



Craig Creighton Conley

Shareholder

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Craig C. Conley has significant experience in litigation in a variety of areas with an emphasis in health care litigation involving hospitals, long-term care facilities, physicians, nurses and other health care providers. Mr. Conley also is experienced in health care regulatory matters, including issues involving federal and state regulations and licensing, survey and certification.

Mr. Conley is also experienced in commercial litigation, construction litigation, products liability defense, premises liability, insurance defense, personal injury defense, labor and employment and class action defense, particularly in employment related matters. He is a Rule 31 Listed General Civil Mediator for the state of Tennessee.

Mr. Conley has served as lead counsel as well as co-counsel in jury and non-jury trials in state and federal courts in Tennessee and throughout the United States. Prior to joining Baker Donelson, Mr. Conley was in house counsel for Federal Express Corporation within the litigation department with a focus on labor and employment. Mr. Conley also served as law clerk to the Honorable W. Frank Crawford of the Tennessee Court of Appeals, Western Section.

Representative Matters

- Successfully challenged a Center for Medicare & Medicaid Services (CMS) Immediate Jeopardy citation for a long term care provider related to COVID-19 deaths.
- Won a jury verdict for a defendant hospital in a case involving a patient who suffered extensive injuries associated with a bowel perforation.
- Assisted a long term care provider in negotiations with CMS resulting in a reduction in Civil Monetary Penalty of more than \$1 million.
- Obtained favorable outcomes for long-term care clients in federal and state survey appeals.
- Obtained the dismissal of an action against a hospital in a health care liability action, with the Tennessee Court of Appeals, Western Division upholding the lower court's decision after oral argument.
- Obtained favorable rulings for long-term care clients in administrative involuntary discharge proceedings.
- Obtained a favorable ruling in an arbitration on behalf of a nursing home facility in a long-term care negligence action.
- Obtained a favorable ruling in arbitration dismissing all negligence claims against the defendant nursing home facility as a result of the plaintiff's failure to comply with the Tennessee Healthcare Liability Act.
- Obtained a favorable jury verdict for the defendant nursing home facility in a long-term care negligence action arising out of the plaintiff's fall.
- Obtained a jury verdict in favor of the defendant thoracic and cardiovascular surgeon in a medical malpractice action concerning a retained sponge.
- Obtained a jury verdict in favor of the defendant physician in a wrongful death case stemming from a gastric bypass procedure.
- Defended a neurosurgeon in a personal injury action stemming from a back surgery, resulting in a mistrial due to a hung jury in favor of the defendant.

- Obtained a jury verdict in favor of the defendant pain management physician in a wrongful death case stemming from an epidural block procedural.
- Obtained a jury verdict for the defendant employer in an employment discrimination and retaliation case in federal court in the Northern District of Texas, Dallas Division, with the Fifth Circuit Court of Appeals affirming.
- Obtained summary judgment on behalf of a defendant employer in an employment discrimination case in federal court in the Northern District of Oklahoma, with the Tenth Circuit Court of Appeals affirming.
- Obtained summary judgment in favor of a defendant employer in a federal employment discrimination case based on a failure to promote.
- Obtained a jury verdict in federal court in favor of the defendant beverage manufacturer, in a personal injury action stemming from a consumer's slip-and-fall.
- Obtained summary judgment in favor of the defendant subcontractor in a personal injury action arising from the construction of a manufacturing facility, with the Tennessee Court of Appeals, Western Division affirming after oral argument.
- Extensive court appearances in state courts and federal courts in Tennessee and in various jurisdictions throughout the United States on motions to dismiss, motions for summary judgment, motions to compel as well as extensive experience in numerous arbitration proceedings as well as mediations involving medical malpractice cases, commercial litigation matters and personal injury action.
- Assisted long term care providers in quality improvement hearings and reviews.
- Represented a long term care facility in a receivership action brought against the facility by the commissioner of a state health department.
- Successfully negotiated the resolution of a significant Denial of Payment for New Admissions (DPNA) with CMS on behalf of a long-term care provider.
- Successfully represented a physician in a complaint investigation by the Health Related Boards of the Tennessee Department of Health.



Professional Honors & Activities

- AV[®] Preeminent[™] Peer Review Rated by Martindale-Hubbell
- Listed in *The Best Lawyers in America*[®] in Medical Malpractice Law - Defendants (2013 – 2023); Health Care Litigation (2018 – 2023); Personal Injury Litigation - Defendants (2019 – 2023)
- Named the *Best Lawyers'* 2021 Memphis Health Care Litigation "Lawyer of the Year"
- Listed in *Mid-South Super Lawyers* in Personal Injury Defense: Medical Malpractice (2013 – 2022); listed as one of the top 100 Tennessee attorneys (2021) and top 50 Memphis attorneys (2021)
- Named to the *Lawdragon* 500 Leading Litigators in America (2022)
- Tennessee Bar Association
 - Young Lawyers Division, Board Member, Affiliate Representative (2004 – 2005)
 - Leadership Law Program (Participant, 2008)
- Memphis Bar Association (Board of Directors, 2006, 2007, 2011; Member, Litigation Section; Participant, Mentoring Program, 2006 – present)
 - Recipient, Sam A. Myar Jr. Award (2010)
 - Memphis Young Lawyers Division (Board of Directors, 2001, 2002, 2003; Secretary/Treasurer, 2002, 2003; Vice President/President-Elect, 2004; President, 2005; Past President, 2006)
 - Leadership Forum (Participant, 2005 – 2006; Steering Committee, 2006 – 2007, 2007 – 2008, 2008 – 2009; Mentor, 2006 – 2007, 2007 – 2008)
- Fellow – Memphis Bar Foundation
- Federal Bar Association
- American Bar Association
- Mississippi Bar Association

- Kentucky Bar Association
- Arkansas Bar Association
- Association of Corporate Counsel
- American Health Law Association
- American Board of Trial Advocates
- American Inns of Court, Leo Bearman Sr. Chapter (Barrister Member, 2003 – 2006)
- Phi Beta Kappa
- Diversity Memphis Walks, Team Captain – 2006, 2007
- SCALES (Supreme Court Advancing Legal Education in Schools) Program, Volunteer – 2006



Publications

- Co-author – "Breaking Down the Fundamentals of CMS' Updates to Appendix PP of the State Operations Manual," American Health Lawyers Association (November 2022)
- "Fundamentals of CMS Updates to Appendix PP of the State Operations Manual: Freedom from Abuse, Neglect, and Exploitation" (October 2022)
- "Fundamentals of CMS Updates to Appendix PP of the State Operations Manual: Administration" (October 2022)
- "Calling All Nursing Homes: Summarizing the Fundamentals of CMS Updates to Appendix PP of the State Operations Manual" (October 2022)
- "Top Ten Ways to Avoid Litigation in Long Term Care" (July 2018)



Speaking Engagements

- Moderator – "The Ever-Changing Landscape of Arbitration," 2022 Baker Donelson Long Term Care Symposium (November 2022)
- "Nursing Home Injury Litigation: Common Claims, Medical Records, and Damages Assessment," Strafford Webinar (October 2022)
- "Nursing Home Defense: Countering, the Noncompliance Narrative, Proving, Unavoidability, Diffusing Emotional Evidence," Strafford Webinar (July 2022)
- "A Lawsuit Tsunami? Where COVID Liability Starts and Ends," LTC 100 Leadership Conference (November 2020)
- Panelist – "#MeToo in Long Term Care – When Resident Rights and Employee Rights Clash," 2018 Baker Donelson Long Term Care Symposium (November 2018)
- Moderator – "Learning from the Enemy: Plaintiffs' Counsel Panel," 2018 Baker Donelson Long Term Care Symposium (November 2018)
- "How to Avoid Long Term Care Litigation," Birchwood Operator Conference (August 2018)
- "The Gambler: Managing Risk in Today's Challenging Environment," 2016 Baker Donelson Long Term Care Symposium (November 2016)
- "Best Practices in Mediation," MBA Bench Bar Conference (May 2012)



Webinars

- When the Clinical Becomes Criminal: The Prosecution of RaDonda Vaughn and Best Practices for Providers (June 2022)
- The Do's and Don'ts of Survey Appeals (June 2022)
- Necessary Updates to your Arbitration Agreement in 2021 (November 2021)
- Involuntary Discharges of LTC Residents: Best Practices for Facilities (October 2018)
- How to Avoid Long Term Care Litigation (May 2018)



Education

- University of Memphis, J.D., cum laude, 1998

- *The University of Memphis Law Review*, Comments Editor
- University of Tennessee, B.A., magna cum laude, 1993



Admissions

- Tennessee, 1998
- Arkansas, 2011
- Kentucky, 2012
- Mississippi, 2017
- U.S. District Court, Western District of Tennessee
- U.S. District Court, Northern District of Texas
- U.S. Court of Appeals, Fifth Circuit, Sixth Circuit and Tenth Circuit