



Tennessee Association of Construction Counsel

SPRING 2010 MEETING

**Thursday and Friday
April 29-30, 2010**

**The Chattanooga
1201 Broad Street
Chattanooga, Tennessee 37402**

1-800-619-0018

Schedule of Events

Thursday, April 29

- 12:00 p.m. Lunch and golf tournament
Chattanooga Golf and C.C.
- 6:30 p.m. Registration/Cocktails:
The Chattanooga – Walker Room
- 7:30 p.m. Dinner: The Chattanooga – Walker Room

Friday, April 30

- 8:00-8:30 a.m. Breakfast**
- 8:30-8:45 a.m. Welcome and Introduction
- 8:45-9:15 a.m. Payment Issues on State Projects, *Tim Crenshaw, Frost Brown Todd, LLC*
- 9:15-10:00 a.m. Claims against the State: What Every Construction Lawyer Should Know, *Beau Hammet, Todd Floyd & Hammet*
- 10:00-10:15 a.m. Break**
- 10:15-10:45 a.m. Claims against the State: A View from the AG's Office, *Melissa Moreau, Assistant Attorney General*
- 10:45-11:45 a.m. Tennessee Claims Commission Advocacy Tips, *William O. Shults, Tennessee Claims Commissioner-East Tennessee*
- 11:45-1:00 p.m. Lunch**
- 1:00-1:30 p.m. Payment Issues on Federal Projects, *Greg Cashion, Smith Cashion & Orr, PLC*
- 1:30-2:30 p.m. Litigating the Construction Case against the Federal Government, *John Spangler, III, Alston & Bird, LLP*
- 2:30-2:45 p.m. Break**
- 2:45-3:45 p.m. Federal Claims Certification and the False Claims Act, *Richard Rose, Miller & Martin, PLLC and Betsy Tonkin, AUSA*
- 3:45-4:30 p.m. Local Perspective on Public Contracting, *Steve Leach, and Gary Hilbert, City of Chattanooga*
- 4:30 p.m. Adjourn**

Informational Topics

Payment Issues on State Projects

Tim Crenshaw

Given the current state of the construction industry and national economy, Mr. Crenshaw will discuss the often complex issues that arise in obtaining payment on state projects and strategies for effectively dealing with such issues as they arise.

Tim Crenshaw is Counsel to the Nashville firm of Frost Brown Todd, LLC. He received a B.A. degree from Vanderbilt University and a JD from the University of Tennessee College of Law. Mr. Crenshaw focuses his practice on construction law and litigation/alternative dispute resolution.

Claims against the State: What Every Construction Lawyer Should Know

Beau Hammet

Given the unavoidable role of state government in large construction projects, Mr. Hammet will share his strategies for litigating the complex construction case against the State of Tennessee through the Claims Commission.

Beau Hammet is a partner at the Nashville firm of Todd Floyd & Hammet, PLC. After earning his Bachelor's degree from the University of Mississippi, Mr. Hammet served as the Vice President of a major highway and heavy construction company. Mr. Hammet received his JD from Cumberland School of Law and is licensed to practice in Tennessee and Alabama.

Claims Against the State: A View from the AG's Office

Melissa Moreau

This session will also focus on claims against the State. Melissa will offer her view from "the other side" and provide important insight as to how the AG's office handles construction related claims against the State.

Ms. Moreau is an Assistant Attorney General for the Tennessee Attorney General's Office. She received her undergraduate degree from Northeast Louisiana University and graduated cum laude from the University of Alabama School of Law. After law school, Mrs. Moreau practiced in the private sector for thirteen years before joining the Civil Litigation and States Services division of the Tennessee AG's office.

Tennessee Claims Commission Advocacy Tips

William O. Shults

For this session, Commissioner Shults will provide advocacy tips pertaining to claims presented in the Tennessee Claims Commission. As Claims Commissioner of East Tennessee, Commissioner Shults will provide a true front line perspective on effective advocacy before the Claims Commission.

William Shults is the Tennessee Claims Commissioner for East Tennessee. He is a graduate of Rhodes College and the University of Memphis Law School. Before being appointed to the Commission, Mr. Shults was in private practice for several years and a member of the staff of the Chairman of the National Labor Relations Board. He is licensed to practice in Tennessee and Washington D.C.

Payment Issues on Federal Projects

Greg Cashion

As gleaned from over 25 years of construction litigation experience, Mr. Cashion will discuss the procedure and complications that can often arise in the context of pursuing payment on Federal Projects.

Greg Cashion is a Partner of the firm of Smith Cashion & Orr. He received a B.S. in Civil Engineering and his JD from the University of Tennessee. In addition to being a member of the Nashville, Tennessee, and American Bar Associations, Mr. Cashion is a Registered Professional Engineer.

Litigating the Construction Case against the Federal Government

John Spangler, III

This session will focus on litigating the construction case against the Federal Government. Mr. Spangler's discussion will include tips and strategies to employ when pursuing construction claims on Federal projects.

John Spangler is a Partner with the firm of Alston & Bird, LLP. He serves as the chair of the firm's Construction and Government Contracts Group. Mr. Spangler has over 25 years of experience handling construction disputes and transactions including the drafting and negotiation of design-build and construction management contracts.

Federal Claims Certification and the False Claims Act

Richard Rose and Betsy Tonkin

Mr. Rose and Mrs. Tonkin will discuss the procedure involved in certifying federal claims. Additionally, this session will include details regarding actions filed against federal contractors through the False Claims Act.

Richard Rose is a Member with the firm of Miller & Martin, PLLC. He received a B.A. from the University of Georgia and his law degree from the University of Tennessee. Mr. Rose represents and counsels construction contractors in construction litigation and contract reviews.

Betsy Tonkin is an Assistant United States Attorney for the Eastern District of Tennessee. After earning a B.A. degree from the University of South Florida and a J.D. from Stetson University College of Law, she engaged in private and corporate practice in Knoxville for several years. She currently works as Senior Litigation Counsel and Affirmative Civil Enforcement and Civil Healthcare Fraud Coordinator in the U.S. Attorney's Office.

Local Perspective on Public Contracting

Steve Leach and Gary Hilbert

Last but certainly not least, Messrs. Leach and Hilbert will discuss public contracting on the local level by providing practical examples of the current state of public contracting in the Chattanooga area.

Steve Leach is the Administrator for the Department of Public Works for the City of Chattanooga. He has served in key roles at the Chattanooga Hamilton County Regional Planning Commission since 1971. In addition to his service to the city, Mr. Leach is a retired Lieutenant Colonel in the U.S. Army Reserve.

Gary Hilbert is a native of Chattanooga. After graduating from the University of Tennessee with a Bachelor of Architecture degree, he began his career in private practice in the East Tennessee area. He became the Director of the Land Development Office for the City of Chattanooga in 2007. As Director, Mr. Hilbert is responsible for the inspections, plans review, and permitting processes for any construction within the City.

Hotel Information

The Chattanooga
1201 Broad Street
Chattanooga, Tennessee 37402

To make reservations, call The Chattanooga at 800-619-0018. Room rates are \$139 per night and the cutoff for the preferred rate is **March 30, 2010**.

TACC Golf Tournament

The golf tournament will be held on Friday, April 29, beginning at noon at the Chattanooga Golf and Country Club, 1511 Riverview Road, Chattanooga, Tennessee (423) 266-6178. If interested, please contact:

Joe Manuel
240 Forest Avenue, Suite 301
Chattanooga, Tennessee 37405
(423) 266-3535
jem@joemanuel.com

CLE Credit

This program has applied for 6.0 hours of General Tennessee CLE credit.

REGISTRATION FORM

Name:	
Firm:	
Address:	
Phone:	
Email:	
Guest name:	

COST: \$225.00 per person (includes Thursday dinner and Friday breakfast and lunch)

- Enclosed is my check for \$225.00
 Enclosed is the \$40.00 fee for a dinner guest
 Enclosed is the \$125.00 fee for the golf tournament

Please mail or fax this form and a check payable to TACC to:

Bob Green
P.O. Box 442
Knoxville, TN 37901-0442
Fax: (865) 524-1773