

## LITIGATION & DISPUTE RESOLUTION

When conflicts arise, clients turn to Waller because their objectives are our first concern. Whether the goal is to quietly resolve a dispute with as little disruption as possible, or to mount a full-scale pursuit or response, our attorneys work with clients to quickly define the best course of action to obtain results with minimal disruption and financial impact on the business.

Experienced in the courtroom, Waller's litigation team can handle any adversarial situation, whether at trial, arbitration, or on appeal. Harnessing our collectively broad and diverse talent, vast experience, multi-disciplinary approach and dedication to achieving success as defined by our clients, Waller attorneys are tenacious advocates, and what's more, our clients enjoy working with us.

Clients choose Waller for:

- Subject matter and industry knowledge
- Thoughtful strategy preparation
- Direct, candid approach
- Frequent, ongoing communication
- Thorough understanding of each clients' business
- Staffing matters for the client's needs, not ours

Although we seek to resolve differences expediently, sometimes going to court is the best solution. Whether displaying our formidable courtroom presence and willingness to do battle, or guiding clients through the dispute resolution process, we bring an impressive track record to every dispute.

### Service Highlights

- Over 100 years of experience representing clients and resolving disputes
- National recognition in more than 10 core industries, including:
  - Antitrust
  - Financial services
  - Class actions
  - Commercial litigation
  - Environmental and toxic torts
  - Healthcare
  - Intellectual property
  - Securities
- Regularly represent clients in contested matters and investigations before federal and state governmental agencies
- Active in the DRI, IADC and the American College of Trial Lawyers



### Industries Served

- Automotive
- Banking | Financial Services
- Franchise
- Media | Entertainment
- Construction
- Utilities
- Healthcare
- Retail and Mixed Use

### Legal Services

- Healthcare Litigation
- Labor & Employment
- Financial Services Litigation
- Environmental Litigation
- IP Litigation

*Chambers USA* (Alabama and Tennessee) recognizes Waller's Litigation group, noting one client's statement, "They're exceptional. They're strong communicators with clients and judges, and they offer outstanding research and writing skills."

## Alternative Dispute Resolution

Recognizing that mediation and mandatory arbitration contractual provisions have become common and that a courtroom is not always where clients can best resolve matters, Waller's litigators routinely and adeptly handle all forms of alternative dispute resolution.

Not only are clients served by our attorneys' comfort in ADR settings, several of Waller's seasoned litigators are listed by the Tennessee Supreme Court as Rule 31 general civil mediators, the American College of Civil Trial Mediators and AAA arbitrators. These respected attorneys bring candor, empathy, and integrity to their role as mediator and are regularly sought after by parties to highly complex business disputes.

## Appellate Practice

Whether the appellant or appellee, clients are assured that Waller has a successful track record in the appellate courts. Bolstering our experience, the litigation team includes a specially appointed Chief Justice of the Tennessee Supreme Court and former appellate judges, federal prosecutors, and judicial clerks.

## Articles

- "The conflict over the CFPB and what it means for the future," Brian Malcom and Charles Prueter quoted in Birmingham Business Journal
- "BSA/AML Enforcement: Things Are Getting Personal," by Brian Malcom, Alabama Bankers Association Board Briefs July/August 2017 Newsletter
- "Inside Jobs--Is Your Law Firm a Target for Embezzlement?" by Larry Childs, Alabama Bar Association Addendum Newsletter
- "Birmingham attorneys share misconceptions on litigation" Chris Driskill quoted in the Birmingham Business Journal
- "Economic and Insurance Risk Considerations for Hospitals and Healthcare Providers in Dealing with Ebola," by Robb Harvey, Neil Krugman, Mark Bell and Mike Fant, ABA Health Law Section eSource, Vol. 10, No. 3
- "Get a Knowledgeable Construction Broker," by Mark Bell and Chris Dunn, IMRI Online
- "The Virtues of Adopting an Internal Investigations Protocol," by Bill Athanas, TICUA eNews
- "Pitfalls of Global E-Discovery," by Tera Rica Murdock, originally published in November 2013 Risk & Insurance Online
- "How Implementing an Internal Investigations Policy Can Help Health Care Companies Reduce Risk and Expense," William

Athanas and John Park, AHLA Connections

- "2013 ISO Additional Insured Endorsements: Putting the Changes into Context for the Construction Industry," by Mark Bell and Chris Dunn, IRMI Online
- "Anti-Concurrent Causation Exclusions Receive Spotlight," by Mark Bell, Law360
- "Say Goodbye to Small Loans," Chris Driskill, Mortgage Banking Magazine
- "The Evolving Universe of eDiscovery in Insurance-Coverage Actions," by Mark Bell, BloombergBNA's Digital Discovery and e-Evidence
- "Laws Affecting Wellness Programs and Some Things They Make You Do," by Bob Boston, Employee Relations Law Journal
- "Some Pointed E-Discovery Lessons from a Battle of Giants," Mark Bell, and Tera Rica Murdock, Today's General Counsel
- "Indemnity and Additional Insured Requirements: Why Am I Demanding Them, Why Do Others Want Them, and What Does It All Mean?," by Mark Bell, International Risk Management Institute, Inc. (IRMI)
- "Directors' and Officers' Insurance and its Role in Government Investigations," by Richard W. Westling and Mark M. Bell, Spring 2013 New Appleman on Insurance: Current Critical Issues in Insurance Law 43
- "The Elusive 'Pollution' Definition in the CGL Policy," by Mark Bell, International Risk Management Institute (IRMI)
- "What Should Be Keeping You Awake at Night: Litigation Holds in Health Care," by Paul S. Davidson and Tera Rica Murdock, BNA's Health Law Reporter
- "Bracing for Pushback," by Mark Bell, Risk & Insurance Online
- "Responding to a Contrary Position: Minimizing the Number of Named Insureds on the Builders Risk Policy," by Chris Dunn and Mark Bell, Under Construction (The Newsletter of the ABA Forum on the Construction Industry)
- "New Consumer Bureau Bears Watching," by Chris Driskill, Birmingham Business Journal
- "SIGTARP Scrutiny Goes Beyond TARP Matters," Bill Athanas and Chris Driskill, American Banker
- "CFPB's 'One Size Fits All' Regulation May Limit Transfer Services Offered by Depository Institutions," by Chris Driskill, ABA Bank Compliance Magazine
- BRENTWOOD HOME PAGE, "Judge rules in city's favor in election lawsuit"
- LAW TECHNOLOGY NEWS, "How To Use iOS 5 Devices in Litigation"
- TACTICS (PRSA), "Arbitration Versus Mediation"
- "New Consumer Bureau Bears Watching," by Chris Driskill,

Birmingham Business Journal

- ABA TRIAL EVIDENCE NEWSLETTER, "The Duty to Preserve: Victor Stanley and Its Progeny"
- BANKING LAW JOURNAL, "From One Big House to Another: Lessons Learned from the Community Bank Prosecutions"
- "Is 'It's in There Somewhere' Enough?," Bill Athanas, Andrews Litigation Reporter (White Collar Crime)
- LEXIS NEXIS, "Electronic Discovery and Inevitable Litigation"

## Bulletins

- D.C. Circuit Declares CFPB Structure Unconstitutional, Wipes Out \$109 Million Penalty
- ATM Regulations under the ADA Replace Fee Disclosure Decals as the New Trend in Lawsuits Against Financial Institutions
- The Carrot and the Stick - The Department of Justice Offers Incentives When Financial Institutions Self Disclose Violations of Criminal Law, Enhanced Punishment When They Don't
- Department of Justice Announces Plan to Target Pharmaceutical Industry in Latest Foreign Corrupt Practices Act Enforcement Initiative

## Media Mentions

- "Conversation with... Jeffrey C. Smith of Waller Lansden Dortch & Davis," Jeffrey Smith quoted in Memphis Business Journal
- "Telco Not Shown Insolvent At Time Of Transfer, 11th Circ. Says," Morris Weiss and Mark Taylor mentioned in Law360
- "Prominent luxury Realtor sues homebuilder with celebrity clients like Lance Armstrong, Kendra Scott," Eric Taube quoted in Austin Business Journal
- "Meet Birmingham's Rising Stars of Law," Brian J. Malcom profiled in the Birmingham Business Journal
- "NBj's 40 Under 40 class of 2017 revealed," Tera Rica Murdock recognized by the Nashville Business Journal Date: 2017-01-25
- "The changing tune of law," Larry Childs profiled in the Birmingham Business Journal
- "In Vanderbilt rape records case, sides appeal to law, emotions," Robb Harvey quoted in The Tennessean
- "Tennessee to provide lawmaker health cost records," Robb Harvey quoted in The Tennessean
- "Atlanta's new sports stadiums will help raise your rent in Nashville" Chris Dunn quoted in The Nashville Business Journal
- "Media orgs: Blanket seal 'too broad'," Robb Harvey quoted by ESPN
- "Division 7 Member Spotlight," □ Mark Bell Profiled in ABA

## Forum on Construction Division 7 Newsletter

- "How Records Management Can Serve Two Masters," Tera Rica Murdock quoted in For The Record
- "Vanderbilt rape case dispute in appeals court," Robb S. Harvey quoted in The Tennessean
- "The Tennessean Sues Metro Over Vanderbilt Rape Case," Robb Harvey quoted in the Nashville Post
- "On Being PAM's Outside Counsel," Larry Childs profiled by Regions Bank
- "Political Roundup - Registry Tosses Forrester's Complaint," Lana Johnston mentioned in The Tennessee Journal (used by permission of Editor)
- "Managing Healthcare Litigation Costs," by Paul S. Davidson, Healthcare Finance News
- "Attorneys: Tennessee Could Face Increase in ATM Accessibility Lawsuits," Derek Edwards quoted in the Nashville Post
- "Pricey Record Production Alarms Media Group," Robb Harvey quoted in Courthouse News Reports
- "Agency asks Tennessee newspaper to pay \$35,000 for records on deaths and near deaths," Robb Harvey quoted by Reporters Committee for the Freedom of the Press (RCFP)
- Digest of Selected Articles, Mark Bell's article "A Concurrent Mess and a Call for Clarity in First-Party Property Insurance Coverage Analysis" favorably discussed in the Real Estate Law Journal, 42 Real Est. L.J. 109 (Summer 2013)
- "State Ordered to Release Information on 50 Child Deaths," Robb Harvey pictured and quoted in The Tennessean
- "TN Reduces Fee for Providing DCS Files to Media to \$34,225," Robb Harvey quoted in Tennessean
- "Court Battle Heats up over Piedmont Pipeline," Tommy Peebles quoted in The Tennessean
- "Lawyer Takes Law Outside Courtroom," Tera Rica Murdock profiled in Green Hills News
- "Judge Orders DCS to Provide Child Death Records," Robb Harvey quoted in The Tennessean
- "Suit Demands DCS Records on Children Who Died," Robb Harvey quoted in The Tennessean
- "DCS Withholds Files on Child Deaths," Robb Harvey quoted in The Tennessean
- Bill Athanas quoted in the BIRMINGHAM BUSINESS JOURNAL, "Lawsuit claims fraud at bankrupt Adams Produce in Birmingham"
- Tera Rica Murdock selected as one of twenty of the Nashville Post's Law Leaders Rising
- Robb Harvey quoted in TIMES FREE PRESS, "Judge rules Russian adoption case will be open to the public"

- Robb Harvey quoted in NASHVILLE BIZ JOURNAL, "Mouthing Off Online Can Bring Lawsuits"
- Robb Harvey quoted in REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, "States Applying Wiretap Statutes to Personal Videos"

## Events

- 2012-2016 Waller CLE Program, program co-host and co-organizer
- "Law and Insurance," Presented by Drew Warth and Mark Bell, Middle Tennessee CPCU Society Insurance Day
- "Online Marketing: Legal Pitfalls and Best Practices," Presented by Kevin Brown, American Marketing Association-Austin Chapter
- "A Lawyer's Ethical Duties Regarding Electronically Stored Information," Panel Moderated by Jeremy A. Oliver, Harry Phillips American Inn of Court CLE Program
- "Additional Insured Endorsements, Indemnification Agreements, Waivers of Subrogation, and Understanding Risk Transfer Tools," Mark Bell, Presenter, 2016 CPCU Society Annual Meeting, Honolulu
- "No, You're Out of Order! The Written (and Unwritten) Rules of Contempt," Presented by Cleve Burke, Travis County Bench Bar Conference
- "Franchise Litigation," Presented by Robb S. Harvey and Jeremy A. Oliver, Tennessee Bar Association
- Construction in Government Contracts, Chris Dunn and Mark Bell, Presenters, Tennessee Bar Association
- "False Advertising: Understanding the Legal Issues in 2016," Kevin Brown, Presenter, The Knowledge Group - Live Webcast
- "Legal Issues for Photographers," Kevin Brown, Presenter, Association of Texas Photography Instructors 2016 Winter Conference
- "Trial Practice from Beginning to End," Jeremy A. Oliver, Panelist, Nashville Bar Association
- "No, You're Out of Order! The Written (and Unwritten) Rules of Contempt," Presented by Cleve Burke, Austin Bar Association Holiday Ethics CLE
- "Understanding Contractual Risk Transfer Tools," Chris Dunn and Mark Bell, Presenters, International Risk Management Institute (IRMI)
- "The Rules of Evidence: A Practical Toolkit - Keeping Evidence Out (Pre and Post Trial)," Presented by Jeremy A. Oliver, National Business Institute
- "The Rules of Evidence: A Practical Toolkit - Admission/Exclusion of Unique Evidence," Presented by Jeremy

## A. Oliver, National Business Institute

- Introduction to Tennessee Mechanics' and Materialmen's Lien Act," Christopher S. Dunn and Joseph L. Watson, Presenters, 2015 Tennessee Real Estate Law Conference
- Insurance Issues in Construction Law," Chris Dunn and Mark Bell, Presenters, Middle Tennessee Chapter of the AGC
- "Litigation Holds In Healthcare," Paul Davidson and Tera Rica Murdock, Presenters, Strafford Publications, Inc. CLE Webinar
- "Ethics and Legal Holds: A Review of Recent Decisions," Tera Rica Murdock, Presenter, Women in Ediscovery - Nashville Chapter
- "Drafting ADR Clauses," Beth Evans Vessel and Tera Rica Murdock, Presenters, Nashville Bar Association CLE Program
- "Introduction to Construction Insurance Issues," Chris Dunn and Mark Bell, Presenters, Middle Tennessee Chapter of the AGC
- "Eight Construction Insurance Traps Every Project Owner Should Avoid," Ryan Cochran and Chris Dunn, Presenters IMLA 2103 Annual Conference (San Francisco, CA)
- "Construction Contract Drafting Initiative (CCDI) – Recommended Modifications to the A-201 Contract," Ryan Cochran, Chris Dunn, and Mark Bell, Presenters at IMLA 2013 Annual Conference (San Francisco, CA)
- "Introduction to Construction Law," Chris Dunn and Mark Bell, Presenters, Tennessee Bar Association
- "E-Discovery for the Corporate Market Conferences: 'The Exchange'," Heather Hubbard, Roundtable Participant, Today's General Counsel Executive Institute (New York, NY)
- "Legal Hold Principles Revisited," Heather Hubbard, Co-Presenter, eDiscovery Journal (eDJ) Boot Camp (Atlanta, GA)
- "Something's Rotten in the State of Tennessee, a Shakespearean CLE in Three Acts," □ Woody Woodruff presents at the Historic Williamson County Courthouse, Downtown Franklin, TN
- "Comment to the Civil Rules Advisory Committee re: FRCP 37(e)," Jim Doran and Tera Rica Murdock, Collaborators with the Lawyers for Civil Justice Federal Rules Effort
- "E-Discovery Tales from the Federal Courthouse: A Real World Case Study and Roundtable Discussion of the Benefits of Cooperation and Challenges of Proportionality," Travis Parham and Tera Rica Murdock, Panel Discussion, The Prometheus Project
- "Update on Public Records Ruling Involving News Media's Lawsuit against the Department of Children's Services," Lauran Sturm presents to the Associated Press-Tennessee Press Association
- "Defensible Deletion," Heather Hubbard, Co-Leader and

Presenter, eDiscovery Journal (eDJ) Peer Group

- "Federal Practice," Tera Rica Murdock, Moderator, Nashville Bar Association CLE Program
- "Owner's Damages Arising from Defective Construction," Ryan Cochran and Chris Dunn, Presenters, IMLA 2012 Annual Conference (Austin, TX)
- Financial Institution Fraud Detection & Prevention, "From One Big House to Another: Fraud Detection Lessons Learned from the Community Bank Prosecutions"
- "What to Expect and How to Manage Litigation Costs in 2009," Paul S. Davidson, Presenter at 2009 In-House Counsel Conference
- "Managing E-Discovery: The Newest Chapter," Paul S. Davidson, Presenter at Trial and Appellate Roundtable Discussion

## Press Releases

- Chambers USA Recognizes 37 Waller Attorneys; Cites National Healthcare Status
- Waller Elects Nine New Partners
- Waller Recruits Leading Alcoholic Beverage Law Team to Bolster Retail and Hospitality Depth
- Waller Lansden Dortch & Davis, LLP Ranked in 2018 U.S. News – Best Lawyers "Best Law Firms" List
- 35 Waller Attorneys Recognized in Chambers USA
- Waller Goes on Board as Legal Sponsor for Newly Formed Tennessee Center for Family Business
- Waller Attorneys Recognized in Nashville Post's 2017 In Charge List
- Waller Elects Twelve New Partners
- Waller Adds New Partner, Four Associates
- 32 Waller Attorneys Recognized in Chambers USA; Healthcare Practice Earns National Recognition
- Waller Elects Seven New Partners
- Waller Announces New Leadership for its Financial Services Department
- Waller Adds Team for High-Profile Litigation
- 28 Waller Attorneys Recognized in Chambers USA
- Waller Adds 11 Attorneys, Expands Several Core Practice Groups
- Five Waller Attorneys Named 2014 Alabama Super Lawyers
- 32 Waller Attorneys Recognized in Chambers USA
- William Athanas and Rebecca Wright Pritchett Named 2014 Top Attorneys by Birmingham Magazine



- Waller Attorney Recognized as One Of Nashville's Top 30 Under 30