

# The Honorable Justice Ben Tennille

Retired Chief Judge of the North Carolina Business Court



## Judicial Background

In January of 1996 Judge Tennille was sworn in as the first Special Superior Court Judge for Complex Business Cases in North Carolina and charged with creating the first state-wide Business Court in the nation. He was the only judge until the fall of 2005, when, on recommendation of the Chief Justice's Commission on the Future of the Business Court, the court's jurisdiction was expanded and two new judges were added. At that time Judge Tennille was appointed Chief Judge of the Business Court. The Business Court is similar to a Federal District Court in that its judges try cases and write opinions designed to create a body of case law involving issues of importance to business and industry in North Carolina. In establishing the court Judge Tennille designed a model paperless court, which employs a free electronic filing system using the Internet. It was one of the first successful e-filing systems in the country. The Court was one of the first to maintain a website where all the opinions were accessible as soon as they were filed and all pleadings were accessible on the website. Judge Tennille's opinions are accessible at [www.ncbusinesscourt.net](http://www.ncbusinesscourt.net). The Business Court has received awards for its innovations from the Institute for the Improvement of Civil Justice and Justice Served.

Judge Tennille established his chambers and his courtroom in the new Elon University School of Law. It was the first trial court in the country to be housed in a law school.

Judge Tennille retired from the bench in March 2011.

## ABA

Judge Tennille serves as an Advisor to the Business Law Section and is a Fellow of the American Bar Foundation. As an Advisor he works directly with the Dispute Resolution Committee of the Section. In the fall of 2011 he will begin a four-year term on the Section Council.

In 2002-2003 he served on an American Bar Association Corporate Responsibility Task Force, a panel charged with examining the framework of laws and regulations and ethical principles governing the roles of lawyers, executive officers, and directors. The goal of this Task Force was to design a system of checks and balances to enhance public trust in corporate integrity and responsibility following the Enron and WorldCom failures.

Judge Tennille served as Judicial Division Liaison to the Business Law Section of the ABA from 2006 to 2008.

He was Co-Chair of the Judges Ad Hoc Initiative Committee of the Business Law Section, a committee he helped organize to get judges more involved in Section activities. He also served on the Business Courts Committee and the Business Law Section Institutes and Seminars Board as well as the Business/Corporate Law Advisory Panel for ALI-ABA.

Judge Tennille served as first Chair of the Business and Commercial Courts Committee of the National Conference of State Trial Judges, a committee which provides a forum for the exchange of information, best practices and technology developments among ABA-member judges who are presently sitting on, planning to organize, or simply interested in the concept of courts or divisions of courts dedicated to the trial of business and commercial cases.



### **North Carolina Bar Association**

Judge Tennille served as Vice President of the North Carolina Bar Association in 2006-2007. He has served on the Technology Advisory Committee, the Dispute Resolution Council, and has been active in the General Counsel Section. He is a regular presenter at CLE programs locally, nationally, and internationally.

### **American College of Business Court Judges**

Judge Tennille helped found the American College of Business Court Judges, served as its first president from 2005 to 2007, and is its President Emeritus. He received the 2006 Judicial Achievement Award from the U.S. Chamber of Commerce for his leadership in establishing business courts in the United States.

### **Advisory Boards/Teaching**

Judge Tennille has served on the AEI-Brookings Judicial Education Advisory Board, the American Scientific and Technological Adjudication Resource Center Planning Committee, and the Sedona Conference Advisory Committee and its Working Group on E-Discovery. He served on the Advisory Committee of the Delaware Law Forum. He has been an Adjunct Professor at Wake Forest School of Law, teaching courses in corporate governance.

Judge Tennille is a Master of the Joseph Branch Inn of the American Inns of Court.

### **ASTAR**

Judge Tennille is a certified Fellow of the American Scientific and Technical Adjudication Resource Center. He has attended the following ASTAR Training Programs:

- Genetic Engineering of Plants, Cops and Farm Animals
- The Genetics of Cancer
- Genetics and the Law
- Judges Science School - Johns Hopkins
- Science and Technology Boot Camp
- Developmental Forensics of Children Adjudicated by Courts

### **International Experience**

International Judicial Academy

2007 Sir Richard May Seminar on International Law and International Courts  
The Hague

2007 Conference on Justice and Insurance  
Buenos Aires

Congresso Nazionale Del Notariato, Civil Law-Common Law, Pesaro Italy Fall 2005

### **Recent Publications**

Current Developments in International Arbitration, Third Annual Sedona Conference International Programme on Cross-border Discovery & Data Privacy, Lisbon, Portugal June 2011

Co-author, Getting to Yes in Specialized Courts: the Unique Role of ADR in Business Court Cases, Pepperdine Dispute Resolution Journal, Vol. 11, Number 1, 2010

Co-author, Developments at the North Carolina Business Court, Future Trends in State Courts 2010, National Center for State Courts

### **Previous Experience**

#### *Private Litigation*

From 1971 to 1985 Ben Tennille was an associate and then partner at Smith Moore Smith Schell & Hunter, one of the leading law firms in the Southeast. As a litigator he handled commercial and employment litigation. He also worked in the corporate and tax areas.



*In-House*

From 1985 to 1995, he was Associate General Counsel and Assistant Secretary of Burlington Industries, Inc., a Fortune 500 company. He managed Burlington's litigation, nationally and internationally. Burlington's litigation included patents, trademarks, environmental issues, insurance, products liability, class actions, securities, international trade, employment, and arbitration with suppliers and customers. He also served as the legal department liaison with the human resources department. From 1993 to 1995 he served as a human resources director for the Denim Division of Burlington.

**Educational Background**

- 1995 University of North Carolina, Kenan Flagler Business School  
Executive Education/Leadership Development Program
- 1994 University of Michigan School of Business Administration  
Human Resources Executive Program
- 1971 University of North Carolina School of Law (J.D. with Honors)  
Member, North Carolina Law Review, Order of the Coif  
Recipient of the 2010 Distinguished Alumnus Award
- 1964 Phillips Exeter Academy

**Military Service**

1969-1975 United States Marine Corps Reserve