



Jennifer Wheatley Fletcher

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Education

J.D., *cum laude*, University of Georgia School of Law
B.A., *with high honors*, University of Florida

Bar Admissions

Florida
Georgia
New York

Background

Jenny Fletcher's legal practice involves construction industry issues exclusively. She has served as lead counsel and successfully resolved complex construction disputes throughout the country and internationally, representing construction managers, developers, general contractors, owners, municipalities and specialty contractors. Jenny is the President Elect of the American College of Construction Lawyers and serves on its Board of Governors.

Jenny started her construction law career with the construction focused boutique firm of Griffin Cochrane & Marshall, where she practiced as an associate and partner for more than 20 years. GCM merged in 2006 with Sutherland Asbill & Brennan, where Jenny practiced as a partner for 11 years. At Sutherland, Jenny served as the leader of the Construction Industry Practice Group, co-leader of the Litigation Practice Group, and as a member of the firm's Executive Committee.

Jenny has served as lead counsel in many jury and bench trials, arbitrations, appellate arguments, court appearances and mediations. She has extensive jury trial experience, including winning the largest construction jury verdict in Nevada, in 2003. Jenny has also settled complex cases without the need for trials and has experience in deciding cases, having served as an arbitrator on the American Arbitration Association Construction Industry Panel for more than 25 years. Jenny is a member of the AAA Construction Mega Case Panel; is a fellow in the Chartered Institute of Arbitrators; and is co-chair of the Construction Committee for the International Institute for Conflict Prevention and Resolution.

Experience

- Represents the general contractor in \$200 million in disputes regarding the environmental abatement and deconstruction of the last remaining building at Ground Zero.
 - Advises an international energy company and pioneer in renewable energy development on renewable energy projects throughout the United States and Canada.
 - Won a nine plus month jury trial in a complex, protracted dispute with owner of a major casino resort, hotel and retail project.
 - Achieved the favorable resolution of an ICC arbitration in Paris involving failed equipment at a power generation facility owned by our client, the U.S. subsidiary of a Spanish company.
 - Represented a Canadian consortium/owner of a wind power generation facility in a dispute against a German EPC contractor regarding equipment warranty issues.
 - Represented a Spanish-owned company in ICDR arbitration arising out of the construction of two adjacent wind power generation facilities in Montana.
 - Reached a favorable settlement on behalf of the U.S. subsidiary of a Spanish company in an ICDR proceeding related to construction of the East Side Access tunneling project in New York City.
 - Won a favorable award for a contractor in an international arbitration in Bermuda arising out of the construction of the Bermuda Civil Air Terminal.
 - Served as an arbitrator in a dispute between several companies of different nationalities involving the construction of a resort hotel in the Bahamas.
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- Represented a Florida based general contractor in a claim against a defaulted subcontractor arising out of a multi-family housing development in Broward County, Florida.
- Represented condominium unit owners in a construction defect claim against a condominium association and contractor that replaced defective Chinese drywall in a South Florida condominium project.
- Represented builder of apartments in Tampa in dispute with homeowners association.
- Represented a general contractor in a dispute with a commercial building buyer and resolved the matter in mediation with no money owed by our client.
- Drafted and negotiates EPC agreements for a prominent industrial contractor for several new industrial facilities across the country.
- Defended the mezzanine lender for a large, multi-use complex against claims by the general contractor of lender liability following the developer and senior lender's bankruptcy and FDIC receivership.
- Resolved multimillion dollar disputes for Florida contractor.
- Won a favorable ruling for an owner/industrial manufacturer in litigation arising from construction of a fiberglass manufacturing plant.

Awards

- Recognized by *The Legal 500 United States* in the area of construction (2010-2012, 2015)
- Recognized by *Benchmark Litigation* as one of the top 250 female litigators in the country (2012-2016)
- Named "2013 Lawyer of the Year" by *Best Lawyers* in Atlanta Litigation - Construction
- One of three people in the U.S. who is recognized as a "star individual" by *Chambers USA: Guide to Leading Business Lawyers* in the area of construction law; top tier ranked by *Chambers USA* since its inception (2002-2016)
- Recognized by *The Best Lawyers in America* in the areas of construction law (2006-2017) and litigation – construction (2012-2017)
- Recognized as a *Georgia Superlawyer* every year since the award's inception

Professional Activities

- Fellow, member of Board of Governors, and President Elect, American College of Construction Lawyers
 - Master, Member of Executive Board, Treasurer, American Inns of Court (Lumpkin Inn of Court)
 - Past member, Board of Directors, Construction Section, Atlanta Bar Association
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- Member, Forum on the Construction Industry, American Bar Association
 - Member, Governing Committee, Sutherland Women Stepping Up®
 - Fellow, Chartered Institute of Arbitrators
 - Co-Chair, Construction Committee for the International Institute for Conflict Prevention and Resolution
 - Arbitrator, and member of Construction Mega Case Arbitration Panel for American Arbitration Association and ICDR

Articles

- 2015 Amendments to the Federal Rules of Civil Procedure (November 24, 2015)
 - Preparing for Power Generation Projects (July/August 2015)
Construction Today
 - International Legalities of Sustainable Construction (Winter 2014)
Journal of the American College of Construction Lawyers
 - Recovering Attorneys' Fees and Costs in Construction Cases (January 2013)
American Bar Association Tort and Insurance Practice Section Winter Meeting
 - Expedited Arbitration Rules (Fall 2012)
JAMS Global Engineering and Construction Solutions Quarterly Newsletter
 - International Legalities of Sustainable Building (September 2012)
 - Top 10 Legal Project Management Requests (August 1, 2012)
Partnering Perspectives
 - Project Management for In-House Counsel (Winter 2011)
Partnering Perspectives
 - Constructing Power: The Near Term Outlook for Construction of Power Generation Projects in the 21st Century (Summer 2011)
Posted with permission *Journal of the American College of Construction Lawyers*, Volume 5, Number 2
 - Liability for Construction Defects (2010)
ABA Forum on the Construction Industry Meeting
 - The Annotated Construction Law Glossary (2010)
ABA Forum on the Construction Industry Publication
 - Successful Forensic Schedule Analysis (Winter 2007)
Journal of the American College of Construction Lawyers
 - Lessons Learned – Anticipating and Resolving Project Disputes (2007)
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ABA Forum on the Construction Industry Meeting

- Construction Defects from the View of the Construction Manager (2005)
ABA Forum on the Construction Industry Meeting
- ABA Discovery Deskbook for Construction Disputes (2005)
- Managing the Complex Construction Case (2004)
ABA Forum on the Construction Industry
- Design-Build Strategies: Successful Approaches and Techniques (1999)
American Institute for Professional Training

Presentations

- “Preventive Lawyering,” a panel for the annual meeting of the International Center for Dispute Prevention and Resolution
 - Construction Industry Crisis Management, a panel presented at the 2016 Construction Superconference
 - Building Utopia: Best Practices Construction Risk Management (April 26, 2016)
American Bar Association Forum on Construction Law
 - The Rise of Modular Construction: Emerging Commercial & Legal Issues (December 8, 2015)
Construction SuperConference
 - Webcast: Construction Contracts: What To Do When Problems Arise (May 21, 2015)
American Law Institute
 - Webcast: Construction Contracts: Tips for Negotiating, Drafting, and Avoiding Problems (May 11, 2015)
American Law Institute
 - The Modular Challenge: Bringing Down the Risk of Going Up (March 10, 2015)
 - Building Utopia (January 2014)
ABA Forum on the Construction Industry
 - PLI's Building Better Construction Contracts 2013 (September 25, 2013)
 - ESI in Construction Disputes (September 2013)
PLI Construction Contracts Seminar
 - Electronically Stored Information (ESI) in Construction Projects and Disputes (February 20-24, 2013)
ACCL 24th Annual Meeting
 - Packed Just Right (September 30, 2012 - October 3, 2012)
ACC 2012 Annual Meeting
 - Legalities of International Green Building (September 23, 2012)
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ACCL/CCCL/SCL

- AWEA WINDPOWER 2012 – Conference and Exhibition (June 3, 2012)
AWEA WINDPOWER
 - International Construction Law Conference - Accelerated Dispute Resolution – What Works and What Does Not (May 6, 2012 - May 8, 2012)
American College of Construction Lawyers, Canadian College of Construction Lawyers, Society of Construction Law
 - Contract Changes and Differing Site Conditions (February 14, 2012)
The Seminar Group Construction Law Program
 - ACC's 2011 Annual Meeting: Learn Share Grow (October 23, 2011 - October 26, 2011)
Association of Corporate Counsel
 - Negotiating the Key Contract Provisions (September 20, 2011 - September 21, 2011)
Associated Owners & Developers 14th Annual Construction Industry Conference
 - Energizing Construction (February 18, 2011)
American College of Construction Lawyers 2011 Annual Meeting
 - The Arbitration Clause Says What? (February 9, 2011 - February 15, 2011)
ABA 2011 Midyear Meeting
 - How to be a Successful Advocate in the "New Era" of Construction Dispute Resolution (October 16, 2009)
The Next Wave of Construction Dispute Resolution
 - Surviving And Prospering On Construction Projects Under The New Administration (September 14, 2009 - September 15, 2009 & November 9, 2009 - November 10, 2009)
Associated Owners & Developers 2009 National Conferences East
 - Builder's Risk 101 (May 7, 2009 - May 8, 2009)
Insurance in the Construction Industry
 - Effectively Resolving Local and Global Disputes Through Mediation, Arbitration or Litigation (September/October 2008)
AOD National Seminar
 - Anatomy and Complexity of Construction Projects and Disputes (April 2008)
AAA Construction Manager Training Program
 - Mediation – What Works (December 2007)
Construction Superconference
 - Dealing with Major Construction Defects (Fall 2007)
Association of Owners and Developers Meeting
 - Trying the Complex Construction Case (Summer and Fall 2007)
Association of Owners and Developers Meetings
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- The New International Rules for Expedited Dispute Resolution Procedures (April 25, 2007 - April 28, 2007)
9th Annual American Bar Association Section of Dispute Resolution Spring Conference
 - Lessons Learned: Anticipating and Resolving Project Disputes - If Your Project Is Special, Why Shouldn't Your Dispute Resolution Clause Be Special? (April 12, 2007 - April 13, 2007)
American Bar Association Forum on the Construction Industry Annual Meeting
 - Georgia Condominiums Seminar (Wednesday, March 28, 2007)
 - Condominium Defects Issues (Spring 2007)
The Seminar Group
 - Negotiating Settlements (2006)
Georgia Bridge the Gap
 - Mediating Construction Claims (2006)
National Contract Management Association
 - Associated Owners & Developers (AOD) 2006 National Conference (June 26, 2006 - June 27, 2006)
 - Construction Defects: Water Intrusion and Other Calamities (2005)
 - Construction Contracts Year in Review (2000-2005)
Federal Publications Thomson-West
 - Managing the Complex Construction Case (2004)
American Bar Association Forum on the Construction Industry
 - Mediating Construction Claims (1999)
American Bar Association Annual Meeting 1999
 - Design Build Strategies (1999)
American Institute for Professional Training and Development
 - Concentrated Course in Construction Contracts (1998)
Federal Publications
 - 2000 Mock Argument: Surety Claims (1996)
TIPS Meeting, Construction Superconference
 - Practical Construction Law (1996)
Federal Publications
 - Mediating Employment Issues (1994)
Construction Superconference 1994
 - Product Liability (1985-1989)
Georgia Institute of Technology

Books

- Discovery Deskbook II, Introduction to Discovery in the Complex Construction Case
ABA Forum on the Construction Industry Publication (most recent edition 2016)
 - Inside the Minds: Alternative Dispute Resolution—ADR Chapter (Spring 2013)
Thomson Reuters
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