

Marc H. Harwell

## Candidate for Secretary/Treasurer's Statement

### My Petition for Service



My Petition for Service is intended to share my thoughts about what I believe is our purpose, to explain why I want to serve as your leader, to identify what I believe to be the state of our family, to outline a general plan for us, and to provide a summary of my history in our meritocracy and other communities so that you may decide whether I am worthy to serve you. I also share the FDCC tradition of standing for candidacy for our many new members.

### **Our Purpose:**

In the FDCC, we create memories, growth, and opportunities. We confront uncertainties and challenges. We work “to be the inspired community of vetted defense counsel, exceptional leaders, and even better people.”

### **The State of Our FDCC Family:**

Thanks to the leadership of our past Presidents, committed to the proposition that we are a Board guided organization working together in a transparent manner to fulfill objectives our Board collectively agrees upon, we are thriving as an organization. Our membership is just shy of our numerical limit of 1,200 defense attorney members under the Bylaws. We remain financially strong.

Our *Friday Fives* weekly readership maintains a 73.4% average open rate and a 36% click through rate of the links embedded within the newsletter. Our website is tracking around 2,400 hits per month. In just over a year we have produced over 120 podcasts available for our members which have produced 4,572 downloads as of this date for an average of between 60 -70 listens per week on professionally relevant and personally fascinating topics.

The FedNow App that went live in advance of our Winter Meeting is sure to bring our community even closer together with photographs, posts, and member interaction, whether in looking for a member, an article, advice, recommendation, etc. Our meeting attendance is strong and growing.

Our contributions to Lawyers for Civil Justice (LCJ) and amicus filings lead the legal industry. Through the State Representative Program, I have been working with LCJ and Bernie Heinze to provide valuable work on third-party litigation funding and state preemption issues. Over the past year the FDCC contributed 6 amicus filings and letters to state legislatures and the Administrative Office of the Courts on wide ranging issues important to our core principles on affording access

to fair justice and to the defense bar. We have 25 substantive law sections that are a resource to all members.

To complement advancing the professional strength of our members, we also focus on the personal health of our membership and continue to be active with FedLife, FedServes, and FedCivility. I have contributed to FedCivility with several articles each year since its inception. We offer cutting edge education on technology and the practice of law through FedTechU.

With the help of others, I revamped the State Representative Program, and it is engaged in good outreach. Our regional meetings are pulling members together socially. In less than one year 8 regional cocktail hours and dinners have been hosted across the Country.

Our admissions committee continues to screen all candidates for membership to ensure that only the best, brightest, and nicest in our profession are welcomed into our family.

Twice each month I serve as host of our new members orientation program which introduces new members to our leadership and the tools that are available to them. At our meetings we continue in our reach-out to new members to help them know and feel that they are a part of our family. I have served as a new member host at almost every Winter and Annual Meeting for more than a decade.

We are committed to doing better to improve the diversity of our organization so that our family is stronger through its inclusivity. The Foundation offers a scholarship to minorities to assist with their advancement and growth. We want to do more, and having the desire to do so coupled with a commitment to provide the resources to fulfill the goal should show material progress.

### **The Plan for Us:**

I recounted the state of our family because logically one must know where an organization is, should know the problems that beset us, and be aware of the opportunities and assets that are present and available if one is to have a valid and relevant plan.

Though we cannot predict the future with great certainty, we can create and implement a plan that optimizes our position to create and seize opportunities and that substantially assists us when beset by unexpected circumstances. Creative thinking, commitment in the face of adversity, making effective changes and smart decisions when confronted with challenges, working collaboratively as a team, and fostering an environment of free and respectful expression where everyone on the team feels comfortable and encouraged to speak its mind will help us succeed.

We are confronted with challenges that will either strengthen or weaken our beloved organization. Inflationary factors affect our members' organizations and firms pressure us to demonstrate a strong return on investment. Generations who are reluctant to join a group, that prefer to text rather than meet and talk, a plethora of inexpensive legal resources, a contraction of industry member legal budgets, etc. require us to be on the forefront and leading decision makers in the defense industry.

Since we are a Board guided organization, my plan is of course subject to the debate and will of the Board. A few years ago, the Board met to develop a long-range strategic plan and to execute

that plan. We have been working to achieve the objectives that constitute our WHY - “to be the inspired community of vetted defense counsel, exceptional leaders, and even better people.” We should continue such work.

As President, I would continue in the traditions that have proved to work so well for us. Leadership with a strong sense of caring for our members, helping our members professionally and personally, developing programs that are relevant and compelling to the growth of our members, and continuing to engage and welcome new members are important to the level of success that our organization is achieving.

I have been called by friends and close acquaintances a facilitator, the glue of the group, the connector, and other such terms because bringing people together socially comes naturally to me. This quality serves me well in my work as a mediator where I bring adversaries together to achieve resolution of their disputes. I know how to get the most out of people and how to motivate people. I think that my work serving as Chair/Co-Chair of so many successful conferences and initiatives proves these points to be true.

I would like to assemble a diverse and inclusive team that will work collaboratively with the Board so that so many of our great, creative, and organized minds can help us find solutions to challenges and help us to continue to find the best paths forward. Together we are stronger.

### **My Summary of Service to The Federation:**

The highlights of my history of service to the Federation are set forth in the Leadership Summary posted on our website. I encourage you to consider that history as you make your decision about whether I merit your trust in serving as the leader of the FDCC.

### **Special Gratitude to Members Who Have Helped Me:**

In no particular order, I thank Tom Williams, General Mike Neil, Dan Kohane, Vicki Roberts, Steve Farrar, Mills Gallivan, Andy Downs, Don Myles, Elizabeth and Jeff Lorell, April Elkovitch, Mike Glascott, Bob and Erin Christie, Howard Merten, Martha and Bernie Heinze, Lee Hall, Lauren Curtis, Brett Preston, Marisa Trasatti, Marc Young, Park Priest, Shelly Masters, Larry Smith, April Berman, David Fuqua, Todd Raskin, Mike Alston, and Craig Marvinney for nominating, appointing, helping, providing philanthropic funding, and/or otherwise being integral to the FDCC personal merits that I identify above. Forgive me if I have left anyone out.

### **Summary of Contributions Outside of the Federation:**

Since 1997, Holly and I have worked together as a couple in service to our communities. With her support, I have been blessed with the stability of a strong family life that has given me the time and freedom to achieve in our FDCC and as follows:

2014 to Present - Chattanooga Bar Foundation Fellow

2018 - President Chattanooga Bar Association

2019 to Present – Founder of the Harwell Law Group – now Harwell & Hurst PLLC

2019 to Present - Tennessee Bar Foundation Fellow

2019 – Coached First All-Black High School Mock Trial Team – Hamilton County, TN

2019 - Led Chattanooga Bar Association Partnership with La Paz Chattanooga for the Protection of Hispanic and Latino Rights

2021 – Chattanooga Bar Association Humanitarian Award

2022 to Present - Tennessee Supreme Court Appointed ADR Commissioner

Former Member of Board of Directors of American Law Firm Association – International (ALFA)

### **The FDCC Tradition of Standing for Candidacy:**

For our new members, the tradition of standing for candidacy is vitally important. By standing for election to the honored position of Secretary/Treasurer, I hereby respectfully ask to be entrusted with the opportunity to lead this wonderful organization toward fulfillment of its laudable purposes, its vision, and its value proposition.

I am not running for election to this honored position. I am standing for it. Campaigning for any FDCC office is strictly forbidden by our rules of governance because it is anathema to our FDCC foundational values and is disruptive to our family. I am dedicated to honoring our rules and history and remind others going forward of the importance of being keenly aware of our traditions.

### **In Closing:**

The merits that I have listed in my Leadership Summary and above demonstrate a history of working effectively as a leader in the FDCC and in other communities. Leadership is about commitment and caring for the people who have entrusted you with the responsibility of creatively and effectively guiding the whole to a better place and facing adversity and challenges with a resolve to emerge as a stronger organization. I hope that you consider me to be worthy. Best to you.

Marc H. Harwell is a member of Harwell & Hurst PLLC of Chattanooga, Tennessee and a Senior FDCC Director. Marc may be reached at [marc@harwelllawgroup.com](mailto:marc@harwelllawgroup.com).

### **CALL-OUT QUOTE:**

Creative thinking, commitment in the face of adversity, making effective changes and smart decisions when confronted with challenges, working collaboratively as a team, and fostering an environment of free and respectful expression where everyone on the team feels comfortable and encouraged to speak its mind will help us succeed.