



## Caldwell G. Collins

Shareholder

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Caldwell Collins leads the Firm's Long Term Care Litigation team.

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Ms. Collins represents health care providers in professional liability actions and payor disputes. She provides counsel to her clients on quality assurance, corporate compliance, daily operations, litigation avoidance, challenging survey citations, and government investigations.

She also defends commercial business owners against premises liability claims; defective product claims; defective drug and medical device claims; and in complex contract disputes.

Ms. Collins is the author of the Firm's parental leave policy and serves as the chair of the Nashville Women's Initiative. Her extensive pro bono work focuses on representation of victims of domestic violence in securing divorces from their abusers. In 2018, Ms. Collins was named an "On the Rise - Top 40 Young Lawyer" by American Bar Association. She was selected for the 2020 class of Fellows of the Nashville Bar Foundation. She has been named Rising Star by *Mid-South Super Lawyers* every year since 2014.

### Representative Matters

- Obtained a complete defense verdict in arbitration for a long term care provider sued for medication mismanagement and a resident fall.
- Obtained a complete defense verdict for a national retailer in a malicious prosecution and false imprisonment case.
- Obtained a favorable verdict in arbitration in a health care provider-payor rate dispute.
- Obtained a complete defense verdict in arbitration for a nursing home client sued for a resident fall with a broken hip.
- Obtained a jury verdict in favor of the buyer in a breach of contract and conversion case.
- Successfully resolved a lawsuit brought under the False Claims Act by the Department of Justice for substandard care for a long term care provider after multi-day evidentiary hearing.
- Obtained summary judgment and the complete dismissal of a premises liability case on behalf of a corporate gym.
- Obtained summary judgment in favor of the lender and lessor in a breach of contract case.
- Obtained summary judgment, which was affirmed on appeal, in favor of a premises owner and employer in a mold case.
- Obtained summary judgment in favor of a national barge company in a breach of contract case.
- Successfully compelled to arbitration and dismissed from court several long term care wrongful death cases.
- Consulted on litigation and operational risk for multi-million dollar long term care acquisition deal.
- Won a motion to compel arbitration on behalf of a healthcare services provider, arguing issues of first impression relating to surrogacy and traditional agency rules.

### Professional Honors & Activities

- Listed in *The Best Lawyers in America*® in Litigation - Health Care (2022)
- Selected as a Fellow of the Nashville Bar Foundation (2020)
- Named a Mid-South Rising Star by *Mid-South Super Lawyers* (2014 – 2020)

- Named an "On the Rise - Top 40 Young Lawyer" by American Bar Association Young Lawyers Division (2018)
- Member – Nashville, Tennessee and American Bar Associations
- Member – DRI
- Member – Nashville Bar Foundation's Leadership Forum (2015 – 2016 Class)
- Book Chair – ABA Section of Litigation Health Care Litigation Committee (2014 – present)
- Recognized as Outstanding Subcommittee Chair for ABA Health Law Litigation Committee (2016)
- Recipient – Nashville Pro Bono Attorney of the Year (2011)
- Recipient – 2011 Lewis R. Donelson Public Service Award



## Publications

- Co-editor and Co-author – "An Introduction to Tort Based Healthcare Litigation," ABA Publishing, American Bar Association (2021)
- Co-author – "The Supreme Court Answers a Call for Clarity Under the TCPA" (December 2020)
- "Family: Lessons from the (Kitchen) Bench – RBG as Wife and Mother," *Women's Initiative Newsletter* (October 2020)
- Co-author – "CMS Publishes Rule and Guidance Requiring Long Term Care Facilities to Conduct Additional COVID-19 Reporting to CDC and Residents" (May 8, 2020)
- Co-author – "CMS Alerts Nursing Homes of Additional COVID-19 Reporting Requirements to CDC and Residents" (April 30, 2020)
- Co-author – "At the Crossroads: Legal Considerations Where Government Investigations Overlap with Tort Risk in Long Term Care," republished May 19, 2020 in *McKnight's Long-Term Care News* (April 29, 2020)
- Co-author – "Arbitration Agreements in Your Long Term Care Community – CMS Says It's Mandatory to Be Optional" (August 2019)
- "20 Questions with Caldwell Collins, Women's Initiative Nashville Office Leader," *Women's Initiative Newsletter* (December 2018)
- "Sharing the Mental Load: Tips and Tricks to Get Your Sanity Back," *Women's Initiative Newsletter* (May 2018)
- "Interview with Carol Owen, Chief Counsel for Revenue Payment Integrity, TeamHealth," *Women's Initiative Newsletter* (May 2018)
- "Baker's Dozen – 13 of the Best Places to Visit in Music City," *Women's Initiative Newsletter* (October 2017)
- "A Year into the Elder Justice Task Force: Is Your Community a Target?" (September 2017)
- "District Court Protects Franchisor Against Anti-Contractual Competition in *Frye*" (June 2017)
- "DRI For Life: Is it Time to Take A Fresh Look at your Parental Leave Policy?," *For the Defense* (March 2016)
- "The Shirt Off My Back: Using the Relationship Between a Product and a Service to Your Advantage," *IADC Product Liability Committee Newsletter* (November 2012)



## Speaking Engagements

- Presenter – "Managing Risk in Uncertain Times: Mitigating COVID-19 Liability," Kentucky Association of Health Care Facilities (KAHCF) (April 2020)
- Presenter – "Residents' vs. Employees' Rights: Navigating Sticky Scenarios Care," Tennessee Health Care Association/TNCAL Convention (July 2019)
- Moderator – "Hybrid ADA/Staffing Cases – A Case Study," 2018 Long Term Care Symposium (November 2018)

- Moderator – "What Every Provider Needs to Know About Department of Justice Investigations Under the Elder Justice Task Force and Negotiating and Living with CIAs," 2018 Long Term Care Symposium (November 2018)
- Presenter – "Keeping Problematic Families From Negatively Impacting Care," Tennessee Health Care Association/TNCAL Convention (August 2018)
- "Wrap It Up" (December 2017)
- Guest Lecturer – "The False Claims Act," Vanderbilt University Law School (November 2017)
- Presenter – "Top Ten Charting Errors and How to Avoid Them," American Case Management Association Conference (October 2017)
- Guest Lecturer – "What to Expect When You're Expecting . . . A Lawsuit," East Tennessee State University (September 2017)
- "DOJ Investigations Under the Elder Justice Task Force," THCA/TNCAL Convention (August 2017)
- "The Importance of Setting Realistic Expectations with Families," THCA/TNCAL Convention (August 2017)
- Moderator – "EMRs and Healthcare Litigation: Navigating a Medical Minefield," ABA Regional CLE (2017)
- "The Gambler: Managing Risk in Today's Challenging Environment," 2016 Baker Donelson Long Term Care Symposium (November 2016)
- "Mentoring Women: Is It Different?," ABA Health Law Litigation and Woman Advocate Committees Roundtable (January 2016)
- Co-presenter – "The Ethics of Taking Care of Your Documents and Email," Baker Donelson Long Term Care Symposium, Nashville, Tennessee (November 2014)
- "Do You Hear What I Hear? Trends in Corporate Counsel Attorney - Counsel Privilege," CLE presentation (December 2013)
- Co-presenter – "The Ethics of Tennessee Tort Reform," Nashville Council of Health Care Attorneys (January 2012)



## Webinars

- Necessary Updates to your Arbitration Agreement in 2021 (November 4 2021)
- Baker Donelson Women's Initiative Wrap it Up CLE Webinar (December 2020)
- Coronavirus in Long Term Care: Managing Risk in Uncertain Times (March 23, 2020)
- Positive Side Effects: Establishing an Effective Compliance Program that Reduces Litigation Risk (February 2020)
- Does Your Arbitration Agreement Comply with CMS's New Requirements? (September 2019)
- False Claims Act Risks for Long Term Care Providers and How to Avoid Them (May 2019)
- Protecting LTC Employees from Resident Misconduct: A Balancing Act (June 2018)
- The Elder Justice Task Force and Government Investigations: What Does It Mean for You? (August 2017)
- Are You Protecting Your QA Documents? (December 2016)



## Education

- Washington University School of Law, J.D., 2009
  - Editor in Chief, *Washington University Journal of Law & Policy*
  - President, Women's Law Caucus
- Vanderbilt University, B.A., 2005



## Admissions

- Tennessee, 2009
- Kentucky, 2018

- United States District Court, Middle District of Tennessee, 2009
- United States District Court, Western District of Tennessee, 2010
- United States District Court, Eastern District of Tennessee, 2011
- United States Court of Appeals, Sixth Circuit, 2011