



## **Eric L. Nelson**

*Partner*

**ERIC L. NELSON** is a partner with Smith, Currie & Hancock and practices in the area of construction law and government contracts. Mr. Nelson received his law degree from Washington & Lee Law School and his undergraduate degree from California Polytechnic State University at San Luis Obispo.

Mr. Nelson's practice primarily involves dispute resolution of construction related claims for public and private projects. Mr. Nelson has trial experience in federal and state courts and before the various

government boards of contract appeals. He has also participated extensively in alternative dispute resolution, including negotiation, mediation and arbitration, both nationally and internationally. In addition to dispute resolution, Mr. Nelson has assisted clients in negotiating and drafting construction contracts.

In the past five years, Mr. Nelson has represented both owners and engineer/constructors in the design, engineering and construction of industrial, infrastructure and commercial projects. These projects have involved claims from \$1MM to over \$100MM+. For example:

Represented contractor in multi-phase arbitration against owner arising out of wrongful termination, scope changes, and delay and disruption claims on high-rise condominium project in Florida. Defeated owner's entire \$100MM+ delay and cost to complete claims. Recovered contract balance, lost profits, and attorneys' fees for contractor and had the termination declared wrongful.

Represented owner in \$20MM+ arbitration on continuing care and retirement community, resulting in successful award for owner.

Represented owner in recovering on and defending against multi-party disputes among owner, designer/engineer and contractors on the design and construction of a medium section steel mill and caster project.

Represented the engineer/construct contractor in recovering on claims against owner concerning construction of aluminum mill.

Represented EPC contractor in recovering on extra work and impact claims on water treatment facility.

Represented EPC contractor in negotiations and ICC arbitration on dispute with owner on offshore natural gas process project in Latin America.

Represented owner in litigation to recover claims against several equipment providers and contractors on power project.

Represented contractor to recover and defend against claims on construction of two combined cycle power plants in the northeast and southwest United States.

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### **Areas of Practice**

- Construction Law
- Government Contracts

### **Education**

- California Polytechnic State University (B.A., 1989)
- Washington and Lee University School of Law (J.D., 1992)

### **Bar and Court Admissions**

- Georgia, 1992
- U.S. District Court Northern District of Georgia, 1992
- U.S. Court of Appeals 11th Circuit, 1992
- U.S. Court of Federal Claims, 1992
- U.S. Court of Appeals Federal Circuit, 1992
- U.S. District Court Northern District of Florida, 2008

### **Memberships**

- American Bar Association, Public Contract Section, 1999 - 2001, Vice Chair - Construction Division (Subcontracting Sub-Committee)
- American Bar Association, Public Contract Section, 2001 - 2006, Co-Chair - Construction Division (Bonding and Insurance Sub-Committee)
- ABA Construction Industry Forum, Member
- State Bar of Georgia, Member
- Atlanta Bar Association, Member



Represented contractor on claims for delay and impact on federal laboratory project.

Represented contractors in several contract negotiations and claims evaluation for design-build and other forms of project delivery for projects ranging from \$35MM to \$500MM+. Projects include power, process, and infrastructure works and high-rise structures both domestically and internationally (Qatar, China, Spain, Honduras, and Egypt) and have involved various contract forms, including FIDIC, DBIA, AIA, and Consensus Docs.

Mr. Nelson has also been named in *Chambers USA Guide to America's Leading Business Lawyers*, for construction law; *The Legal 500*, for construction litigation; and *Best Lawyers in America*, for construction law.

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### Articles & Publications

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- "The Resurrection of Rice? The Evolution (and De-evolution) of the Ability of Contractors to Recover Delay Damages of Federal Government Construction Contracts," *ABA Public Contract Law Journal*, Winter 2010 (Co-author).
- "Trends in Construction Lost Productivity Claims," *Journal of Professional Issues in Engineering Education & Practice*, July 2004 (Co-author).
- "Delay Claims Against the Surety," *ABA Journal for Forum on the Construction Industry*, July 1997 (Co-author).

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### Classes & Seminars Taught

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- Mr. Nelson has spoken and taught classes on Construction Law throughout the United States and internationally.

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