



## **James F. Butler, III**

*Partner*

**Jim Butler** is a partner with the Atlanta construction law firm of Smith, Currie & Hancock. He is a graduate of Duke University and the University of Kentucky College of Law. He is admitted to practice in Florida, Georgia, Kentucky, New York, North Carolina, Texas, Arkansas and Washington.

His practice is concentrated in the negotiation, arbitration and litigation of construction contracts, government contracts and environmental issues. He has experience with a variety of projects, including

power plants, water and wastewater systems, process plants, NGL facilities, methanol plants, tunnels, dams, stadiums, arenas, airports, casinos, semiconductor facilities, office buildings, schools, hospitals, prisons, condominiums, communications and cable facilities, food processing plants, highways, manufacturing and industrial plants, asbestos abatement projects, superfund sites and government facilities.

Mr. Butler has a sub-specialty which focuses on EPC and design-build projects. He has been particularly active in promoting, putting together and resolving disputes on design-build projects since the mid-80's. He was awarded the Rich Allen Meritorious Service Award by the Professional Engineers in Construction Division of the National Society of Professional Engineers for his efforts in assisting professional engineers and other participants in the design-build process to avoid liability and claims on design-build projects.

He has conducted seminars and training programs for the American Bar Association, Associated General Contractors, Associated Builders and Contractors, the National Society of Professional Engineers, the American Consulting Engineers Council, the American Society of Heating, Refrigeration and Air Conditioning Engineers, the Florida Bar, the Construction Industry Forum Committee, the Design Build Institute of America, the Construction Superconference, the National Asbestos Council, the University of Wisconsin, the University of Texas, the Texas State Department of Transportation, the National Solid Waste Management Association, the Georgia Institute of Technology and Virginia Polytechnic Institute. He is also an adjunct professor at the College of Architecture of the Georgia Institute of Technology.

He has completed the American Arbitration Association's mediator training and Harvard University College of Law's Advanced Mediation Program. He is a mediator for the American Arbitration Association and a member of its Construction Industry National Panel of Arbitrators. He is also a member of the American Bar Association's Forum on the Construction Industry and on the steering committee for the International Construction Projects Division. He also co-chairs the construction defects litigation subcommittee of the ABA Section of Litigation. He is a contributing author to

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### **Areas of Practice**

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- Construction Law
- Government Contracts
- Environmental Law
- Mediation
- Contracts
- Litigation and Appeals

### **Education**

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- Duke University (A.B., 1977)
- University of Kentucky College of Law (J.D., 1981)

### **Bar and Court Admissions**

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- Georgia, 1981
- Florida, 1992
- Texas, 1994
- Kentucky, 1981
- Washington, 2003
- New York, 2004
- Arkansas, 2006
- North Carolina, 2006
- U.S. Court of Federal Claims, 1988
- U.S. District Court Western District of Kentucky, 2009

### **Memberships**

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- Arkansas Bar Association, Member
- Atlanta Bar Association, Member
- Florida Bar Association, Member
- Kentucky Bar Association, Member
- New York State Bar Association, Member
- State Bar of Texas, Member
- North Carolina Bar Association, Member



*Design-Build Contracting Handbook, Alternative Clauses to Standard Construction Contracts, and The AGC Environmental Risk Management Procedures Manual.*

## Representative Matters

Jim has represented contractors, owners, engineers, architects, subcontractors and sureties on a wide variety of projects, domestically and internationally. This representation has included:

Gas Fired Power Plant in California: Client received a multi-million dollar arbitration award after a three-week arbitration. Claim was based on lost productivity and delay. Award included award of attorneys' fees.

Wall Board Plant in West Virginia: Represented mechanical contractor on delay, disruption and interference claims against international manufacturer of wall board. Obtained a settlement nearly equaling original contract amount.

Methanol Plants in the Caribbean and South America: Represented owner of methanol plants in the successful defense of \$50 million and \$30 million claims by EPC Contractor.

Liquid Natural Gas Facility in Venezuela: Represented EPC contractor in claim against foreign public owner on a lump sum turnkey offshore liquid natural gas process facility. Representation included negotiations with owner for \$25 million affirmative delay, extra work and inefficiency claims and defending against owner's \$50 million delay counterclaim. Claims were decided in clients favor in International Chamber of Commerce arbitration.

Hurricane Protection Work: Representation of contractor in multimillion dollar settlement of differing site conditions and defective specifications claim against Corps of Engineers. Representation of Design-Build team during proposal on \$700 million hurricane protection project.

Design-Build Projects in Nevada: Representation of Owner on design-build projects ranging from \$30 million to \$100 million.

Fossil Fuel Plants: Tried an 8-month jury trial for Owner of 650 MW coal-fired plant, reducing contractor's claim to less than settlement offer made one year before trial. Represented contractors on multiple settlements exceeding \$1 million on fossil fuel plants in multiple states.

Florida Dredging Projects: Have represented dredging contractors on multiple jobs in Florida, successfully recovering on claims arising from defective specifications, differing site conditions and owner interference.

Poultry Processing Plant: Represented Owner in successful defense against Design-Builders \$20 million claim on poultry processing plant.

Tunneling and HDD Projects: Representation of multiple contractors on tunneling and horizontal directional drilling projects, ranging in value from \$5 million to \$150 million.

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- American Bar Association, Forum on the Construction Industry, International Construction Contracting Steering Committee, Member
- State Bar of Georgia, Member
- American Bar Association, Construction Litigation Section, Construction Defects Subcommittee, Co-Chairman
- Washington Bar Association, Member
- Dispute Review Board Foundation, Member

## Noteworthy

- Adjunct Professor, College of Architecture of the Georgia Institute of Technology
- Rich Allen Meritorious Service Award, National Society of Professional Engineers
- One of America's Leading Lawyers for Business in the Construction Law Area by Chambers and Partners
- Georgia Super Lawyer by *Law & Politics* and *Atlanta* magazine
- Identified as a leading international construction lawyer by *Who's Who Legal*



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Hydroelectric Projects: Representation of contractors on hydroelectric projects in West Virginia and Arkansas, resulting in settlements exceeding \$10 million.

Bridges and Roads: Representation of multiple contractors in the successful recovery on claims arising from defective specifications, delays, disruption, lost productivity and differing site conditions on projects ranging in value from \$2 million to \$175 million.

Environmental Remediation: Representation of multiple contractors on the remediation of hazardous materials ranging from asbestos to PCBs to plutonium. Successful recovery on contractor claims through arbitration, mediation and settlement.

Water and Wastewater Projects: Representation of multiple contractors in several states in the successful prosecution of claims arising from defective specifications, delay, owner interference, differing site conditions and lost productivity.