



**Kristan B. Burch**  
Member

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Kristan is a member of the firm's Litigation Section and Chair of the Government Contracts & Construction Team. Her practice focuses on commercial disputes in the construction industries and government contracting. She handles the construction process from contract drafting and negotiation to project management to resolution of disputes. She assists clients with faulty workmanship and design claims, payment disputes, delay claims, mechanic's liens, bond claims, and government contract disputes. Kristan appears in state and federal courts, in mediations, and in arbitrations, representing owners, developers, contractors, subcontractors, suppliers, and sureties. She also handles commercial disputes in state and federal court along with trademark and copyright infringement actions, opposition and cancellation proceedings before the Trademark Trial and Appeal Board, and franchise disputes. Kristan frequently writes articles and speaks on construction topics.

#### PRACTICE AREAS

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

#### INDUSTRIES

- Government Contracts & Defense Industries
- Infrastructure & Transportation

#### REPRESENTATIVE MATTERS

##### Construction

- Drafted and negotiated construction and design contracts for owners, general contractors, subcontractors, and suppliers
- Represented developer of apartment complex in litigation with architect regarding design defects and failure to supervise work
- Represented municipality in disputes with contractor and architect regarding construction of new courthouse
- Represented general contractor in disputes with owner, subcontractors, and insurers in state court and federal court on construction of a seminary
- Represented contractors and sureties in Miller Act claims in federal court
- Represented developer of bridge in disputes during and after construction of the bridge with neighboring land owner, including week long trial in state court
- Represented continuing care retirement community in state court litigation against the architect and arbitration against the general contractor related to design and construction defects
- Represented precast concrete subcontractor in dispute with prime contractor on state bridge project, handling claims submitted to arbitration

## REPRESENTATIVE MATTERS (CONT.)

### Construction (Cont.)

- Represented design-builder in connection with construction of tunnel, advising on disputes and claims that arose during construction
- Represented general contractor in federal court litigation regarding defective construction and warranty claims by owner for concrete slabs

### Intellectual Property and Franchising

- Represented franchisor in multiple federal court actions to enforce terms of franchise agreements and obtain injunctive relief
- Represented parties in trademark opposition and cancellation proceedings before the Trademark Trial and Appeal Board
- Represented businesses in copyright and trademark disputes, including cease and desist letters, concurrent use agreements, issues related to websites and online advertising, and Lanham Act claims
- Served as local counsel in infringement actions in the United States District Court for the Eastern District of Virginia, Norfolk and Newport News Divisions

## RECOGNITION AND HONORS

- *Best Lawyers in America*, 2015-2024
- Lawyer of the Year; *Best Lawyers in America*, 2023
- Virginia Super Lawyers; *Law & Politics*, 2013-2024
- Virginia's Legal Elite; *Virginia Business Magazine*, 2004-2023
- Top Lawyers; *CoVaBIZ*, 2017-2021, 2023-2024
- Women in Business Achievement Award; *Inside Business*, 2018
- 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

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

## ADMISSIONS

- Virginia, 1998
- 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
- 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

- 15 Kaufman & Canoles Attorneys Named as Super Lawyers and 5 Named as Virginia Rising Stars 2024
- 36 Kaufman & Canoles Attorneys named as Top Lawyers 2024 in *CoVaBIZ Magazine*
- 53 Kaufman & Canoles Attorneys Named *Virginia Business Magazine's* "Legal Elite" 2023
- 54 Kaufman & Canoles Attorneys Named *Best Lawyers in America*© 2024, 6 Named "Lawyer of the Year," and 10 Named "Ones to Watch"
- 17 Kaufman & Canoles Attorneys Named as Super Lawyers & 4 Named as Rising Stars
- 44 Kaufman & Canoles Attorneys named as Top Lawyers 2023 in *CoVaBIZ Magazine*
- 53 Kaufman & Canoles Attorneys Named *Virginia Business Magazine's* "Legal Elite" 2022
- 48 Kaufman & Canoles Attorneys Named *Best Lawyers in America*© 2023, 4 Named "Lawyer of the Year," and 8 Named "Ones to Watch"
- 17 Kaufman & Canoles Attorneys Named as Super Lawyers & 3 Named as Rising Stars in *Virginia Super Lawyers & Rising Stars 2022*
- 52 Kaufman & Canoles Attorneys Named *Virginia Business Magazine's* "Legal Elite" 2021
- 48 Kaufman & Canoles Attorneys Named *Best Lawyers in America*© 2022, 4 Named "Lawyer of the Year," and 8 Named "Ones to Watch"
- 19 Kaufman & Canoles Attorneys Named as Super Lawyers & 3 Named as Rising Stars in *Virginia Super Lawyers & Rising Stars 2021*
- 40 Kaufman & Canoles Attorneys Named as Top Lawyers 2021 in *CoVaBIZ Magazine*
- 53 Kaufman & Canoles Attorneys Named *Virginia Business Magazine's* "Legal Elite" 2020
- 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
- Spoilation 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

## PRESS AND PUBLICATION (CONT.)

- 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
- 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