



**Member**

**Nashville**

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**PRACTICES**

**Litigation and Dispute Resolution**

➤ Alternative Dispute Resolution

➤ Commercial

➤ Construction

➤ Environmental

➤ Real Estate

**Business**

➤ Construction and Design Contracts

➤ Real Estate

**EDUCATION**

Vanderbilt University - J.D., 1977

Vanderbilt University - B.A., 1974

**BAR ADMISSIONS**

Tennessee, 1977

**COURT ADMISSIONS**

U.S. District Court, Eastern, Middle, and

Western Districts of Tennessee

U.S. Court of Appeals Sixth Circuit

**MEMBERSHIPS**

Nashville Bar Association

Tennessee Bar Association

American Bar Association (Member: Litigation

Section; Committee on Construction Litigation

and the Forum on the Construction Industry)

Tennessee Association of Construction Counsel

**HONORS & DISTINCTIONS**

Listed in: *Best Lawyers®* (2013 Nashville

Arbitration Lawyer of the Year; 2012 Nashville

Litigation - Construction Lawyer of the Year);

*Lawdragon 3000 Leading Lawyers in*

*America; Mid-South Super Lawyers; Nashville*

*Post "Nashville's 101 Top Lawyers" 2011*

Fellow, Nashville Bar Foundation

Member, Panel of Neutrals, American

Arbitration Association

Approved Rule 31 Mediator, Tennessee

Past President, Tennessee Association of

Construction Counsel

Editor of *Dispute Resolution* (newsletter for

Tennessee Bar Association Dispute Resolution

Section)

**PUBLICATIONS**

"Point/Counterpoint on Key Provisions of B101 (Standard Form of Agreement Between Owner and Architect): The Hot Button Issues and How They Have Changed," *Construction Lawyer*, Vol. 28, No. 2 (Spring 2008)

"Considering The Self-Critical Analysis Privilege In Construction Litigation: Potential Protection of Investigations and Self-Evaluations,"

*Construction Lawyer*, Vol. 17, No. 5, (July 1997)

## L. Wearen Hughes

Wearen is a practice leader for the firm's Real Estate and Construction Industry Group.

Wearen's focus is on construction contracting and litigation, environmental litigation, other types of commercial litigation and alternative dispute resolution.

**Construction:** Wearen has handled many types of construction-related disputes, including ones involving mechanics' and materialmen's liens, Prompt Pay Act and other payment issues, design and construction defects, change orders, differing site conditions, bid disputes, impact and delay claims, terminations, bond claims and insurance disputes. He has represented public and private owners, contractors, subcontractors, suppliers and design professionals in numerous types of construction transactions and disputes. He has reviewed, drafted and negotiated many types of construction and design contracts, including industry-standard forms such as those from the American Institute of Architects (AIA) and Engineers Joint Contract Documents Committee (EJCDC).

**Alternative Dispute Resolution:** Wearen has represented parties in numerous settlement negotiations, settlement conferences with judges, mediations and arbitrations. He serves as an arbitrator, having been on the American Arbitration Association panel since 1995, including Large, Complex Commercial and Construction Disputes. He is a mediator certified under Tennessee Rule 31 for General Civil Mediation.

**Environmental Litigation:** Wearen has represented public and private clients in various types of environmental disputes, including cost recovery actions, administrative proceedings and tort actions.

Wearen's recent experience includes:

- Representation of a developer regarding claims against another developer in an arbitration concerning the recovery of construction costs and the exercise of an option to purchase real estate, obtaining an award in excess of \$5.3 million, including attorneys' fees
- Representation of a design professional in resolving a serious personal injury suit and a dispute over insurance coverage in federal court
- Representation of a contractor on a state road project in connection with a default by a subcontractor and a claim on the subcontractor's bond
- Representation of a developer in a claim against a national design firm concerning the design of a build-to-suit office building leased to the federal government



- Representation of a hospital company in drafting design and construction agreements for numerous projects
- Representation of a general contractor in a suit by a subcontractor under a liquidating agreement
- Representation of a utility district in a dispute with a manufacturer of equipment for a water treatment plant
- Representation of a manufacturer in an industrial accident case
- Representation of a school board in drafting/negotiating design agreements and drafting construction agreements and bid invitations for multiple projects
- Representation of a general contractor in resolving disputes with numerous subcontractors on a resort project
- Representation of a general contractor defending suits by two subcontractors on a high rise condominium project
- Representation of a developer in an arbitration on a claim against an environmental consultant concerning a Phase 1 assessment, obtaining an award in excess of \$3.1 million
- Served as chair of a panel in an AAA arbitration between an owner and general contractor concerning a condominium project
- Served on panel in an AAA arbitration between a general contractor and subcontractor regarding an Army Corps of Engineers project in Kentucky
- Served on panel in an AAA arbitration between a contractor and subcontractor regarding a project at Oak Ridge National Laboratory

Recent speaking engagements include:

- "Arbitration Today - Cutting Edge Concepts for the Practitioner," Tennessee Bar Association, April 2013
- Co-Presenter, "Saving Time and Money: Tips for Better Arbitrations and Mediations," Tennessee Bar Association, December 2012
- Co-Presenter, "Retainage Escrow Agreements in Tennessee," Tennessee Association of Construction Counsel's Spring 2012 Meeting, April 2012
- Moderator, "The Good, the Bad and the Ugly: Construction Project Contract Drafting and Negotiation," Vanderbilt University Construction Project Management: Why do Bad Things Happen to Good Projects?, March 2012
- "Mechanics' & Materialmen's Liens," Lorman Education Services, December 2011
- "Construction Contracting Concerns for Utilities & Municipalities: Minimizing Exposure on Construction Projects," at Tennessee Association of Utility Districts Annual Conference, August 2011



- "Discovery in Arbitration: When is Enough Enough?," American Arbitration Association, April 2011
- "Joinder Issues in Arbitration;" "The Use of Advanced ADR Techniques in Complex Construction Cases," Tennessee Association of Construction Counsel, May 2011
- "Mechanics' & Materialmen's Liens," Lorman Education Services, June 2010
- "Rebuilding After May 2010 Flood: Allocating Responsibility and Restoring Value," CCIM Institute, June 2010
- "Enforcing Arbitration Clauses and Awards," Tennessee Bar Association, January 2010
- "Mechanics' & Materialmen's Liens," Lorman Education Services, December 2009
- "Mechanics' & Materialmen's Liens," Lorman Education Services, November 2008
- "Point/Counterpoint On Key B101 Provisions: The Hot Button Issues and How They Have Changed," ABA Forum on Construction Industry Meeting in San Antonio TX, February 2008
- "Point/Counterpoint On Key B101 Provisions: The Hot Button Issues and How They Have Changed," ABA Forum on Construction Industry Meeting in New York City, January 2008

Wearen is married with three grown children. He is a member and Elder of First Presbyterian Church in Nashville, and serves on the board of Christian Leadership Concepts, Inc., a nonprofit that provides Christian leadership training for men. Wearen is a private pilot with an instrument rating.