Construction Law Section

SPEAKER BIOGRAPHIES

Franklin J. Smith, Jr.

Franklin J. Smith, Jr., is a shareholder in the Columbia law firm of Richardson, Plowden, Carpenter & Robinson, P.A. where he practices in construction litigation. He attended the United States Military Academy at West Point from 1975-1977 and received his B.S. Degree in Civil Engineering from Clemson University in 1979. He received his J.D. Degree from the University of South Carolina School of Law in 1984. He has an "AV" Martindale Hubbell rating and is listed in the BEST LAWYERS IN AMERICA and SuperLawyers publications for construction litigation.

Mr. Smith has practiced in the construction litigation area with Richardson, Plowden & Robinson, P.A., since joining them in 1984. Prior to obtaining his law degree, Mr. Smith worked as a Design Engineer with Wilbur Smith & Associates. He represents public and private owners, general contractors, subcontractors, architects, engineers, and other construction-related entities. He has extensive experience in drafting custom design and construction contracts for all construction related entities, including the Design Build contract for the SCDOT Cooper River Bridge in Charleston, the design and construction contracts for the Palmetto Health Parkridge Hospital in Columbia and the Dispute Review Board procedures for SCDOT.

Mr. Smith is a certified mediator and serves as a mediator and arbitrator on construction and business related disputes. He is Past-Chair of the South Carolina Construction Law Section, current Chairman of the Clemson University Glenn Department of Civil Engineering Board of Advisors, a panel member of American Arbitration Association, a member of the American Bar Association Forum on the Construction Industry and of the Dispute Avoidance and Resolution Division of the Forum. He is a member of the American Society of Civil Engineers. Mr. Smith has been a speaker for a number of seminars relating to public procurement, design build and construction manager at risk project delivery systems, commercial general liability insurance issues, mechanic's liens, architect/engineer liability, other construction related issues and alternative dispute resolution procedures.

Henry W. Brown

Henry W. Brown was born in McCormick, South Carolina on May 2, 1951. He graduated in 1973 from Furman University with a BA and graduated from the University of South Carolina in 1976 with his JD. He was admitted to practice in South Carolina later that year. He is currently a member of Nexsen Pruet, LLP with his practice predominately in construction matters, both litigation and contract negotiation. He has also had significant involvement with commercial litigation and bankruptcy.

Hon. Carmen T. Mullen

Carmen Tevis Mullen is a resident of Hilton Head Island. She is one of four children born to David R. Tevis III and Julie Anne Tevis and raised in Southern California and Fort Wayne, Indiana.

Carmen received her B.A. in 1990 from Indiana University with double majors in English and Speech Communications. After working in outside sales for one year following college, Carmen entered Clemson University where she studied for and received her M.A. in English with an emphasis in Southern Literature. While at Clemson, Carmen served as a graduate teaching assistant teaching two sections of Freshman Composition 102 “The Elements of Argument.” Carmen attended the University of South Carolina, School of Law where she graduated after 2 ½ years.

Upon graduation from the University of South Carolina, School of Law, Carmen went to work for the Honorable L. Casey Manning of the Fifth Judicial Circuit as his law clerk. Following her tenure with Judge Manning, Carmen gained criminal trial experience as an assistant public defender in the Charleston County Public Defender’s Office.

Upon completion of her tour as an assistant public defender, Carmen went to work for the House of Representatives Labor, Commerce and Industry Committee as their staff attorney. Carmen went into private practice in 1998. In 2000, she became a partner at Berry, Tevis and Jordan on Hilton Head and one year later, Carmen established her own litigation practice with offices on Hilton Head Island and in Charleston.

Carmen was elected by the General Assembly to the position of Resident Circuit Court Judge, Seat 2 for the Fourteenth Judicial Circuit on February 15, 2006 to fill retiring Judge Jackson V. Gregory’s seat. Carmen is married to Hilton Head lawyer, George Mullen and has four children; Lauren (22), Chip (21), Toria (16) and Tevis (4). In her spare time, Carmen enjoys running, snow skiing, gardening and reading.

Hon. Clifton Newman

Judge Clifton Newman was elected to the South Carolina Circuit Court by the South Carolina General Assembly in May 2000 and he has been twice re-elected.

Judge Newman received his law degree from Cleveland-Marshall School of Law in Cleveland, Ohio and his Bachelor’s degree Cleveland State University. Prior to being elected as a Circuit Court Judge, Judge Newman was involved in the private practice of law in both Ohio and South Carolina. He also served as a South Carolina prosecutor for 17 years. During 2009, Judge Newman served as the presiding judge over the Multi-Week Trial Docket for South Carolina, a specialized docket of complex construction and other multi-week cases. He is currently one of three Business Court judges in the State of South Carolina.

He is a member of the South Carolina Chief Justice’s Commission on the Profession; a member of his state’s Commission on Judicial Conduct; a member of the South Carolina Circuit Court Advisory Committee; Vice Chair of the Common Pleas Docket Management Task Force; a Board Member of the American College of Business Court Judges; and a member and law student mentor of the John Belton O’Neal Inn of Court. Judge Newman serves as Chairperson of the SC Civil Rules Advisory Committee, and as a Business Court Judge representative to the Business Law section of the ABA.

Hon. John C. Hayes III

Judge Hayes was elected to the Circuit Court bench in May 1991 to fill the unexpired term of Judge Robert L. McFadden. Judge Hayes' term began September 3, 1991 and twenty-five days later, he married Sarah Lynn Dorsey and doubled the number of his children from three to six. Sarah Lynn Hayes (UNC '69), holds a PhD in Education from the University of South Carolina and is employed with Rock Hill School District No. 3. Judge Hayes' son John C. Hayes IV practices law in Charleston in his firm, Hayes Law Firm, LLC. John and his wife Cindy are part owners of Horton-Hayes Art Gallery in Charleston. Cindy manages the Gallery. Judge Hayes’ daughter Mary Scott McLaurin is married to Barnes McLaurin of Columbia. Mary Scott and Barnes have two sons, Kean and Barnes. Judge Hayes’ daughter Frances is married to Telfair Parker of Charleston. Frances and Telfair have one son,

Telfair. Judge Hayes has three stepchildren, Matt Nance, Tyler Nance and Jessica Nance Rushing. Jessica is married to Chris Rushing of Monroe, NC.
Judge Hayes' father, John Calvin Hayes, Jr., died in 1954 and his mother, Frances Rippelmeyer Hayes, a life long educator, died in 1998. His sister Susan Kelly lives in Rock Hill, South Carolina as does Judge Hayes. Susan retired from full-time teaching high school English in 1999.
Judge Hayes graduated from Winthrop Training School in 1963 and attended the University of the South in the 1963 - 1964 school year. He transferred to the University of South Carolina and received his A.B. Degree with a major in English in 1967. He started law school at the University of South Carolina in the fall of 1967 and completed his first year in the spring of 1968. He was required to do active military service as a U.S. Army Reservist during the following school year and returned to law school in 1969 and obtained his J.D. in 1971. While in law school he served on the Law Review and had two articles published therein.
Judge Hayes clerked for then Chief Justice Joseph R. Moss before joining the firm of Hayes, Brunson and Gatlin with which he practiced until election to the bench. He served in the South Carolina House of Representatives 1981-1984 and the South Carolina Senate 1984-1991. During these years, Judge Hayes served on numerous civic and law related boards and commissions and during the period of 1980 to 1991 he served on the South Carolina Coastal Council, chairing same for four years. Judge Hayes has been a member of the Episcopal Church of Our Saviour since 1959.

L. Franklin Elmore

L. Franklin Elmore is a founding shareholder of Elmore Goldsmith, PA, located in Greenville, South Carolina. He concentrates on representing various segments of the construction industry. He received his B.A. Degree from Francis Marion College in 1973 and his J.D. Degree from the University of South Carolina in 1976. He was admitted to practice in South Carolina in 1976.
Mr. Elmore is a past Chairman of the Professional Responsibility Committee of the South Carolina Bar Association and previously served in the House of Delegates and on the Board of Governors. He is a member of the American Bar Association, its Litigation Section, the Forum on the Construction Industry, its Public Contracts Section, the Torts and Insurance Practice Section, and the Fidelity and Surety Law Committee. He is a former chair of Division 10 of the Forum and served on the Governing Committee. He is an associate member of the Carolinas AGC. In 1983, he was recognized as one of the Outstanding Young Men of America. Mr. Elmore was included in the publication *Who's Who in the South and Southwest* for 1987, *Who's Who in American Law*, and *The International Directory of Distinguished Leadership*. In 1996, he received the Distinguished Alumni Award from Francis Marion University. In 2001, he received an award from the Carolinas AGC for Outstanding Individual Contribution. He is listed in the last ten editions of *Best Lawyers in America* and in the last four editions of *South Carolina Super Lawyers* and as Greenville's *Legal Elite* by Greenville Business Magazine. He has been named as Greenville, South Carolina's Best Construction Lawyer for the last two years by *Best Lawyers in America*
Mr. Elmore has served as Moderator and Lecturer on Construction Law for the Judicial Continuing Legal Education Division of the South Carolina Bar Association, the CLE Division of the South Carolina Bar Association, the ABA's Forum on the Construction Industry, the Association of General Contractors, Carolinas Branch, the Carolinas Surety Underwriters, the Carolinas Mechanical Contractors Association, the Southern Electrical Contractors Association, the American Arbitration Association, the National Bond Claims Association, American Subcontractors Association of the Carolinas, and other trade groups, and conducts in-house seminars for construction clients. He is a permanent presenter for the Joint Conference North Carolina/South Carolina Construction Law Committee and a former Chairman of the South Carolina Bar Construction Law Section. He is a certified arbitrator and mediator and serves as an arbitrator for the American Arbitration Association and is a member of its Construction Industry Rules Advisory Board. He is a member of the Francis Marion University Board of Trustees. He is a former member of the Board of Directors of the Clemson

University School of Building Science Advisory Board and is a past President of the South Carolina Transportation Policy and Research Council. He is a member of the National Bond Claims Association and Surety Claims Institute. He is the co-editor of *Fundamentals of Construction Law*, 2d Ed. 2013, published by the American Bar Association Forum on the Construction Industry

He limits his practice to construction claims and disputes. He has litigated, arbitrated, and mediated claims involving schools, hospitals, airports, colleges and universities, HUD projects, cofferdams, pulp and paper processes, condominiums, hotels, churches, highways, industrial parks, prisons, commercial buildings, wastewater and sanitary sewer systems, manufacturing processes, and office complexes, in South Carolina, North Carolina, Florida, Georgia, Tennessee, Kentucky, Virginia, Alabama, Texas, and Indiana.

Mr. Elmore is a Fellow of the American College of Construction Lawyers and the Litigation Council of American. He is a Master in the Haynesworth-Perry chapter of the American Inns of Court.

Tracy T. Vann (Course Planner)

Tracy Vann is a litigator practicing with the firm's Construction Group in Charlotte. Tracy represents owners, contractors and design professionals in a full range of business disputes, including claims arising from:

- Delay, scheduling or changes in scope
- Construction or design defects
- Insurance and indemnity agreements
- Mechanic's liens
- Payment/performance bonds
- Surety agreements

She has also represented clients in state and federal courts on matters related to insurance, real property and commercial landlord/tenant litigation. Additionally, Ms. Vann assists clients with mediation, arbitration and in negotiating pre-litigation compromises. Ms. Vann practiced previously with Hamilton Martens Ballou & Carroll in Rock Hill, SC.

Practical and down to earth, Tracy comes from a long line of developers, so Construction Law is a natural fit. She explains, "I love the clients, and the boots on the ground aspect of it all. I get to deal with hardworking, real people, who are building and developing infrastructure, which improves the economy and the community we live in. My clients work on short time frames, with complex deadlines and demands, and I get to be a part of trying to make sure all the pieces of the puzzle come together in an efficient and economical manner. At the end of the day, the goal is to walk away with new infrastructure, additional jobs, payment for local business and suppliers. I get to use practical knowledge and my knowledge of the industry and the law to help accomplish it all. Who wouldn't love that?"

Civic & Professional Memberships:

South Carolina Bar, Young Lawyers Division; Chair, South Carolina Bar Construction Law Section; York County Bar Association; Mecklenburg County Bar Association; Chairman of the Board, Keystone Substance Abuse Services of York County; President, Junior Welfare League of York County; Member of the Board, Early Learning Partnership; Member of the Advisory Board, Haven Homeless Men's Shelter; Member of the Board, Old Town Association, Inc.

Recognitions:

President's Award recipient, SC Bar Association, 2013; Chair, 2013 NC/SC Bar Construction Section Conference; 16th Circuit Representative, SC Young Lawyer's Division; Diversity Fellow, ABA Forum on the Construction Industry; Editor and Author, South Carolina Construction Law Deskbook, 1st Ed., 2013; Top "20 under 30," Herald Newspaper, Rock Hill, SC; Law Clerk for the Honorable John C. Hayes, Sixteenth Judicial Circuit Court; South Carolina Super Lawyer "Rising Star" in Construction Litigation (2013)