

Education

- Emory University, 1966
- University of Georgia
School of Law, 1970

Honors

- Named annually among
"Georgia's Legal Elite" in
Bankruptcy Law by
Georgia Trend
Magazine, 2003 through
2007

Bar Admissions

- Georgia

Court Admissions

- Georgia Court of
Appeals
- Supreme Court of
Georgia
- United States District
Court, Northern District
of Georgia
- United States District
Court, Middle District of
Georgia
- Eleventh Circuit Court of
Appeals
- United States Supreme
Court

Clerkships

- Law Clerk, Judge Newell
Edenfield, United States
District Court,
1970-1971

Jimmy L. Paul

Retired Shareholder

Atlanta

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Atlanta, Georgia 30303
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Jimmy Paul is a Retired Shareholder of Chamberlain Hrdlicka. For those wanting legal assistance for bankruptcy or litigation matters, please contact Drew Greene at drew.greene@chamberlainlaw.com or 404.658.5408.

Jimmy Paul had substantial experience representing clients in complex business litigation, in a broad scope of subjects. Mr. Paul's approach to litigation was to develop on the front end of the case: (a) an understanding of the client's business goals, and (b) an understanding of the strengths, the weaknesses, and the unknowns in the case. He looked to the end of each case and works backward with the client to develop a strategy which identifies optimum settlement points during the course of the litigation, while simultaneously proceeding in an organized, efficient way to prepare the case for trial. He approached each case on the assumption it will be tried and approaches settlements against the backdrop of what he expects to occur at trial, combined with an understanding of leverage and the appreciation for the business dynamics in the case.

In bankruptcy matters, Jimmy Paul's primary experience was in representing Debtors in business reorganization cases. He worked with clients prior to bankruptcy to effect a reorganization outside Chapter 11, when possible. Mr. Paul's approach to pre-bankruptcy workouts was to measure available remedies to the client outside bankruptcy against what can be accomplished through a Chapter 11 reorganization of the debtor. Once this is understood by the client, he worked with the client to propose a pre-bankruptcy workout plan that affords the creditors at least as favorable treatments as they could receive in Chapter 11, without the expense, delay and negative effects of Chapter 11 on the client's on-going business interests. If the lender group misunderstands its leverage, or is approaching the matter focused on near term, single creditor interests, Chapter 11 will usually be required to give structure to the negotiations. Once in Chapter 11, Mr. Paul attempted to keep the momentum with the Debtor and focus the case directly on a reorganization strategy which can be confirmed by the bankruptcy court over the objection of non-consenting classes of creditors.

Jimmy L. Paul, Continued

Areas of Expertise and Reported Decisions:

GENERAL LITIGATION EXPERIENCE:

Securities Defense Litigation: General securities defense work under the 1933 Act and 1934 Act, including general defense of underwriters involved in syndications, defense of some public company issues, as well as some plaintiff securities litigation (particularly churning and suitability issues). This work has included representation as lead counsel in various federal and state courts, including United States District Court, Northern District of Georgia; Northern District of Alabama; Middle and Southern Districts of Florida; Southern District of Mississippi; District of South Carolina; Northern District of Illinois; Eastern District of Virginia; Eastern District of Missouri.

Antitrust: Lead counsel in plaintiff predatory pricing case resulting in landmark Eleventh Circuit decision in favor of plaintiff client, reported at *McGahee v. Northern Propane Gas Co.*, 858 F.2d 1487 (11th Cir. 1988).

Constitutional Issues: Cocounsel and lead counsel in various First Amendment cases, and cases involving due process, including litigation reported at *Operation Rescue v. City of Atlanta*, 259 Ga. 676, 386 S.E.2d 126 (1989); *Penthouse Int'l, Ltd. v. McAuliffe*, 717 F.2d 517 (N.D. Ga. 1983); *Penthouse Int'l, Ltd. v. McAuliffe*, 702 F.2d 925 (11th Cir. 1983); *Penthouse Int'l Ltd. v. McAuliffe*, 610 F.2d 1353 (5th Cir. 1980); *Penthouse Int'l, Ltd. v. Webb*, 594 F. Supp. 1186 (N.D. Ga. 1984); *Penthouse Int'l, Ltd. v. McAuliffe*, 454 F. Supp. 289 (N.D.Ga. 1978); *Penthouse Int'l, Ltd. v. McAuliffe*, 436 F. Supp. 1241 (N.D. Ga. 1977).

Eminent Domain: General representation of condemnees in eminent domain cases. *D.O.T. v. Southeast Timberlands Inc.*, Georgia Court of Appeals, Case No. A03A1537 (2003), *petition for cert. denied*, Supreme Court of State of Georgia (March 1, 2004)(No. S04C0450); *D.O.T. v. Consol. Equities Corp.*, 181 Ga. App. 672, 353 S.E.2d 603 (1987).

Computer Software Litigation: General representation of mainframe computer software manufacturer, including litigation related to data base design, software design and functionality, software contract litigation, software license litigation, trade secret litigation, copyright infringement litigation, including cases in federal and state courts, including United States District Courts, Northern District of Alabama, Northern District of Georgia, District of Arizona, Middle District of Florida; Superior Court of Fulton County, Georgia.

Lender Liability Litigation: Lender liability litigation primarily representing debtors, including nearly all issues of lender liability under state law, and Bank Holding Company Act litigation.

Civil RICO Litigation. Lead counsel in civil RICO litigation as counsel for plaintiffs and defendants in state and federal courts.

Corporate Control and Breach of Fiduciary Duty Litigation. Lead counsel in Dissenter=s Rights Litigation involving both corporations and Limited Liability companies. *Gresham & Associates v. Strianese, et al.*, No. A03A1730 (Ga. App. Jan. 27, 2004) (Breach of Fiduciary Duties); *Pine Creek, LLC v. Pine Mount, LLC*, 253 Ga. App. 34, 558 S.E. 2d 44 (2001) (Dissenter=s Rights in LLC).

Other General Litigation: Lead counsel in general business litigation involving various matters, including real estate sales contracts: *Haley v. Oaks Apartments Ltd*, 173 Ga. App. 44, 325 S.E.2d 19 (1984); land line disputes: *Maughon v. Lassiter*, 231 Ga. App. 705, 500 S.E.2d 626 (1998); dissolution of real estate partnerships, commercial landlordtenant disputes: *Cole v. Smith*, 182 Ga. App. 59 354

Jimmy L. Paul, *Continued*

S.E.2d (1987); real estate commission claims: *Brannen Goddard, et al. v. Baker*, 256 Ga. App. 663, 569 S.E.2d 602 (2002) construction contract claims, franchise litigation related to motel franchises, real estate foreclosure and confirmation actions, quiet title actions, health care management contracts; and other general business disputes, including contracts for sale of business: *Aukerman v. Witmer*, 256 Ga. App. 211, 568 S.E.2d 123 (2002); and defense of consumer fraud claims: *Federal Trade Commission v. Travel Express International, Inc., et al.*, Case No. 01:cv-0906, United States District Court, Northern District of Georgia, Atlanta Division (Tidwell, J) (first ever award against FTC for fees and expenses under Equal Access to Justice Act).

BANKRUPTCY REORGANIZATION EXPERIENCE:

General Chapter 11 reorganization experience, including successful reorganization of numerous investment entities.

Experience includes:

- Cocounsel for debtor in PTL Chapter 11 proceeding (In re Heritage Village Church and Missionary Fellowship, Inc., a/k/a PTL, PTL Club, PTL Television Network, Fort Heritage Campgrounds and Christian Retreat, PTL Enterprises), Case No. 8701956, United States Bankruptcy Court, District of South Carolina), involving undeveloped property, hotels, timeshares, condominiums, single family operations, amusement park, securities fraud claims, and other matters.
- Lassiter Properties, Inc. and seven (7) related cases (Northern District of Georgia) involving 130,000 acres of land, including 90,000 acres of timber land, and 40,000 acres of residential, industrial, commercial and other land, with aggregate debts in excess of \$80,000,000.00, and eighty-nine (89) Classes of secured creditors.
- General Chapter 11 Debtor practice since 1974, including: apartments (at least 25), motels (at least 25), manufacturing companies, sewage treatment plant, and development properties. Reported Decisions: In re Brock, 186 B.R. 293 (Bankr. N.D. Ga. 1995); Matter of Atlanta Southern Business Park, Ltd., 173 B.R. 444 (Bankr. N.D. Ga. 1994); In re Forest Ridge, II, L.P., 116 B.R. 937 (Bankr. W.D.N.C. 1990); First Fed. Sav. & Loan Ass'n. of Warner Robbins v. Standard Bldg. Associates, Ltd., 87 B.R. 221 (Bankr. N.D. Ga. 1988); In re Standard Bldg. Assoc., Ltd., 85 B.R. 644 (Bankr. N.D. Ga. 1988); Matter of Thurston, 18 B.R. 545 (Bankr. M.D. Ga. 1982).

Seminars & Presentations

- "Inter-relationship between Bankruptcy Law and Real Estate," a seminar discussion of selected title and deal structure issues regarding title issues arising in bankruptcy, *presented at Chamberlain Hrdlicka White Williams & Martin Annual Tax and Business Planning Seminar, 2003*
- "Spats with Business Buddies," a seminar discussion of practical aspects of litigation between investors as they do business in a structure created under Georgia Law, *presented at Chamberlain Hrdlicka White Williams & Martin Annual Tax and Business Planning Seminar, 2002*
- "Chapter 11 - Practical Issues," a seminar discussion of various business scenarios that assist or diminish the opportunity and protection of Chapter 11 Reorganization, *presented at Chamberlain Hrdlicka White Williams & Martin Annual Tax and Business Planning Seminar, 2001*
- "When the Good Times End," a seminar discussion of pre-filing planning to maximize protection under Chapter 11 Reorganization, *presented at Chamberlain Hrdlicka White Williams & Martin Annual Tax and Business Planning Seminar, 2000*

Jimmy L. Paul, *Continued*

Professional Affiliations

- Instructor, Atlanta College of Trial Advocacy
- Lecturer, Continuing Legal Education, Chapter 11 of the Bankruptcy Code
- Lecturer, Continuing Legal Education, Will Contest Cases
- Instructor, Emory University National Institute of Trial Advocacy
- Director and President, Federal Defendant Program, Inc. (supervising indigent defense in Federal Court, Northern District of Georgia)
- Member, Atlanta Bar Association, Judicial Selection and Tenure Committee

