

Experience

As legal counsel for The Builders Exchange and Home Builders Association, Russell O'Rourke's 30+ years of active involvement in construction industry trade associations – understanding both the requirements of the law and the business savvy to successfully operate within the industry—have allowed him to serve in the roles of client and industry advisor, advocate and leader. His active engagement has also translated into driving and contributing to legislative issues for the benefit of the construction industry, recognizing the issues that are most important to his clients and advising them of various approaches and resolution options using good business judgment.

Russell represents contractors, subcontractors, suppliers, homebuilders and remodelers throughout all stages of the process – “cradle to grave” – bidding, contract negotiation, change orders, claims and claims avoidance, mechanics' liens, bond claims and dispute resolution.

Outside the office, Russell and his wife enjoy traveling domestically and internationally together as well as traveling with their children and grandchildren on holiday cruises.

Representative Matters

- Represented a contractor through negotiation in a dispute with the project owner, promptly affording the resolution of a \$1.2 million payment due to the contractor in two months and full payment of \$300,000 to satisfy all subcontractors and suppliers with minimal legal fees.
- Represented a contractor in the negotiation of construction agreements for two nursing homes to be simultaneously constructed and assisted the contractor with the resolution of on-the-job disputes to satisfactorily resolve the claims, avoid litigation and maintain the owner/contractor relationship.
- Represented a contractor in obtaining and recovering a \$290,000+ verdict for unabsorbed home-office overhead expenses in a delay claim.
- Successfully negotiated a settlement in a claim for a violation of the Home Solicitation Sales Act for a home remodeler eliminating the risk of loss at trial, including the likelihood of having to pay plaintiff's attorneys fees in addition to damages and the statutory obligation for the repayment of money already paid to the remodeler and revised the client's contracts to avoid future violations.
- Assist numerous subcontractors and suppliers in preparing and serving Notices of Furnishing to help them be paid in full and on time and to preserve their lien and bond rights in the event that payment is not properly made.
- Assist subcontractors and suppliers in collecting unpaid balances by preparing and filing mechanic's liens and bond claims totaling, on average, more than \$8 million annually.

Civic and Professional Involvement

- The Builders Exchange (Cleveland, Toledo, Dayton and Cincinnati), President, General Counsel and Board Member, 2010 – present
- Home Builders Association of Greater Cleveland, Legal Counsel, 2015 – present

R. Russell O'Rourke

Partner



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Practice Areas:

- Construction, Chair
- Business & Corporate
- Mediation

Bar Admissions:

- U.S. Supreme Court
- U.S. District Courts, Northern and Southern Districts of Ohio
- All Ohio State Courts
- All Florida State Courts

Education:

- University of Vermont, BA, 1978
- Cleveland-Marshall College of Law, Cleveland State University, JD, 1984

Civic and Professional Involvement (continued)

- American Subcontractors Association of Ohio, Founding President and Board Member, Past Chair of the Legislative Committee, 2008 – present
- American Bar Association, Construction Law Forum; Mechanic's Lien Committee of the Real Estate Litigation Section
- ASA National, Washington, DC, Board Member, 2000 – 2008; 2010 – 2016
- ASA National Attorneys Council, Past-Chair and Current Member
- ASA National Subcontractor's Legal Defense Fund, Chair, 2000 – present
- Cleveland-Marshall College of Law, Cleveland State University, Adjunct Professor of Law, 2005 – present
- Cuyahoga County Court of Common Pleas, Arbitration Panel Chair, 1989 – present
- Cuyahoga County Court of Common Pleas, Commercial Dispute Mediator, 2000 – present

Accomplishments

- Created the Builders Exchange Notice of Furnishing/Mechanic's Lien/Bond Claim service offering flat fee services to BX members
- Recipient of Home Builders Association (HBA) 2015 Presidential Award for service as Board member and Counsel
- Recipient of National Award of American Subcontractors Association President of the Year 2008-09
- Recipient of National Award of American Subcontractors Association Innovation Award for Using Social Media in Government Advocacy
- Ohio Super Lawyer, 2016, 2018-2022

Presentations

- Frequent presenter on a wide variety of construction law topics for contractors, subcontractors, suppliers, homebuilders and remodelers at the Builders Exchange, Home Builders Association, American Subcontractors Association (National and Ohio), Mechanical and Plumbing Industry Council qualified for Ohio Industry Licensing Board Credit, 1987 – Present
- Monthly construction law webinar series on key industry topics designed specifically for construction industry business owners, financial officers, credit managers and contract negotiators, 2011 – Present
- National Business Institute Instructor on construction law topics presented to lawyers and contractors, 1989 – Present
- National Fire Protection Association, Negotiating Fair Construction Contracts, Las Vegas, Nevada and Atlantic City, New Jersey
- National Institute of Steel Construction, Understanding and Negotiating Insurance Provisions for Construction Contracts, Nashville, Tennessee
- International Builders Exchange Executives, Introduction to ConsensusDOCS family of Construction Documents, Charleston, South Carolina
- ASA of Tennessee, Contract Negotiation Using the ASA Subcontract Addendum, Nashville, Tennessee



Meyers, Roman, Friedberg & Lewis

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Publications

- Authored the seminal book *Ohio Mechanics' Liens and Materialmen's Liens, Third Edition*, published by Thompson/Reuters Publishing Company
- Co-authored "*Mechanic's Liens and Other Remedies*" (Chapter 5) in American Bar Association's 2014 publication entitled *Construction Subcontracting: A Comprehensive Practical and Legal Guide*