



## **R. Loy Waldrop, Jr.**

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### **Education**

Clemson University, BSME, 1965  
University of Tennessee, J.D., 1973

## **Bar Admission – 1973 Tennessee**

### **Practice Area**

Construction

Loy Waldrop has represented contractors, design professionals, developers, owners, sureties, and material suppliers in a wide range of construction industry matters for almost 30 years. He has over 25 years experience in defending major lawsuits against designers with single suit claims as high as 250 million dollars. He has represented contractors in the prosecution and defense of claims ranging from payment issues to complex differing site conditions and scheduling claims. He has participated in hundreds of court cases and arbitration proceedings and personally has tried dozens of jury and bench trials and arbitration hearings to verdict. He has obtained summary or voluntary dismissals of numerous suits against designers. He also regularly assists his contractor and designer clients in contract review and negotiation. His present practice is devoted exclusively to the construction industry. In the first ten years of his career, he obtained extensive jury trial experience in automobile accident and product liability cases. Mr. Waldrop chairs Lewis, King's Construction Law Practice Group with ten lawyers in the firm's Knoxville and Nashville offices.

Mr. Waldrop was recognized in 2007 and 2008 as Knoxville's top construction lawyer in peer voted polls of the Knoxville Bar conducted by Knoxville's CityView magazine. He was also named to "Mid-South Super Lawyers" and to "Best Lawyers in America" in 2008.

## **Representative Experience:**

- ◆ Representation of a design firm in the defense of a multi-million dollar sinkhole subsidence claim asserted in state court that involved geotechnical and foundation design and construction issues and claims against multiple defendants. Mr. Waldrop obtained an early resolution of the case for his client after retaining construction pricing and scheduling witnesses and developing a collateral attack on the owner-plaintiff's damage claims.
- ◆ Representation of hotel owner in two week arbitration hearing involving interpretation of the prime contract, contractor payment claims, and owner construction deficiency claims. The award obtained by the contractor was about 50% of the contractor's last settlement demand.
- ◆ Representation of two engineering firm defendants in a federal court suit alleging ground, sinkhole, and well water contamination. The case involved complex airborne dust and hydro-geological issues in an area encompassing several square miles. Mr. Waldrop was instrumental in obtaining a favorable resolution of this suit involving over 150 plaintiffs asserting over \$250 million in claims against six defendants through finding key expert witnesses, development of a comparative fault defense involving several of the plaintiffs, and using innovative mediation procedures with the other plaintiffs.
- ◆ Representation of engineering firm defendant in a state court suit with a project owner that involved owner delay claims against the project engineer and contractor exceeding ten million dollars based on the issuance of a Corps of Engineers cease and desist order and state and federal permitting issues associated with wetlands violations and Indian burial grounds. Mr. Waldrop obtained nationally recognized damage and liability experts on scheduling, permitting, archeology and accounting issues to analyze the owner's claims and resolved the case for his client through mediation and negotiations.
- ◆ Representation of school board owner in arbitration defense of contractor claims and assertion of an owner counterclaim. Mr. Waldrop obtained an award for his client on its counterclaim in the arbitration hearing and preserved the award through an action in Chancery Court to set aside the award, in the Tennessee Court of Appeals, and ultimately in the Tennessee Supreme Court, serving as lead counsel in the arbitration and in the trial court and appeal hearings. The case clarified the law in Tennessee on whether

governmental entities can legally agree to arbitrate disputes. *Southern Constructors, Inc. v. Loudon County Bd. of Educ.*, 58 S.W.3d 706 (Tenn. 2001)

- ◆ Representation of a contractor concerning the contractor's Class 1 differing site condition claim against the project construction manager on a federal asbestos abatement project. The case concluded in a paid judgment for the contractor's entire claim amount asserted in the federal court trial.
- ◆ Representation of numerous prime contractors and subcontractors in state court suits involving issues as diverse as hydrology, Tennessee Consumer Protection Act claims, and lien and bond claims.
- ◆ Representation of contractors, subcontractors, and construction managers in resolving payment and work quality disputes with commercial project owners and other contractors through negotiation and mediation.

Loy Waldrop is a Distinguished Military Graduate of Clemson University where he obtained a Mechanical Engineering degree. He served in the U.S. Army Security Agency from 1966-68, reaching the rank of Captain, and also worked as an engineer for Olin Corporation for approximately three years. Mr. Waldrop graduated with honors from the University of Tennessee College of Law where he was executive editor of the Law Review.

Mr. Waldrop has served as president of the local chapter of the Construction Specifications Institute and on the Board of Directors of an American Subcontractors Association chapter. He has also served the local chapter of the Associated Builders and Contractors as a board member and serves as chapter attorney. He serves as an arbitrator in construction cases, and he also serves as a mediator for construction disputes. He served on the first Board of Directors of the Tennessee Association of Construction Counsel. He also served on the Tennessee Bar Association committee responsible for drafting Tennessee's new construction lien statutes.

Mr. Waldrop has been presenting seminars for the construction industry for over 20 years to local and regional audiences. His recent construction industry seminar engagements include the following:

Speaker, "Sinkholes and Wetlands: What to do When Bad "Stuff" Happens" - Tennessee Association of Construction Counsel Seminar, Nashville, 2008.

Speaker, "Tennessee Construction Law for Architects, Engineers, and Contractors" - HalfMoon Seminars, Knoxville, 2008.

Speaker, "The Fundamentals of Construction Contracts: Understanding the Issues" - Lorman Education Services, Inc., Knoxville, 2008.

Speaker, “Integrated Project Delivery” - AIA Tennessee Convention, Nashville, 2008.

Speaker, “Tennessee’s New Construction Lien Law” - HalfMoon Seminars, Knoxville, 2007.

Speaker, “Legal Issues for Design Professionals” – HalfMoon Seminars, Knoxville, 2006.

Speaker, “Solving Water Intrusion and Mold Problems in Tennessee” – Lorman Education Services, Inc., Knoxville, 2004, 2005 and 2006.

Speaker, “Emerging Issues in Tennessee Indoor Air Quality and Toxic Mold Litigation” – National Business Institute, Knoxville, 2004.

Speaker, “The Fundamentals of Construction Contracts in Tennessee: Understanding the Issues” - Lorman Education Services, Inc., Knoxville, 2003 and 2004.

Speaker, “Tennessee Construction Law: Can This Job Be Saved?” - Lorman Education Services, Inc., Knoxville, 1999, 2000, and 2002.