



# J. Graham Matherne

## Partner

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### Location

333 Commerce Street  
Suite 1050  
Nashville, TN 37201

### Honors



*Woodward/White's The Best Lawyers in America®* in the areas of Insurance Law, 2012-2020, and Litigation-Intellectual Property, 2013-2020

Highest Professional AV Rating by *Martindale-Hubbell Law Directory*

### Education

1984 - J.D., Vanderbilt University; Student Writing Editor for the Vanderbilt Law Review, 1983-1984

1981 - B.A. (English), with honors, University of North Carolina

### Admissions

Tennessee

Graham Matherne is a member of the Firm's Litigation & Dispute Resolution Service Team. He concentrates his practice in the areas of business litigation, construction law disputes, non-compete/trade secret litigation, insurance regulation and receiverships and copyright and trademark litigation, in both federal and state courts.

### Representative Matters

Mr. Matherne has wide experience in addressing all matters arising from court-appointed receiverships over entities ranging from insurance companies to health and benefit plans, to state chartered trust companies, where he has worked extensively with the Tennessee Department of Commerce and Insurance, the Tennessee Department of Financial Institutions, the Tennessee Attorney General's Office, and the U.S. Department of Labor.

He has represented clients administratively in front of the Tennessee Department of Commerce and Insurance in such diverse matters as agent licensing, Form A/Form E filings, self-reporting obligations, and retaliatory tax disputes.

Mr. Matherne has represented owners, general contractors and subcontractors in many construction law disputes ranging from defending the owner's interest in a multi-million dollar earth-moving (cut and fill) dispute, to addressing lien claims for owners and/or contractors, to defending a concrete sub-contractor in a multi-million dollar "defective pour" case.

Mr. Matherne has both prosecuted and defended non-compete/trade secret/business torts cases in industries ranging from financial brokerage houses to publishing companies to insurance agencies.

His background also includes numerous representations of parties regarding copyright and/or trademark infringement litigation and related contractual disputes.

### Professional Experience

- Law Clerk for the Hon. Thomas A. Wiseman, Jr. (1984-1985)

### Publications

- "Ninth Circuit Court Ruling in Taylor Swift 'Shake It Off' Case May Portend a 'Shake Down' of Defendant Copyright Holders and the Lessening of the 'Originality' Requirement for Copyright Protection," *FindingIPValue.com* (November 2019).
- "Unanimous Music Modernization Act Passage and Enactment Positively Impacts the Music Industry," *FindingIPValue.com* (November 2018)
- "Trade Secrets and the Inevitable Disclosure Doctrine," *Memphis Daily News* (April 2016)
- "Celebrity Selfies And Businesses' Legal Obligations," *Memphis Daily News* (October 2015)
- "Tennessee Trademark Protection: An Affordable Way to Protect A Slogan or Logo," *Memphis Daily News* (April 2015)
- "Intellectual Property Audits for Companies," *Memphis Daily News* (March 2014)
- "Descendibility of Publicity Rights in Tennessee," *Vol. 53 Tennessee Law Review* No. 4 (1986)
- Note: "Forced Disclosure of Academic Research," *Vol. 37 Vanderbilt Law Review* No. 3 (1984)

### Professional Activities and Memberships

- Nashville, Tennessee and Federal Bar Associations
- Admitted to practice before all courts of Tennessee, before numerous federal district courts (including the Middle District of Tennessee), before the Sixth and Eleventh Circuit Courts of Appeals, and before the U.S. Supreme Court.