

Matt Sweeney
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Matt Sweeney, shareholder in the Firm's Nashville office, is a business trial and appellate lawyer, mediator and arbitrator. Mr. Sweeney, who was initially trained in white collar criminal defense, has broad trial and appellate experience in complex, class action and shareholder derivative litigation in state and federal courts throughout the United States, with a concentration in franchising and related antitrust, securities, fraud and fiduciary duty, consumer protection and employee benefits cases. Mr. Sweeney is a former Circuit Court Judge in Nashville and was Presiding Judge of the district's Trial Courts. As a judge, he tried more than 150 jury trials during the four years he served on the bench. When appointed to the court, Matt Sweeney was the youngest trial judge in Tennessee. He has served as a mediator and arbitrator in hundreds of cases throughout the southeast. Mr. Sweeney also counsels attorneys on questions of legal ethics and professional responsibility of lawyers. He has taught trial practice as an adjunct faculty member at Vanderbilt Law School and civil procedure as a lecturer at the Nashville School of Law; he is a regular speaker and panelist in continuing legal education programs on trial practice, ADR, and ethics and professionalism.

Education

- National Judicial College, General Jurisdiction Program (1987)
- Vanderbilt University School of Law, J.D. (1976)
- Seton Hall University, B.A., *cum laude* (1973)

Representative Business and Complex Litigation Matters

- Lead litigation, trial and appellate counsel for national disaster restoration franchisor in series of major franchise cases throughout the United States.
- Lead litigation and appellate counsel for regional hospitality franchisor in series of major franchise cases throughout the Southeastern United States.
- Trial and appellate counsel for local government in series of pension and employee benefits cases; lead defense counsel in a change of control benefits case following corporate merger.

- Lead counsel in defense of shareholder derivative action arising from merger of Canadian public company; co-counsel in defense of shareholder derivative action arising from merger of Tennessee public company.
- Co-counsel in defense of series of class and shareholder derivative actions arising from adverse stock performance of an insurance company.
- Lead plaintiff's counsel in minority shareholder oppression cases.
- Lead defense counsel in a series of ponzi scheme lawsuits and arbitrations arising from the conduct of a registered representative.
- Co-lead defense counsel in complex corporate veil piercing and fraud case.
- Lead counsel in case to remove local elected official from office.
- Lead defense trial counsel in inmate civil rights action against correctional officers.
- Criminal trial defense co-counsel in bombing conspiracy case.
- Lead defense counsel in post-conviction death penalty case.

Representative Alternative Dispute Resolution Matters as a Neutral

- *Mediation* - Multi-party complex business disputes; business divorces, including family and estate matters; business tort and consumer protection cases; franchise and distribution disputes, including future royalties, trademark/trade dress issues; intellectual property disputes involving copyright, trademark and trade dress; music copyright cases; wide variety of contract disputes, including commercial property and equipment leases, healthcare reimbursement matters, employment, change of control and compensation agreements; employment discrimination cases: age, race and sex; insurance coverage claims; real estate matters, including condemnation action, title dispute, homeowner Association dispute; and personal injury cases.
- *Arbitration* - Complex business disputes; wide variety of contract disputes, including commercial property and equipment leases, healthcare reimbursement matters, employment, non-compete, change of control and compensation agreements; franchise and distribution disputes, including future royalties, trademark/trade dress issues; intellectual property disputes involving trademark and trade dress; age, race and sex discrimination cases; promotion eligibility dispute; government agency disputes; sports law, including U. S. Olympic athlete eligibility disputes and Tennessee Walking Horse National Celebration eligibility dispute.

Professional Appointments

- Vanderbilt University School of Law
 - Former Adjunct Faculty Member - Trial Practice (1993-1998)
 - Former Faculty Member - Corporate and Securities Law Institute (ADR) (1996-1998)
 - Former Coach - National Trial Competition Team (1998-2000)
- Nashville School of Law, Former Lecturer, Civil Procedure (2003-2009)

Publications

- Sweeney and Collins, “Confidentiality – Mandatory Disclosure of Information Relating to the Client Under the Tennessee Rules of Professional Conduct,” *Nashville Bar Journal* (June 2010)
- Tennessee Pattern Jury Instructions – Civil, with commentary (Matthew Bender & Company, Inc.) (Commentary Co-Author with Charles K. Grant) (2007)
- Sweeney and Stephenson, “In the Proper Forum - Trial, Arbitration or Mediation,” *Tennessee Trial Lawyer* (December 1994)
- Chair, Board of Advisors, *Tennessee Ethics Handbook*, Tennessee Bar Association (1991-Present)
- Co-Editor, *Ethics Handbook*, Nashville Bar Association (1988)
- Young, Warden and Sweeney, “Tennessee’s Sentence Reduction Laws,” *The Litigator* (September 1980)

Recent CLE Presentations

- Truth, Lies and Permissible Puffing; The Psychology and Ethics of Negotiating Deals, Nashville Bar Association (2010)
- Judicial Recusal, Harry Phillips American Inn of Court (2010)
- All About Arbitration for Business Lawyers and Litigators, Nashville Bar Association (2007)
- How to Find, Prepare, Protect and Cross-Examine Expert Witnesses, Nashville Bar Association (2006)
- Hot Topics in Real Estate – Ethical Pitfalls for Real Estate Attorneys, Nashville Bar Association (2006)
- Conflicts: here, there and everywhere, Nashville Bar Association (2005)
- Lawyer advertising, marketing, solicitation and public perception, Nashville Bar Association (2005)
- Arbitration – Get Ready, It’s Coming Your Way!, Nashville Bar Association (2003)
- Ethics and Professionalism Series: “What Would You Do If ... Under the New Rules? Corporate and Commercial Practice, Nashville Bar Association (2003)

Professional Honors & Activities

- Former Circuit Court Judge (1986-1990) and Presiding Judge (1989-1990), 20th Judicial District, Nashville, Tennessee
- Tennessee Judicial Council, Chair, Legislative Sub-Committee for Study and Review (1989)
- Master Benchler, Executive Committee Member – Harry Phillips American Inn of Court (Master 1990-1994, 1998-2009; Executive Committee 2001 to Present)
- Listed in *The Best Lawyers in America*® in the areas of Commercial Litigation and Alternative Dispute Resolution since 2005, Franchise Law since 2006 and Administrative Law since 2008
- Listed in *Chambers USA: America's Leading Business Lawyers* (2005, 2006)
- Listed in "The Best of the Bar," *Nashville Business Journal* (2008)
- Chair – Civil Justice Reform Act Advisory Group, U.S. District Court, Middle District of Tennessee (1995-1997)
- Chair – Merit Selection Panel for the U.S. District Court for the Middle District of Tennessee (2007)
- Member – Nashville Bar Association (Board of Directors, 1993-1995)
- Member – Tennessee Bar Association, Professional Standards Study Committee; Committee on Ethics and Professional Responsibility (1995-1999)
- Vice Chair - Tennessee Bar Association, Committee on Ethics and Professional Responsibility (2000-2006)
- Member – American Bar Association - Litigation, Antitrust Sections; Forum Committee on Franchising
- Recipient, Nashville Bar Association, President's Award for Contribution to the Community and Profession (1989)
- Chair, Nashville Pro Bono / Legal Services Campaign (1993)
- Recipient – Baker Donelson Nashville Office Pro Bono Award (2007)
- Co-Recipient – Baker Donelson Nashville Office Pro Bono Award (2009)
- Fellow – Nashville Bar Foundation, former Trustee
- Fellow – Tennessee Bar Foundation
- Member – ADR Panel for the U.S. District Court for the Middle District of Tennessee
- Member – Arbitration panel for U.S. District Court for the Eastern District of Tennessee
- Approved Mediator – Tennessee Commission on Alternative Dispute Resolution
- Member – American Arbitration Association, Mediation and Arbitration Panels (Commercial, Employment, Sports Law)

Admissions

- Tennessee
- U.S. District Court for the Western, Middle and Eastern Districts of Tennessee
- U.S. Court of Appeals for the Sixth Circuit

Current Community Service

- Room in the Inn volunteer
- Member, Advisory Board, Monroe Harding