

JONATHAN D. GAUL
114 Woodlawn Avenue / Decatur, Georgia 30030
dgaul@bellsouth.net / (404) 310-2911

LEGAL EXPERIENCE:

WIMBERLY, LAWSON, STECKEL, SCHNEIDER & STINE, P.C.
Atlanta, Georgia
Of Counsel

9/12-Present

Represent business owners in commercial and construction litigation including contract, government regulation and insurance coverage disputes and construction process-related issues, including:

- Draft, review and negotiation of contracts;
- Claim resolution during and after construction;
- Resolve coverage disputes with insurance companies;
- Advise clients regarding government regulations including Clean Water Act requirements, Davis-Bacon liability and applicable FAR and DFAR requirements.

Selected Accomplishments

- Represented multi-million dollar employer in favorable settlement of a breach of restrictive covenant dispute with former key employee.
- Represented multi-million dollar seafood processing company to favorable settlement of a motor carrier shipping dispute national motor carrier.
- Assisted contractor in successful resolution of dispute with local government authority regarding project delays and threatened termination for default.
- Advised food processing plant in successful resolution of dispute with municipality regarding alleged dumping into sewer system in violation of the Clean Water Act

SMITH, GAMBRELL & RUSSELL, LLP
Atlanta, Georgia
Of Counsel

5/05–9/12

Represent general contractors, subcontractors, government entities, government contractors, and owners/developers throughout the United States in all construction process-related issues, including:

- Pre-construction drafting, review and negotiation of contracts;
- Claim resolution during and after construction;
- Complex litigation, mediation, and arbitration proceedings;
- Advise clients regarding the effect of FARs and DFARs on federal contracts; and
- Bid protests at the agency and Government Accountability Office (GAO) administrative levels.

Selected Accomplishments:

- Second chaired team which secured a \$10 million arbitration award to compensate client for owner interferences, defective work, and design-related issues.

- Represented Cherokee County to settlement in a complex multi-defendant mold case.
- Facilitated the construction of multimillion-dollar wind and solar projects by negotiating and drafting necessary licenses, construction and vendor contracts and licenses.
- Negotiated and drafted contracts, including EPC contracts, and resolved claims with strict liquidated damages and timing issues for multimillion-dollar paper manufacturer projects in Georgia, Florida and North Carolina.
- Successfully resolved claims regarding the demolition of a nuclear reactor in Michigan, balancing claimed delays against loss of productivity.
- Successfully litigated and resolved subcontractor claims and state property questions that involved an auto plant in Georgia.
- Named Georgia Super Lawyer Rising Star in 2007.

CITY OF ATLANTA, GEORGIA
Senior Assistant City Attorney, Infrastructure

8/03–5/05

Provided counsel to the Departments of Public Works and Watershed Management regarding construction, operation and maintenance of public infrastructure such as sewers and streets.

- Lead counsel on cases arising out of developer sewer design and encroachment issues;
- Lead counsel on intergovernmental disputes involving cost of sanitary sewer treatment services;
- Drafted and reviewed contracts for construction projects and associated transactional matters such as encroachment agreements, rights of entry and other documents associated with construction projects in the City, including multi-use projects;
- Drafted and negotiated intergovernmental agreements between the City and other municipalities for water, sewer, fire and police services;
- Attorney for City Council researching legality and then drafting legislation regarding matters concerning public sidewalks, street condemnations, and moratoriums on fee requirements;
- Represented the City in Superior Court, administrative hearings, review boards, and on appeal;
- Worked with the City’s procurement department updating City contracts to comply with national best practices, thereby reducing risk, project costs, and the purchase price of goods and services;
- Negotiated surety agreements and claims resolutions with national insurance companies, including coverage for property damage caused by City contractors and subcontractors on behalf of the City and constituents; and
- Managed outside counsel for specific issues related to the Department of Watershed Management.

Selected Accomplishments:

- Secured Summary Judgment in favor of the City regarding Ansley Park flooding matter by establishing that storm water system was not city-owned.
- Drafted city-level legislation on issues ranging from sewer rates and condemnation to zoning waivers.
- Engineered agreement ensuring that surety would pay for remediation of \$3 million repair of defective work at Indian Creek Sewer Project.
- Resolved City and contractor claims related to development of City parks.

- Successfully resolved multiple *ante litem* issues regarding damages alleged to be caused by the City, e.g., potholes, flooding, buckled sidewalks and sewer backups.
- Oversaw environmental monitoring and clean up of Ft. McPherson in Atlanta.

GRIFFIN COCHRANE & MARSHALL
Atlanta, Georgia
Associate, Construction Litigation

7/01–4/03

Practiced complex commercial construction litigation primarily in Georgia and throughout the Southeast.

Selected Accomplishments:

- Held primary responsibility for discovery management and substantive motion practice in billion dollar Las Vegas, Nevada casino litigation.
- Key team member in dispute over waiver issues related to corporate buyout in Alabama cement plant litigation.
- As part of a team, represented contractor in arbitration of dispute with the electrical subcontractor on project involving three hundred retail stores throughout the country.

HONORABLE MELVIN K. WESTMORELAND,
Fulton County Superior Court, Atlanta, Georgia
Staff Attorney

9/98–7/01

Supported Judge Westmoreland in civil, criminal, and domestic matters. Drafted orders, prepared bench briefs and interacted with the Judge, attorneys and *pro se* parties to facilitate swift and appropriate resolution of cases, whether by hearing or settlement.

OFFICE OF THE PUBLIC DEFENDER
Fulton County, Atlanta, Georgia
Staff Attorney

6/95–9/98

Provided counsel to indigent defendants regarding all aspects of criminal defense from indictment to plea, trial, and post-conviction in Superior Court. First and second chair at trial in felony criminal cases, drafted briefs and argued orally at trial and appellate levels.

EDUCATION:

Emory University School of Law, Atlanta, Georgia

- *Juris Doctor with Distinction* (top 15%), 1995
- Dean's List
- Student Legal Services
- Student Lawyer's Guild
- Prisoner's Legal Assistance Program

University of Virginia, Charlottesville, Virginia

- Bachelor of Arts in History, 1987
- Dean's List, Virginia Scholars Scholarship recipient

PROFESSIONAL:

- Georgia Bar Association, *Member*, Admitted in 1995
- Sworn in to practice before:
 - Northern District of Georgia
 - Georgia Supreme Court
 - Court of Appeals.
- GSU Bleckley Inn of Court, 1999-2000

COMMUNITY INVOLVEMENT:

- Member North Fulton Chamber of Commerce
- ABA Public Contracting and Construction Forum Sections