

James D. Kay, Jr.

Legal Employment

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

Position: Founder and Partner

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

Rating and Legal Honors

Best Lawyers in America 2020 Nashville Lawyer of the Year in Arbitration
Best Lawyers in America – 2017, 2018, 2019
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
Extensive experience in residential construction manner, means and methods
Plaintiff counsel in two cases with verdicts in excess of \$1.0M
Plaintiff counsel in wrongful death case with settlement of \$2.9M
Plaintiff counsel in \$4.6M and \$1.4M construction case settlements
Board of Professional Responsibility Hearing Disciplinary Committee Member
(2005 – 2012)

Three-year president of Richland Country Club. Presided over \$20,000,000.00 renovation and directed club operations as chairman of the executive committee. Extensive firsthand experience from owner's perspective of design, construction, operations and budgeting.

Alternative Dispute Resolution Experience

Mediated over 3000 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 290 cases.

Education

Washington & Lee University J.D. 1985
Auburn University B.A. 1982

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 2019
 Board Counsel – 2004 to 2009
 Vice President – 2014 to 2015
 President – 2015 to 2018
Battle of Nashville Preservation Society, Inc.;;
 Director – 2004 to present
 Vice-President – 2005 to 2007
 President 2007 – 2010; 2019
 Treasurer 2011 - 2018
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 2017

Civil War Historian

Served as a contributor/researcher on the following films and books:

The Cavalries in the Nashville Campaign, Dennis W. Belcher
(To be released in 2020) Foreward by James D. Kay, Jr.

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)

Executive Producer: The Life and Times of Ed Bearss, Road Films (2015)

Frequent lecturer on early Nashville history and preservation of the Nashville battlefield

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

C.M. Armor Holdings, LLC and C.M. Armor, LLC v. Lancashire Partners, LLC, Alphagen Materials Technology, Inc., Matthew Merchant and John J. Kostic; Case No. 2018-488; Circuit Court for Williamson County, Tennessee

Published Decisions

Funk v. Scripps Media, Inc., No. M2017-00256-COA-R3-CV, 2017 Tenn. App. LEXIS 779 (Nov 30, 2017)

Chase v. Funk, 2016 U.S. Dist. LEXIS 170795 (M.D. Tenn. Dec 9, 2016)

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

David Chase v. Chris Stewart, et al. 2017 Tenn. App. LEXIS 581 (Aug. 29, 2017)

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)