



Frank E. Riggs, Jr.

Partner

600 Peachtree Street, NE Suite 5200
 Atlanta, GA 30308
 404.885.3353 telephone
 404.962.6662 facsimile
 frank.riggs@troutman.com

Frank Riggs is a senior member of the nationally-recognized Troutman Sanders' Construction Practice and resident in the firm's Atlanta office. For 35 years, Frank's law practice has focused exclusively on construction law matters, including the counseling of private and public owners, general contractors, construction managers, equipment suppliers, trade contractors, material suppliers, manufacturers, and real estate developers in dispute avoidance, as well as the representation of construction industry participants in complex construction disputes. Frank has extensive experience in the energy and utility construction realm, where he routinely represents utility companies and energy project developers in complex dispute matters, contract negotiation and best practices to avoid or mitigate project disputes. In addition, Frank's industry experience runs the full gamut of vertical and horizontal construction projects and all forms of project delivery.

Frank is a Fellow in the prestigious American College of Construction Lawyers and was named the 2012 and 2015 Atlanta Construction Law Lawyer of the Year by *Best Lawyers*. Frank is a founding Fellow in the Construction Lawyers Society of America, as well as a Fellow of the Litigation Counsel of America, a trial lawyer honorary society whose membership is limited to less than one-half of one percent of American lawyers. He is annually recognized as a leader in the construction law field by Atlanta Magazine's *Super Lawyer* edition, by *Best Lawyers in America*, by the *International Who's Who of Construction Lawyers*, and by *Chambers and Partners*, where he has been identified in the top tier of Georgia's leading lawyers in construction law.

An active participant in all types of ADR proceedings, as an advocate, arbitrator and mediator, he has practiced before the U.S. Court of Federal Claims in Washington, various Federal Boards of Contract Appeals, and in state and federal courts across the country.

Frank's construction law practice is national and international. He has advised clients, and successfully resolved client disputes, involving a myriad of construction and procurement issues, including project delay and inefficiency claims; termination disputes; bid protests; warranty claims; defective work; defective equipment

Practice

- ♦ Construction
- ♦ Construction Litigation
- ♦ Construction Services Contracts
- ♦ Education
- ♦ Energy
- ♦ Energy Construction
- ♦ Litigation
- ♦ Renewable Energy

Education

- ♦ University of Virginia (J.D., 1974)
- ♦ University of Southern Mississippi (B.S., Political Science, with honors, 1971)

Work Experience

Partner, Troutman Sanders LLP, 2005-Present

Partner, Smith, Currie & Hancock LLP, 1980-2005

Associate, Smith, Currie & Hancock LLP, 1974-1979

Bar and Court Admissions

- ♦ Georgia, 1974
- ♦ Colorado, 1997
- ♦ U.S. Court of Federal Claims
- ♦ U.S. Court of Appeals for the Fourth Circuit
- ♦ U.S. Court of Appeals for the Eleventh Circuit
- ♦ U.S. District Court for the Middle District of Georgia
- ♦ U.S. District Court for the Northern District of Georgia
- ♦ U.S. District Court for the Southern District of Georgia

Distinctions

- ♦ Fellow of the American College of Construction Lawyers.
- ♦ Named the Best Lawyers' Atlanta Construction Law Lawyer of the Year (2012, 2015).
- ♦ Recognized in *The Best Lawyers in America* in Construction Law and Litigation - Construction.
- ♦ Selected as a Super Lawyer by Atlanta Magazine for construction law excellence. Ranked on list of top 100

performance issues; scope of work disputes; nuclear, coal and gas-fired power plant construction and equipment procurement disputes; contractor defaults; and change order pricing controversies.

Frank serves in positions of leadership in the construction industry, and has been an active participant in the Construction Financial Management Association, the ABA's Forum Committee on the Construction Industry, the ABA Section of Public Contract Law, the Design-Build Institute of America, the American Arbitration Association and the Associated General Contractors of America. Frank is the Chair of the Construction Law Division of the Atlanta Bar Association and a member of the AAA's panel of construction dispute mediators and arbitrators.

Representative Matters

- Representation of a major utility in defending against excessive termination cost claims by a terminated EPC contractor on a coal-fired power plant project.
- Responsible for the drafting, negotiation, and review of all larger construction contracts (new generation, expansion and environmental upfits) for one of the nation's largest utilities.
- Lead counsel to several resort developers in contract negotiations, construction contract monitoring, and ADR proceedings for large development projects in the Caribbean.
- Lead counsel for a utility in connection with a dispute with an EPC contractor regarding material and labor escalation issues.
- Arbitration counsel of a paper products manufacturer in defending against contractor delay and extra work claims
- Counsel to a utility in connection with an EPC contractor claim for cost escalation in the construction of new generation units at a nuclear power plant.
- Successfully represented a solar contractor in the arbitration of acceleration, extra work and differing site conditions claims.
- Successfully negotiated the resolution of utility contractor termination claim against a utility on a gas-fired power plant.
- Defense of a utility in connection with numerous contractor and subcontractor lien claims by contractors, subcontractors and suppliers on coal-fired power plant improvement projects.
- Successfully prosecuted and informally resolved a multi-million dollar claim against a design engineering firm and its errors and omissions insurance carrier.
- Counsel for a utility in connection with the sale of coal-fired power plant units to a foreign utility.
- Lead contract and litigation counsel for a manufacturer and installer in connection with a national soccer stadium project in Canada.

lawyers in Georgia.

- Founding Fellow, Construction Lawyers Society of America.
- Fellow, Litigation Counsel of America.
- Recognized as one of *America's Leading Lawyers* for Construction by *Chambers USA (Georgia – Band 1)*.
- Selected to *International Who's Who of Construction Lawyers*.
- Frank Riggs has achieved Martindale-Hubbell's highest rating for legal ability and ethical standards.

- Counsel for a utility in connection with the conversion of a coal-fired power plant to a natural gas plant, including the negotiation and drafting of all major contracts and handling of more than \$70 million in contractor claims.
- Defense of a utility in connection with a multi-million dollar delay and inefficiency claim by a contractor a coal-fired power plant project.
- Litigation counsel to a coalition of general contractors and subcontractors in the pursuit of a multi-million dollar extra work and delay claim against an airport authority.
- Negotiation on behalf of a utility of contracts for Baghouse projects at a coal-fired power plant.
- Drafted and negotiated equipment and material supply contracts for multiple projects in the Caribbean.
- Negotiation of contracts and resolution of disputes regarding several FGD/SCR projects being constructed for various power plants.
- Part of the litigation team for a large Midwestern electric utility in connection with performance issue disputes, delay claims and defective design claims arising out of construction projects at this Midwestern state's largest coal-fired generating units.
- Litigation counsel to a large general contractor in prosecuting and defending claims arising out of the construction of a storage and treatment facility for nuclear waste at the DOE's Idaho Nuclear Technology and Engineering Center.
- Negotiation and resolution of an EPC contractor claim for extra work and additional costs as a result of changes in the design for a new power plant project.
- Lead legal advisor to a utility in connection with drafting and negotiation of major equipment purchase agreements.
- Lead counsel in multiple representations of owners and general contractors in federal government contract matters, including construction contract and service contract matters, and including trials before various federal agency boards of contract appeals and the U.S. Court of Federal Claims.
- Lead legal counsel to a construction equipment dealer in connection with equipment sales contracts and related disputes.
- Counsel to utility company in connection with the early and successful resolution of a \$17 million loss of productivity and acceleration claim by a contractor on a WFGD project.
- Negotiation of a natural gas pipeline construction project and related pipe purchase agreement on behalf of a utility company.
- Counsel to a utility owner in connection with multiple federal court disputes arising out of two new nuclear units at a nuclear power plant project.
- Drafting and negotiation of contract terms and conditions for a Florida coal gasification project on behalf of a utility owner.
- Drafting and negotiation of contract terms and conditions for a utility owner in connection with multiple FGD baghouse projects.

- Lead counsel to Florida city government in the defense against a multi-million dollar extra work and delay claim by the general contractor on a large wastewater treatment plant addition and renovation project.
- Litigation counsel in multiple representations for three of the top ten U.S. specialty contractors as ranked by the Engineering News-Record.
- Lead counsel to several general contractors in contract negotiations and dispute resolution proceedings involving major construction projects at Florida's Disney World and Epcot facilities.
- Litigation counsel to the owner of a children's hospital in the mid-Atlantic states in the prosecution of more than \$30 million in delay and defective work claims against multi-prime contractors.
- Litigation counsel to a large general contractor in prosecuting and defending claims arising out of the construction of a storage and treatment facility for nuclear waste at the DOE's Idaho Nuclear Technology and Engineering Center.
- Arbitration counsel to Atlanta developer in the effort to recover from an insurance company more than \$3 million in costs incurred in rebuilding a fire-damaged historic cotton mill property.
- Litigation counsel to Atlanta-based global hotel company in defending against contractor claims on hotel projects in Atlanta and Philadelphia.
- Counsel to Middle Eastern royal family member in connection with a real estate development and construction project in the southeastern United States.

Presentations and Speaking Engagements

- Speaker, "Termination and Payment Disputes in Construction Contracts," ABA Construction Forum Regional Conference (2016)
- Speaker, "Negotiating the Worst Construction Contract Clauses," Georgia AGC Construction Professionals Conference (2014)
- Speaker, *Comparing ConsensusDocs and AIA Owner and Design Professional Contracts*, Webinar (2014)
- Speaker, *Financial Solvency Through Better Contract Documents*, AGC/CFMA National Conference (2013)
- Moderator, *Top Ten Construction Contract Clauses*, ABA Construction Forum Webinar (2013)
- Moderator, *Foreign Corrupt Practices Act*, ABA Construction Forum Webinar (2013)
- Moderator, *Infrastructure: From the Group Up*, ABA Construction Forum Program, Atlanta (2012)
- Speaker, *Contracts: A Specialty Contractor's Perspective*, CFMA National Conference, Orlando (2012)
- Speaker, *The ABC's of an Effective Construction Contract*, Seminar Group Construction Law Seminar, Atlanta (2012)

- Speaker, *Comparing ConsensusDocs and AIA Owner and Design Professional Contracts*, Webinar (2011)
- Speaker, *An Owner's Perspective: Getting Rid of Liens*, Atlanta Bar Construction Law Seminar (2011)
- Speaker, *Green Building Risks*, Associated Owners and Developers National Conference (2010)
- Speaker, *Georgia Lien Law Changes*, Construction Financial Management Association, Georgia Chapter (2009)
- Speaker, *Georgia Lien Law Revisions*, Atlanta Bar Association, Construction Law Section (2009)
- Speaker, *The New ConsensusDOCS (What Are They And What Do They Mean?) and The New 2007 Edition of AIA Document A201 Standard General Conditions*, DBIA (2008)
- Speaker, *AIA Contracts*, Lorman Education Services (2008)
- Speaker, *Evaluating Construction Contract Forms: 2007 AIA Contracts and The ConsensusDOCS*, CFMA Annual Conference & Exhibition (2008)
- Moderator, Associated Owners and Developers National Conference, Atlanta and Miami, *Building Hotel and University Projects* (2008)
- Moderator, American Bar Association Construction Forum Committee Seminar, *Sticks & Bricks* (Atlanta 2007)
- Speaker, *The 2007 AIA A201 General Conditions Document*, Georgia AGC (2007)
- Program Moderator, *Construction Administration By Design Professionals and Agency Construction Managers*, ABA Forum On The Construction Industry, Fall Meeting (2007)
- Speaker, *Managing The Risk of Material Price Escalation*, Construction Financial Managers Association, Georgia Chapter (2007)
- Speaker, *Georgia Lien Law*, State Bar of Georgia ICLE Program (2007)
- Speaker, "Construction, Mechanics and Materialmen's Liens," Institute of Continuing Legal Education in Georgia (2003, 2005)
- Speaker, "Fundamentals of Construction Law—Learn The Basics From The Pros," ABA Forum of the Construction Industry, Atlanta (2002)
- Visiting Lecturer, Southern Polytechnic Institute, Graduate Construction Law courses (2002-2003)
- Speaker, "Georgia Construction Law," Lorman Business Center, Inc. (1997-1999)
- Speaker, "Georgia Construction Law," Federal Publications, Inc. (1996-1997)
- Speaker, "Owner Damage Claims," Annual Meeting of the ABA Forum on the Construction Industry (1985)
- Author and Lecturer in numerous other seminars and workshops on various aspects of construction law, alternative dispute resolution, and claims avoidance with industry groups over the past 25 years.

Publications

- "No Damages For Delay Clauses," CFMA *Building Profits* (May/June 2013)
- Chapter Author, FINANCIAL MANAGEMENT AND ACCOUNTING FOR THE CONSTRUCTION INDUSTRY, CFMA (2012-2013)
- "Seven Deadly Contracting Sins," CFMA *Building Profits* (Sep-Oct 2012)
- *Practical Steps To Help Subcontractors Weather Economic Hard Times*, Construction Financial Management Association (March/April 2009)
- *The New AIA Documents & Their New Risks*, Construction Financial Management Association (January/February 2008)
- "[Material Price Escalation: Allocating the Risks.](#)" Construction Briefings, (December 2006)
- "How To Make The Best Use Of Your Construction Lawyer," CFMA *Building Profits* (March/April 2005)
- "Practical Recommendations For Documenting And Demonstrating Extra Work Claims," CFMA *Building Profits* (January/February 1997 and January/February 2004)
- "Subcontract Termination: Ten Rules For Managing The Risks," Construction Accounting and Taxation, published by the Construction Financial Management Association (July 2003)
- National Editor, "LienLaw Online," a comprehensive on-line resource covering lien laws in 50 states, published by LienLaw Online, Inc. (2002)
- "Managing Payment Risks: Navigating the Lien Law Maze," CFMA *Building Profits* (January/February 2002)
- "Default Termination Checklist," State Bar of Texas Construction Law Newsletter (Spring 2001)
- "Financial Management and Accounting For The Construction Industry (Release #10), Chapter 11—Practical Recommendations for Documenting and Demonstrating Extra Work Costs," CFMA, (July 1998)
- "Georgia Construction Law: A Legal Perspective," co-author, Lorman Publication (1998-1999)
- "Avoiding Environmental Risks," *Dixie Contractor*, (April 1996)
- "Project Checklists: A Practical Approach to Avoiding Pitfalls," co-author with Thomas J. Kelleher, Jr., (1992)
- "Owner Damages," ABA Forum On The Construction Industry, (1985)

Professional and Community Involvement

- Atlanta Bar Association, Construction Law Section, Chair and Board of Directors
- American Bar Association, Section of Public Contract Law, Subcontracts Committee, Past Co-Chairman,
- American Bar Association, Section of Public Contract Law, Bonds and Insurance Committee, Past Co-Chairman
- American Bar Association, Forum on the Construction Industry, Steering

Committee of Division 5, SPEC Member and Liaison to the Publications Committee

- Construction Financial Management Association, Georgia Chapter Board Member and Publications Author
- Design/Build Institute of America, Board of Directors, Past President and Executive Committee, Southeast Region, and Publications Committee
- Closure ADR Group, Arbitration and Mediation Panelist
- American Arbitration Association, Construction Panel Member
- Associated General Contractors of America, National Committee Member, Contract Documents Committee, Industry Liaison Committee and Project Delivery Committee
- Fellow of the American Bar Foundation
- Georgia Associated General Contractors of America, Legislative Committee
- ConsensusDocs Contract Drafting Council
- Tophat Soccer Club, Vice-President and Board of Directors (1990-present)
- University of Southern Mississippi Alumni Association, Board of Directors
- American Bar Foundation Member