



Marc H. Harwell

Member

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Areas Of Practice

- Construction
- General Liability
- Insurance Coverage
- Labor & Employment
- Professional Liability
- Transportation/ Railroad

Education

- University of Tennessee, B.A. (cum laude), 1986
- University of Tennessee College of Law, J.D., 1989

Since 1989, Mr. Harwell's practice has focused on civil litigation in defense of employers and insurers. For over 20 years, he has taken hundreds of depositions and has tried over 100 cases. As reflected by his Representative Client Work, his practice is devoted to litigation and to counseling employers and businesses on the ways in which to successfully avoid litigation through proactive measures.

The successful results that he has achieved are primarily the result of diligent effort, attention to detail, experience and knowledge as a trial lawyer, a typically proactive/ aggressive attitude, and the resources of this firm. The best gauge of his success in serving the needs, demands, and expectations of a very discerning and sophisticated client base are through the clients, and references are available upon request.

As is reflected in his professional associations and in his community involvement, he is committed to assisting businesses with insight, perspective, and developments in the law. He is committed to giving of his time and energy for the betterment of his community and has worked in numerous leadership roles for various organizations in doing so. These leadership roles also illustrate his ability to work with people in an organized, cooperative, and successful manner to fulfill the goals of the organization.

Since approximately 2004, Mr. Harwell has served as Chairman of the Hiring Committee for Leitner, Williams, Dooley & Napolitan.

Representative Client Work

Represented architect in Malpractice/Premises Liability Case and obtained Summary Judgment

Represented contractor in Construction Defects Case involving owner, architect, structural engineer, geotechnical engineer, etc., and won

Represented Fortune 500 transportation company in Wrongful Death Case with an ad damnum of \$600 Million Dollars and obtained a settlement for less than the plaintiffs' expert expenses

Represented Fortune 500 transportation company in a tractor/trailer "Pull-Out" Case with significant, objective injuries and obtained settlement for approximately 2 times the special damages

Represented employers in Age, Race, and Gender Discrimination Cases with successful results obtained for the employers.

Prepared Rules of Conduct and Discrimination/Retaliation policies for employers.

Represented business owners in ADA Building Accessibility Discrimination Cases with successful results achieved for the owners.

Wrote FMLA policies for employers following the 2009 amendment to the FMLA.

Successfully defended employers on retaliation claims with summary judgments entered.

Successfully tried retaliation lawsuits for employers with defendant's verdicts rendered at conclusion of trials.

Represented insurance carriers on complex coverage issues with advice rendered and strategies implemented for the ultimate, successful defense of the carriers.

Represented employers in cases concerning non-compete agreements and non-solicitation agreements with successful results achieved for the clients.

Counseled numerous employers on hiring and firing decisions; employment practices; reductions in force; WARN Act concerns; age discrimination issues; ADA and ADAA issues; FMLA issues; and retaliation concerns.

Represented health clinic in medical malpractice actions with successful results achieved in all instances.

Represented pharmacy (Fortune 500 company) in pharmaceutical malpractice litigation with successful result achieved.

Title Companies and other Professional Architects with results appreciated by client.

Representing attorneys with results appreciated by client.

Represented Fortune 500 Companies in wrongful death cases with results appreciated by client.

Professional Affiliations

Federation of Defense and Corporate Counsel, member since 2006 (Vice-Chair Transportation Section; Vice-Chair Construction Section; Member, Employment Section)

ALFA International Transportation Section - Program Chairperson for 2012 Annual Meeting.

ALFA International Transportation Section - Client Advisory Committee - 2010 to present.

ALFA Transportation Client Advisory, Board Member, 2009-present

ALFA International (Employment Law Practice Group Steering Committee and Transportation Practice Group Steering Committee since approx. 2003)

Tennessee Supreme Court's Board of Professional Responsibility Hearing Committee Member, 2009-2012

American Inns of Court - Master of the Bench effective 2011

Tennessee Defense Lawyers Association

Defense Research Institute

Chattanooga Bar Association (served on the Board of Governors of the Young Lawyers Division of the Chattanooga Bar Association, 1993-94)

Tennessee Law Review, Staff Member, 1988-89

Bar & Court Admissions

Tennessee; US District Court, Eastern District of Tennessee;

US District Court, Middle District of Tennessee