



Misty Smith Kelley

Shareholder

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Misty Smith Kelley concentrates her practice in commercial litigation with an emphasis on telecommunications, utility and railroad law.

Ms. Kelley has represented telecommunications companies, gas, water and electric utilities, and railroads in litigation, tax, regulatory, antitrust, eminent domain and government relations matters.

Ms. Kelley's practice is national in scope, and she has represented companies before courts and regulatory bodies in several states. Although most of her practice involves litigation before courts and state commissions, her representation of utilities has included working on state legislative and public policy matters as well.

Case Studies

- [Victory in Santa Fe: A Landmark Defense Against 911 Surcharge Claims](#) - Telecommunications

Representative Matters

- Served as national counsel for a large telecommunications provider on state 911 fee matters, including defending against False Claims Act litigation in Tennessee, Alabama, Massachusetts and Pennsylvania.
- Represented railroads in property litigation involving crossings and eminent domain.
- Represented telecommunications, water and natural gas industry clients in various regulatory matters before state public utility regulatory commissions.
- Worked on behalf of two national investor-owned water companies to pass legislation to revise the eminent domain statutes applicable to public utilities in Indiana and Illinois.
- Successfully defended private water companies against eminent domain takeover efforts in numerous states, including Tennessee, California, Illinois, Indiana and New Mexico.
- Represented a Tennessee electric power board in two actions brought by a national cable company and the state trade association to block their entry into the internet and cable television business.
- Obtained a defense verdict on behalf of legacy telecommunications companies rejecting all claims (with potential for nine-figure exposures) asserted in a *qui tam* case brought under New Mexico's Fraud Against Taxpayer's Act following a two-week state court jury trial in Santa Fe, New Mexico.

Professional Honors & Activities

- Listed in *The Best Lawyers in America*® for Eminent Domain and Condemnation Law (2017 – 2023); Litigation - Regulatory Enforcement (SEC, Telecom, Energy) (2023 – 2025)
- Named a Mid-South Rising Star, *Mid-South Super Lawyers* (2010 and 2012)

Education

- University of Mississippi, J.D., 1998, magna cum laude
- University of Tennessee at Chattanooga, B.A., 1995

Admissions

- Tennessee, 1998