

# **James D. Kay, Jr.**

## **Legal Employment**

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

*Position:* Partner and Chief Manager

*Practice areas:* Business, construction, personal injury and employment litigation; arbitration and mediation.

## **Rating and Legal Honors**

AV - Martindale Hubbell  
Chosen by peers as one of top nine trial lawyers in Nashville –  
Nashville Business Journal - 2004  
Board of Professional Responsibility Hearing Disciplinary Committee Member  
(2005-Present)  
Mid-South Super Lawyer- 2006

## **Experience**

Completed over 100 jury trials  
Mediated and arbitrated over 900 cases  
Residential General Contractor – 1986 to present

## **Alternative Dispute Resolution Experience**

Involved with arbitration, first as an advocate, then as a neutral, since the late 1980s in large construction disputes as well as contract, securities, employment and tort matters. Completed over 900 mediations as a neutral. Arbitrated and mediated large and small matters- some very high profile.

## **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  
Third Year Class President 1985  
Phi Delta Phi  
National Moot Court Team

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

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 1978

## **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  
Board Certified as a Civil Trial Specialist (application pending)

## **Memberships**

Nashville and Tennessee Bar Association  
Nashville Bar Association Fellow  
Tennessee Association of Construction Counsel  
Richland Country Club - member since 1990;  
Director - 1999 to 2004; Membership Committee - 2005  
Membership Chairman - 2004; Constitution Chairman - 2003-2004  
Board Counsel - 2004 to present  
Battle of Nashville Preservation Society Director - 2004 to present;  
Vice-President - 2005 - Present

Tennessee Civil War Preservation Association, Inc.

### **Expert Witness**

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

### **Published Decisions**

Waggoner Motors, Inc. v. Waverly Church of Christ, 2004 WL 2083712 (Tenn. Ct. App.)

Pressman v. Franklin National Bank, 2004 WL 2002507 (6<sup>th</sup> Cir. (Tenn.) 2004)

American 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**

Levy v. Franks, 2004 WL 1534185 (Tenn. Ct. App. 2004)

Tucker Corp. v. City of Clarksville, 2003 WL 21250811 (Tenn. Ct. App. 2003)

American Nat. Property & Cas. Companies v. Roberts, 2002 WL 31840686 (Tenn. Ct. App. 2002)

Green v. Moore, 2001 WL 1660828 (Tenn. Ct. App. 2001)

Shearron v. Tucker Corp., 2001 WL 1158897 (Tenn. Ct. App. 2001)

Rezba v. Randolph, 2001 WL 434872 (Tenn. Ct. App. 2001)

Second Chance Farms, Inc. v. Perry County, 2001 WL 219642 (Tenn. Ct. App. 2001)

Davis v. Computer Maintenance Service, Inc. 1999 WL 767597 (Tenn. Ct. App. 1999)

Tucker v. Turner, 1999 WL 398209 (Tenn. Ct. App. 1999)

Forklift Systems, Inc. v. Werner Enterprises, 1999 WL 326159 (Tenn. Ct. App. 1999)

Knoble v. Taylor, 1999 WL 129882 (Tenn. Ct. App. 1999)

Tyler v. Morgan, 1998 WL 808498 (Tenn. Ct. App. 1998)

Irvin v. Johnson, 1998 WL 382200 (Tenn. Ct. App. 1998)

Little v. Hogan, 1998 WL 57535 (Tenn. Ct. App. 1998)

Thomas v. Crockett, 1997 WL 83665 (Tenn. Ct. App. 1997)

Auto-Owners (Mut.) Ins. Co. v. Estate of Harris, 1993 WL 541069 (Tenn. Ct. App. 1993)

McClain v. Kimbrough Const. Co., Inc., 1992 WL 319454 (Tenn. Ct. App. 1992)

Summers v. Command System, Inc., 1991 WL 201622 (Tenn. Ct. App. 1991)

Graystone Properties v. Fuller, 1989 WL 150673 (Tenn. Ct. App. 1989)

Sewell v. Par Cable, Inc. 1998 WL 112915 (Tenn. Ct. App. 1988)

### **Arbitration Review**

Smith v. Hukowicz, 2003 WL 132483 (Tenn. Ct. App. 2003)