



*Harwell & Hurst PLLC*



## 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.



**Super Lawyers®**

Super Lawyers Insurance.

**Best Lawyers**

BEST Listed Construction, Transportation, and Insurance.



Secretary/Treasurer of the Federation of Defense & Corporate Counsel (FDCC) – 2023-24.  
In August 2024, Marc will become the President Elect of the FDCC.  
In August 2025, he will become the President of the FDCC.  
In August 2026, he will become Chair of the Board of Directors of the FDCC.  
Marc is a former Chair of the FDCC Construction Section.



American Arbitration Association (AAA) National Panel Arbitrator.



Board of Directors for Tennessee Association of Professional Mediators (TAPM)

**Commercial:**

Represents in all aspects of business-related disputes 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.



## **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 a design/build 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**

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

## **Alternative Dispute Resolution Training**

- ✓ 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
- ✓ June 2023, Board of Directors for Tennessee Association of Professional Mediators (TAPM)

## **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)
- ✓ 6th Circuit Court of Appeals (2018)

## **Professional Associations**

- ✓ Senior Director and Executive Committee Member of the Federation of Defense and Corporate Counsel (FDCC)
- ✓ Former President Chattanooga Bar Association
- ✓ Tennessee and Chattanooga Bar Foundations

- ✓ Tennessee Bar Association House of Delegates
- ✓ Tennessee Supreme Court Appointed ADR Commission
- ✓ 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))

## **Speaking and Publications**

Speaking: On Tuesday, February 21, 2023, at the FDCC Winter Meeting in Nashville, TN, Marc Harwell along with Tom Cordell, Dan Kohane, and Jean Lawler will address pre-mediation strategies and best practices. This is the first segment of a 5-part mediation training program for the FDCC.

October 14, 2022, TN Alternative Dispute Resolution Commission Annual Mediation Workshop in Nashville, TN – Mediator Reflections.

October 6, 2022, Break on Through to the Other Side on Will Work For Food News. The New Possibilities Hour with Marc Harwell & Chad Hatmaker. You can view the presentation on [YouTube](#).

September 22, 2022, TN Trial Lawyers Association (TTLA) Members in Trial in Franklin, TN – Mediators' Panel.

May 6, 2021, The 12 Pillars of Mediation on Will Work For Food News. You can view the presentation on [YouTube](#).

Publications: See Publications section of website for links to past publications.