



JAMES B. SUMMERS
· CO-FOUNDER, ALLEN, SUMMERS, SIMPSON, LILLIE & GRESHAM
· CONSTRUCTION LITIGATION
· TENNESSEE SUPER LAWYERS: 2006–2012;
TOP 50 MEMPHIS: 2009–2011; TOP 100
TENNESSEE: 2009–2011

THE Three-Dimensional Life OF JAMES B. SUMMERS

Litigator, writer, volunteer—the Memphis attorney does it all, and with humor

BY KAITLYN WALSH PHOTOGRAPHY BY PHILLIP PARKER

JAMES B. SUMMERS TAKES TRIAL WORK SERIOUSLY. HIMSELF, NOT so much.

“It is the one thing that you live for if you truly are a trial lawyer, because it’s an experience unlike anything else,” says the Memphis construction litigator. “You’re literally 24/7, and your brain is going at a million miles an hour, and you’re trying to keep up with 30 plates spinning in the air. It’s a very exhilarating experience.

“And then there’s the point where the jury comes in and kicks your butt and it’s not so exhilarating.”

In Summers’ line of work, it helps to have a sense of humor.

“I probably got myself in trouble with that sense of humor over the years,” he says.

Summers, a certified civil trial specialist by the National Board of Trial Advocacy, defends major corporations in construction-related lawsuits. He and his best friend, Richard Allen Jr., co-founded Allen, Summers, Simpson, Lillie & Gresham in Memphis in 2004. It started out with five partners and three associates, and has expanded to about 15 lawyers.

“We’ve grown as we’ve needed to grow,” Summers says. “We’ve been fortunate to have held our own through a really bad economy.”

Over the years, he has worked on a variety of business litigation matters, as well as transportation and employment law. Past and present clients include Pella Corp., Builders Mutual Insurance, Penske Truck Leasing Co., Avis Budget Group, UPS, FedEx and Best Buy.

In the last decade or so, Summers has gravitated toward construction litigation, usually cases involving building defects or serious injury or death at construction sites.

"There are a lot of interesting concepts that come into play in construction," he says. "[It's] like three-dimensional chess. ... There's more to it than who made the left turn."

Sometimes, tragedy becomes his business. When he discusses these cases, in which he usually defends clients accused of causing catastrophic injury, the playful demeanor disappears.

"These cases have had a huge impact on me," he says, "because it forces me to look at myself and my children and people around me and wonder what it would be like if something like this happened to me.

"Ever since I had my first child 24 years ago, anything that hurts a child just destroys me. ... I have a genuine belief that, as a defense lawyer, I have a duty to that child: to protect that child not only now, but to give him something going forward in the future."

Summers, who worked at Neely, Green, Fargarson, Brooke & Summers for the first three decades of his career, credits early mentors with instilling important values. "Both of the principals at my former firm, Bob Green and Bob Fargarson, were fellows in the American College of Trial Lawyers," he says, "so I had wonderful training on what it took to be a good lawyer. Both tried to foster a culture of respect and do-the-right-thing. Both gave me and other lawyers in the firm the opportunity to try cases, and the confidence to do so without judgment. My [current] partners share those same values."

One of those partners, Allen, met Summers more than 40 years ago at college when they were dating women who were roommates. "He married his, and she tossed him later," Summers says. "The girl I was dating was smart enough to toss me early.

"[Rick and I] stayed friends for all those years and talked on and off about what it would be like to practice law together. In 2004, the stars sort of aligned. ... That was absolutely the best move I made in my life."

Allen agrees. "Jim is one of the best lawyers I know," he says. "He loves the practice of law; enjoys mixing it up with other lawyers, while always remaining professional."

Summers doesn't just keep it professional; he often makes friends with opposing counsel. "I've found that it's much easier to go through

litigation or a trial if you make an effort to get along with the other person. ... The old adage that my lawyer could beat up your lawyer—it's just really not where I want to be," he says. "I think I can be a worthy adversary without being a jerk."

Making friends proved to be a challenge, however, when it came to one important person: the woman he eventually married.

"[Deborah] blew me off for several months, and I decided to stop beating my head against a wall. Ran into her a year later at a Brunswick stew party in the middle of nowhere. We watched an idiot in an Ultralite crash into a lake, drank some schnapps to commemorate, and discussed life in her Triumph Spitfire. I learned that she had previously owned an MG Midget, and I had owned both of those cars, and was familiar with the hassle factor of owning anything built by British Leyland. Figured if she could put up with those cars, she could put up with anything. Plus, she was drop-dead gorgeous, and I later learned she was Miss West Virginia. And smart, as in magna cum laude."

Summers and his wife have two children, now in their 20s, and live in the Harbor Town neighborhood in Memphis. Deborah was a flight attendant for more than 30 years. "Before we had children, I rode with her all over the country," he says. Later, travel became a family thing. "We took our kids to London, to Paris, to China, to Amsterdam; they were world travelers by the age of 13, 14." Summers says the excursions often resembled scenes from *National Lampoon's Vacation*.

Food was an expensive part of the adventure. One morning in New York City, they dropped about \$150 on breakfast. Realizing the kids would rather eat at McDonald's anyway, Summers and his wife made the fast-food chain their cheap breakfast go-to. "The kids were happy, and we survived," Summers says. Every now and then, the family would try something more local. "First time the kids got a burger with a fried egg on it in Paris, they nearly jumped out the window. So, back to McDonald's, but we tried." Here's his travel tip for vacationing parents: "The McDonald's at the Louvre serves wine."

Summers carves out time for more than work and travel. For more than a decade, he has read to children at a local elementary school through the Memphis Rotary Club. He's also the risk management committee chairman for the Boy Scouts' Chickasaw Council board.

In addition, Summers is a talented writer. He used to occasionally document his techno-

struggles in articles for *Memphis Lawyer*, published by the Memphis Bar Association.

"My technology articles were based upon dumb things that I tried at home," Summers says.

In 2004, he wrote an article titled "PDA Phone is Not Better than Sex..." and in 2006, "Insanity and the Trials of Voice Dictation Software." In the latter, he tried out an updated version of Dragon NaturallySpeaking, noting that if it worked for two colleagues who were "geezers" in their 50s, it could work for him.

Summers' conclusion: The software did the job well. Still, he noted: "Dragon will never take the place of a secretary in my office, as I need memory and organization and someone to pretend I am not at my desk."

Around the office, Summers is known as something of a technology guru.

"I'm more of a yellow pad and a No. 2 pencil kind of guy," says Robert L. Green, the early mentor who is now an attorney at Allen Summers. "I go to him frequently to try to get information ... on matters that, frankly, I just don't understand." Summers claims he doesn't really understand them either, but manages through trial and error.

Summers has one other hobby: golf. "Mostly it's the challenge," he says. For him, golf is no laughing matter. Except when it is.

He taught his daughter how to play when she was a teenager. "Sally can go out when she hasn't played for a long time and after five minutes get her swing back," Summers says. "It's just disgusting, but I'm glad I gave it to her. And now I still have somebody who can play golf with me and kick my ass."

He and Allen have a long-standing competition. "We both suck equally," Summers says. "We play for dimes. I have a box full of dimes here in my office and either I'm walking down to his office and depositing three or four onto his desk, or he's coming down here and putting them on my desk."

Summers tends to wax philosophic about golf—and life. "When you've had a bad shot, it's not the bad shot, it's what do you do on the next one," he says. "Can you overcome it? Can you do better the next go-around? To me, it's the closest metaphor to life that I've ever experienced, because it's the highs and the lows and the joys—and the good, the bad and the ugly, and everything in between." 📌

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Julie Gleason

JULIE GLEASON

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