



Stephen A. Melcher | Shareholder
smelcher@fwhtlaw.com

Practice Areas

- Construction
- Architectural and Engineering Liability
- Arbitration and Mediation
- Surety Law
- Insurance Law
- Civil Litigation

Education

J.D., cum laude,
William Mitchell
College of Law, 1986

Staff member and
note author, William
Mitchell Law Review

B.S., magna cum
laude, St. John's
University, 1980

Contact

+ 612.359.7629 T
+ 612.359.7602 F

LaSalle Plaza
800 LaSalle Avenue
Suite 1900
Minneapolis, MN 55402
(ph.) 612 359 7600

Practice Summary

Negotiated and drafted hundreds of contracts for project owners, contractors, designers, design-builders and subcontractors utilizing all types of project delivery systems (design-bid-build, design-build, construction management, and integrated project delivery) on private and public projects in numerous states, including American Indian-owned and sales-tax exempt projects.

Represented clients in mediation, arbitration and litigation in state and federal court, obtaining million-plus and multi-million dollar awards and settlements. Prosecuted and defended against claims and disputes involving bid mistake/protest, delay/disruption/acceleration, changed conditions, mechanic's liens, payment/performance bonds, professional liability, personal injury, property damage, insurance coverage, OSHA, copyright infringement and franchising.

In all matters (transactions and litigation), represented all types of construction industry participants (project owners, contractors, designers, design-builders, subcontractors, suppliers, sureties and insurers) engaged in projects in all industry sectors (commercial, industrial, energy, manufacturing, medical, road, bridge, utility and residential), including Atlas Foundation Co., BDA Architecture, Bor-Son Construction Company, Ankeny Kell Architects, City of Brooklyn Center, City of Northfield, City of Olivia, Clark Engineering, Gephart Electric Company, Gilbert Mechanical Contractors, Independent School District 621, James Steele Construction Company, Knutson Construction Services, Magney Construction, Inc., Miller Architects & Builders, North Dakota Natural Beef, Northern Industrial Erectors, Roers' Construction, Thein Well Company, and Tri-State Drilling.

Professional Organizations & Recognitions

Member, Minnesota and Dakota County Bar Associations

Member, American Bar Association, Forum on the Construction Industry

Member, MSBA Colleague Panel on Alternative Dispute Resolution, Construction Law and Mechanic's Liens

Member, Minnesota Utility Contractors Association

AV Preeminent (5.0 out of 5) Rated by Martindale-Hubbell

Judicial Clerkship

Law Clerk, Senior Judge Edward J. Devitt, U.S. District Court, Minnesota, 1986-1988

Admissions

Minnesota State Courts

United States Court of Federal Claims

United States Court of Appeals, Eighth Circuit

United States District Court, North Dakota

United States District Court, W. Dist. Wisconsin

United States District Court, Minnesota

Selected Publications & Speeches

Author/Lecturer, *Contractors' Rights & Remedies*, presented to Minnesota Utility Contractors Association (2007)

Fifty State Contractor and Design Professional License Law, Chapter 26, Minnesota (Wiley Law Publications, 2006)

Author/Lecturer, *Claim Prevention for Design Professionals in Minnesota: How to be Part of the Solution, Not the Problem*, presented to Lorman Education Services (2002)

Author/Lecturer, *The Construction Process*, presented at Commercial Real Estate Transactions III (Minnesota Institute of Legal Education, 1999)

Author/Lecturer, *Foreclosing Mechanic's Liens and Suing Out Payment Bond Claims*, presented at Mechanic's Liens & Payment Bonds (Minnesota Institute of Legal Education, 1999)

Author/Lecturer, *Tools for Collecting Payment--Contract Terms, Mechanic's Liens & Payment Bond Claims*, presented to Minnesota Electrical Association's Business Seminar (1997)

Author/Lecturer, *Construction Claims: From Recognition to Recovery*, presented to Minnesota Utility Contractors Association (1997)

Contributing Author, *Avoid Costly Sub Claims Against You When Owner's at Fault*, Construction Company Strategist, Oct. 1996, page 1

Author/Lecturer, *Limiting Your Liability as a Design Professional*, presented to Minnesota Society of Professional Engineers (1996)

Author/Lecturer, *Owners' Time-Related Rights & Liabilities*, presented to Construction Professionals in Retail (1996)

Author/Lecturer, *Encouraging Prompt Payment*, presented at Minnesota Construction Law Seminar, Lorman Educational Services (1996)

Author/Lecturer, *Design-Build for Electricians in Minnesota*, presented to Minnesota Electrical Association (1995)

Author/Lecturer, *Collecting Payment--The Other Half of the Job*, presented to Minnesota Utility Contractors Association (1995)

Contributing Author, *Fifty State Construction Lien and Bond Law* (Wiley Law Publications, 1992)

Lecturer, *Construction and Design Law*, Mankato State University (1992)

Co-Author and Lecturer, *Construction Bonds, Liens and Insurance Under Minnesota Law*, presented for The Oxford Group (1990)

Author/Lecturer, *Claims and Disputes During Construction*, presented to M.S.A.I.A./U.M.C.A. Architectural Practice Seminar (1990)

Author/Lecturer, *Delay, Suspension and Acceleration*, presented to MWBE Seminar, Minnesota Department of Transportation (1989)

Rule 11: Scalpel or Cudgel? Seeking Sanctions Under FRCP 11, Bench & Bar of Minnesota, Oct. 1988, page 19

Author/Lecturer, *Contribution and Indemnity in Minnesota Workplace Injury Cases*, presented to Products Liability Seminar (1986)

Bankruptcy: Can it Save the Family Farm?, 11 William Mitchell Law Review 1019 (1985)