

# Construction Law in North Carolina

Melissa Dewey Brumback  
2840 Plaza Place, Suite 400  
Raleigh, NC 27612

Phone: (919) 881-2214  
Fax: (919) 783-8991  
Email: [mbrumback@rl-law.com](mailto:mbrumback@rl-law.com)  
Website: [constructionlawNC.com](http://constructionlawNC.com)

## Certificate of Merit to sue architects or engineers? (Tue Tip)

By Melissa Brumback on April 5, 2011

**You know how they say the best laid plans can go awry?** Just as unforeseen issues pop up in construction, they also pop up in the practice of law. So, while it is still Tuesday, I apologize for the late hour of my post.

I bring you good tidings, despite my lateness. Right now, in the North Carolina General Assembly, is [a proposed bill](#) that would require a Certificate of Merit to be filed in civil litigation against an architect, engineer, or a design firm. **If it passes, this would require that an unbiased, third party (who is also a licensed professional) has reviewed the claim and believes it has merit.**



*This boy has his certificate of merit: will lawsuits against architects and engineers require the same?*

Such a pre-lawsuit requirement has long been a right that doctors enjoy. Now, there may be a chance for architects and engineers to also enjoy protection from otherwise frivolous lawsuits.

# Construction Law in North Carolina

Melissa Dewey Brumback  
2840 Plaza Place, Suite 400  
Raleigh, NC 27612

Phone: (919) 881-2214  
Fax: (919) 783-8991  
Email: [mbrumback@rl-law.com](mailto:mbrumback@rl-law.com)  
Website: [constructionlawNC.com](http://constructionlawNC.com)

The bill has been introduced, had its first reading, and has been referred to the Judiciary Committee. While the bill is a long way from passage, it is a good sign that the public recognizes too often professionals are the targets in lawsuits simply because of their “deep pockets” (really!) or their insurance coverage.

You can keep track of the progress of Senate Bill 435 [here](#).

(h/t to Kathryn Westcott, ACEC-NC Executive Director)

Photo: (c) [John Dolan](#) via Flickr/Creative Commons License.

This document is intended for general informational purposes only and does not provide any legal advice nor create any attorney-client relationship.

Statutes and case law vary from jurisdiction to jurisdiction. Information presented here may not be applicable to any individual situation. You should consult a licensed attorney in your jurisdiction for legal advice relating to your specific situation.

The opinions expressed herein are those of the author and not of Ragsdale Liggett PLLC.

All material in this blog copyright 2009-2011.