



AAA Mediation.org™

FN-11844 MN-11844 LN-11844, Esq.

Franklin, Tennessee



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| Current Employer-Title | Blankenship ADR - Advocate, Mediator, Arbitrator, and Special Master; Construction Enterprises, Inc. - General Counsel |
| Panelist Video | https://www.adr.org/videoresume?paramName=297698602 |
| Profession | Attorney at Law - Primary Emphasis: Construction, Real Estate, Commercial/Business Law |
| Work History | Senior Partner, Blankenship & Blankenship, Nashville and Murfreesboro, 1978-present. |
| Experience | Practicing attorney since 1978 with an emphasis on construction, real estate, and commercial/business litigation. Mediated over 500 cases across the United States, including post-judgment and multi-party disputes and often serves as Special Master by court appointment. In addition to mediating virtually all types of commercial and construction claims and disputes, has also successfully mediated personal injury and wrongful death cases. Served as arbitrator in over 500 cases, both as sole arbitrator and tripartite panelist. |
| Mediator Experience | Since 2003, has mediated over 40 cases. At least 20 of which were construction cases, including: eight between contractors and subcontractors; six between owners and contractors; two between contractors and sureties; one between joint venture contractors; one between contractor and construction equipment manufacturer/seller; one between a construction manager and various trade contractors; and one between an owner/ construction manager and a demolition subcontractor and electrical subcontractor. The remaining cases have included commercial disputes such as: a case between a city government and two business owners/users of city sewer system; a case between a city government and a former employee; a case between two businesses in a failed merger; one between a lender and obligors on business acquisition loans; one agricultural feed dispute which also involved related insurance and self-insurance issues; and a case dealing with the value of stock options. |
| Representative Issues Handled as a Mediator | The construction cases mediated have included the following issues: delay and liquidated damages, acceleration damages, inefficiency and interference, job schedule and sequencing, defective construction/failure to perform, mold, unforeseen conditions, cardinal changes, wrongful termination, surety and insurance/subrogation, minority contractor, and indemnification. The |

commercial cases have included common stock/business valuations, cattle feed/loss of dairy herd, business acquisition loan default, insurance/subrogation, and employment and indemnity issues.

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| Mediator Style & Process Preferences | As a mediator, I believe strongly in preparation and in creating an environment for settlement. It is vital that the parties come fully prepared to mediate by having all information, knowledge, and persons necessary to do so effectively; and that they have full authority to settle. With the necessary preparation in place, I work very hard to have the parties understand the significance of individual perspectives, yet focus on mutual interests. My approach is then three-fold: persistence, persistence, persistence. |
| Education | University of Missouri School of Law (LL.M in Dispute Resolution-2008); University of Tennessee, School of Law (JD-1977); Middle Tennessee State University (BS-1973). |
| Professional Licenses | Admitted to the Bar: Tennessee Supreme Court, 1977; United States District Court, Middle District of Tennessee, 1978; United States Court of Appeals, Sixth Circuit, 2003; Supreme Court of the United States, 2002. |
| Professional Associations | Tennessee Bar Association (Section on Alternative Dispute Resolution; Professional Standards of Conduct Study Committee; Standing Committee on Ethics and Professionalism; Access to Justice Committee, Chairman); Rutherford/Cannon County Bar Association (Past President); Tennessee Board of Professional Responsibility (Past Hearing Officer); Christian Legal Society; Andrew Jackson American Inn of Court (President); Tennessee Association of Construction Counsel; International Mediation Institute (IMI) Certified Mediator; AAA Master Mediator Panel; Fellow in College of Commercial Arbitrators. |
| Recent Publications & Speaking Engagements | <p>PUBLICATIONS: "Med-Arb, A Template for Adaptive ADR, Tennessee Bar Journal, November 2006; Tennessee Bar Association Access to Justice Committee Chair Report, Tennessee Bar Journal, February 2005.</p> <p>SPEAKING ENGAGEMENTS: "The Art of Arbitration: A-Z," Tennessee Bar Association, November 30, 2007; "The Great Debate: Administered vs Private Arbitration," Tennessee Association of Construction Counsel, November 16, 2007; "Conducting an Arbitration Hearing: An Arbitrator's Perspective," Tennessee Bar Association, November 9, 2007; "Mediation - A Valuable Tool for Litigation," Nashville Business Institute, November 30, 2006; "Case Update - The 'Second Ten,'" Tennessee Association of Construction Counsel, November 2, 2006; "Preparation and Strategies for an Arbitration Hearing," Tennessee Bar Association, March 23, 2006; "Advanced Tennessee Construction Law," 2005; "The Annual Ethics Roadshow - Tennessee Rules of Professional Conduct: A Comprehensive Review," December 2003; "Tennessee Construction Issues," December 2002; "Hot Topics In Real Estate," 2002; "Tennessee Rules of Professional Conduct: A Comprehensive Review," November 2002; "Arbitration Advocacy Training," American Arbitration Association, October 2002; "The Art of Arbitration," July 2002; "Mechanics' Lien Law and Strategies in Tennessee," June 2002; "Art of Arbitration," December 2001; "Tennessee Construction Issues," December 2001; "Tennessee Construction Issues," December 2000.</p> |
| Mediation Rate | \$500 Per Hour |
| Languages | English |
| Citizenship | United States of America |
| Locale | Franklin, TN |

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.