

#### Practice Areas

- Construction Law
- Commercial Litigation

#### Education

- St. Lawrence University, B.A.
- State University of New York at Buffalo School of Law, J.D.

#### Honors

- Recognized in "Women in the Law" Business Edition of Best Lawyers in America, 2021
- Best Lawyers in America—Construction Law 2020, 2021, 2023, 2024
- Top 50 Construction Law Firms 2019, 2020
- Co-Author, Georgia Construction Law book, 2010
- Building Design & Construction Magazine's "40 under 40" for 2009
- "Future Business Leaders Program," Associated Builders & Contractors of Georgia, 2005

#### Bar Admissions

- Georgia
- New York

## Gina M. Vitiello

Shareholder  
Atlanta

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Gina M. Vitiello is the Chair of Chamberlain Hrdlicka's Construction Law practice group. She counsels public and private companies on legal matters and risk management issues that typically arise for owners, contractors, subcontractors, and suppliers in the construction industry and litigates construction disputes in state and federal courts, as well as in arbitration.

Gina assists clients in drafting and negotiating construction contracts of all types, including design-build agreements, EPC agreements, subcontracts, purchase orders, commissioning agreements, energy savings performance contracts, joint venture agreements, facilities management and service agreements, and other commercial contracts. She works directly with general counsel and business executives to identify and minimize legal risks and provides practical advice to support her clients' business objectives. She advises clients on licensing and compliance issues, and provides training to sales teams and project managers about various legal issues relating to contracts and business operations.

Gina counsels clients in dispute avoidance through review and analysis of claims and defenses relating to scope of work, substitutions, delay and schedule problems, standard of care, and other performance-related issues, including defaults and terminations. She works with clients to pro-actively resolve disputes before litigation through project and contract resolution procedures.

Gina is also an experienced construction litigator. She has acted as lead counsel in numerous trials and arbitrations involving contract and tort-based claims, with significant experience in handling claims relating to bid disputes, scope of work and non-payment issues, delay and impact damages, acceleration, extra work, loss of productivity, termination/default, and design or construction defects, and Miller Act claims.

#### Seminars & Presentations

- "Being Green is Easier Than You Think: Maximizing Commercial and Tax Incentives of Green Building," May 2009

### Court Admissions

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- U.S. District Court, Northern District of Georgia
- U.S. District Court, Northern District of New York
- U.S. Court of Federal Claims
- U.S. Court of Appeals, Second Circuit

### Gina M. Vitiello, *Continued*

- “Recent Developments in Construction Law,” Georgia Institute of Technology, Construction Management Program, 2005 “Deadly Contract Clauses,” Hispanic Contractors Association of Georgia, November 2006 “Tricks, Traps & Ploys Used in Construction Scheduling,” Lorman Education Services, Atlanta, Georgia, February 2007
- “Filing Liens in Georgia,” Hispanic Contractors Association of Georgia, August 2007)

### Representative Matters

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- Counseled EPC contractor on matters related to \$680M EPC contract for design and construction of electric utility plant; provided analysis and advice as to scope of work and delay issues, assisted in claim preservation project documentation, represented client in negotiation and mediation of change order and schedule disputes with project developer while construction was ongoing.
- Represented regional hospital owner in procurement of design construction management services; drafted and negotiated all project agreements; provided advice on contract scope and delay issues arising during construction; assisted owner in developing, presenting, and negotiating \$500K claim against project architect and mechanical engineer for defective design of mechanical system. Claim was settled favorably without litigation or other formal dispute resolution proceedings.
- Represented design-build contractor of steel manufacturing facility in defense of claims by owner for defective design and construction, as well as affirmative claims for non-payment, extra work, and delays against owner, and indemnification claims against designer and subcontractors. All claims settled through pre-trial settlements.
- Represented earthwork and utility subcontractor in a federal lawsuit against general contractor and engineer, seeking added costs of increased pavement thickness where bid plans prepared by engineer were not based on U.S. Army Corps of Engineer instructions to bidders and final design approved by the government required 1.5” to 3” of additional pavement to accommodate overlooked weight requirements.

### Professional Affiliations

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- American Bar Association Forum on Construction Law
- American Bar Association, Public Contracts Section
- Atlanta Bar Association—Construction Law Section
- Associated Builders & Contractors (ABC) of Georgia

**Gina M. Vitiello,** *Continued*

- Associated General Contractors (AGC) of Georgia
- Gwinnett Technical College—Construction Management Program Advisory Committee
- Atlanta International School—Board of Directors
- Human Rights Campaign—Federal Club Committee

