



Eugene J. Heady

Partner

EUGENE J. HEADY is a partner in Smith Currie's Atlanta office. Gene has significant background and experience in the construction industry. In 1981, Gene earned a B.S. degree in Engineering from the University of Hartford, majoring in Electrical Contracting, and was inducted into the Kappa Mu Honorary Engineering Society. Before law school, he worked in the electrical construction business as a project engineer, project manager, and owner.

Gene's practical experience included: take-off, estimation and competitive bidding of the electrical division of various private and governmental construction projects; management of multi-million dollar electrical subcontracts; drafting and negotiating subcontracts and major purchase order agreements; pricing and negotiating contract change orders; coordinating electrical work with other trades; and preparing and negotiating contract claims.

Gene graduated in 1996, with honors, from Texas Tech University School of Law where he served as the Editor-in-Chief of the *Texas Tech Law Review* and as a staff writer and an Editor for the *Texas Tech Legal Research Board*. His numerous published works include: *Stuck Inside These Four Walls: Recognition of Sick Building Syndrome Has Laid the Foundation to Raise Toxic Tort Litigation to New Heights*, 26 *Tex. Tech. L. Rev.* 1041 (1995) (republished in *Legal Handbook for Architects, Engineers, and Contractors*, Clark Boardman Callaghan, 1996); *Contractors' Amending AIA A401-1997: Standard Form of Agreement Between Contractor and Subcontractor*, and *Subcontractors' Amending AIA A401-1997: Standard Form of Agreement Between Contractor and Subcontractor*, both in *Alternative Clauses to Standard Construction Contracts* (Glower W. Jones, ed., 1998); and co-authorship of the Georgia Chapter in *Fifty State Construction Lien and Bond Law* (Aspen Law & Business, 1999). He served as a Student Editor on the *Texas County Court Bench Manual*, Texas Association of Counties, 1996; and as a Student Editor on the *Bench Book for the Texas Judiciary*, Texas Center for the Judiciary, 1996.

Gene is a member of the State Bars of Georgia, Texas, Florida, and Colorado; and is admitted to practice before the United States District Courts for the Northern District of Georgia, the Northern District of Texas, and the Southern District of Texas. Gene is a neutral registered by the Georgia Supreme Court in general mediation. He is a member of the American Bar Association Forum on the Construction Industry, and has served as Vice Chair Region IV-Georgia, American Bar Association, Section of Public Contract Law since 1999. Gene was elected by his peers as one of Georgia Super Lawyers 2004; and, in 2006, was elected to become a Fellow of the American Bar Foundation. The Fellows is the preeminent attorney group in the country; its membership being limited to one third of one percent of the lawyers in America.

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Areas of Practice

- Construction Law
- Government Contracts
- Litigation
- Alternative Dispute Resolution

Education

- University of Hartford (B.S.E., Electrical Contracting, Kappa Mu Honorary Engineering Society, 1981)
- Texas Tech University School of Law (J.D., cum laude, Law Review, 1996)
- Texas Tech Law Review, Editor-in-Chief (1995 – 1996)
- Texas Tech Law Review, Staff Member (1994 – 1995)
- Texas Tech Law Review, Editor, Texas Tech Legal Research Board (1995 – 1996)
- Texas Tech Law Review, Student Editor, Texas County Court Bench Manual
- Texas Tech Law Review, Student Editor, Bench Book for the Texas Judiciary (1996)

Bar and Court Admissions

- Texas, 1996
- Georgia, 1997
- Colorado, 1997
- Florida, 1998
- Georgia Court of Appeals, 1997
- Supreme Court of Georgia, 1997
- U.S. District Court Northern District of Georgia, 1997
- U.S. District Court Northern District of Texas, 2001

Articles & Publications

- Co-Author, "Hidden Legal Risks of Green Building", in *The Florida Bar Journal*, p. 35, March 2010.
- *Stuck Inside These Four Walls: Recognition of Sick Building Syndrome Has Laid the Foundation to Raise Toxic Tort Litigation to New Heights*, 26 *Tex. Tech L. Rev.* 1041 (1995) (republished in *Legal Handbook for Architects, Engineers and Contractors*, Clark Boardman Callaghan, 1996).
- *1996 & 1997 Georgia Supplements to Fifty State Construction Lien and Bond Law* (co-author), John Wiley & Sons.
- *1999 to present, yearly Georgia Supplements to Fifty State Construction Lien and Bond Law* (co-author), Aspen Law & Business.
- *Georgia Chapter in Fifty State Construction Lien and Bond Law* (co-author), Aspen Law & Business, 2 ed., 2000.
- "Public Owner Liability for Payment Bond Coverage" in *Water Environment & Technology*, p. 72, July, 1997.
- Chapter 22, "Contractors' Amending AIA A401-1997: Standard Form of Agreement Between Contractor and Subcontractor," in *Alternative Clauses to Standard Construction Contracts* (Glower W. Jones, ed.), Aspen Law & Business, 1998.
- Chapter 28, "Subcontractors' Amending AIA A401-1997: Standard Form of Agreement Between Contractor and Subcontractor," in *Alternative Clauses to Standard Construction Contracts* (Glower W. Jones, ed.), Aspen Law & Business, 1998.
- *1999-2008 Supplements to Chapters 22 and 28 in Alternative Clauses to Standard Construction Contracts* (Glower W. Jones, ed.), Aspen Law & Business.
- Co-Author, *Challenging or Obtaining Recognition of a Scheduling Expert's Testimony in a Construction Delay Case*, Paper presented at the 1999 ABA Annual Meeting, Section of Public Contract Law, 1999.
- Co-Author, *Expertise That is "Fausse" and Science That is Junky: Challenging a Scheduling Expert*, *The Procurement Lawyer*, Fall, Vol. 35, No. 1, p. 1, 1999.
- Co-Author, *Georgia Chapter in Legal Aspects of Doing Business in North America and Canada*, (Dennis Campbell, ed.), Kluwer Law International, 2001.
- Co-Author, *United States Chapter in Remedies for International Sellers of Goods*, (Dennis Campbell, ed.), Kluwer Law International, 2001.
- Co-Author, *Georgia Construction and Design Law*, in *A State-by-State Guide to Construction & Design Law* (Carl J. Circo & Christopher H. Little, eds., 2d ed.), American Bar Association, 2009.
- Co-Editor, *Alternative Clauses to Standard Construction Contracts* (S. Gregory Joy and Eugene J. Heady, eds.), Aspen Law & Business, 2009.
- Chapter 25, "Contractors' Amending AIA A401-2007: Standard Form of Agreement Between Contractor and Subcontractor," in *Alternative Clauses to Standard Construction Contracts* (S. Gregory Joy and Eugene J. Heady, eds.), Aspen Law &

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- U.S. District Court Southern District of Texas, 2006

Memberships

- ABA Forum on the Construction Industry, 1993 - Present, Member
- Scribes - The American Society of Writers on Legal Subjects, inducted 1996
- American Bar Association, 1996 - Present, Member
- Vice Chair, Section of Public Contract Law, Region IV-Georgia
- Lawyers Club of Atlanta, 2001 - Present, Member
- National Electrical Contractors Association, Member
- State Bar of Georgia, Member
- State Bar of Texas, Member
- State Bar of Florida, Member
- State Bar of Colorado, Member

Noteworthy

- W.R. Quilliam Memorial Endowed Merit Scholarship, Texas Tech University, 1993 - 1994
- George H. Mahon Endowed Merit Fellowship, Texas Tech University, 1994 - 1995
- Texas Association of Counties Judicial Education Institute Scholarship, 1995 - 1996
- Fulbright & Jaworski Law Review Editor Scholarship, 1995 - 1996
- Outstanding Comment Award, Texas Tech University Law Review, 1994 - 1995
- Outstanding Editor Award, Texas Tech University Law Review, 1995 - 1996
- Jurisprudence Award for Superior



Business, 2009.

- Chapter 32, "Subcontractors' Amending AIA A401-2007: Standard Form of Agreement Between Contractor and Subcontractor," in *Alternative Clauses to Standard Construction Contracts* (S. Gregory Joy and Eugene J. Heady, eds.), Aspen Law & Business, 2009.

Classes & Seminars Taught

- Georgia Construction Lien and Public Contract Bond Law
- Georgia Construction Law
- Georgia Construction Law: From Bidding to Final Payment
- Georgia Construction Law: From Bidding to Final Payment-A Practical Overview of Construction Law, Litigation and Dispute Resolution Alternatives
- Hidden Risks of Green Buildings: Why Building Failures Are Likely and How to Avoid Them
- The Hidden Risks of Green Buildings: Why Building Failures Are Likely and How to Reduce Your Risk in the District of Columbia

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Academic Achievement in
Interviewing & Counseling

- Who's Who: American Law Students, 1994, 1995, 1996
- Who's Who Among Students in American Universities and Colleges, 1979 - 1980
- Who's Who in American Law, 2000-2001, 2002-2003, 2005-2006, 2007-2008
- Who's Who in America, 2001, 2002, 2003, 2004, 2005, 2008, 2009
- Who's Who in the World, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008
- Who's Who in Finance & Industry, 2001-2002, 2002-2003