



Brian McMillan

PARTNER

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Brian McMillan brings experience and insight from more than 10 years in manufacturing, distribution and sales and more than 18 years practicing law at Brooks Pierce to bear on his counsel to individuals and businesses. His practice focuses on a wide variety of litigation and transactional matters.

CORPORATE & BUSINESS

Brian's business and practical background gives him a deep understanding of clients' goals, operations and legal challenges. His business and corporate practice includes negotiating and drafting distribution agreements, franchise agreements, lease agreements (on behalf of both lessors and lessees), employment agreements, and purchase/sales contracts. He also has extensive experience negotiating and drafting all manner of business contracts and agreements.

"My real-world experience in business impacts my understanding of and my perspective on the legal problems that the Firm's clients face and helps me identify sustainable, practical, cost-effective solutions for our clients."

BUSINESS LITIGATION

Brian advocates for clients in a wide range of business disputes, both before litigation commences and during litigation, including breach of contract, breach of warranty, and property tax disputes. He also has experience litigating will caveats and disputes among owners of closely-held entities.

GENERAL COUNSEL

With more than ten years of experience in business management and operations, Brian understands the Firm's clients and their industries and regularly provides advice on day-to-day business matters and their legal implications, in effect serving as general counsel to those clients.

CONDEMNATION/EMINENT DOMAIN

Brian represents land owners whose land has been taken or is threatened with taking by the North Carolina Department of Transportation (NCDOT) and/or local municipalities through the exercise of their power of eminent domain (condemnation). The focus of Brian's condemnation practice is securing fair and adequate compensation for clients for the land that the government wants to take or has taken. In that regard, in the last 18 years he has negotiated numerous settlements, including six- and seven-figure dollar amounts, and has taken several condemnation cases to trial. Recently, he and his Brooks Pierce partners won a jury award of \$6.3 million for a client from whom the NCDOT had taken a portion of the client's property for a highway. The NCDOT's evidence at trial in that case had been that the property owner was entitled to damages of less than \$1.5 million. Brian also negotiates with condemning authorities prior to condemnation regarding the impact of public projects on land owned by clients. In some cases, those negotiations include advocating on the client's behalf for road designs or routes that bypass their land.

SERVICES

Appellate

Climate Resilience

Complex Business Litigation

Construction & Development

Corporate & Business

Employment Litigation

Entity Formation

Federal Litigation

Financial Services and Banking

Franchise

International & Cross Border

Labor & Employment

Land Use & Zoning

Litigation

Health Care

Insurance & Professional Services

Litigation Support Technology
Manufacturing
Mediation & Arbitration
Mergers & Acquisitions
North Carolina Business Court
Not-for-Profits
Real Estate
Regulatory & Administrative
Technology
Transportation

CREDENTIALS

Honors & Recognitions

Selected by his peers for inclusion in *The Best Lawyers in America*® in Eminent Domain and Condemnation Law (2021-2022)

Education

University of California at Los Angeles Law School, J.D., 1996, Phi Alpha Delta; Roscoe Pound Moot Court Award—Best Advocate; Moot Court Honors Board

University of Denver, B.S., 1982, Beta Gamma Sigma; Mu Kappa Tau (national marketing honorary society); MKT Outstanding Jr. & Sr. Awards

Admissions

California

North Carolina

PROFESSIONAL & CIVIC

Member, North Carolina Bar Association (1997-present)

Member, American Bar Association (1997-present)

Board of Directors, Presbyterian Counseling Center (2019-present)

Coach, Grimsley High School Moot Court Team (1998-present)

ABOUT ME

I earned a business degree in college and spent more than 10 years in the business world before returning to law school. I was the third-oldest person in my law school class, which gave me a unique perspective on the law school experience. During my business career, which I spent in manufacturing, sales and distribution, I lived and worked in the United States, Italy, Thailand and Denmark. I have traveled all over the world, for business and for pleasure. I believe that two of my strengths are my judgment—on legal matters and on business matters—and my patience. When meeting new people in a social setting and talking with them for a while before telling them what I do for a living, I often hear, “You don’t seem like a typical lawyer.” I take that as a compliment. I became an attorney because my *de facto* mindset is, “What is the problem, and how can it be avoided or favorably resolved?” I think of the practice of law as primarily an exercise in avoiding problems, when possible, and solving them, when they inevitably occur.

NEWSROOM

News

72 Brooks Pierce Attorneys Recognized in *The Best Lawyers in America*® 2022 Guide
The Best Lawyers in America®, 08.19.2021

73 Brooks Pierce Attorneys Recognized in *The Best Lawyers in America*® 2021 Guide
The Best Lawyers in America®, 08.20.2020

Brooks Pierce Case Recognized As One of N.C.’s Largest Eminent Domain Verdicts in 2018
03.11.2019

North Carolina Lawyers Weekly Reports on Recent \$2.6 Million Verdict for Brooks Pierce Client
North Carolina Lawyers Weekly , 01.25.2019

Key Settlement Highlighted by North Carolina Lawyers Weekly
North Carolina Lawyers Weekly, 10.24.2017

Publications

Jury Awards Brooks Pierce's Clients Over \$6 Million in Condemnation Case
10.13.2012