

Richard T. Boyette

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Richard Boyette is a partner in the Raleigh office of the firm who has enjoyed a broad civil litigation practice throughout his career. In recent years, Richard has placed particular focus on legal and appraiser malpractice defense, as well as on mediation. In addition, he maintains a substantive practice involving commercial real estate transactions and litigation.

Richard developed an active mediation practice in the early 1990s and today is recognized as one of the top mediators in North Carolina. He has mediated over 1,400 disputes in a broad range of subject matters, including personal injury and wrongful death, contract, construction defect, employment relations, medical and other professional liability, product liability, medical device liability, insurance coverage, condemnation, intellectual property and stockbroker/customer disputes.

As outside general counsel to a commercial general contractor/developer, Richard provides representation in a range of issues that have included employment, construction and contract disputes, as well as transactions involving such matters as entity formation, land acquisition and construction, and permanent financing.

Richard has been active for many years in DRI, the Voice of the Defense Bar, which is the 22,000+ member national defense trial bar organization. He served as its president in 2004-2005 and currently serves as senior advisor. At his urging, DRI established the National Foundation for Judicial Excellence, a charitable foundation having as its mission the education of state court judges. In 2010, Richard received DRI's Louis B. Potter Professional Service Award. He also served as president of the North Carolina Association of Defense Attorneys in 1990-91, and was the inaugural recipient of that organization's



Primary Practice Areas

Professional Malpractice Defense
Dispute Resolution/Mediation
Commercial Real Estate
Product Liability Defense
[Business Law](#)

Education

University of North Carolina at Chapel Hill, (B.A., 1974)
University of North Carolina at Chapel Hill, (J.D., 1977, with honors)

Bar Admissions

North Carolina
United States District Courts, Eastern, Middle and Western Districts of NC
United States Fourth Circuit Court of Appeals
United States Supreme Court

Certifications

Certified Mediator - North Carolina
Dispute Resolution Commission



Robert J. Elster Award for Professional Excellence in 2004.

Richard has been accorded the top AV® ranking by Martindale-Hubbell, the most prestigious rating organization of the legal profession. In addition, he is regularly listed among the top lawyers in North Carolina by Best Lawyers in America® and NC Super Lawyers®.

Representative Matters

Litigation

- Successful "claims repair" avoiding malpractice action against attorney due to clerical error in designation of county in summons commencing personal injury action.
- Obtained dismissal of invasion of privacy and trespass claims against attorneys arising from actions of private investigator hired by attorneys' client.
- Obtained summary judgment on behalf of owner of land adjacent to railroad crossing in case alleging that client obstructed views of motorist who was struck by train at crossing.
- Successful defense of big box retailer against charges of defamation, false imprisonment and malicious prosecutions arising from arrest of suspected looter for trespassing following destruction of store by tornado.
- Defended insurer in case which established in North Carolina that sexual harassment is not an occurrence under the comprehensive general liability policy.
- Obtained summary judgment for commercial real estate lawyer sued for malpractice in connection with representation of hotel developers.

Mediation

- Mediated efforts of developer to address concerns of neighborhood over planned commercial development.
- Mediated series of mold claims arising from townhouse development.
- Mediated multi-party \$28 million estate dispute.
- Mediated tax shelter investment fraud dispute.
- Mediated series of territorial dispute between municipal power agencies and rural electric co-ops.

Articles, Presentations, and Publications

- Trainer of other attorney mediators and a speaker at seminars on mediation and negotiation
- Presentation to North Carolina Bar Association Construction Law Section on CGL coverage
- Luncheon speaker on professionalism at joint professionalism seminar sponsored by the North Carolina Association of Defense Attorneys and the North Carolina Academy of Trial Lawyers
- Presentation to American Legislative Exchange Council on Judicial Selection
- Panelist for presentation entitled "Embracing ADR - Opportunities for Defense Lawyers" at the 2006 DRI annual meeting in San Francisco
- Panelist for presentation entitled "Mediation, Arbitration, Litigation – Oh My! What the Wizard Would Have Said About Implementing And Executing An Effective Plan For Conflict Resolution" at the 2011 IADC Corporate Counsel College in Chicago.
- Panelist for presentation entitled "Buyer's Remorse: The Plight of the Real Estate Professional" at the [2011 DRI Professional Liability Seminar](#) in New York.

Professional, Civic and Community Activities

- Member - DRI - Senior Advisor, 2006-present; Past President, 2005-06; President, 2004-05; Officer, 2001-03; Board of Directors, 1998-2001; ADR Committee Chair, 1998-99; NC State Representative, 1995-97; NC delegate to Standing Committee of State and Local Defense Organizations, 1992-95.
- Founding Director - National Foundation for Judicial Excellence, 2004.
- Member - North Carolina Bar Association - Litigation (Section Council, 1996-98; Real Property, Construction Law and Dispute Resolution; Section Council, 1997-99, Sections) (Legislative Advisory Committee).
- Member - North Carolina Association of Defense Attorneys - President, 1990-91; Award for Professional Excellence, 2004.
- Member - Wake County Bar Association/Tenth Judicial District Bar - Board of Directors, 1996-97; Chair – Bench/Bar Committee.
- Committee Member - Wake County Bar Association/Tenth Judicial District Bar Grievance Committee, early 2007.
- Member – International Association of Defense Counsel (IADC).
- Deacon and Ruling Elder, First Presbyterian Church of Raleigh.
- YMCA of the Triangle, Inc. - Board of Directors, Secretary, Executive Committee; Chair, Risk Management Committee.
- Peace College Board of Visitors, 1993-98.
- Peace College Foundation, Inc. - Board of Directors, 1994-2008; Chair, 2008.

- Peace College Board of Trustees, 2008.
- Step-Up Ministries, Inc. - Board of Directors, 1993-96.
- Life Experiences, Inc. - Board of Directors, 1984-86; Chairman, 1986.
- Supporter - Susan B. Komen Race for the Cure.

Accomplishments

- Inaugural recipient, Award for Professional Excellence, presented by the North Carolina Association of Defense Attorneys, June 2004.
- Recipient, DRI Louis B. Potter Professional Service Award, October 2010.
- DRI Exceptional Performance Citation, 1991; State Leadership Award, 1997; Leadership Award, 1999; Service Award, 2001.
- Selected as one of the top 100 attorneys in the State of North Carolina by North Carolina Super Lawyers, 2007.
- Named to The Best Lawyers in America®, in the area of Alternative Dispute Resolution, 2007-2009.
- Selected to North Carolina Super Lawyers®, 2007-2010.
- Selected as a Charter Member of The North Carolina Academy of Superior Court Mediators.
- Founding director of the National Foundation for Judicial Excellence (NFJE); President, 2009-2010.

BECAUSE WORKING WITH YOUR LAWYER SHOULDN'T BE A TRIAL.