

JEFFREY C. SMITH

Partner



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Companies across a wide range of industries – including manufacturing, healthcare, construction and agriculture – turn to Jeff Smith for resolution of their commercial, construction or employment disputes, as well as his advice and counsel on corporate, contractual and employment matters.

Jeff has represented owners, architects, general contractors and sub-contractors in a number of construction disputes involving commercial properties, including convention centers, continuing care retirement communities, nuclear power plants, coal-fired power plants, and nursing homes. In addition, he has represented designers in disputes arising out of design-build highway construction projects.

Employers rely on Jeff to defend them against discrimination claims based on sex, age, race, religion and disability; unfair competition claims, wrongful termination, wage/hour litigation and whistleblower litigation. He also provides proactive counselling on employment issues to management teams and human resources departments, and he has extensive experience drafting employment, severance, confidentiality and non-compete agreements for employers.

Jeff's commercial litigation practice includes the representation of public and private companies in the trial and appellate courts, as well as in arbitrations. Jeff has extensive experience representing clients in dealer termination cases in state and federal court, and he has successfully obtained injunctive relief for clients preventing manufacturers from terminating dealer agreements. (See, *Nacco Materials Handling Group, Inc. v. Toyota Materials Handling USA, Inc.*, 366 F.Supp.2d 597 (W.D. Tenn. 2004.)

Additionally, Jeff provides advice and counsel to schools from formation through operations.

Honors and Recognitions

Jeff has been recognized as a "Power Player" in Employment Law by Memphis Business Quarterly every year since 2010. In 2011, he was named Pro Bono Attorney of the Year by the Tennessee Justice Center for establishing a partnership between his former law firm, the University of Memphis School of Law, and the Tennessee Justice Center to serve low income families on TennCare.

Education

- J.D., The University of Mississippi School of Law, 1993
- B.B.A., University of Mississippi, 1990

Bar Admissions

- Tennessee
- Arkansas

Court Admissions

- United States Supreme Court
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Courts, All District Courts in Tennessee
- Supreme Court for the State of Tennessee

Experience

- Serves as outside general counsel to one of the Southeast's leading forklift distributors. He advises the company and advocates on its behalf on a myriad of corporate, contractual, employment issues and
- Served as special outside general counsel for a long-term care company and litigated a number of highly complex, high-dollar cases, including a billing dispute between a nursing home operator and therapy services provider that involved interpretation/application of Medicare RUGs categories; a civil RICO matter seeking to recover \$21 million arising out of the purchase of a durable medical equipment company; and a \$500 million case against a nursing home client, the State of Tennessee and various other defendants. The last two cases were dismissed at the pre-trial phase.
- Successfully obtained judicial enforcement of noncompetition agreements for clients, with in-depth experience litigating executive compensation and benefits plans, including those governed by ERISA.

Reported Cases

- *Nacco Materials Handling Group, Inc. v. The Lilly Company*, 278 F.R.D. 395 (W.D. Tenn. Company, 2011)(Decision regarding electronic discovery in case involving claims of unauthorized access to intellectual property).
- *Nacco Materials Handling Group, Inc. v. Toyota Materials Handling U.S.A.*, 366 F.Supp.2d 597 (W.D. Tenn. 2004)(Injunction granted to prevent termination of forklift dealer).
- *Rome Healthcare, LLC v. Peach Healthcare Systems, Inc.*, 590 S.E.2d 235 (Ga. App. 2003)(Breach of contract decision regarding management contract for five nursing homes).
- *Campbell v. Potash Corporation of Saskatchewan*, 238 F.3d 792 (6th Cir. 2001) (Decision regarding claims by executives of acquired company for enhanced severance benefits).
- *Manufacturers Consolidation Service, Inc. v. Rodell*, 42 S.W.3d 846 (Tenn. Ct. App. 2000)(Case involving claims of unfair competition and misappropriation of trade secrets).

Professional

- Member, American Bar Association
 - Forum on Construction
 - Appellate Practice Committee
 - Commercial and Business Litigation Committee

- Member, American Health Lawyers Association
- Alumnus, Leadership Memphis Executive Program, Class of 2011-2012
- Former Member, Board of Advisors, Greater Memphis Chamber of Commerce

Prior Affiliations

- Partner, Adams and Reese, LLP, Memphis, Tenn., 2006 - 2016

Community

- Member, Board of Directors, Tennessee Justice Center
- Member, Board of Directors, Grad Academy Memphis
- Lector and Eucharistic Minister, St. Peter Catholic Church

Up Close

Jeff admires his father, an Army veteran, and his grandfather, a Navy veteran and farmer. He keeps his grandfather's hat in his office to remind him of his roots, the dignity of hard work and the value of family.

Articles

- "CMS Reverses its Ban on Arbitration Agreements in Nursing Homes" by Jeff Parrish, Jeff Smith, and Loribeth Westbrook on Waller Healthcare Blog
- "Reversing the Ban on Nursing Home Arbitration Agreements" by Jeff Parrish, Jeff Smith, and Loribeth Westbrook on Waller Healthcare Blog
- "The Supreme Court Still Favors Arbitration" by Jeff Parrish, Jeff Smith, and Loribeth Westbrook on Waller Healthcare Blog
- "Tennessee Supreme Court Reverses Course and Jettisons Unworkable Summary Judgment Standard," By Jeffrey C. Smith, The Memphis Medical Society Quarterly
- "Answering the Call," By Jeffrey C. Smith, Tennessee Volunteer Attorney
- "Tennessee Supreme Court Rules Parent Corporation Liable for Interfering with Affiliate's Subsidiary Hospitals' Contracts," Co-authored By Jeffrey C. Smith, The Memphis Medical Society Quarterly

Media Mentions

- "Conversation with... Jeffrey C. Smith of Waller Lansden Dortch & Davis," Jeffrey Smith quoted in Memphis Business Journal