

Blair Appointed to State Supreme Court's Alternative Dispute Resolution Committee

LESLEY J. GUDEHUS | *The Daily News*

Allen S. Blair has specialized in labor and employment law for most of his career.

As a member of Harris Shelton Hanover Walsh PLLC, he concentrates his practice on mediation and arbitration. The Tennessee Supreme Court recently appointed Blair to its Alternative Dispute Resolution (ADR) Committee, which helps the high court administer its mediation program in all of Tennessee's state courts.

Blair teaches alternative dispute resolution and negotiation at the Cecil C. Humphreys School of Law at the University of Memphis and has spoken at numerous seminars and published several papers on mediation and ADR. He served as chairman of the Tennessee Bar Association's Litigation Section from 1997 to 1998, and as chairman of the ADR Section of TBA from 2002 to 2003.

Blair successfully argued a leading affirmative action case in 1984, *Firefighters Local Union No. 1784 v. Stotts*, before the U.S. Supreme Court. In that case, the court overturned an injunction by a district court that required white employees with more seniority to be laid off rather than black employees with less seniority. The purpose of the injunction was to achieve racial balance, but it violated established seniority rules.

Born in Houston, Blair has lived in Memphis since he was 4 years old. He majored in political science at the University of Wisconsin before earning his law degree at Vanderbilt University School of Law in 1970. He is married and has three sons.

Harris Shelton Hanover Walsh is the result of a 2005 merger between two of the oldest law firms in Memphis - Harris, Shelton, Dunlap, Cobb & Ryder PLLC and Hanover, Walsh, Jalenak & Blair PLLC.

Q: What led to your specializing in labor and employment law?

A: I came out of law school and clerked for a judge for a year, and then a year or so into my law practice, a lawyer in Atlanta needed a Memphis lawyer to help him with a strike. This was 1972, and there was going to be a trade union strike. [Being involved in that case] launched the part of my career where I represented unions, and they started calling me instead of the guy in Atlanta. So I spent the first half of my career in labor law, and that taught me about mediation.



Memphis Law Talk



Allen S. Blair

Position: Member, Harris Shelton Hanover Walsh PLLC

Basics: The Tennessee Supreme Court recently appointed Blair to its Alternative Dispute Resolution (ADR) Committee, which helps the high court administer mediation efforts in all of Tennessee's state courts.

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Q: What is the advantage of alternative dispute resolution for clients?

A: Litigation has gotten so expensive and takes so long and is so disruptive that people need an alternative to litigation - to find something that is quicker, simpler and cheaper. Mediation is used most frequently. I spend about 90 percent of my time as a mediator and 10 percent as an arbitrator. [ADR is comprised of mediation and arbitration. Both are less expensive than litigation, but mediation costs less than arbitration, is less formal, is non-binding - either party may accept or reject a mediated solution - and is more likely to preserve relationships. However, sometimes if a case can't be resolved in mediation, it will go to arbitration.]

Mediation definitely is more cost effective than litigation for clients. It leads to a much shorter time frame for the resolution of disputes. Statistics show that in cases that are mediated, more than 90 percent are settled. Maybe 70 percent are settled in mediation and another 20 percent are settled before they ever go to trial. Some people think the experience I got in labor relations helped [me in mediation], and I think it's true. If you're going to reach a settlement with someone with whom you're going to have an ongoing relationship, mediation is probably the best way to go. There's always a tension between parties in litigation that is take-no-prisoners, but that's not realistic.

Q: What will you do as a member of the ADR Committee of the Tennessee Supreme Court?

A: It's an honor to be on the committee. [I will] be able to have a hand in shaping the policies and procedures used in the state ADR program.

Q: Has teaching ADR at the University of Memphis helped you in your work?

A: Teaching helps you keep on top of things. I like it when students ask questions and challenge me. It can't do anything but sharpen your skills.

Q: How do you define success?

A: I think for a lawyer, it's about helping the people who come to you for help and putting their interests first. I've never backed away from following up on a commitment to a client. I got to argue a case in the United States Supreme Court for the firefighters union. Thank goodness, I won, but I wanted to go up [to Washington] and do a good job and succeed for my client.