



Charles E. Rogers

Partner

CHARLES E. ROGERS is a partner in the Atlanta office of Smith, Currie & Hancock LLP.

Charlie focuses his practice on the representation of parties involved with the design, construction, ownership and development of commercial and residential construction projects, for public and private entities. This representation encompasses all phases of such projects, including pre-project planning and development, contemporaneous management and resolution of project-specific disputes and claims, as well as post-project

operations and claim handling. Specific services provided include traditional litigation, claim preparation and defense, contract drafting and negotiation, alternative dispute resolution and general consultation, for projects and matters ranging from office, shopping center, hospitality and retail complexes to large scale multi-family residential developments, mass transit infrastructure, major highway design and construction and other publicly-owned facilities. This representation has included the utilization of mainstream alternative dispute resolution methods such as mediation and arbitration, through the assistance of the American Arbitration Association and other nationally recognized third-party neutrals, and the defense and pursuit of claims in all levels of various state courts, and, within the Federal Court system, in the U.S. District Courts of Georgia, Maryland and Washington, D.C., the Fourth and Eleventh Circuit Courts of Appeal and the United States Supreme Court.

In addition to assisting construction professionals in the resolution of disputed claims and other contested issues on private projects, Charlie is actively involved in providing consultation relating to government contract compliance, including issues raised by application of the Federal Acquisition Regulation (FAR) to construction contracts and other related documents, the resolution of construction-phase issues, the interpretation of contractual responsibilities and obligations and the development of appropriate compliance programs, risk management procedures and safeguards. Charlie's construction practice also encompasses a specialty in handicap accessibility compliance in design and construction, in the context of both state and federal accessibility statutes which are or may be applicable to the myriad types of residential and commercial buildings being designed, constructed or developed in today's marketplace. Charlie regularly participates in the presentation of annual risk management seminars to construction professionals, risk management specialists and insurance representatives.

In both 2005 and 2006, Charlie was identified by Law & Politics and Atlanta Magazine as a "Rising Star," and one of Atlanta's best lawyers under 40.

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Areas of Practice

- Construction Law
- Government Contracts
- Professional Liability
- Commercial Landlord/Tenant
- Alternative Dispute Resolution

Education

- Duke University (B.A., 1989)
- Emory University (J.D., 1993)

Bar and Court Admissions

- Georgia, 1993
- United States Supreme Court, 2010
- U.S. Court of Appeals, Fourth Circuit, 2009
- U.S. Court of Appeals, Eleventh Circuit, 1998
- U.S. District Court, Middle District of Georgia, 2000
- U.S. District Court, Northern District of Georgia, 1998

Memberships

- State Bar of Georgia, Member
- American Bar Association, Litigation Section and Construction Industry Forum
- ABA Forum on the Construction Industry, Division 5 Steering Committee
- Atlanta Bar Association, Litigation and Construction Law Sections

Representative Matters

- *Equal Rights Center, et al., v. Archstone Multifamily Series I Trust, et al., v. Niles Bolton Associates, Inc.*, 602 F.3d 597 (4th Cir.2010), cert. denied, 131 S.Ct. 504 (November, 2010) (In a case of first impression involving federal statutory preemption principles applied to the Fair Housing Act and the Americans with Disabilities Act, obtained summary judgment on behalf of design firm on property owner's derivative claims seeking indemnification and/or contribution for damages sustained through a settlement of claims alleging violations of FHA and ADA design and construction requirements at dozens of multi-family apartment projects).
- *Kami Z. Barker and Access Now, Inc. v. Emory University, et al.*, 316 Fed.Appx. 933 (11 Cir. 2009) (Defense verdict at jury trial on claims alleging violations of the FHA and ADA at student housing apartments on university campus).
- Successfully represented design firm by obtaining award in client's favor in arbitration of claim brought by regional transit authority seeking reimbursement of costs due to alleged non-compliance with FAR cost and accounting principles and other government contracting regulations.
- Successfully represented owner of international schools project with a time-sensitive contractual dispute ultimately involving the owner's declaration of default and termination of the general contractor for refusal to remediate defective work, and the resolution of a subsequent claim asserted against contractor and surety for cost of completion and remediation.

Classes & Seminars Taught

- Federal Government Contracting: From Surviving to Thriving, AIA Large Firm Roundtable, April 7, 2011.
- Arbitration From the Contractor's Perspective – Practical Considerations, ABA Forum on the Construction Industry Annual Meeting, Division 5 Breakfast Meeting, April 15, 2011.
- Professional Liability and the Building Enclosure, AIA Building Enclosure Council, Miami Chapter, May 18, 2010.
- Professional Liability and the Building Enclosure, AIA Building Enclosure Council, Atlanta Chapter, March 10, 2010.
- Appearing as a Witness in a Civil Case, Legal Issues for Georgia Professional Engineers (Half Moon Seminars), March 27, 2008.
- Law of Architectural Malpractice, Legal Issues for Georgia Architects (Half Moon Seminars), May 17, 2007.
- Accessibility: Owners and Architects Get their Day in Court, National Multi Housing Council Property/Risk Management Forum, October 30, 2006.
- Lecturer on government contracting compliance and accessibility design and construction requirements under the FHA for various clients.