



LUKE J. FARLEY, SR.

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OVERVIEW

Luke J. Farley, Sr. has always marveled at how a skilled contractor can turn truckloads of building materials into a twenty story office tower or the way a developer's vision turns an empty field into a neighborhood. Luke's fascination with the built environment is what makes him a great construction lawyer: he's deeply interested in the work his clients do and tries to learn as much about it as possible.

The majority of Luke's practice is focused on complex, multi-party contract disputes, state and federal Miller Act claims, and mechanics' liens. He also assists clients with contract review and negotiation, licensing and certification, OSHA citations, and guidance on troubled projects. Luke regularly represents contractors, subcontractors, suppliers, owners, and developers and has experience on both public and private projects, including federal construction.

Clients typically call Luke when things have gone seriously wrong on a project. Maybe it's a general contractor who got delayed by defective specs and now liquidated damages are ticking away; maybe it's a developer who's had ten liens filed on the project after the contractor went broke and walked off the job; maybe it's a hard-working subcontractor who hasn't been paid in months and keeps performing change order work at their own risk—whatever the issue, Luke enjoys the challenge of helping clients sort out their most troubled projects.

When Luke isn't in court or in an arbitration advocating for his clients, he's helping them understand the law better. He's a frequent speaker on construction law and often presents to industry groups like the Construction Specifications Institute, the Professional Engineers of North Carolina, the North Carolina Masonry Association, and the American Society of Heating, Refrigerating and Air-Conditioning Engineers. Luke has also been published on topics ranging from a guide to standard form construction contracts to surety indemnity agreements to whether the North Carolina Fair Housing Act applies to general contractors.

Active in several industry and professional organizations, Luke is a member of the Associated Builders and Contractors of the Carolinas, where he serves as the chair of the statewide government affairs committee. He is also an active member of both the American Bar Association Forum on Construction Law (Division 7 – Insurance, Surety, & Liens) and the North Carolina Bar Association Construction Law Section where he serves as a co-chair of the communications committee, often writing posts for the section's blog.

Luke lives in Raleigh with his wife and young sons. Outside the practice of law, Luke's interests include exploring the Raleigh greenway with his family, reading (especially biographies and Stephen King novels), craft cocktail mixology, and yard projects.

CREDENTIALS

EDUCATION

- ▶ J.D., Wake Forest University School of Law, 2010
- ▶ B.A., University of North Carolina at Chapel Hill, 2007
 - ▶ *With honors and distinction*

BAR ADMISSIONS

- ▶ North Carolina

COURT ADMISSIONS

- ▶ Eastern District of North Carolina
- ▶ Middle District of North Carolina
- ▶ Western District of North Carolina
- ▶ Fourth Circuit of Appeals

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- ▶ American Bar Association – Forum on Construction Law – Young Lawyers Division (Liaison to Division 7: Insurance, Surety, & Liens)
 - ▶ American Bar Association – Tort Trial & Insurance Practice Section – Fidelity & Surety Law Committee
 - ▶ N.C. Bar Association – Construction Law Section
 - ▶ Associated Builders & Contractors Carolinas Chapter – Government Affairs Committee (Chairman)
 - ▶ Carolinas Surety Association
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PUBLICATIONS

- ▶ [Cost Escalation Clauses: Mitigate the Risk of Rising Materials Prices](#), Modern Contractor Solutions, October 2021
 - ▶ [“The Cure for the Common Defect: The Contractor’s Right to Cure Defective Performance,”](#) Construction Executive, July 28, 2020
 - ▶ “What’s in a Claim: Protecting Your Right to Extra Time or Money – Part Two,” Construction Best Practices, May 29, 2020
 - ▶ [“What’s in a Claim: Protecting Your Right to Extra Time or Money – Part One,”](#) Construction Best Practices, May 22, 2020
 - ▶ “The Big Questions: How to Cope with Project Delays and Unknowns During COVID-19 – Part Two” Construction Best Practices, April 27, 2020
 - ▶ [“The Big Questions: How to Cope with Project Delays and Unknowns During COVID-19 – Part One,”](#) Construction Best Practices, April 21, 2020
 - ▶ “Chapter 21: The Economic Loss Rule in Construction Law,” [Construction Law, 2d Ed.](#), American Bar Association Forum on Construction Law, 2019
 - ▶ [“Construction Law 101: Anatomy of a Standard Form Construction Contract,”](#) Under Construction, Vol. 21, No. 1, American Bar Association Forum on Construction Law, 2019
 - ▶ [“Fair Housing for Construction Lawyers,”](#) and [“A Quick Guide to the Design & Construction Standards of the North Carolina Fair Housing Act,”](#) N.C. Bar Association Blog, 2019
 - ▶ [“Construction Law 101: The Basics of Change Orders,”](#) Under Construction, Vol. 2, No. 2, American Bar Association Forum on Construction Law, 2018
 - ▶ [“New Rules on Renewing and Canceling your Notice to Lien Agent,”](#) N.C. Construction News, Vol. 13, No. 5, 2018
 - ▶ [“The General Agreement of Indemnity \(GAI\): A Surety’s Best Friend, a Contractor’s Worst Enemy,”](#) N.C. Construction News, Vol. 13, No. 4, 2018
 - ▶ [“50-State Survey of Licensed Professionals’ Stamping and Sealing Obligations \(North Carolina\),”](#) American Bar Association Forum on Construction Law – Division 3: Design, 1st ed., 2018
 - ▶ [“Getting Liquidated Damages in a Default Judgment,”](#) N.C. Bar Association Blog, 2018
 - ▶ Co-author, North Carolina Construction Law, 7th ed., Thomson-West, 2017
 - ▶ [“A Brief Primer on Subdivision Development Bonds,”](#) N.C. Bar Association Long Leaf Law Blog, 2017
 - ▶ “Home Court Advantage: Getting the Venue You Want,” N.C. Construction News, Vol. 11, No. 4, 2016
 - ▶ Co-author, [“The Construction Lawyer’s Role Before and After a Crisis: Heedless Employees and Improvident Statements-Admissible into Evidence Once Uttered,”](#) American Bar Association – Forum on Construction Law Annual Meeting, Boca Raton, F.L., 2015
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SPEECHES, PANELS & SEMINARS

- ▶ [Basics of Construction Contract Law](#), Southeast Concrete Masonry Association, July 27, 2021
 - ▶ Panelist, “COVID-19 Construction Employment & Business Legal Discussion,” Associated Builders & Contractors of the Carolinas, 2020
 - ▶ “Navigating the Legal Landscape After a Catastrophic Jobsite Fire,” N.C. Masonry Contractors Association – Raleigh Chapter, Raleigh, 2018
 - ▶ “After the Disaster: Legal Liability for Building with Combustible Materials,” Modern Masonry Expo, Greenville, S.C., 2017
 - ▶ “Dealing with Documents: A Legal Guide for Architects,” Wake Forest Architects’ Lunch & Learn Series, Wake Forest, N.C. 2016
 - ▶ “Project Documentation: Best Practices,” N.C. Masonry Contractors Association – Central Piedmont Chapter, Clemmons, N.C., 2016
 - ▶ “How will the 2016 Election Affect the Construction Industry?” Carolinas Associated Builders & Contractors, Raleigh, N.C., 2016
 - ▶ “Tips & Tricks to Improve Project Documentation,” N.C. Masonry Contractors Association – Raleigh Chapter, Raleigh, N.C., 2016
 - ▶ “Case Law Update,” N.C. Bar Association – Construction Law Section Annual Meeting, New Bern, N.C. 2016
 - ▶ “Best Practices for Project Documentation,” Modern Masonry Expo, Raleigh, N.C., 2015
 - ▶ “AIA A-201 Overview,” Construction Specifications Institute, Construction Documents Technology Boot Camp, Raleigh, N.C., 2015
 - ▶ “Battling for the Bucks,” American Society of Heating, Refrigerating and Air-Conditioning Engineers – North Piedmont Chapter, Greensboro, N.C., 2012
 - ▶ “Contract Basics for Engineers,” Professional Engineers of N.C. Meeting, Raleigh, N.C., 2011
 - ▶ “N.C. Lien Law for Engineers,” Professional Engineers of N.C. Meeting, Raleigh, N.C., 2010
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AWARDS/RECOGNITION

- ▶ Business North Carolina – Legal Elite – Construction Law, 2018-2022
- ▶ North Carolina Super Lawyers, Construction Litigation Rising Star, 2020
- ▶ North Carolina Pro Bono Resource Center – Pro Bono Honor Society Inductee, 2018

EXPERIENCE

LITIGATION

- ▶ Defended developer against \$2.6 million lien claim filed by contractor on apartment project in Charlotte
- ▶ Defended Fortune 500 homebuilder against \$1.1 million lien claims by lower-tier subcontractors and suppliers filed against a luxury residential subdivision in the Triangle
- ▶ Represented Fortune Global 500 manufacturer of industrial machinery in Miller Act claim over equipment installed at Department of Veterans Affairs hospital
- ▶ Defended national manufacturer and installer of lighting equipment against \$10 million construction defect claims
- ▶ Defended top ENR 400 contractor against claims of defective work, trespass, and personal injury resulting from installation of fiber optic cable
- ▶ Obtained dismissal of \$230,000 fraud claim by owners against homebuilder
- ▶ Represented federal contractor in delay claim and dispute over payment of \$500,000 for work performed at a U.S. Coast Guard facility in Virginia
- ▶ Filed liens totaling \$300,000 against a luxury high rise condo in Asheville on behalf of concrete subcontractor
- ▶ Represented institutional owner against its owner's representative and general contractor on locally-administered NCDOT project in dispute involving \$200,000 of back-charges and liquidated damages

TRANSACTIONS

- ▶ Drafted \$30 million site work and development contract to transform former hotel and office space into the premier live/work/play destination in the Triangle
- ▶ Represented project owner in negotiation of \$11 million cost plus GMP contract for construction of a post-tension concrete parking deck
- ▶ Negotiated \$5.5 million construction manager at-risk contract and \$300,000 design contract for modernist home in Durham County
- ▶ Negotiated \$2.9 million construction contract for luxury in-fill townhome project in Raleigh on behalf of the project owner
- ▶ Drafted \$900,000 site work contract to remove and replace defective soil at construction project
- ▶ Negotiated SBA-compliant joint venture agreements, teaming agreements, and non-disclosure agreements for federal contractors

PRIOR LEGAL EXPERIENCE

- ▶ Conner Gwyn Schenck PLLC, 2010-2019

UPDATES

NEWS POSTS

- ▶ [Luke Farley Presents on Construction Law for Southeast Concrete Masonry Association](#)
- ▶ [Ellis & Winters Named to 2022 "Best Lawyers in America" List](#)
- ▶ [Luke Farley Appointed to Legislative Affairs and Ethics Committee of the NCBA Construction Law Section](#)
- ▶ [Business North Carolina Announces 2021 "Legal Elite"](#)
- ▶ [Ellis & Winters Named to 2021 "Best Lawyers in America" List](#)

BLOG POSTS

- ▶ [Lien on Me When Your Claim is Not Strong—That's an Unfair Trade Practice](#)