

Construction Law in North Carolina

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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.

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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)

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