

James D. Kay, Jr.

Legal Employment

Kay, Griffin, Enkema, and Colbert PLLC
Suite 340M, Washington Square II
222 Second Avenue North
Nashville, Tennessee 37201

Position: Partner and Chief Manager

Practice areas: Business, construction, real estate development, personal injury litigation; arbitration and mediation.

Rating and Legal Honors

AV Rated - Martindale Hubbell
Chosen by peers as one of top nine trial lawyers in Nashville –
Nashville Business Journal – 2004

Legal and Construction Experience

Completed approximately 80 jury trials and over 100 bench trials and arbitrations
Plaintiff counsel in two cases with verdicts in excess of 1.0 million dollars
Plaintiff counsel in wrongful death case with settlement of 2.9 million dollars
Plaintiff counsel in 4.6 million dollar construction case settlement
Board of Professional Responsibility Hearing Disciplinary Committee Member
(2005 – 2012)

Alternative Dispute Resolution Experience

Mediated over 2800 cases. Many complex and high profile in construction, business, medical malpractice, employment, product liability, personal injury, legal malpractice, real estate and nursing home matters.

Served as arbitrator in over 215 cases.

Education

Washington & Lee University	J. D. 1985
Auburn University	B. A. 1982
Balliol College, Oxford, England	1979
David Lipscomb High School	1978

Education Honors

Washington & Lee University School of Law
Third Year Class President 1985
Phi Delta Phi
National Moot Court Team

Auburn University
Spades Senior Honorary (Ten Most Outstanding Seniors) 1982
Omicron Delta Kappa 1982
Mortar Board 1982
Who's Who Among College Students 1982
Plainsman University Host 1982
Kappa Alpha Order vice-president 1981
Varsity Baseball walk-on 1978
Varsity Football walk-on 1979

David Lipscomb High School
Senior Class President 1978
All Region Tournament Basketball 1978
All Nashville Honorable Mention Baseball 1978
All State Tournament Baseball 1978
All Class A Football 1977
All Nashville Honorable Mention Football 1977

Admissions

Tennessee and U. S. District Court, Middle - 1985
United States Court of Appeals for the Sixth Circuit - 1994

Certifications

Board Certified as a Rule 31 Mediator

Memberships

The Legends Club Auburn Athletics
The 1856 Society Auburn University
Nashville and Tennessee Bar Associations
Ducks Unlimited
Tennessee Association of Construction Counsel
National Rifle Association
Richland Country Club – member since 1990;
Director – 2000 to 2004, 2012 to present
Board Counsel – 2004 to 2009
Vice President – 2014 to 2015
President – 2015 to present
Battle of Nashville Preservation Society, Inc. – Director – 2004 to present;

Vice-President – 2005 to 2007; President 2007 -2010; Treasurer 2011-present
Tennessee Civil War Preservation Association, Inc.
United States Golf Association
Travellers Rest Board of Directors – 2007 to 2015
Friends of Ft. Negley Board of Directors – 2014 to present; Treasurer – 2014 to present

Civil War Historian

Served as a contributor/researcher on the books;

The 11th Missouri Volunteer Infantry in the Civil War, Dennis W. Belcher (McFarland & Company, Inc., 2011)

Nashville – The Western Confederacy’s Final Gamble, James Lee McDonough (The University of Tennessee Press, 2004)

Expert Witness

Served as expert witness in the following cases:

Kevin Orndorff and wife, Marguerite Orndorff v. Edward Ron Calahan and wife, Diane R. Calahan; Case No. 05-1862 I; Chancery Court for Davidson County, Tennessee

Richard Small and Rhonda Small v. Jeffrey A. Greene, Castleman & Greene, PLLC, and Greene & Hogan, P.C.; Case No. 99C-3138; Circuit Court for Davidson County, Tennessee

Nancy Jo Gregory v. Thomas A. Travaglini; Case No. 00C-590; Circuit Court for Davidson County, Tennessee

Shannon Balmer v. HCA, Inc. and Health Care Indemnity, Inc.; Case No. 3:01-1541; United States District Court for the Middle District of Tennessee

Kara Williams v. White Castle System, Inc.; Case No. 3:05-0496; United States District Court for the Middle District of Tennessee

The Travelers Indemnity Company of Connecticut and F.F.E.Transportation Services, Inc.v. Robert A. Cox, Warren McWhirter and Glassman and Edwards, Wade & Wyatt, P.C., a Tennessee professional corporation; Case No. C-04-104; Circuit Court for Madison County, Tennessee

Managed Care Solutions, Inc. v. Essent Healthcare, Inc.; Case No. 09-60351-CIV-SEITZ/O’SULLIVAN; United States District Court Southern District of Florida

Published Decisions

Levy v. Franks, 159 S.W.3d 66 (Tenn. Ct. App. 2004)

Pressman v. Franklin Nat'l Bank, 384 F.3d 182 (6th Cir. 2004)

Waggoner Motors, Inc. v. Waverly Church of Christ, 159 S.W.3d 42 (Tenn. Ct. App. 2004)

Am. Child Care, Inc. v. State, 83 S.W.3d 148 (Tenn. Ct. App. 2001)

Tomlin by Cockerham v. Warren, 958 S.W.2d 354 (Tenn. Ct. App. 1997)

First Inv. Co. v. Allstate Ins. Co., 917 S.W.2d 229 (Tenn. Ct. App. 1994)

Miller v. Doe, 873 S.W.2d 346 (Tenn. Ct. App. 1993)

McClain v. Kimbrough Const. Co., Inc., 806 S.W.2d 194 (Tenn. Ct. App. 1990)

Unpublished Decisions

Bank of N.Y. Mellon v. Goodman, 2014 Tenn. App. LEXIS 217 (Tenn. App. Jan. 21, 2014)

Tucker Corp. v. City of Clarksville, 2003 Tenn. App. LEXIS 401 (May 30, 2003)

Am. Nat'l Prop. & Cas. Cos. v. Roberts, 2002 Tenn. App. LEXIS 899 (Dec. 19, 2002)

Green v. Moore, 2001 Tenn. App. LEXIS 932 (Dec. 28, 2001)

Shearron v. Tucker Corp., 2001 Tenn. App. LEXIS 733 (Oct. 2, 2001)

Rezba v. Randolph, 2001 Tenn. App. LEXIS 302 (Apr. 30, 2001)

Second Chance Farms, Inc. v. Perry County, 2001 Tenn. App. LEXIS 145 (Mar. 7, 2001)

Davis v. Computer Maint. Serv., Inc., 1999 Tenn. App. LEXIS 661 (Sep. 29, 1999)

Tucker v. Turner, 1999 Tenn. App. LEXIS 395 (Jun. 18, 1999)

Forklift Sys., Inc. v. Werner Enters., 1999 Tenn. App. LEXIS 324 (May 25, 1999)

Knoble v. Taylor, 1999 Tenn. App. LEXIS 162 (Mar. 12, 1999)

Tyler v. Morgan, 1998 Tenn. App. LEXIS 783 (Nov. 24, 1998)

Irvin v. Johnson, 1998 Tenn. App. LEXIS 463 (Jul. 10, 1998)

Little v. Hogan, 1998 Tenn. App. LEXIS 112 (Feb. 13, 1998)

Thomas v. Crockett, 1997 Tenn. App. LEXIS 136 (Feb. 28, 1997)

Auto-Owners (Mut.) Ins. Co. v. Estate of Harris, 1993 Tenn. App. LEXIS 792 (Dec. 29, 1993)

McClain v. Kimbrough Const. Co., Inc., 1992 Tenn. App. LEXIS 894 (Nov. 6, 1992)

Summers v. Command Sys., Inc., 1991 Tenn. App. LEXIS 803 (Oct. 10, 1991)

Graystone Props. v. Fuller, 1989 Tenn. App. LEXIS 815 (Dec. 13, 1989)

Sewell v. Par Cable, Inc., 1988 Tenn. App. LEXIS 657 (Oct. 26, 1988)

Arbitration Review

Smith v. Hukowicz, 2003 Tenn. App. LEXIS 33 (Jan. 16, 2003)