

S. Leigh Rodenbough IV

Partner



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OFFICE

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Bo Rodenbough focuses his practice on litigation of complex interest rate swap and other financial services, construction, real estate, professional malpractice, business tort and contract disputes. He also represents owners, developers and lenders in complex commercial real estate transactions.

MY PRACTICE

FINANCIAL SERVICES LITIGATION

Since the credit crisis in the fall of 2008, Bo has been deeply involved in the restructuring, unwinding and litigation of interest rate swaps and other derivatives for real estate development and other commercial, institutional and governmental clients, including both plain vanilla, forward starting and cash settled swaps, as well as those paired with variable rate demand obligations. Bo has also counseled owners and developers, but sometimes lenders as well, in the workout of distressed real estate financing, including debt restructuring, non-judicial settlements,

PRACTICE AREAS

Business and Corporate
› Mergers & Acquisitions
Construction
Land Use & Zoning
Litigation
› Complex Business Litigation
› Construction Litigation
› Federal Litigation
› Mediation & Arbitration
› North Carolina Business Court
› Professional Liability Litigation
Real Estate

INDUSTRIES

Accounting & Professional Services
Banking, Investment & Financial Services
Construction & Development
Real Estate

EDUCATION

University of North Carolina School of Law
J.D., 1980, with high honors; Order of the Coif; Editor-in-Chief, *North Carolina Law Review*, 1979-80
University of North Carolina at Chapel Hill
B.A., 1977

CLERKSHIP

Law Clerk to the Honorable Dickson Phillips, U.S. Court of Appeals, 4th Circuit, 1980-81

BAR & COURT ADMISSIONS

US Supreme Court
4th Circuit
US District Court - North Carolina
Western District
Middle District
Eastern District

forbearances, foreclosures and guaranty obligations.

PROFESSIONAL MALPRACTICE DEFENSE

Bo has successfully defended accounting, law, engineering and surveying clients in professional malpractice litigation in the state and federal courts of North Carolina and surrounding states. He has also on occasion represented those professionals in defense of complaints filed with or by professional licensing boards. Further, he has extensive experience representing professional consultants in the negotiation, risk management and litigation of large scale IT systems integration contracts.

CONSTRUCTION AND REAL ESTATE LITIGATION

Bo has long worked with his real estate construction and development clients in the prosecution and defense of claims by and against owners, lenders, subcontractors and suppliers involving the construction of schools, jails and other governmental buildings, multifamily projects and office and retail buildings. He has also counseled owners, partners and developers in the workout and litigation of distressed real estate projects, including the partitioning of properties, the dissolution of business entities and associations, and disputes involving development, leasing and property management contracts. Bo has also been involved through the years in a number of complex land title and boundary line disputes, including more than ten years of litigation in multiple lawsuits involving thousands of acres of land on the Outer Banks of North Carolina. Finally, Bo regularly represents taxpayers in the prosecution of property tax valuation appeals.

CONTRACT AND BUSINESS TORT LITIGATION

Bo has litigated complex contract and business tort disputes in the state and federal courts of North Carolina and across the United States. Bo's experience in this area includes ERISA class action, covenant not to compete, breach of environmental and other warranties, purchase price adjustment and intellectual property and trade secret cases.

TAX-FREE EXCHANGES

Bo works with his clients in the acquisition and disposition of income-based properties in tax-free exchanges under Section 1031 of the Internal Revenue Code. His work in this area includes the structuring and implementation of deferred, reverse and build-to-suit exchanges, as well as the formation and divestiture of tenant-in-common ("TIC") exchanges.

MULTIFAMILY, OFFICE AND COMMUNITY DEVELOPMENT

Bo has long served as counsel to developers, builders and owners over the lifespan of projects, including the acquisition, development, construction, municipal entitlement, management, operation and sale of multifamily, commercial office, medical, mix-use and planned residential and resort developments. In the course of those projects, he provides his clients with advice and assistance on joint venture and other entity documentation, due diligence activities, contract negotiations and documentation, the imposition of easements and restrictions, the formation and governance of property owners associations, and compliance of the project with environmental, land use and other regulatory requirements, including compliance with the federal Interstate Land Sales Full Disclosure Act and state land sales regulations.

COMMERCIAL REAL ESTATE FINANCE

Bo advises his commercial real estate clients on numerous types of debt and equity financing for their projects, including construction, permanent and mezzanine loans, participating financing and institutional joint venture investments, and securitized mortgage and life insurance lender loans. He also works with his clients in obtaining and closing on a variety

of government-backed loans, including SBA and HUD financing.

COMMERCIAL LEASING

Bo also counsels companies on office, retail, industrial and multifamily leasing transactions. His work in this area includes the development and leasing of medical and other office, retail, warehouse and distribution and multifamily projects for real estate developers and owners, as well as representation of furniture, textile, food services and other manufacturing and specialty retailers in the leasing of headquarters, manufacturing, warehouse and distribution and showroom and store space.

HONORS

Recognized in *Chambers USA: America's Leading Lawyers for Business* in Real Estate (2018-2019)

Recognized in *North Carolina Super Lawyers* (Thomson Reuters) in Business Litigation (2006-2013, 2017-2019)

Selected by his peers for inclusion in *The Best Lawyers in America*® in Commercial Litigation and Real Estate Law (2003-2021)

Recognized by his peers for inclusion in *Business North Carolina's "Legal Elite"* in Real Estate Law (2006-2008, 2013, 2021) and Litigation (2005)

COMMUNITY INVOLVEMENT

Adjunct Instructor, [University of North Carolina School of Law](#) (1983-88)

Board Member, [UNC Law Alumni Association](#) (1990-93 and 2008-2012)

Member, Litigation Section Council, North Carolina Bar Association (1992-94)

Co-President (1999-2002), Board of Directors (1994-2004 and 2005-2010), Board of Advisors (2012-Present), [Piedmont Land Conservancy](#)

Member, Advisory Council, [Salvation Army Boys & Girls Clubs of Greensboro](#) (1999-2007)

General Counsel and Board Member, [Sunset Hills Neighborhood Association](#) (1993-97)

Elder and Chair, Finance and Stewardship Committee, Guilford Park Presbyterian Church, Current

Executive Board Member and Treasurer, Piedmont Conservation Council, Inc. (2013 - present)

Board Member, Vice President (2005-2008) and Legal Counsel, Guilford County Jail Ministries, Inc. (2005 - present)

Board Member and Legal Counsel, Greensboro Grimsley Senior High Alumni and Friends Association (2001-present)

Board Member, Triad Health Project (2005-2013)

Eighteen Brooks Pierce Attorneys Recognized for Pro Bono Work, December 16, 2019

Bo Rodenbough Comments on Realtor Law in North Carolina Lawyers Weekly, September 30, 2016