

## Michael C. Mallen

Of Counsel

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Mike Mallen is nationally recognized for resolving complex workplace safety, health, and environmental enforcement and compliance matters for clients in industries ranging from manufacturing to construction. From growing up around scrap yards and textile mills to serving as an executive and in-house counsel for heavy-industrial manufacturers, Mike knows the challenging, yet rewarding nature of industry. His more than 30 years' experience practicing law, coupled with a boots-on-the-ground background in owning and operating manufacturing facilities and managing remediation and industrial brownfields site development, provide first-hand industry experience and a unique perspective. This rare combination benefits Chambliss' clients in innumerable ways, including when:

- Conducting proactive workplace safety audits
- Designing and implementing safety policies
- Providing catastrophic response, representation, and defense
- Managing Occupational Safety and Health Administration (OSHA) inspections and defending against federal, state, and local regulatory enforcement actions
- Providing advice and counsel in connection with industrial brownfields real estate development and repurposing
- Guiding developers and manufacturers through development and expansion tax abatements and incentives
- Assisting with litigation strategy, defense and resolutions, merger and acquisition negotiations, and due diligence, in connection with manufacturing, construction, and other matters requiring first-hand industrial experience

Clients value Mike as a trusted advisor as an extension of their team. They know he has a genuine interest in their business and goes above and beyond to protect and defend them with the highest level of urgency and integrity. Mike



### Practices

Labor and Employment

Workplace Safety, Health, and Environmental Compliance

Real Estate

### Industries

Manufacturing

Construction

Transportation and Logistics

### Education

J.D., The University of Tennessee College of Law, 1987

B.S., *magna cum laude*, Business Administration, The University of Tennessee, 1984

### Admissions

Florida, 1987

Tennessee, 1988

All Federal District Courts All State Courts Tennessee

All Federal District Courts All State Courts Florida

has been in their shoes, and his legal perspective allows him to see what they might not – whether in time of crisis or risk prevention.



Mike practices in the firm's Labor and Employment and Environmental Sections and regularly appears before governing bodies to resolve legal, regulatory, workplace safety, and environmental issues for clients, locally and nationally. Some of his recent matters include representing multiple national and regional construction contractors in OSHA fatality enforcement actions; representing, defending, and obtaining resolutions for manufacturers relating to fatalities from falls and catastrophic injuries from electrical hazards, and from chemical explosions and hazardous chemicals; and negotiating tax incentives for public infrastructure around commercial projects exceeding \$100 million across multiple states.

## Experience

### Client Testimonials

*"We have used attorney Michael Mallen to represent our interests with both MSHA and OSHA related issues and have found him to be effective with purposeful representation. The results were to our satisfaction, and his genuine concern for our company has expanded into a genuine friendship." – a national highway and bridge construction company*

*"You always look out for us ... in business you protect us from what we can't see at a time of crisis and keep us safe because you have been there." – a national soft drink beverage bottling and distributing company*

*"Mike is by far the best and most capable attorney I've ever worked with ... A few years ago I worked a case with Mike and the company was cited for over \$50,000 including a willful violation with \$44,000 included ... Mike got the willful violation dropped completely, and the company settled for less than \$5,000!" – Charles O. Reynolds, CECM, President, Safety and Health Compliance Management, LLC*

## **Industrial Fall Fatalities**

Represented regional industrial contractor at a multi-employer manufacturing site in response to OSHA death investigation. Representation included emergency response, cause-of-death dispute, insurance claims, citations, and communication with other employers

## **Chemical Explosions**

Represented, defended, and obtained resolutions for manufacturers relating to chemical explosions and hazardous chemicals by resolving issues concerning worker's compensation, general liability, OSHA enforcement, and insurance investigations

## **Mining Manufacturing**

Negotiated resolution of a Mine Safety and Health Administration (MSHA) citation for a highway and bridge construction company

## **Construction Fall Fatalities**

Secured an OSHA settlement for a national DOT contractor in a multi-death fall at an interstate bridge construction site

## **Construction Crane Fatalities**

Represented regional bridge contractor in response to crane collapse and construction death, including assistance on emergency response, "DOT" compliance, insurance, and OSHA investigation

## **Electrocution and Arc Flash**

Represented industrial company following severe arc flash incident involving contractors, subcontractors, and employees

## **Engineering Controls**

Represented clients in automotive, textile, and chemical industries in negotiation and implementation of engineering controls to abate amputation risks, noise exposures, and chemical exposures

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## Lockout Tagout/Energy Control and Machine Guarding

Represented multiple employers in injury and OSHA citation matters involving injuries caused by energy control and moving equipment exposures

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## Incentives and Development

Acquired approval of infrastructure tax increment financing (TIF) project, which was the first TIF in Chattanooga and Hamilton County history, enabling \$9 million road and infrastructure project

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Obtained tax incentives for public infrastructure for multiple commercial projects, exceeding \$100 million

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Led real estate group in acquiring and master-planning 140-acre brownfields industrial property in Chattanooga bordering the Tennessee River and Interstate 24, and gained approval of new I-24 interstate exit and 1.5-mile Riverwalk extension

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Assisted in redevelopment of industrial brownfields site for publicly traded, worldwide logistics company's new 160,000 sq. ft. operations facility

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Coordinated the planning, installation, and operation of one of North America's largest automotive shredding, sorting, and recycling facilities

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Co-founded full-service steel fabrication business to serve foundries, steel mills, and heavy manufacturers

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## Bar Associations

- Chattanooga Bar Association
- Tennessee Bar Association
- Florida Bar Association

## Noteworthy

- Called upon by the United States House of Representatives to testify about, and to assist in, the reform of Federal CERCLA "Superfund" laws
- Quoted by Bloomberg News Regarding OSHA Issues in the NFL
- Twice named "One of Tennessee's Most Influential People in Commercial Real Estate" by *Business Tennessee Magazine*

- U.S. Congressional Valley Corridor Summit, Past Treasurer and Board Member

## Community

- Chattanooga Municipal Airport Authority, Member of Board of Commissioners and Board Secretary
- University of Tennessee College of Nursing, Past Advisory Board Member
- City of Chattanooga, Animal Control Board, Chair (2013-2016)
- City of Chattanooga Mayor's Office, Brownfields Task Force
- Chattanooga City Council, Blue Ribbon Stormwater Regulations Panel
- CHI Memorial Hospital, Board Planning Committee, Past Member
- Children's Advocacy Center, Past President
- Chattanooga Regional History Museum, Past President
- City of Chattanooga Mayor's Office, Recycling Task Force, Chair
- Friends of the Festival/Riverbend Festival Past President

## Sidebar

As a longtime resident and advocate for Chattanooga's Southside community, Mike invests substantial time repurposing brownfields industrial sites – when he's not spoiling his granddaughter. He also can't help but remain active after his years of being a distance triathlete. Some of his favorite activities include swimming, biking, boating, and weight training.