



Russell B. Killen

Partner, Board of Directors of the Firm

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t 919.890.4151



Russell Killen focuses his practice in the area of construction and land development, including dispute resolution, contract negotiation, and project entitlement. He counsels clients through the complete life cycle of development, from entitlement through construction and the final resolution of any disputes. Russell's national and international clients include universities, real estate developers, hospitals, hotels, homebuilders, product manufacturers, architectural and engineering firms, and general contractors. He regularly presents seminars on risk management, project entitlement, advanced contract negotiation, and project delivery methods.

He represents clients involved in complex construction projects, including contract negotiations, scheduling and delay claims, construction defect claims, retaining wall and foundation failures, mold and indoor air quality claims, lien claims, and payment disputes.

Russell negotiates and drafts construction contracts for clients throughout the country and internationally. His experience includes EPC contracts, design-build contracts, and multiyear multiphase projects. His focus on developing and implementing specific solutions for each project helps his clients avoid many of the customary pitfalls associated with construction projects.

Finally, his extensive experience and contacts in the municipal arena provide his clients a unique perspective and benefit in connection with land use and zoning matters, where he regularly represents commercial, multifamily, resort, and residential developers.

Russell served as mayor of the Town of Knightdale from 2007 to 2015 and was president of the Wake County Mayors Association in 2011 and 2015. He currently serves as an interim member of the Knightdale Town Council and previously served as a councilor from 2003 to 2007.

REPRESENTATIVE EXPERIENCE

Dispute Resolution

- Represented owner/developer in separate arbitration, state court, and federal court proceedings regarding the development of a luxury home community with more than \$150 million in infrastructure.



RALEIGH OFFICE



PRACTICE AREAS

Construction
 Professional Negligence
 Defense
 Real Estate Litigation
 Litigation
 Alternative Dispute
 Resolution (ADR)
 Public Transit
 Infrastructure Development



EDUCATION

Duke University
 JD, 1994
 University of North Carolina
 at Chapel Hill
 BA, 1991



ADMISSIONS

North Carolina, 1994



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- Successfully defended a national engineering firm against multimillion-dollar claim alleging design defects and delays arising out of the design and construction of drilled shafts on an interstate highway project.
- Prosecuted general contractor's \$4 million claim against product manufacturer, architectural firm and subcontractors regarding the design and construction of the roofing system for the facility.
- Prosecuted claims on behalf of a health care system regarding major delays in the design, construction, and permitting of a new central energy plant.
- Successfully defended national homebuilder in a series of construction defect/environmental contamination lawsuits and attempted class certification of the lawsuits.

Contract Negotiation

- Drafted and negotiated design, construction, and ancillary agreements for construction of a new North American headquarters for an international automobile manufacturer.
- Drafted and negotiated design and construction contracts for hospital system's multiyear, multiphase campus expansion program, including construction of new patient towers.
- Negotiated development and construction contracts on behalf of a university for its campus housing expansion projects.
- Drafted contracts and negotiated the owner-controlled insurance program for the construction of a new \$150 million manufacturing facility on behalf of an international pharmaceutical client.
- Drafted EPC contract for international textile manufacturer's major expansion of an existing facility in western North Carolina.
- Prepared and negotiated contracts for design and construction related to development of international resort property.

Land Use & Entitlement

- Served as counsel for developer on rezoning and entitlement of 100-acre tract in Cary, North Carolina, for retail, office and residential development, involving coordination with State Property Office, negotiating provisions



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for zoning overlay district, and collaboration with town council and adjacent property owners.

- Represented commercial developer on build-out, entitlement, and leasing of 22-acre mixed-use development, including sketch plan review, securing utility easements, and organizing community outreach.
- Represented hotel owner in connection with entitlement of new hotel.
- Advised and represented developer in pursuing and seeking amendment of existing entitlements for master planned mixed-use development.

CLIENT ALERTS

- "Mechanics' Lien Law Changes for Contractors," November 2012
- "Mechanics' Lien Law Changes for Subcontractors," November 2012
- "Mechanics' Lien Law Changes for Owners," November 2012

PUBLICATIONS

- "Letter to the Editor: Clean Water," The News & Observer, July 2018
- "Keeping Your Complex, Multi-Party Construction Case on Time and Budget ," NC Bar Association, September 2014

SPEAKING ENGAGEMENTS

- "Knightdale Station – Preston Development: From due diligence to sales," Speaker, ULI Spring Meeting – Residential Neighborhood Development Council , April 2016



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HONORS

- *The Best Lawyers in America* in Construction Law, 2007-2020; Construction Litigation, 2011-2020
- *Business North Carolina* magazine's "Legal Elite" in Construction, 2006-2007, 2009, 2012-2014, 2018-2019
- *North Carolina Super Lawyers*, 2007-2019
- Triangle Business Journal's 40 Under 40, 2006
- Martindale-Hubbell AV® Preeminent™ in Construction; Professional Negligence Defense; Real Property Dispute Resolution; Litigation; Alternative Dispute Resolution (ADR); Public Transit
- Phi Beta Kappa

MEMBERSHIPS

- Wake County Mayor's Association, President, 2011, 2015
- Wake Education Partnership, Board of Directors, 2005-present
- Triangle Land Conservancy, Board of Directors, 2014-present
- North Carolina League of Municipalities, Finance and Administration Legislative Committee 2009-2015
- Communities in Schools of the Triangle, Board of Directors, 2013-2015