



Kristan B. Burch
Member

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Kristan is a member of the firm's Litigation Section and Co-Chair of the Intellectual Property & Franchising Practice Group. Her practice focuses on construction and intellectual property. She handles a broad range of civil litigation matters including construction disputes regarding faulty workmanship and design; construction payment disputes and bond claims; patent, trademark, and copyright infringement actions; opposition and cancellation proceedings before the Trademark Trial and Appeal Board; franchise disputes; general commercial disputes; and appeals to the Supreme Court of Virginia and the Court of Appeals for the Fourth Circuit.

PRACTICE AREAS

- Government Contracts & Construction
- Government & Municipal
- Intellectual Property
- Litigation
- Franchising

INDUSTRIES

- Infrastructure & Transportation

REPRESENTATIVE MATTERS

Construction

- Represented municipality in disputes with contractor and architect regarding construction of new courthouse
- Represented builder during remediation of projects with Chinese drywall and in related litigation
- Represented developer in construction contract dispute at trial in federal district court and on appeal to the Fourth Circuit
- Represented municipality on school remediation project in which contractor defaulted and surety completed project
- Represented developer of apartment complex in litigation with architect regarding design defects and failure to supervise work
- Represented contractors and sureties in defending against Miller Act claims in federal court
- Represented developer and designer of bridge in disputes during and after construction of the bridge, including week long trial in state court
- Represented continuing care retirement community in litigation and arbitration against the general contractor and architect related to on-going leaks at the facility
- Represent design builder in connection with construction of tunnel, advising on disputes and related issues which arise with owner and subcontractors during construction
- Represented owner of environmental projects in dispute with engineer regarding defective engineering, surveying, and environmental services

REPRESENTATIVE MATTERS (CONT.)

Construction (Cont.)

- Represented general contractor during construction of municipal facility, addressing construction issues and disputes with owner, engineer, and subcontractor
- Represented owner of apartment building in litigation and arbitration on warranty claims against original declarant for the community
- Represented general contractor regarding defective construction and warranty claims in multi-party litigation involving exterior installation and finish systems on condominiums
- Drafted and negotiated contracts for owners, general contractors and subcontractors

Intellectual Property

- Defended municipality in trademark infringement action
- Represented franchisor in multiple federal court actions to enforce terms of franchise agreement and obtain injunctive relief
- Participated in patent infringement cases in federal court, including trials, through which plaintiff sought monetary damages and injunctive relief
- Represented companies defending against Lanham Act claims in federal court based on issues related to their websites and online advertising
- Represented parties in trademark opposition and cancellation proceedings before the Trademark Trial and Appeal Board
- Represented domain name holders in arbitration proceedings under the Uniform Domain Name Dispute Resolution Policy
- Represented trademark holders in disputes with other entities using confusingly similar trade names, drafting cease and desist letters and negotiating settlement agreements
- Served as local counsel in patent, trademark, and copyright infringement actions in the United States District Court for the Eastern District of Virginia, Norfolk, Newport News, and Alexandria Divisions

RECOGNITION AND HONORS

- Women in Business Achievement Award; *Inside Business*, 2018
- Best Lawyers in America, 2015-2021
- Virginia Super Lawyers; *Law & Politics*, 2013-2020
- Top Lawyers; *CoVaBIZ*, 2017-2020
- Virginia's Legal Elite; *Virginia Business Magazine*, 2004-2019
- Virginia Rising Stars; *Law & Politics*, 2007-2013
- Top 40 Under 40; *Inside Business*, 2007
- Lead Hampton Roads, 2006
- Law Clerk to The Honorable James E. Bradberry; Magistrate Judge, United States District Court for the Eastern District of Virginia, Norfolk Division

ASSOCIATIONS

- Norfolk-Portsmouth Bar Association; Executive Committee, Treasurer
- Virginia State Bar; Litigation Section, Past Chair
- Virginia State Bar; Construction and Public Contracts Section, Past Chair
- Virginia State Bar; Intellectual Property Law Section, Past Chair
- Virginia Bar Association; Intellectual Property & Information Technology Section, Past Chair
- Tidewater Chapter of the Federal Bar Association; Past President
- Historical Society of U.S. District Court for Eastern District of Virginia, Director
- Hampton Roads Chamber of Commerce; Past Norfolk Board of Directors
- St. Andrew's Episcopal Church, Past Vestry
- Horizons Hampton Roads, Past Board of Directors

ADMISSIONS

- Virginia State Courts
- U.S. District Court for the Eastern District of Virginia
- U.S. District Court for the Western District of Virginia
- U.S. Court of Appeals for the Fourth Circuit

ADMISSIONS (CONT.)

- U.S. Court of Appeals for the Federal Circuit
- Supreme Court of the United States

EDUCATION

- University of Virginia; B.A., 1995
- College of William & Mary School of Law; J.D., 1998

PRESS AND PUBLICATION

- 46 Kaufman & Canoles Attorneys Named to *Best Lawyers in America* 2021 and 5 Named “Lawyer of the Year” and 7 Named “Ones to Watch”
- 18 Kaufman & Canoles Attorneys Named as Super Lawyers 2020 and 4 Named as Rising Stars 2020
- 45 Kaufman & Canoles Attorneys Named as Top Lawyers 2020 in *CoVaBIZ Magazine*
- 48 Kaufman & Canoles Attorneys Named *Virginia Business Magazine’s* Legal Elite 2019
- 45 Kaufman & Canoles Attorneys Named Best Lawyers in America and 6 Named as Lawyers of the Year
- 18 Kaufman & Canoles Attorneys Named as Super Lawyers 2019 and 6 Named as Rising Stars 2019
- 48 Kaufman & Canoles Attorneys Named *Virginia Business Magazine’s* Legal Elite 2018
- Spoliation Under Fed. R. Civ. P. 37(e): What a Party Must Prove to obtain Sanctions for Failure to Preserve ESI
- 40 Kaufman & Canoles Attorneys Named as Top Lawyers 2019 in *CoVaBIZ Magazine*
- Lessons Learned from Pro Bono Service in the Eastern District of Virginia, *Litigation News*, May 2018
- 43 Kaufman & Canoles Attorneys Named Best Lawyers in America 2019 and 8 Named “Lawyers of the Year”
- 31 Kaufman & Canoles Attorneys Named as Super Lawyers 2018 and 5 Named as Rising Stars 2018
- Kristan B. Burch Elected to Kaufman & Canoles Executive Committee
- 31 Kaufman & Canoles Attorneys Named as Top Lawyers 2017/18 in *CoVaBIZ Magazine*
- 48 Kaufman & Canoles Attorneys Named to *Virginia Business Magazine’s* Legal Elite 2017
- 46 Kaufman & Canoles Attorneys Named to Best Lawyers in America 2018
- Observations from the Gallery of a Courtroom, *Litigation News*, May 2017
- 29 Kaufman & Canoles Attorneys Named as Super Lawyers 2017 and 5 Named as Rising Stars 2017
- 48 Kaufman & Canoles Attorneys Named to *Virginia Business Magazine’s* Legal Elite 2016
- 40 Kaufman & Canoles Attorneys Named Best Lawyers in America 2017
- 32 Kaufman & Canoles Attorneys Named as Super Lawyers 2016 and 4 Named as Rising Stars 2016
- Sealing Documents: Revisions to Local Civil Rule 5 in the Eastern District, *Litigation News*, March 2016
- The Effective Use of Jury Instructions in Construction Cases, *Virginia Lawyer*, December 2015
- 44 Kaufman & Canoles Attorneys Named *Virginia Business Magazine’s* Legal Elite 2015
- 42 Kaufman & Canoles Attorneys Named Best Lawyers in America 2016
- 32 K&C Attorneys Named as Super Lawyers 2015 and 7 Named as Rising Stars 2015
- 45 Kaufman & Canoles Attorneys Named to *Virginia Business Magazine’s* Legal Elite 2014
- 29 Kaufman & Canoles Attorneys Named as Super Lawyers 2014 and 8 Named as Rising Stars 2014
- Changing the Rules: Recently Implemented and Recently Proposed Amendments to the Federal Rules of Civil Procedure
- Navigating the “Federal Courts Jurisdiction and Venue Clarification Act of 2011”
- 54 Kaufman & Canoles Attorneys Named to *Virginia Business Magazine’s* Legal Elite 2013
- 29 K&C Attorneys Named as Super Lawyers 2013 and 14 Named as Rising Stars 2013
- 55 Kaufman & Canoles Attorneys Named to *Virginia Business Magazine’s* Legal Elite 2012
- 40 K&C Attorneys Named as Super Lawyers 2012 and 14 Named as Rising Stars 2012
- Arbitration: Another Option for Resolving Domain Name Disputes
- Domain Name Disputes: Why Are So Many Disputes Resolved Administratively?
- 53 Kaufman & Canoles Attorneys Named *Virginia Business Magazine’s* Legal Elite 2011
- 36 K&C Attorneys Named as Super Lawyers 2011 and 14 Named as Rising Stars 2011
- Knowledge is Power: A Review of the American Arbitration Association’s Rules for Construction Disputes
- 39 Kaufman & Canoles Attorneys Named *Virginia Business Magazine’s* “Legal Elite” 2010
- Has Chinese Drywall Affected the Economic Loss Rule?
- 31 K&C Attorneys Named as Super Lawyers & 11 Named as Rising Stars 2010
- 39 K&C Attorneys Named *Virginia Business Magazine’s* Legal Elite 2009
- A Modern Day Fairy Tale: Injunctive Relief in a Post eBay World: The More Things Change, the More They Remain the Same
- 30 Attorneys Named Super Lawyers, 12 Named Rising Stars

PRESS AND PUBLICATION (CONT.)

- A Contractor's License: Who Needs One and Why
- 36 Kaufman & Canoles Attorneys Named *Virginia Business Magazine's* Legal Elite 2008
- 28 Kaufman & Canoles Attorneys Named as Super Lawyers & 8 Named as Virginia Rising Stars 2008
- 20 Kaufman & Canoles Attorneys Named to *Virginia Business Magazine's* Legal Elite 2007
- 10 Kaufman & Canoles Attorneys Named in Virginia Rising Stars 2007
- 34 Kaufman & Canoles Attorneys Named to *Virginia Business Magazine's* Legal Elite 2006
- Kaufman & Canoles Names Shuford & Burch Partners
- 27 Kaufman & Canoles Attorneys Named to *Virginia Business Magazine's* Legal Elite
- 31 Kaufman & Canoles Attorneys Named to *Virginia Business Magazine's* Legal Elite