

Harper Heckman

MEMBER, NEXSEN PRUET BOARD OF DIRECTORS

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Practices

Construction Law

Litigation

Business Disputes

Industries

Construction

Education

University of North Carolina, J.D.,
1991, with honors

University of North Carolina, B.A.,
1988

Admissions

North Carolina

As the former Chair of both the State and National Construction Bars and of Nexsen Pruet's Construction Law Practice Group, Harper has the knowledge and background clients need to take on virtually any industry issue – from contract negotiation to project claims. And he has a long list of representative matters to back it up, with experience counseling clients in a number of sectors across a wide range of concerns.

An Award-Winning Practice

Harper's legal abilities and knowledge of industry issues have earned him a number of notable recognitions throughout the years. In 2015, Harper was elected as chair of the American Bar Association (ABA) Forum on Construction Law, the largest group of construction lawyers in the world. Harper is one of only three North Carolina lawyers inducted into the American College of Construction Lawyers and one of only five to receive a Band 1 ranking in Construction law from *Chambers USA*. In 2016, he was inducted into the Legal Elite "Hall of Fame" as the state's category winner for construction law. He was named Greensboro's 2013 and 2018 Lawyer of the Year for Construction Litigation and Greensboro's 2017 Lawyer of the Year for Construction Law by *Best Lawyers in America*. He is also a past Chair of the North Carolina Bar Association's Construction Law Section and the Contract Documents Division of the ABA's Forum on Construction Law.

Harper has been listed in Best Lawyers in America for Construction Law since 2008, *North Carolina Super Lawyers* in Construction Law since 2006, *Business North Carolina's Legal Elite* since 2005, and *The International Who's Who of Construction Lawyers* since 2013.

Hammering Home Favorable Outcomes

Clients rely on Harper for day-to-day counsel on both routine and complex matters. He is well-versed in a number of legal areas but focuses his practice on construction law.

Harper represents public and private owners, developers, design professionals, contractors, subcontractors, and suppliers. He has tried cases in both state and federal courts and has argued before the Fourth Circuit Court of Appeals, the North Carolina Supreme Court, and the North Carolina Court of Appeals.

Harper has served as a neutral in more than 150 construction disputes. In addition to being a NCDRC Certified Superior Court Mediator, Harper is a member of the American Arbitration Association's Large and Complex Construction Panel of Neutrals. He routinely lectures on a variety of construction-related topics and has authored and co-authored a number of published materials.

Harper is active in both state and national Construction Law Bar Associations and is an adjunct professor of construction law at the University of North Carolina School of Law.

Experience

- Represented University in arbitration and mediation arising from delayed construction of student housing project
- Represented structural steel erector in the defense of three wrongful death claims arising from building collapse
- Represented construction manager in the recovery of extended representation fees through mediation with municipal agency
- Represented owner of a high rise hotel in Santa Monica, CA in litigation and mediation seeking the recovery of damages caused by defective design
- Represented electrical subcontractor in federal court litigation involving delay and disruption claims by and against a general contractor on a federal prison hospital
- Represented mechanical subcontractor in collection of delay and disruption claims associated with the construction of a high-rise hotel at Universal Studios
- Represented electrical subcontractor in multi-party litigation and mediation arising from delays in construction of University Student Activity Center
- Represented owner of multi-phase mixed use and highway construction project in Mecklenburg County, North Carolina.
- Represented hospital in contracting for a \$250 million facilities expansion with the architect and general contractor
- Represented utility company in defense of jobsite accident and wrongful death claims.
- Represented highway contractor in disputes involving its subcontractor and the North Carolina Department of Transportation

- Represented owners, contractors and subcontractors in proceedings before the Occupational Safety and Health Review Board

Reported Decisions

Aetna Casualty & Surety Company v. Ind-Com Electric Company, 139 F.3d 419 (4th Cir. 1998)

City of New Bern v. Carteret-Craven EMC, 356 N.C. 123, 567 S.E.2d 131

Energy Investors Fund, L.P. v. Metric Constructors, Inc., 133 N.C. App. 522, 516 S.E.2d 399

Recognitions

- Recognized by *Chambers USA*, Construction Band 1, North Carolina, 2019, 2020, 2021
- Elected a Fellow in the American College of Construction Lawyers (2018)
- Listed in *Best Lawyers in America* for Construction Law, Since 2008 and Litigation – Construction, Since 2011
- Listed in *Best Lawyers in America* for "Lawyer of the Year" for Construction Law in the Triad, N.C. in 2013, 2017, and 2022 and in Litigation-Construction in the Triad, NC in 2020
- Business North Carolina's "Legal Elite", Construction Law (2005 - Present), Hall of Fame Inductee (2016)
- North Carolina *Super Lawyers*® - Construction Law (2006 - Present)
- *International Who's Who of Construction Lawyers* (2013-Present)
- Martindale-Hubbell AV Peer Rated for Highest Level of Professional Excellence

Community & Professional

- Fellow, American College of Construction Lawyers
- University of North Carolina School of Law - Adjunct Professor of Construction Law (2004 - Present)
- American Arbitration Association - Arbitration: Large and Complex Construction Panel
- NCDRC Certified Superior Court Mediator
- North Carolina Bar Association - Construction Law Section (Past Section Chair, Lien Law Rewrite Committee, Co-Chair Specialization Committee)
- American Bar Association (ABA) Forum on Construction Law (Chair; Governing Committee; Contract Documents Division Chair; Publications Committee Chair)

Arbitration in the Construction Industry, North Carolina Bar Association, Construction Law Section, Annual Meeting 2016

The Case for the Responsible Use of Reverse Online Auctions in the Construction Sector, ABA Construction Forum, Annual Meeting, 2013

Key Provisions of the AIA B101 Owner-Architect Agreement: The Hot Button Issues and How They Have Changed, ABA Construction Forum, Mid-Winter Meeting, 2008

What's Up DOCS? Your First Look at the New Consensus Documents, ABA Construction Forum, Teleconference, 2007

Drafting the Perfect One-Year Warranty, The Construction Lawyer, Summer 2007

State-by-State Analysis of Legal Issues Affecting Architects, Engineers, Contractors and Others, Aspen, 2005

Time is Money: An Analysis of Liquidated Damage Clauses, *The Construction Lawyer*, Fall 2004

Contingent Payment Clauses, *The Construction Business Handbook*, Aspen, 2004

State-By-State Guide to Architect, Engineer and Contractor Licensing, (Co-Author), Aspen, 1999

State-by-State Survey of Economic Loss Doctrine in Construction Litigation, American Bar Association Litigation Section, 1996

Philosophy of Client Service

"Some lawyers want to be viewed as the smartest, others the meanest. As for me, I pride myself on Practicality. A longtime client of mine said it best: 'Don't worry about the cheese, just get me out of the trap!'"