Association - Litigation and Construction Sections
- North Carolina Bar Association - Construction Law Section Council Member; AIA/Design Professionals Liaison Committee Chair
- Wake County Bar Association/Tenth Judicial District Bar, previous Grievance Committee
- Claims & Litigation Management Alliance (CLM)
- Defense Research Institute (DRI)
- North Carolina 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), Claims & Litigation Management (CLM), North Carolina State Bar Association, NC Association of Defense Attorneys, and the Construction Super Conference. Her speech topics have included:

- 7 Critical Mistakes that Engineers & Architects Make During Project Negotiation & Execution that Sabotage their Projects and Invite Litigation
- The Top 10 Amendments to the 2017 version of the AIA A-201 General Conditions
- Designing the Project: Insurance for the Design Team
- A View from Outside Counsel: Mitigating Engineering Risks
- 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 Publications:

Contractor Termination Issues for the Architect/Engineer - Construction Law NC blog (July 2023)

Construction Checklists: A Guide to Frequently Encountered Construction

Issues, (2nd Edition), American Bar Association (2022) - Author of the chapter, "Owner-Architect Agreements" and Editor of the chapter, "Pitfalls of the Architect as Contract Administrator"

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

ABA Forum Construction for D1 Dispute Resolver blog, January 2020

Honors & Awards

AV Preeminent® Peer Rated - Martindale-Hubbell®

Best Lawyers in America® - Construction Law/
Construction Litigation/Insurance Litigation

Super Lawyers® NC lists - Construction Litigation since 2015; Top 50 Women Lawyers 2023-24; Rising Star lists 2011-12

Legal Elite - *Business North Carolina* magazine,
Construction Law - 2013, 2016, 2021-23

Claims & Litigation Management Alliance (CLM) -
Journal of American Law Editorial Board

Eileen Collins Professional Achievement Award -
Corning Community College, New York

LEED (Leadership in Energy & Environmental
Design) - Green Associate

Bar Register of Preeminent Women Lawyers -
Martindale-Hubbell®

Best Construction Blog award by *Design and
Construction Report*

JD Supra Reader's Choice Award 2019 - Top 10
Construction Blogs

Triangle Impact Law Leader - *Business Leader*
magazine

"40 Under 40" Award 2006 - *Triangle Business Journal*



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