

TACC Resume Arbitration and Mediation

Marc H. Harwell

Current Employer/Title: Harwell & Hurst PLLC – Founding Member

Profession: Arbitrator, Mediator, and Lawyer

Work History: Harwell & Hurst PLLC – Member - June 1, 2022 and thereafter; Harwell Law Group PLLC – Member - May 13, 2019 – June 1, 2022; Leitner, Williams, Dooley & Napolitan, PLLC – Member - 1995 – May 12, 2019; Leitner, Williams, Dooley & Napolitan, PLLC – Associate- 1989 – 1995.

Experience: Construction: Has decades of experience handling commercial and residential construction related disputes serving as legal counsel for architects, engineers, general contractors, subcontractors, and insurers. The complexity of the disputes has been far reaching such as defending and securing the dismissal of the Massachusetts and California based architects responsible for the design of the 125 million dollar Chattanooga waterfront development; successfully defending the design-construction engineering firm in Ohio responsible for a major landfill gas facility in West Tennessee; successfully prosecuting the interests of the developer/general contractor responsible for the creation of approximately 16 car washes in approximately 7 States; prosecuting the interests of a developer/contractor against the engineers, subcontractors, and insurers involved in a major commercial development in KY with 100% recovery for the client plus interest and fees; and representing architects, engineers, contractors, and insurers in a myriad other construction related disputes ranging from dirt work, concrete, electrical, plumbing, carpentry, siding, HVAC, easements, property lines, home owners associations, environmental disasters (TVA coal ash), gas lines, water lines, sewer systems, retaining walls, retention ponds, road work, cell tower construction, roofs, hail and water damage, ice damage, wind damage, sink holes, earth shifting, etc. Significant experience handling issues related to mechanics' and materialmen's liens; Prompt Pay Act claims; delay related claims; force majeure issues; design, oversight, supervision, and construction defects, breach of contract, and negligence claims; change order issues; bid disputes; acceleration clauses; bond issues; AIA contracts and modifications; industry standard issues; etc. BEST Listed Construction and Insurance. Super Lawyer Insurance.

Former Chair of the Federation of Defense and Corporate Counsel (FDCC) Construction Section.

Commercial: Represents in all aspects of business-related disputes ranging from the very complex such as catastrophic loss associated traumatic brain injury involving products liability, commercial motor carrier liability, and premises liability and associated insurance coverage issues; employment related disputes associated with allegations of discrimination, retaliatory discharge, non-compete and non-solicitation agreements, whistleblowing, etc.; contractual disputes and insurance coverage related issues involving performance, promissory estoppel, interference with business relations, equitable estoppel, joint ventures, etc. BEST Listed Lawyer Construction, Insurance, and Transportation. Super Lawyer Insurance.

Alternative Dispute

Resolution Experience

Served as counsel trying numerous arbitrations involving employment issues such as wage/hour class-based claims and construction disputes involving complex commercial matters such as the aforementioned landfill gas project in West Tennessee. Since 2014, served as mediator with 85% success rate (the Tennessee average rate of success for mediators in 2021 was around 58%) in a wide variety of disputes ranging from allegations of child molestation charges against a teacher and school; catastrophic brain injury involving tort injury with over 1 million dollars in medical expenses incurred; construction cases and associated insurance coverage issues involving commercial design and construction involving commercial and residential issues related to retaining walls, roofs, veneers, plumbing, electrical, mold, water, wind, ice, earth movement, vibratory event(s), etc.

Award and Honors

Chattanooga Bar Association Humanitarian Award (2021); FDCC President's Award Community Service (2020); Tennessee Bar Foundation Fellow (2019); Chattanooga Bar Foundation Fellow (2014); Chattanooga Bar Association President (2018).

Alternative Dispute

Resolution Training

2022, AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards. In 2014, 40-hour mediation training completed, and certification issued. Since 2014, Rule 31 Listed Mediator Tennessee Supreme Court. May 2021 to present, Georgia

Office of Dispute Resolution Registered Neutral. January 2022, Tennessee Supreme Court Appointed ADR Commission (2022 – 2025). U.S.D.C. Eastern Division Approved Mediator Panel.

Professional Licenses

Tennessee Supreme Court and all State Courts of Tennessee (1989); U.S.D.C Eastern District Tennessee (1990); U.S.D.C Middle District (2011); U.S.D.C Western District (2014); and 6th Circuit Court of Appeals (2018).

Professional

Associations

Tennessee Bar Association – also a Member of the House of Delegates; Chattanooga Bar Association; Former President Chattanooga Bar Association; Tennessee Supreme Court Appointed ADR Commission; Senior Director and Executive Committee Member of the Federation of Defense and Corporate Counsel (FDCC); Member Dispute Review Board Foundation; Former Board of Director of the American Law Firm Association – International (ALFA); American Inns of Court – Master.

Education

University of Tennessee at Knoxville (BA with Honors – 1986; JD -1989 (Law Review and Graduate Student Representative to the University)).

Publications and

Speaking

Speaking: September 22, 2022, Guest Speaker on Mediation – Tennessee Trial Lawyers Association (TTLA) Annual Caucus. May 6, 2021, Presented the 12 Pillars of Mediation on Will Work For Food News. You can view the presentation on YouTube.

Publications: Claims Professional Desk Reference; Employment Compendium TN; Health & Life Compendium TN; Property & Casualty Compendium TN; Reservation of Rights Compendium TN. Civility in the 2022 Winter and Summer Editions of the FDCC Flyer Magazine.

Engagements

Compensation

Hearing: \$350.00/Hour

Study: \$350.00/Hour

Travel: \$350.00/Hour

Cancellation: \$0.00/Hour

