



## Peter M. Crofton

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### Areas of Practice

Construction Dispute Resolution | Energy Law | Manufacturing | Mediation | Litigation/Trial Practice | Construction Project Counseling | Construction Contract Drafting | Government Procurement | Global Supply Chains and Onshoring

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Peter M. Crofton is a Partner and Atlanta Section Head of the Construction Law Practice of Smith, Gambrell & Russell, LLP. Mr. Crofton assists clients with all aspects of the design, construction, and renovation of new and existing facilities. He has assisted clients with project development and construction-related legal matters since 1990. He represents a variety of clients, including *Fortune* 100 and other trans-national companies, with construction projects in the United States, Central America and the Caribbean, Europe and Asia. His practice encompasses pre-construction planning and transactional services, dispute avoidance and risk mitigation during construction and post-construction dispute resolution.

### Project Construction Counseling

Mr. Crofton assists clients with projects ranging from energy, commercial and industrial, food and beverage, resort and hospitality, and mixed-use developments. He drafts and negotiates complex construction agreements including EPC, design-build and program management agreements. He develops luxury branding agreements and mixed-use documents for luxury resorts and branded residences, as well as custom purchase orders for specialty equipment for new or renovated industrial and energy facilities. Mr. Crofton also litigates, arbitrates and mediates complex, multi-party construction disputes throughout the United States and abroad.

Mr. Crofton is an adjunct professor at the Emory University School of Law where he teaches the Energy Law course to second and third-year law students. Mr. Crofton lectures and writes about the legal issues surrounding the deployment of new energy technologies and supporting infrastructure.

He also lectures on construction-related topics including the use of new technologies, materials, and techniques in the construction industry.

Mr. Crofton is a native of Atlanta, graduated from Auburn University with his bachelor's in Computer Engineering and obtained his law degree from the Emory University School of Law. In 2019, 2022, and 2023, he has been listed as one of Georgia's leading construction lawyers by *Chambers USA*. He is a Senior Member of the Institute of Electrical and Electronics Engineers and admitted to the bars of Alabama, Florida, Georgia, and Tennessee. Mr. Crofton is a former member of the Board of Trustees for St. Martins Episcopal School in Atlanta and the Chairman of the City of Norcross Construction Board of Appeals.

## Experience

Mr. Crofton represents owners, engineers, general contractors, subcontractors and surety companies on a variety of projects, including:

### Transportation & Infrastructure

- Represented a specialty contractor in disputes arising from the installation of signaling systems for new express lanes in an existing underground transit system.
- Represented an international infrastructure contractor in disputes arising from the supply and installation of communications equipment in new and existing underground transit systems.
- Represented a subsidiary of Norfolk Southern in disputes arising from the installation of fiber optic cables in the rail bed in multiple states.
- Represented an international infrastructure contractor in connection with disputes arising from interstate interchange improvement projects throughout the southeastern United States.
- Represented an international infrastructure contractor in connection with the supply and installation of toll systems for interstate highways in multiple states.

### Manufacturing

- Represented a resin products manufacturer in the construction of a new resin processing facility.
- Advised a specialty chemical company on planning and land use issues relating to future expansion of an existing manufacturing facility.
- Represented an auto parts manufacturer in the design and construction of a new production facility.
- Represented an international steel company in the design, construction and equipping of a new rolling mill.
- Represented an international EPC contractor in litigation with a mine operator arising out of the construction of a mine ore processing facility.
- Represented an aircraft parts supplier in the design, construction and equipping of a new metal stamping facility.

## **Energy**

- Represented an EPC contractor in contract negotiations for the development of nuclear power reactors.
- Represented an international supplier of industrial boilers in litigation and arbitrations arising out of the construction of a waste-to-energy facility.
- Represented an independent power producer in litigation and arbitrations arising out of the construction of co-generation facilities.
- Represented the developer of a patented waste gasification system in project development transactions.
- Represented a trade organization of independent power producers in proceedings before the Georgia Public Service Commission.
- Represented a multinational German conglomerate in disputes with a French developer of a coal-fired power plant in Malaysia.
- Represented an international EPC contractor in ICC arbitration with a state-owned oil company arising out of the design, fabrication, seafastening, and commissioning of three offshore gas processing platforms in Latin America.
- Represented a specialty mechanical piping contractor in litigation and arbitration arising out of the construction of coal-fired power plants.

## **Food/Beverage/Pharmaceutical**

- Represented a food/beverage company in an international dispute concerning construction defects in a food/beverage production.
- Represented an international food/beverage company in drafting and negotiating renewable energy supply agreements that entailed use of advanced renewable energy generation technologies located at the company's facilities.
- Represented an international pharmaceutical company in ongoing renovations to existing manufacturing facilities.
- Represented an international pharmaceutical company in renovating and adding clean rooms to an existing research facility.
- Represented a project lender in the development of a new state-of-the-art food processing facility.

## **Commercial**

- Represented an international tire company in renovating an existing facility into office space.
- Represented a specialty fabrics producer in developing a new headquarters facility.
- Represented a commercial leasing REIT in multiple renovation projects.
- Represented a technology company in disputes on a new data center.
- Represented an international building products manufacturer in expanding its North American headquarters.

## **Health Care**

- Represented a healthcare REIT in resolving defective work claims on a medical office building.
- Represented an electrical subcontractor in resolving disputes concerning the renovation and expansion of a regional VA medical facility

## **Resort and Hospitality**

- Managed the successful termination and replacement of a non-performing general contractor on a multi-million dollar luxury Caribbean resort.
- Represented a developer in disputes arising out of the construction of a resort hotel and condominium project in the British West Indies.
- Represented a developer in litigation and other disputes arising out of the construction of a resort hotel in the southeastern United States.

## **Mixed-Use/Multi-Family**

- Represented nationwide developer of apartment homes in litigation arising out of the construction of apartments throughout the United States.
- Represented a nationwide developer of mixed-use projects in connection with projects throughout the United States.
- Represented a luxury goods company in licensing its brand name and marks for branded residences worldwide.
- Represented a Fortune 50 general contractor in construction projects nationwide.

## **Miscellaneous**

- Advised a fortune 50 general contractor on company-wide best practices and compliance reviews.
- Represented a dredging and marine contractor in litigation with various public bodies, including the U.S. Army Corps of Engineers.
- Represented an electrical subcontractor in litigation and arbitration arising out of construction projects involving subway systems, power plant pollution control systems, and regional correctional facilities.
- Represented an engineering firm in litigation arising out of the construction of water and wastewater treatment projects, including a reservoir dam, for numerous public bodies in the southeastern United States.
- Represented a Georgia public authority in litigation matters arising out of various wastewater treatment construction projects.
- Represented a public body in litigation against a program manager relating to disputes on a \$1-billion-dollar capital improvement program.

## Admissions

Georgia

Alabama

Florida

Tennessee

## Memberships

Senior Member, Institute of Electrical and Electronics Engineers

Former Board of Trustees, St. Martins Episcopal School in Atlanta

Chairman, City of Norcross Construction Board of Appeals

## Recognitions

Chambers USA - Construction, Georgia (2019, 2022-2024)

The Best Lawyers in America®, Atlanta, Construction Law (2019-2025); Energy Law; Litigation - Construction (2023-2025)

Best Lawyers® - Atlanta "Lawyer of the Year" Construction Law (2023)