



Kirk Fjelstul

Counsel | Atlanta

kfjelstul@sgrlaw.com

Tel: 404-815-3740

Fax: 404-685-7040

Areas of Practice

Litigation/Trial Practice | Zoning, Planning and Land Use

Kirk Fjelstul is an attorney in the Litigation Practice of Smith, Gambrell & Russell, LLP.

He works with businesses and public entities to secure a variety of entitlements required in the land development process. Mr. Fjelstul also represents clients in litigation focused primarily on land use, constitutional, statutory, and environmental claims. He has worked on some of the State's most recognizable projects, including Atlantic Station, Rivian, and Perimeter Summit.

Mr. Fjelstul has worked in both the public and private sector. Prior to joining SGR, he served as Chief Counsel for the Georgia Regional Transportation Authority, and later as its Deputy Director and Acting Executive Director. Mr. Fjelstul also served as the head of the Georgia Transportation Infrastructure Bank for the State Road and Tollway Authority, and as Executive Director for one of the State's regional commissions. Mr. Fjelstul began his career practicing law with Jenkins & Nelson, P.C. (now Jenkins, Bowen & Walker, P.C.), defending local governments in litigation throughout the State of Georgia in land use and federal constitutional claims. He then practiced with McCullough Sherrill, LLP (now Seyfarth Shaw, LLP), representing developers and local governments in litigation.

Mr. Fjelstul has taught classes at Emory University Law School and currently he is an adjunct at Georgia State University Law School, where he has taught State and Local Government Law since 2008.

Mr. Fjelstul graduated with honors from the University of Northern Iowa with a B.A. in Political Science. He earned a J.D. from Drake University Law School and was a member of the Law Review. He also obtained an LL.M. from Emory University School of Law. He is AV Preeminent® Peer Review Rated by Martindale-Hubbell®.

Representative Experience

- Represent a joint development authority in zoning, environmental, nuisance and other lawsuits associated with the development of an electric vehicle manufacturing facility, the second largest economic development project in the history of the State of Georgia.
- Defended a local government in south Georgia against dozens of groundwater contamination claims in connection with its land application program.
- Defended a local government in a drowning alleged to have been caused by inadequate design of culverts.
- Part of the defense team in multiple actions alleging contamination of municipal water supplies through the discharge of certain chemicals.

- Defended a local government in connection with alleged violations of federal noise abatement requirements near the runway of a major international airport.
- Defended a local government in connection with the alleged torture of a citizen by a police officer.
- Defended a local government in connection with an alleged jail rape of an inmate.
- Part of the team that developed office towers at Perimeter Summit.
- Served on the Governor's "Green Light" team appointed to overcome federal, state and local barriers to development of the Atlantic Steel brownfield, which is now Atlantic Station.
- Served on the team that developed and implemented air quality conformity measures designed to end Atlanta's air quality conformity lapse and restore federal transportation funding.
- Led the development of regulations, procedures, and policies for the start-up of a new State Authority.
- Successfully defended a first amendment challenge to a sign ordinance in the Eleventh Circuit.

Admissions

State Bar of Georgia

Supreme Court for the State of Georgia

Court of Appeals for the State of Georgia

United State District Court for the Northern and Middle Districts of Georgia

United States Supreme Court

Memberships

- Adjunct Professor (State and Local Government Law) Georgia State University Law School, 2008-present
- AV Preeminent® Peer Review Rated by Martindale-Hubbell®
- ICLE Program Co-Chair, Zoning and Government Regulation of Land, 1995-1999
- Metropolitan Atlanta Rapid Transit Authority Board of Directors, 2010 and 2014
- Georgia Regional Transportation Authority Board of Directors, 2024-present
- Georgia Assn. of Regional Commissions Board of Directors, 2017-2022
- Cliff Valley School Board of Trustees, 2008-2009
- Venetian Pools Swim Assn. Board of Directors, 2018-2021
- Meriwether County Chamber of Commerce Board of Directors, 2018-2022

Publications

Local Government Law Survey, 66 Mercer L. Rev. 135 Fjelstul (2014).

Local Government Law Survey, 65 Mercer L. Rev. 205 Fjelstul (2013).

Local Government Law Survey, 64 Mercer L. Rev. 213 Fjelstul and Elliott (2012).