

**John T. Blankenship**

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John T. Blankenship is the senior partner in the law firm of Blankenship & Blankenship in Murfreesboro, Tennessee where he practices in the areas of commercial law including construction and real estate litigation, arbitration and mediation. Mr. Blankenship has been a member of the American Arbitration Association's mediation and arbitration panels since 1987 and is an approved mediator under Rule 31 of the Tennessee Supreme Court. He has served as mediator or arbitrator in numerous commercial and construction cases, including multi-party/complex construction disputes in several different states, and is the first arbitrator in Tennessee to be elected to the College of Commercial Arbitrators. Mr. Blankenship is a Charter Member of the Tennessee Association of Construction Counsel, and is a frequent speaker on construction law, mechanics lien law, alternative dispute resolution and ethics. He received his J.D. degree from the University of Tennessee College of Law and a L.L.M. in Dispute Resolution from the University of Missouri School of Law.

PERSONAL/COMMUNITY INTERESTS:

Wife and law partner, Patricia Blankenship, 1979 to present.
Four children: Katie, born 1980; Ben, born 1983; Joe, born 1985; Molly, born 1994.
Hobbies: Musician and vocalist; musical theatre.
Board Member, Rutherford County Center for the Arts
Board Member, Salvation Army
Founder, Murfreesboro Christian Legal Clinic

PROFESSION:

➤ Attorney, Mediator, Arbitrator

EDUCATION:

- Middle Tennessee State University (B.S. - 1973)
- University of Tennessee, School of Law (J.D. - 1977)
- University of Missouri School of Law (currently enrolled as an LLM candidate)

WORK HISTORY:

Partner, Blankenship & Blankenship, PLLC 1978 to present

PRACTICE EMPHASIS:

- Construction
- Real estate
- Commercial/ business litigation
- Representing general contractors, construction managers, subcontractors, sureties, subcontractors, architects, engineers, developers, and owners involving residential and commercial projects.

- Represents clients in disputes relating to contract claims, construction defect, schedule/delay issues, change orders, scope of work, design defects, design build, mechanic's liens, zoning/land use, bonding and financing issues.

MEDIATION/ARBITRATION EXPERIENCE:

- Member of AAA mediator and arbitrator panels since 1987. As arbitrator served on numerous AAA and private construction and commercial cases (e.g. over 150 AAA cases) with claims from under \$10,000 to over \$120,000,000. As mediator served on numerous AAA and private mediations (e.g. over 100 private mediations).
- Multi state experience in arbitration/mediation includes cases in Tennessee, Kentucky, Georgia, Florida, South Carolina, Alabama, Arkansas, Texas, Ohio, Massachusetts, California and New Jersey.
- Experience as a neutral includes disputes involving:
 - ◆ A general contractor and masonry subcontractor in the construction of a super speedway. Claims included delay claims, increased labor and equipment costs.
 - ◆ A lender, corporate retailer and two personal guarantors regarding a commercial loan agreement for a bookstore. Claims included issues of default, inventory control and use/availability of lines of credit.
 - ◆ A mechanical contractor and an owner regarding the repairs of a HVAC system on a high rise building.
 - ◆ A building owner, city government and nursing home regarding a clogged sewer system causing damage to a professional office.
 - ◆ An employee/owner of a merged business and the acquiring company. Claims included value of stock options and wrongful termination.
 - ◆ Numerous residential (single-family, multi-family/townhome/condominium cases involving owners, homeowner associations, architects, general contractors, subcontractors/suppliers. Residential cases often involve structural drainage, water infiltration/mold, building envelope and flashing, etc. issues.
 - ◆ A sitework contractor and the owner of a concrete block (CMU) manufacturing plant. Claims for delay and additional costs due to unforeseen site conditions, as well as competing claims by an affiliate company of the owner for agricultural products sold to the affiliate of the sitework contractor.
 - ◆ A construction manager, structural steel subcontractor and structural steel supplier for the construction of a hospital. Claims included delay claims, subcontract termination and costs to complete.
 - ◆ An owner, general contractor and a subcontractor/supplier over drilling and blasting work for a retail shopping center.
 - ◆ A dairy farm owner and feed supplier. Claims included damages for sickness and death of cattle herd based on supplier's feeding program.
 - ◆ Joint venture partners of joint venture formed to perform government construction contracts for the U.S. Army Corp of Engineers. Claims include breach/wrongful termination.
 - ◆ General contractor and structural concrete subcontractor regarding the manufacture, delivery and installation of precast structural columns, beams and tees. Claims included delay, sequencing, errors in installation and acceleration.

- ◆ A general contractor and surety for industrial piping subcontractor. Claims included improper installation, delay, default, replacement costs and owner backcharges.
- ◆ A general contractor and eight subcontractors over construction of a convention center. Claims included acceleration, delay, inefficiency and interference.
- ◆ A general contractor and high pressure pipe subcontractor in the construction of a poultry processing plant.
- ◆ A general contractor and an electric subcontractor in the construction of a food products manufacturing facility.
- ◆ A manufacturer and purchaser/drilling contractor over the sale and performance of high tech drilling equipment.
- ◆ An owner, general contractor and forty subcontractors over the construction of an exclusive condominium project.
- ◆ A general contractor and subcontractor over the construction of a horseracing track.
- ◆ A general contractor and subcontractors/suppliers of “Tainter” gates for USACE dam project. Claims included issues of defective welds, delivery delays and disputed specifications.
- ◆ A general contractor and steel erector subcontractor over construction of an industrial power plant for defective/incomplete welds.
- ◆ An owner and architect over design, budgeting and contract administration of a retirement home.
- ◆ An owner, general contractor and mechanical engineer over design and installation of HVAC system for a retirement/assisted living facility.
- ◆ An owner, general contractor and multiple subcontractors over construction of a hospital. Dispute centered on water infiltration, mold, costs of remediation and repair. Dispute involved roofing, EFIS, window and sitework subcontractors and issues of coordination flashing, product suitability/installation and drainage systems.
- ◆ An owner, general contractor, architect and engineer in the design and construction of a multi-building apartment complex over water infiltration from balconies and glass walls/doors/windows and resulting damage/cost of remediation.
- ◆ Unit owner and condominium association over damage to unit from water/moisture infiltration due to improper drainage.

➤ **Construction Cases Overview:** Construction disputes have involved convention centers, schools, corrections and judicial facilities, manufacturing plants, nursing homes, assisted living facilities, health care facilities, churches, hotels, multi-family and residential homes. The various disputes include contract terms and conditions, change orders/additional work/backcharge claims, delays (CPM and electronic scheduling analysis, etc.) inefficiency, impact and disruption claims, design/construction defects, contract accounting, misrepresentation/fraud/concealment, latent defects, etc. for various types of work including, design, grading, sewer/utilities, framing, roofing, paving, electrical, mechanical, flooring, finish, windows/openings/flashing, synthetic exteriors, drainage, water/moisture infiltration and wetlands.

➤ **Commercial Cases Overview:** Commercial disputes include contract terms and conditions, breach of contract, misrepresentation, business valuations, corporate stock valuations, financing agreements, mergers, purchase and sale of business, representations and warranties, legal and professional fees, executive employment compensation/separation, dissolution of professional practice, over the road truck lease purchase agreements, cattle feeding/nutrition programs, interstate livestock sales, financial consulting agreements/industrial revenue bond and

conventional financing, consumer financing/lending/insurance, technical training institution curriculum disputes, non-compete agreements, physician/managed care organization provider agreements.

PROFESSIONAL LICENSES/COURT ADMISSIONS:

- Tennessee Supreme Court
- United States District Court, Middle District of Tennessee
- United States Court of Appeals, Sixth Circuit
- Supreme Court of the United States

PROFESSIONAL ASSOCIATIONS:

- Tennessee Bar Association (Section on Alternative Dispute Resolution; Professional Standards of Conduct Study Committee, Standing Committee on Ethics and Professionalism, Chairman, Access to Justice Committee)
- Member and Past President of Rutherford/Cannon County Bar Association;
- Hearing Officer Tennessee Board of Professional Responsibility (1993-1997)
- Christian Legal Society
- Member and Past President, Andrew Jackson American Inn of Court
- Tennessee Association of Construction Counsel
- Tennessee Association of Professional Mediators
- American Arbitration Association
- Fellow of the Tennessee Bar Foundation
- College of Commercial Arbitrators

ARTICLES/SPEAKING ENGAGEMENTS:

- *The Great Debate: Administered vs Private Arbitration*, Tennessee Association of Construction Counsel, November 2007
- *Conducting an Arbitration Hearing: An Arbitrator's Perspective*, Tennessee Bar Association, November 2007
- *Med-Arb, A Template for Adaptive ADR*, Tennessee Bar Journal, November 2006
- *Tennessee Bar Association Access to Justice Committee Chair Report*, Tennessee Bar Journal, February 2005
- *The Annual Ethics Roadshow, Tennessee Rules of Professional Conduct: A Comprehensive Review*, December 2003
- *Advanced Tennessee Construction Law*, 2005
- *Tennessee Construction Issues*, December 2002
- *Hot Topics In Real Estate 2002*
- *Tennessee Rules of Professional Conduct: A Comprehensive Review*, November 2002
- *Arbitration Advocacy Training*, American Arbitration Association, October 2002
- *The Art of Arbitration*, July 2002
- *Mechanics' Lien Law and Strategies in Tennessee*, June 2002
- *Art of Arbitration* December 2001
- *Tennessee Construction Issues* December 2001
- *Tennessee Construction Issues*, December 2000