



Thomas E. Abernathy, IV

Partner

THOMAS E. ABERNATHY is a partner in the Atlanta office of Smith, Currie & Hancock LLP. He received his B.A. degree from Vanderbilt University. He attended law school at the University of Virginia and Vanderbilt University and received his law degree from Vanderbilt University. After law school, he served four years in the U.S. Army. He was an Associate Professor at the U.S. Army Judge Advocate General's School and taught government contract and construction law to attorneys representing various U.S. Government agencies.

After his military service, Tom came to Atlanta and has been a partner at Smith, Currie & Hancock since 1974.

Since joining the firm, Tom has represented owners, general contractors, subcontractors, and sureties on issues involving bid and award protests and construction performance problems related to changes, changed conditions, defective plans and specifications, delays, suspensions of work and termination of contracts. He has been involved in various types of construction projects ranging from federal office buildings, courthouses, and high rise buildings to bridges and highway projects, power plants, commercial and industrial construction projects.

Tom is active in the field of public contract law and served as the Chairman of the American Bar Association Section of Public Contract Law. He is a Fellow and a member of the Board of Governors of the American College of Construction Lawyers. He is a member of the Construction National Panel of Neutrals for the American Arbitration Association. He also was a member of the Board of Governors of the United States Court of Federal Claims Bar Association from 1988 to 1994.

He has lectured on government contract and construction law at Emory University Law School, Florida State University Law School, Georgia Institute of Technology, and the University of Wisconsin School of Engineering. He has conducted seminars on construction topics for McGraw-Hill/FW Dodge, Prentice-Hall Law & Business, Federal Publications, Inc., American Bar Association, and the Federal Bar Association Bureau of National Affairs.

His publications include: Co-Author, Construction Business Handbook, Aspen Publications (2004); Changed Conditions/Edition II, Construction Briefings, 2000-9, West Group (September 2000); Developments in Federal Construction Contracts, *Wiley Construction Law Update*, Wiley Law Publications (1992 through 1999); Resolving Government Construction Claims Without Litigation, 93-10 *Briefing Papers*, Federal Publications (September 1993).

Tom is married and has a daughter and son-in-law who also live in Atlanta. He is

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Areas of Practice

- Construction Law
- Government Contracts
- Arbitration
- Mediation
- Contracts

Education

- Vanderbilt University (B.A., Political Science, Omicron Delta Kappa, 1963)
- Vanderbilt University School of Law (J.D., Phi Alpha Delta, 1967)

Bar and Court Admissions

- Georgia, 1972
- Tennessee, 1967
- U.S. District Court Western District of Tennessee, 1967
- U.S. District Court Northern District of Georgia, 1972
- U.S. Supreme Court, 1970
- U.S. Court of Federal Claims, 1970

Memberships

- Atlanta Bar Association, Member
- Tennessee Bar Association, Member
- American Bar Association, Member; National Chairman, Public Contract Law Section, 1983-1984
- State Bar of Georgia, Member
- Lawyers Club of Atlanta, Member
- American Bar Association, Member, Forum of the Construction Industry
- American Arbitration Association,



active in civic affairs and served as the Chairman of the Metropolitan Atlanta Advisory Board for The Salvation Army during 1997-2000.

Articles & Publications

- "Chapter 15 Differing Site (Changed) Conditions," *Construction Business Handbook*, Aspen Publishers, 2004
- "Changed Conditions/Edition 11," *Construction Briefings*, 2000-9, West Group, September, 2000
- "Developments in Federal Construction Contracts," *Wiley Construction Law Update*, Wiley Law Publications 1992 - 1999
- "Resolving Government Construction Claims Without Litigation," *93-10 Briefing Papers*, Federal Publications, Inc., September, 1993
- "Changed Conditions," *Construction Briefings, No. 84-12*, Federal Publications, Inc., December, 1984

Classes & Seminars Taught

- Lecturer on construction and government contract matters to various professional groups.
- Associate Professor, Government Contract Law, The U.S. Army Judge Advocate General's School, 1969 - 1971
- Government Contract Law, Florida State University Law School, 1972 - 1973
- Government Contract Law, Emory Law School, 1973 - 1974

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- Member, Panel of Arbitrators
- U.S. Court of Federal Claims Bar Association, 1988 - 1994, Member, Board of Governors
- National Contract Management Association, Past President, Atlanta Chapter

Professional Activities

- Chairman, Metro-Atlanta Advisory Board, The Salvation Army, 1997 - 2000
- Chairman, Metro-Atlanta Soc. Serv. Adv. Council, The Salvation Army, 1994 - 1995
- Alpha Tau Omega
- Phi Alpha Delta

Noteworthy

- Fellow, American College of Construction Lawyers

Other Experience

- United States Army, Captain, 1967 - 1971