



**Kristan B. Burch**  
Member

T (757) 624.3343  
F (888) 360.9092  
kbburch@kaufcan.com

---

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

- Top Lawyers; *CoVaBIZ*, 2017-2021, 2023
- *Best Lawyers in America*, 2015-2023
- Lawyer of the Year; *Best Lawyers in America*, 2023
- Virginia Super Lawyers; *Law & Politics*, 2013-2022
- Virginia's Legal Elite; *Virginia Business Magazine*, 2004-2022
- 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

- Norfolk Portsmouth Bar Association; President, 2022-2023
- 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, 1998
- Virginia State Courts
- U.S. District Court for the Eastern District of Virginia

## ADMISSIONS (CONT.)

- 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

- 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

## PRESS AND PUBLICATION (CONT.)

- 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
- 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