

# Summers Extols Complexity Of Construction Practice

**LAW TALK**

**REBEKAH HEARN**  
*The Daily News*

Jim Summers, one of the founding partners of Allen Summers Simpson Lillie & Gresham PLLC, has been named to the 2010 edition of Best Lawyers in America for construction litigation.

Summers has a broad background in construction, products liability, transportation and employment law. He received his bachelor's degree in finance from the University of Tennessee and his juris doctorate from the University of Memphis.

He is a member of the Memphis, Tennessee and American bar associations. He currently is the secretary of the Tennessee Association for Construction Counsel. Summers has served as a member of the MBA board of directors and as the chair of its Law Practice and Technology Section.

He also is a member of the Defense Research Institute and the Tennessee Defense Lawyers Association, a former member of the American Law Firm Association and is a certified federal mediator and a certified Tennessee Supreme Court mediator.

Summers enjoys writing, having served as the editor of the Tennessee Commentary and Report from Counsel, and as a contributing author for the Technology for Lawyers Column of the Memphis Bar Journal. He was selected as a Mid-South SuperLawyer in construction litigation in 2007, 2008 and 2009 and has received a Martindale-Hubbell rating of AV.

He is on the board of directors of Chickasaw Council Boy Scouts of America, where he has chaired the risk management committee for nine years. He is a member of Rotary Club International and reads twice a month to pre-K students at Carnes Elementary. He lectures twice a year about medical/legal issues to internal medicine residents at the University of Tennessee Health Science Center.

**Q: What led you to practice in construction-related areas of law?**

**A:** I have always been fascinated by how things work, how things are built, and the processes involved in construction and manufacturing. One of my favorite books is "The Way Things Work." Add to that the contracts, institutional and personal relationships and internal politics, with some governmental regulation thrown in for good measure, and cases involving construction become multidimensional puzzles. I enjoy that very much. But I also like the other areas I practice in. I am incredibly lucky that I love my work and am never bored when I come to work.



**JIM SUMMERS**

**POSITION:** Founding Partner

**FIRM:** Allen Summers Simpson Lillie & Gresham PLLC

**BASICS:** Summers has been named to the 2010 edition of Best Lawyers in America for construction litigation.

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— JIM SUMMERS

**Q: In your view, how do you think the local real estate market is doing considering the recession?**

**A:** Not great. I represent developers, contractors and builders. Several clients are underwater right now; other clients can't get paid and are barely hanging on; and my own house in a very stable neighborhood has been on the market for a long time. Having said that, new home sales were up nearly 10 percent in July, the inventory is shrinking and it appears there are some signs of life. Hopefully credit will ease and the expiration of the (first-time homebuyers) tax credit won't kill it.

**Q: What has been one of the most interesting or important cases you've worked on?**

**A:** I have been in a lot of interesting cases, but one that stands out is a situation where a masonry wall in a construction project was toppled by a gust of wind at the exact moment a young man was walking underneath, killing him. The case was one of the most intellectually challenging of my career. It involved analyzing the work of contractors, engineers and architects, and it seemed like every week a new issue arose as the testimony of the people involved shed new light on the construction. There were intense insurance and contractual issues involved as well. Fortunately, the lawyers involved were incredibly bright, worked together well, and the case ultimately resolved.

**Q: Do you maintain your work as a mediator? If so, how much of your practice is made up of mediations?**

**A:** I mediate occasionally, but I have such an active practice that I frequently have conflicts. But I enjoy it when I get the work, as there is great satisfaction in helping parties resolve their differences. I hope to wind down at some point and spend more time in mediation and arbitration, as it is still the most efficient way of resolving legal disputes, especially (in) construction, where there are so many complex issues that have to be factored into the negotiations.

**Q: What do you think is one of the most important elements to a good defense?**

**A:** Preparation and organization. Everything flows from that.

**Q: Do you keep up with your legal writing?**

**A:** Legal writing is probably a misnomer. I enjoy humor, irony and sarcasm, and that does not always translate well to legal writing. But it seems to work when writing about a new gadget or the latest technology screw-up I have encountered, as people can relate to that, even lawyers.

**Q: What do you like to do when you're not working?**

**A:** I love playing golf with friends, but especially with my daughter, who beats me like a drum. And now my son has started back, and I expect he will do the same. I enjoy traveling with my wife and cooking. Now that I live in planet Harbor Town, I officially hate yard work. Still love my Honda S2000.