

Construction Law Section

SPEAKER BIOGRAPHIES

Bryan P. Kelley

Mr. Kelley is a 2007 graduate of the University of South Carolina School of Law. Following his graduation, Mr. Kelley served as a law clerk to the Honorable J. Derham Cole, Resident Judge of the Seventh Judicial Circuit of South Carolina, and as an assistant Solicitor for the Seventh Circuit Solicitor's Office in Spartanburg. His practice focuses on construction and surety claims and disputes.

Emily Ruth Gifford

Emily R. Gifford is a shareholder of Richardson Plowden in the Columbia office. She focuses her practice on construction law, including surety law and commercial litigation. She earned her master's in health administration while completing her Juris Doctor at the University of South Carolina (USC). She also earned her bachelor's degree in English, *cum laude*, from the USC Honors College in 2001.

As a law student, Ms. Gifford was the student editor in chief of the *ABA Real Property, Probate and Trust Journal* and received a CALI Award in Constitutional Law II. She also was a member of the John Belton O'Neill Inn of Court and Phi Delta Phi, Calhoun Inn. In 2002, she wrote the article "The National Practitioner Data Bank: Not for Public Consumption" for *Medical Trial Technique Quarterly*.

Ms. Gifford is a special prosecutor for the Office of the Attorney General, assisting in the prosecution of criminal domestic violence cases on a pro bono basis. She is a member of the American Bar Association (ABA) Tort Trial and Insurance Practice Section (TIPS) *Tortsottrce* Editorial Board, where she serves as its Editor-in Chief. She is also the Chair of the TIPS Self Insurers and Risk Managers Committee and is on the TIPS Outreach to Young Lawyers Taskforce.

Ms. Gifford was a member of the Palmetto Health Hospice and Palliative Care Board. She is involved with the Young Lawyers Division (YLD) of the South Carolina Bar, and was a member of the South Carolina YLD Social Media Taskforce. She also is a member of the South Carolina Defense Trial Attorneys' Association Construction Law Committee, hi 2012, Ms. Gifford was recognized as a Rising Star by South Carolina *Super Lawyers*.

Tracy T. Vann

Focusing her practice on construction litigation, Tracy has extensive experience representing owners, contractors, and design professionals in a wide array of construction and design-related disputes, including claims arising from delay, scheduling, changes in scope, construction or design defects, insurance and indemnity agreements, and mechanic's lien and payment/performance bonds. In addition to construction litigation, Tracy regularly handles insurance, real property, and commercial landlord/tenant litigation, representing clients in various capacities, including, mediation, arbitration, and litigation in state and federal courts, as well as pre-litigation compromise negotiations.

Originally from the Chesapeake Bay region of Maryland's Eastern Shore, Tracy is an avid runner and enjoys the outdoors with her two dogs, a Yellow Lab and Boykin Spaniel.

Education - Furman University, B.A, History and Political Science, cum laude, 2002; Wake Forest University School of Law, J.D., Honors, 2005

Admissions - South Carolina Bar; North Carolina Bar; United States District Court For the District of South Carolina; United States District Court for the Eastern District of North Carolina; United States District Court for the Middle District of North Carolina; United States District Court for the Western District of North Carolina; United States Court of Appeals, Fourth Circuit.

Joshua D. Spencer

Josh Spencer is an attorney with Haynsworth Sinkler Boyd, P.A. in Greenville, SC. His construction practice involves all phases of the construction process, including the drafting and review of custom and industry form construction contracts, in-project advice and counsel, and representation of owners, contractors, design professionals, and subcontractors in contract, payment, and construction defect disputes. Mr. Spencer has represented construction clients in administrative hearings, arbitrations, and in state and federal courts. He was named as one of "The Rising Stars" for Construction Litigation in Greenville by *South Carolina Super Lawyers* magazine in 2012.

Boyd Benjamin (Nick) Nicholson

Nick Nicholson is a shareholder with Haynsworth Sinkler Boyd (Greenville office) and leads the Firm's Governmental, Utilities and Non-Profit Industry Group. He practices primarily in the areas of construction law, procurement law, and local government law. Nicholson has extensive experience in advising public authorities throughout the State on procurement issues ranging from the drafting of procurement policies and ordinances, preparing bid and proposal documents, drafting and reviewing contracts, and providing advice and counsel concerning awards and protests. He also counsels public bodies with respect to Freedom of Information Act issues, construction and general contract matters, constitutional issues, procedural issues, bonding issues and general liability matters. In addition to his advice and counsel work, Nicholson has represented public bodies in a variety of different lawsuits ranging from challenges to the award of contracts, construction claims, condemnation claims, tort claims, constitutional claims, property tax protests, and Freedom of Information Act issues. In the area of private construction law, Nicholson regularly advises owners and contractors on contractual issues, and also represents them in construction-related actions in state court, mediation and arbitration. These cases involve issues arising out of changes in the scope of work, delays, scheduling, and construction and design defects. Nicholson received his B.A. degree from the University of South Carolina (magna cum laude) in 1988 and his J.D. degree from the University of South Carolina in 1992. Nicholson is admitted to practice before the courts of South Carolina (1992), the Fourth Circuit Court of Appeals (1993), and the U.S. Supreme Court (1996). He is a member of the Greenville County Bar Association, South Carolina Bar Association (Former Chairman, Construction Law Committee), and American Bar Association (Forum on the Construction Industry). Nicholson may be reached at Haynsworth Sinkler Boyd, P.A., Post Office Box 2048, Greenville, South Carolina 29602-2048, or via e-mail at nnicholson@hsblawfirm.com.

John W. Davidson

John W. Davidson primarily practices in the Firm's Construction Practice Group, for which he is a former Practice Group Coordinator.

Mr. Davidson represents parties in construction projects including hospitals, nursing homes, assisted living facilities, condominiums, apartment complexes, retail centers, industrial facilities, and private residences. Mr. Davidson's practice is focused on assisting clients from the beginning of the construction project to the end. Such assistance includes negotiating and drafting construction contracts, evaluation of claims and disputes during construction, project close out, and any litigation or

arbitration that may arise. Mr. Davidson regularly represents owners, developers, contractors, subcontractors, and suppliers, each with an eye toward effectively and efficiently arriving at the successful conclusion of the construction project.

In addition to being Chair of the Construction Law Section of the S.C. Bar, Mr. Davidson also devotes a portion of his practice to the representation of clients in environmental matters and real property disputes.