



Robert Jason Herndon

Partner

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t 919.835.4630



Jason Herndon concentrates his practice primarily in construction law. He provides solutions-oriented guidance to his clients aimed at achieving positive outcomes as efficiently as possible. His clients consist of a diverse group of industry participants that include design professionals, public utilities, regional and national contractors, municipalities, private project owners, and construction sureties.

He regularly handles significant construction claims with millions of dollars – and sometimes tens of millions of dollars – at stake for his clients. He has successfully litigated a wide variety of construction issues, including scheduling/delay disputes, design defects, disruption and productivity claims, construction defects, cumulative change impacts, payment and performance bond claims, mechanics' lien claims, and contract disputes. In addition to his litigation work, he also routinely provides advice to his clients on dispute avoidance, contract negotiation issues, and other matters.

Jason is a leader within the North Carolina Bar Association's Construction Law Section. He currently serves as its immediate past chair and has previously served as chair of its Lien and Bond Law Revision Committee and the Ethics and Legislative Affairs Committee. He frequently speaks to industry groups on a range of construction topics that include professional liability, delay claims, mechanics' liens, and contract issues. Jason's construction law work has been recognized by numerous legal industry publications, including *Business North Carolina's* "Legal Elite," *North Carolina Super Lawyers*, and *Benchmark Litigation's* "Under 40 Hot List."

In addition to his construction practice, Jason also represents clients in connection with landlord-tenant issues, debtor-creditor claims, class action defense, and other commercial disputes. Before joining Parker Poe, he clerked for the Honorable Lacy H. Thornburg, United States District Court Judge for the Western District of North Carolina.

In 2019, the *Triangle Business Journal* named Jason among the 40 top business leaders under the age of 40 in the region.



RALEIGH OFFICE



PRACTICE AREAS

Construction
Litigation
Professional Negligence
Defense
Real Estate Litigation



EDUCATION

University of North Carolina
at Chapel Hill
JD, with highest honors,
2005
Appalachian State
University
BS, *summa cum laude*,
2002



ADMISSIONS

North Carolina, 2005



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REPRESENTATIVE EXPERIENCE

- Represented a public utility in defense of delay, disruption, and change order claims, and in prosecution of claims for construction and design defects on a state-of-the-art power plant up-fit project.
- Represented a municipality in defense of disruption and impact claims by general contractor arising out of public utility project.
- Represented an international structural engineering firm in defense of professional negligence claims related to design of a cast-in-place post-tensioned bridge.
- Represented a regional architect in defense of delay, design and construction administration claims related to a restaurant up-fit project.
- Represented a payment and performance bond surety in defense of claims arising out of public airport project and in prosecution of recoupment claims against project owner.
- Represented a national contractor in connection with licensing and public bidding issues arising out of asset purchase.
- Represented a regional civil engineering firm in a fee collection dispute including successful prosecution of appeal.
- Represented a material supplier in an "approved bidder" dispute with state agency.

CLIENT ALERTS

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

PUBLICATIONS

- "The Impact of Professional Corporation Acts on Business Expansion," Construction Executive, August 2018



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- "More Balance: Using Technology to Work Smarter Not Harder," November 2015
- "Performance Bonds – The Surety's Perspective," November 2015
- "Indemnity & Contribution: Is the Subcontractor Responsible? What about the Design Professional?", November 2015
- "After the Notice... (a discussion of recent North Carolina mechanics' lien law cases)," November 2015

SPEAKING ENGAGEMENTS

- "Managing Legal Risks to Maximize Firm Profitability," Growth & Ownership Strategies Conference, November 2017
- "Experience is the Best Teacher: Lessons Learned from Real-Life Projects and Claims," American Society of Landscape Architects, N.C. Chapter Annual Conference, May 2015
- "Handling and Using Pass-Through Claims on Federal Projects: Surety Benefits, Risks, and Logistics," 18th Annual Eastern Bond Claims Review LLP Program, May 2015
- "Changes in North Carolina's Lien Laws: What You Should Know," Parker Poe Client Seminars in Charlotte and Raleigh
- "Getting Paid on North Carolina Public Projects," N.C. Department of Transportation
- "Indemnity & Contribution: Is the Subcontractor Responsible? What About the Design Professional?", National Business Institute's (NBI) Construction Defect Litigation Program
- "Lien and Bond Law: The New and the Old," N.C. Bar Association Construction Law Section, CLE
- "Performance Bond: Claims and Defense," N.C. Bar Association Construction Law Section, CLE
- "Show Me the Money (Hopefully): Understanding Your Mechanics' Lien Rights and Key Contract Provisions in a Changing Legal Environment," American Society of Landscape Architects, N.C. Chapter



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- "Surveying the Legal Landscape," N.C. Society of Surveyors
- "Understanding and Managing Delay Claims," Industry Group Seminar

HONORS

- *Triangle Business Journal's* 40 Under 40, 2019
- *The Best Lawyers in America* in Construction Litigation, 2019-2020
- *Benchmark Litigation*, Future Star in North Carolina, 2018-2020; 40 & Under Hot List, 2016-2019
- *Business North Carolina* magazine's "Legal Elite" in Construction, 2015-2016, 2019
- North Carolina Super Lawyers Rising Star, 2010-2013
- Martindale-Hubbell AV® Preeminent™ in Construction Law
- Eagle Scout, Boy Scouts of America
- Order of the Coif
- National Trial Advocacy Competition Champion, 2004

MEMBERSHIPS

- North Carolina Bar Association Construction Law Section, Chair, 2018-2019; Vice Chair, 2017-2018; Lien Law Committee, Past Chair; Ethics & Legislative Affairs Committee, Past Chair
- Lupus Foundation of America, North Carolina Chapter (LFANC), Board of Directors, 2013-present, Vice Chair, 2015-2017, Chair, 2018-present
- Marbles Kids Museum, Board of Directors, 2016-present, Executive Committee, 2019-present; Facilities Committee, Chair, 2019-present
- Wake County Library Commission, Vice Chair, 2011-2012; District 2 Commissioner, 2009-2013
- Yates Mill Associates, Board of Directors, 2009-2012