

JOSEPH T. GETZ

OFFICE:

Shareholder
Construction and Surety Practice Areas
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Joseph Getz leads the Construction and Surety Practice Group and has focused his practice exclusively on construction and surety bond contract claims for more than twenty five (25) years. Mr. Getz advises his clients at various stages of the construction process. He has worked extensively in a variety of areas including contract negotiations, insurance requirements, surety bonding issues, Leed certification, CPM scheduling and delay analysis claims, change orders, defective and non-conforming work, differing site conditions, warranty issues, mechanics and materialmen's lien claims and project close out issues. Mr. Getz has represented a wide range of clients in the construction industry including but not limited to developers, contractors, subcontractors, suppliers, equipment dealers, architects, engineers, surety bonding companies, construction management firms, lenders and public owners. Mr. Getz's representation experience has ranged across a wide variety of projects including multi purpose sports arenas, public university facilities, multifamily residential developments, office buildings, government facilities, hotels, industrial and process manufacturing, design build industrial contracting and development, distribution, retail developments and shopping malls.

Mr. Getz has handled construction disputes at all levels of trial and appellate litigation as well as in mediation, arbitration and other ADR procedures. He has been a frequent lecturer on construction and surety law topics to various construction groups including the American Bar Association Forum Committee on Construction, Fidelity and Surety Law Committee, the National Bond Claims Association, the Associated Builders and Contractors and the Construction Financial Management Association. Mr. Getz holds an AV rating from Martindale Hubble and is a Super Lawyer in the field of Construction Law for six (6) consecutive years. Mr. Getz is a past president and past board member of the Tennessee Association of Construction Counsel and a member of the National Bond Claims Association.

Joe and his wife, Len, have two children, Brennan and John. Mr. Getz is active in their school as a Board member and currently serves as Chairman of Board of Trustees at St. Agnes Academy and St. Dominic School. Mr. Getz is a lifelong Memphian and is active in its local history organization and currently serves as the President of the Descendants of Early Settlers of Shelby County, Tennessee.

PUBLICATIONS, SPEECHES AND SEMINARS:

· The Construction Law Handbook/Tennessee Practice Series, Vol. 27, (West Publications, 2011 Edition)

- The Construction Law Handbook/Tennessee Practice Series, Vol. 27, (West Publications, 2010 Edition)
- *ABC 2009 Commercial Construction Institute*, (The Esplanade in Cordova, 2009)
- *AIA Contracts in Tennessee*, Lorman Education Services (Memphis, 2008)
- *Design Law for Tennessee Architects and Engineers*, Half Moon Seminars, Inc. (Memphis, 2007)
- *Proposed Tennessee Mechanic's Lien Law Revisions*, Associated General Contractors Association (Memphis, 2007), Tennessee Association of Construction Counsel (2005)
- *AIA Contracts in Tennessee*, Lorman Education Services (Memphis, 2007; 2005; 2004)
- *The Art of Arbitration— A-Z*, Tennessee Bar Association (Memphis, 2007)
- *2007 Amendments to the Tennessee Lien Law and How They Will Affect You*, National Association of Credit Management, Mid-South Unit, Inc. (Memphis, 2007)
- *Proposed Tennessee Mechanic's Lien Law Revisions*, Associated General Contractors Association (Memphis, 2007)
- Co-Author, Revisions to Tennessee Mechanics' and Materialmen's Lien Statute (2006)
- Tennessee, Performance Bond Manual, Lerner & Baum, eds, American Bar Association, Tort Trial and Insurance Practice Section (2006)
- *General Scope of Discovery*, Discovery Deskbook, American Bar Association, Forum Committee on the Construction Industry (2006)
- *The Fundamentals of Construction Contracts: Understanding the Issues*, Lorman Education Services (Memphis, 2006; 2004)
- *What To Do When Construction Projects Go Bad In Tennessee*, Lorman Education Services (Memphis, 2006)
- *Using a Mechanic's Lien to Get Your Money*, NBI, Inc. (Memphis/Nashville, 2005)
- *Construction Issues in Tennessee*, Lorman Education Services (Knoxville, 2005)
- *Performance Bond Manual (Tennessee section)*, American Bar Association Tort Trial and Insurance Practice Section (2005)
- *Advanced Tennessee Construction Law*, Professional Education Systems Institute (Memphis, 2005)
- *Understanding and Managing the Change Order Process*, Lorman Education Services (Memphis, 2005)
- *Emerging Contractors for Minority Business*, City of Memphis (Memphis, 2005)
- *Managing the Complex Construction Case*, American Bar Association, Forum Committee on the Construction Industry (Scottsdale, AZ, 2004)
- *Ambiguity of Default*, American Bar Association Forum Committee on the Construction Industry, 2004 Mid-Winter Meeting (San Francisco, CA, 2004)
- *Obtaining Financial Aid From Your Surety*, Construction Business Handbook, Robert Cushman, ed., Aspen Law & Business (2004)
- *Tricks, Traps and Ploys Used in Scheduling*, Lorman Education Services (Memphis, 2004)
- *Construction Law for Attorneys in Georgia*, Lorman Education Services (Atlanta, 2003)
- *Tennessee Construction Liens: Bonding and Indemnity Issues*, CFMA (Memphis, 2002)
- *Construction Management/Design-Build*, Lorman Education Services (Memphis, 2002)
- *Tennessee Mechanics' Liens and Construction Claims*, CFMA (Memphis, 2001)
- *Public Contract Code and Competitive Public Bidding in Tennessee*, Lorman Education Services (Memphis, 2002)
- *Show Me the Money: Remedies and Procedures for Non-Payment*, Young Sales Corporation Fall 2001 Manager's Meeting (Alabama, 2001)
- *Tennessee Construction Lien Law: Can This Job Be Saved?*, Lorman Education Services (Memphis, 2001, 2000)
- *Tennessee Construction Lien Law*, Lorman Education Services (Memphis, 2001, 2000, 1998, 1997)
- *Tennessee Construction Issues*, Lorman Education Services (Memphis, 2001, 2000)
- *Construction Contracting for Public Entities in Tennessee*, Lorman Education Services (Memphis 2001, 2000)
- *Construction Claims in Tennessee*, Lorman Education Services (Memphis, 2000)

- *Legal, Practical and Business Issues with the Tender of Defense to the Principal's Counsel*, National Bond Claims Association (Pinehurst, NC, 2000)
- *How to Preserve Your Lien Rights in Arkansas, Mississippi and Tennessee*, Construction Financial Management Association (Memphis, 2000)
- *An Update of the Intricacies of the Miller Act Payment Bond*, Surety Claims Institute (Hershey, PA, 2000)
- *Indemnity of the Contract Surety*, Construction Law Handbook, Robert Cushman and James J. Myers, eds., Aspen Law & Business (1999)
- *Collateral: What To Take, How To Take It, and What To Do With It Once You Have It*, American Bar Association, Tort Trial and Insurance Practice Section (1998), reprinted in The Brief 28:30 (Spring, 1999)
- *The Inchoate Equitable Subrogation Rights of the Contract Bond Surety: Fact or Fiction? Myth or Reality?* Chicago Surety Claims Association (Chicago, 1998); American Surety Association (Park City, UT, 1997)
- *Construction Investigations: Unraveling the Complex Issues*, American Society for Industrial Security (Dallas, 1998)
- *Collateral: What to Take, How to Take It and What to Do With It Once You Have It*, American Bar Association Tort Trial and Insurance Practice Section Annual Program, Fidelity & Surety Law Committee (Toronto, 1998)
- *Tennessee Construction Law: What Do You Do When ...?*, National Business Institute (Memphis, 1998)
- *Advanced Construction Law in Tennessee*, National Business Institute (1997)
- *Advanced Construction Law*, National Claims Association (Memphis, 1996)

EDUCATION:

University of Mississippi (B.B.A., 1981)

University of Memphis, Cecil C. Humphrey School of Law (J.D., 1984)

PROFESSIONAL MEMBERSHIPS:

- American Arbitration Association
- American Bar Association
 - Member: Forum on the Construction Industry (Contract Documents Committee; Insurance, Surety & Liens Committee);
 - Member: Tort Trial and Insurance Practice Section (ABA Vice-Chairman 1996-2000: Fidelity and Surety Law Committee)
- Associated Builders & Contractors
 - Associate Member
 - Member, Political Action Committee
- Construction Financial Management Association
 - Associate Member
- Memphis Bar Association
- Mississippi Bar Association
- National Bond Claims Association

- Tennessee Association of Construction Counsel
Board Member, Past President
- Tennessee Bar Association
Member: Mechanics' and Materialmen's Lien Law Revision Drafting Committee

COURT ADMISSIONS:

Mississippi Supreme Court
Tennessee Supreme Court/Tennessee Court of Appeals, Western Section
U.S. District Court, Western District of Tennessee
U.S. District Court, Southern and Northern Districts of Mississippi
U.S. District Court, Middle District of Florida
U.S. Court of Appeals, Sixth and Eleventh Circuits
U.S. Federal Court of Claims