



## A. Holt Gwyn

Member

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Greensboro, NC 27401

Holt Gwyn is a native North Carolinian living in Greensboro. He has been practicing law since 1976, as a trial lawyer. He began as a federal prosecutor in the Office of the United States Attorney, Middle District of North Carolina. For four years he prosecuted white-collar fraud, securities and environmental violations, and condemned land for U.S. Army Corps of Engineers. His practice today is concentrated in construction, environmental, and employment disputes, and business activities for private industry clients. Mr. Gwyn has co-authored half-dozen books and is the author of more than twenty-five articles on construction and environmental topics. He is the Editor-in-Chief of the semiannual *Journal of the American College of Construction Lawyers*, and he lectures frequently to bar and industry groups.

Mr. Gwyn has extensive experience in alternative dispute resolution (ADR) procedures. Beginning in 1992, he has successfully mediated cases and disputes in the NC Superior Courts and various US District Courts in the Southeast. He is a Founding Member of the North Carolina Academy of Superior Court Mediators. Since 1988, Mr. Gwyn has also regularly been asked to serve as an arbitrator of business disputes. He is a Fellow in the College of Commercial Arbitrators, a member of the American Arbitration Association's Large, Complex Case Panel (LCCP) of Arbitrators and Neutrals, and the Association's national Construction Master Panel of Arbitrators.

### EDUCATION

- A.B., University of North Carolina at Chapel Hill, 1971
- J.D., Wake Forest University School of Law, 1976

### EMPLOYMENT EXPERIENCE

- Conner Gwyn Schenck PLLC
- Patton Boggs LLP
- Foster Conner Robson & Gumbiner, PA
- Falk, Carruthers & Roth PA
- Assistant U.S. Attorney, MDNC

## **COURT ADMISSIONS**

- State of North Carolina, 1976
- United States Supreme Court, 1986
- U.S. Court of Appeals for the Fourth Circuit, 1977
- U.S. Court of Appeals for the District of Columbia Circuit, 1977
- U.S. District Court for the Middle District of North Carolina, 1976
- U.S. District Court for the Western District of North Carolina, 1976
- U.S. District Court for the Eastern District of North Carolina, 1976

## **PROFESSIONAL ACTIVITIES AND AFFILIATIONS**

- Chair, American Bar Association Forum on the Construction Industry, 1999-2000
- Fellow, American College of Construction Lawyers (Board of Governors, 2002-2005)
- Fellow, College of Commercial Arbitrators
- Charter Member, Board of Trustees, North Carolina Clean Water Management Trust Fund, 1996-2004
- Member, American Bar Association Forum on the Construction Industry, Governing Committee, 1995-2001
- Member, American Bar Association, Standing Committee on Publishing Oversight, 2000-2006
- Chair, American Bar Association Forum on the Construction Industry, Legislation and Environment Division, 1989-1993
- Assistant United States Attorney, U.S. Department of Justice, Middle District of North Carolina, 1976-1980
- General Counsel, Structural Building Components Association of America, North Carolina and Capital Area Chapters, 1993-Present
- General Counsel, American Fire Sprinkler Association, Carolinas Chapter, 1988-Present
- Founding Member, North Carolina Bar Association Construction Law Section (Section Council, 2011-present)
- Member, American Bar Association Public Contracts Section, Procurement Fraud Committee, 1991-1994
- Construction Specifications Institute, NC Triad Chapter
- Founding Member, North Carolina Academy of Superior Court Mediators, 2008-Present

## **HONORS**

- Best Lawyers Lawyer of the Year, Litigation-Construction, 2012
- Best Lawyers in America for Construction Law, 2000-Present
- North Carolina Super Lawyer, Construction Litigation, 2004-Present
- Business North Carolina's Legal Elite, Construction Law, 2001-Present
- Top 100 North Carolina Lawyers, Charlotte Magazine, 2007-Present
- Corporate Counsel Top Lawyer, 2011-Present
- Who's Who Legal of International Business Lawyers, 2007-Present
- Strathmore's Who's Who, 2005-Present
- Remington's Who's Who, 2008-Present
- Martindale-Hubbell ("AV") Peer Review Rated

## **CERTIFICATIONS AND CREDENTIALS**

- Member, American Arbitration Association Panel of Construction Arbitrators, 1988-Present
- Member, American Arbitration Association Panel of Construction Mediators, 1996-Present
- Mediator and Arbitrator, U.S. District Court, E.D., M.D. and W.D. of NC, 1995-Present
- Mediator certified by the NC Dispute Resolution Commission for North Carolina Superior Courts, 1992-Present
- Member, Large, Complex Case Panel (LCCP) of Arbitrators and Neutrals, American Arbitration Association, 1990-Present

## PUBLICATIONS

- Editor-in-Chief, *Journal of the American College of Construction Lawyers*, Thomson/Reuters/West Publications, 2008-Present; Associate Editor, 2006-2008
- Co-author, CONSTRUCTION LAW, ABA Book Publishing, 2009
- Co-author, THE 2007 A201 DESKBOOK, ABA Book Publishing, 2008
- Co-author, CONSTRUCTION DAMAGES AND REMEDIES, ABA Book Publishing, 2004
- Co-Author, THE ANNOTATED CONSTRUCTION LAW GLOSSARY, ABA Book Publishing, 2010
- Co-author, "Fifty-State Survey of Anti-Indemnity Statutes and Related Case Law," *The Construction Lawyer*, Vol. 23, No. 3, 2003
- Co-author (North Carolina Chapter), STATE PUBLIC CONSTRUCTION LAW SOURCE BOOK, CCH, Inc., 2002
- Co-author, "Statutes of Repose," *The Construction Lawyer*, Vol. 21, No. 3, 2001
- Author, "A Comparison of the Major International Arbitration Rules," *The Construction Lawyer*, Vol. 19, No. 3, 1999
- Contributing Editor, ABA Quarterly Journal, *The Construction Lawyer*, 1990-1997
- Editorial Board, *Construction and Design Law Digest*, The Michie Co., 1986-1997
- Author, "Contractor and Subcontractor Payment Statutes - Public and Private Projects," *The Construction Lawyer*, Vol. 16, No. 1, 1996, updating Mr. Gwyn's earlier article at Vol. 10, No.3, 1990
- Co-author, "Apportionment of Liquidated Damages in Cases of Concurrent Delay," *Construction Law Advisor*, April 1991
- Co-author, "Promissory Estoppel: The Rules of Offer and Acceptance," *The Construction Lawyer*, Vol. 11, No. 1, 1991
- Co-author, CONSTRUCTION AND DESIGN LAW (5 volume treatise), The Michie Co., 1991
- Author, "Response to Environmental Releases - Limitations on Liability," *The Construction Lawyer*, Vol. 10, No. 4, 1990
- Co-author, *Construction Claims*, American Institute of Certified Public Accountants, 1988
- Author, "The Use of Amortization as a Zoning Control Tool in North Carolina," *Wake Forest Law Review*, Vol. 11, No. 5, 1975

## SPEECHES, PANEL DISCUSSIONS AND SEMINARS

- "What the Public Sector Has to Know About ADR," The Public Construction SuperConference, Sheraton Palace Hotel, San Francisco, CA, December 2001
- "The 2007 A201 General Conditions: A Guide to the Hot Button Changes," ABA Forum on the Construction Industry National Teleconference, April 18, 2008 "What the Public Sector Has to Know About ADR," The Public Construction SuperConference, Sheraton Palace Hotel, San Francisco, CA, December 2001
- "Expert Witnesses – Selection and Ethical Preparation," ABA Annual Meeting, Section of Litigation, Plaza Hotel, New York, NY, July 2000
- "How Government Will Affect Your Business, Today and Tomorrow," American Fire Sprinkler Association National Convention, Phoenix, AZ, September 2000
- "Fragmented Design: Risk and Opportunity," American Fire Sprinkler Association, Carolinas Chapter Annual Meeting, April 2000
- "Mastering Mediation: Making the Process Work for You," Associated General Contractors of America, Mid-Year Meeting, September 1998
- "Legal Aspects of Truss System Design," Design of Metal Plate-Connected Wood Truss Systems, Virginia Polytechnic Institute, Blacksburg, VA, 1997 and 1998
- "The 1997 A201: Understanding the Revised General Conditions," District of Columbia Building Industry Association, Washington, D.C., January 1998
- "Ten Myths About Mediation," 37th Annual Meeting of Invited Attorneys, New Orleans, LA, 1998

- “Environmental Construction: Market or Minefield?” Program Chair, American Bar Association, Forum on the Construction Industry and Tort and Insurance Section, Joint Mid-Winter Meeting, New York, NY, 1994
- “Construction Lawyers and Their Clients – Overcoming the Love/Hate Syndrome,” Construction SuperConference, San Francisco, CA, 1994
- “Protecting the Owner and CM in Construction Management Contracting,” Construction SuperConference, San Francisco, CA, 1992
- “EPA’s New Regulations Governing Stormwater Runoff,” American Bar Association, Forum on the Construction Industry, Seattle, WA, 1992
- “Emerging Issues in Fire Protection Design Responsibility,” NCSU School of Engineering Symposium, Raleigh, NC, 1998; repeated at the American Fire Sprinkler Association, Annual Meeting, Hilton Head, SC, 1989
- “The Federal Construction Safety and Health Act,” American Bar Association Forum on the Construction Industry, New Orleans, LA, 1989
- “Protecting and Enforcing the Subcontractor’s Right To Be Paid,” Virginia Law Foundation, Virginia State Bar, Charlottesville, VA, 1988
- “Failsafe Mechanisms for Professional Engineers,” Professional Engineers of North Carolina, Raleigh, NC, 1987

## **COMMUNITY ACTIVITIES AND PUBLIC SERVICE**

- Member, Board of Trustees, John Motley Morehead Memorial Commission, 2001-2006
- Charter Member, Board of Directors, Downtown Greensboro Incorporated, 1996-2004
- Chair, Guilford County Advisory Board for Environmental Quality, 1995-1997; Vice-Chair, 1992-1995
- President, Preservation Greensboro Incorporated, 1999-01; Member, Board of Directors, 1992-2003
- Co-Chair, Governmental Affairs Council, Greensboro Area Chamber of Commerce, 1995 -1997
- Member, Board of Directors, Greensboro Area Chamber of Commerce, 1995-1997
- Member, North Carolina Stormwater Management Advisory Committee, 1992-1994
- Member, Board of Directors, Eastern Music Festival, Inc., 1994-1998; 2009-Present
- Member, Board of Directors, Greensboro Symphony Orchestra, 2003-2009
- Member, Board of Directors, Green Hill Center for North Carolina Art, Inc., 1999-2006
- Member, Volunteers to the Court, First Offender’s Program, Guilford County, 1980-1991