

WEAREN HUGHES ADR



L. Wearen Hughes

PO Box 58091
Nashville, TN 37205
(615) 473-5640
wearenhughesADR@outlook.com

Wearen Hughes retired as a member of Bass, Berry & Sims PLC as of January 1, 2022, after 44 years with the firm. In addition to practicing law during his time with the firm, he had some 25 years of experience as an arbitrator and mediator. His primary focus as a lawyer and neutral was on construction and design contracting and disputes, other real estate disputes, environmental disputes, and other types of commercial disputes. In his construction and real estate practice, he assisted clients with construction and related real estate needs, minimizing exposure by helping them regarding design, construction and related contracts and various project delivery options. When disputes arose, Wearen sought to protect his clients' interests in litigation or alternative dispute resolution.

Arbitrator and Mediator: Wearen served and, since retirement from Bass, Berry & Sims, continues to serve as an arbitrator, having been on the American Arbitration Association panel of arbitrators since 1995. He is on the AAA Construction, Environmental, Large Complex Case and Consumer panels. In AAA and private arbitrations, he has served or serves on panels, including as chair, and as a sole arbitrator in a variety of matters, with most involving construction, and some involving other commercial disputes. He also served and continues to serve as a mediator, primarily in construction-related disputes, but also other disputes. His arbitrations or mediations have included most of the types of claims and disputes listed below. Wearen is a Tennessee Rule 31 listed Mediator for General Civil Mediation.

Construction: As a lawyer, Wearen assisted public and private owners, contractors, subcontractors, suppliers, or design professionals in:

- **Construction & Design Disputes and Transactions** – Represented clients in many types of construction-related disputes, including ones involving mechanics' and materialmen's liens, Prompt Pay Act or other payment issues, design or construction defects, changes or change orders, differing site conditions, bid disputes, acceleration, impact or delay claims, contract terminations, bond claims, or insurance disputes; and represented clients in drafting and negotiating many types of construction, design or related contracts, including modified industry-standard forms such as those from the American Institute of Architects (AIA) or Engineers Joint Contract Documents Committee (EJCDC).
- **Alternative Dispute Resolution** – Represented clients in numerous settlement negotiations, judicial settlement conferences, mediations or arbitrations involving most of the types of disputes listed above.

Other Disputes: Wearen represented clients, or served or serves as a neutral, in other types of disputes, including those involving real estate or equipment leases, insurance coverage, environmental claims (such as those relating to CERCLA, RCRA, OPA, cost recovery, removal actions, citizens' suits, permitting, wetlands, or environmental assessments),

SERVICES

Arbitrator
Mediator
Alternative Dispute Resolution

EDUCATION

Vanderbilt Law School
J.D., 1977

Vanderbilt University
B.A., 1974

ADMISSIONS

Tennessee Bar, 1977

U.S. District Court, Eastern District of Tennessee

U.S. District Court, Middle District of Tennessee

U.S. District Court, Western District of Tennessee

U.S. Court of Appeals, Sixth Circuit

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supplier/manufacture transactions, sales, security interests or other UCC issues, an admiralty claim, claims under the federal Telephone Consumer Protection Act or state consumer protection acts, claims regarding utilities (including power, sewer or water contracts), franchise agreements, products liability, ADA, factoring agreements, loan transactions, debtor/creditor or bankruptcy issues (including lien avoidance, fraudulent conveyances or preferences), industrial accidents, boundary disputes, business breakups, or claims between real estate developers..

Memberships

Tennessee Association of Construction Counsel (TACC)

Tennessee Bar Association (former member)

Nashville Bar Association (former member)

American Bar Association — Litigation Section; Committee on Construction Litigation, and the Forum on Construction Law (former member)

Recognition and Achievements

Best Lawyers® — Nashville Arbitration “Lawyer of the Year” (2021, 2013); Nashville Mediation “Lawyer of the Year” (2020); Nashville Litigation: Construction “Lawyer of the Year” (2019, 2017, 2012); Nashville Construction Law “Lawyer of the Year” (2018, 2016)

The Best Lawyers in America® — Arbitration; Construction Law; Litigation: Construction; Mediation (2003-2022)

Lawdragon 3000 Leading Lawyers in America

Don L. Smith Award (recognition of lifetime achievement in advancement of construction law in Tennessee)— TACC (2017)

Mid-South Super Lawyers (2007-2021)

Nashville Post “Nashville’s 101 Top Lawyers” (2011)

Nashville Bar Foundation — Fellow

American Arbitration Association — Panel of Neutrals

Tennessee Commission on Alternative Dispute Resolution — Rule 31 Mediator

TACC— Past President

Dispute Resolution, Tennessee Bar Association Dispute Resolution Section newsletter — Past Editor