

Frederick “Rick” L. Hitchcock

Shareholder



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No lawyer can properly represent a client without first understanding the client's business.

During more than 40 years of practice, Rick Hitchcock has learned the businesses of a broad range of clients operating in fields ranging from startups to health care, from telecommunications to petroleum marketing, from energy supply to local governments, and from real estate to trade associations. He serves these clients with the tools appropriate to their legal needs. For some he applies his broad experience in environmental law, in energy and telecommunications, and in the organization and operation of local governments and non-profit associations. For startups and more mature businesses, he provides counsel on business organization, finance, and growth. For others, he uses his litigation experience to resolve disputes and, if necessary, to defend business decisions or vindicate wrongful acts. For all of his clients, he looks for solutions – for ways to solve clients' problems and to enable them to achieve their goals.

Rick has served as counsel to local governments on contract, regulatory, and organizational issues. He has represented major health care institutions on regulatory, governance, business, and compliance matters. He has worked with municipal and cooperatively-owned electric and communications utilities on a wide range of legal issues, including legislative, regulatory, strategic planning, business, and operational issues. Rick has worked closely with entrepreneurs and startups for more than two decades. He regularly counsels public agencies on public records issues and has represented clients in key cases defining the scope of the Tennessee Public Records Act. He has represented emergency communications districts that serve more than a quarter of the citizens of the State. Rick served as counsel to the most recent Chattanooga charter study commission, and he was a principal drafter of the City's current charter framework.

Rick has played a significant role in the revitalization of downtown Chattanooga. He served as chairman of the regional transit authority, CARTA, for nearly two decades and led the creation of the nation's most successful electric shuttle system. Rick has helped lead the community's efforts to leverage the nation's fastest internet to spur innovation, entrepreneurship, and digital equity. He is a member of the boards and executive committees of The Enterprise Center and

Services

- Business
- Chambliss Startup Group
- Commercial Contracts
- Construction and Design
- Corporate Governance and Risk Management
- Environmental
- Health Care Litigation
- Litigation and Risk Management
- Mergers and Acquisitions
- Municipal Litigation and Representation
- Real Estate
- Regulatory and Administrative Proceedings
- Trade Regulation and Product Distribution

Industries

- Automotive
- Chemical
- Communications, Technologies, and Utilities
- Construction
- Energy, Solar, and Renewables
- Manufacturing
- Municipal and Government
- Real Estate

CoLab and is a member of the steering committee for Chattanooga's Smart City Collaborative. Rick regularly teaches startup business principles. He is a regular presenter to participants in UTC's Veterans Entrepreneurship Program.

Experience

Assisted local government in the development of negotiation and litigation strategy in complex contractual matters

Counseled entrepreneurs and emerging technology businesses concerning business organization, finance, and growth strategies

Served as legal counsel in electricity rate negotiations with federal energy supplier

Assisted in development of environmental due diligence protocols for major business acquisitions

Developed environmental compliance strategies for manufacturers and utilities and assisted in their implementation

Led efforts to gain passage of enabling legislation to permit electric utilities to offer telecommunications services

Assisted in strategic planning and implementation of electric utility expansion into cable TV and high bandwidth Internet services

Led practice team providing legal services to a large public hospital on various compliance issues involving topics such as hospital operations, physician recruitment and employment, practice acquisition, and hospital mergers and acquisitions, as well as represented the hospital in administrative proceedings involving Medicaid reimbursement issues and facility licensing

Represented alliance of regional hospitals that cooperated in quality improvement and cost reduction activities, advised on a variety of compliance issues, and assisted with the development of joint physician recruitment programs, joint purchasing programs, and provider networks

Established that Tennessee 911 Districts could enforce the obligation of telephone companies to collect and remit monthly fees critical to the finances of the Districts. *Hamilton Cnty. Emergency Communs. Dist. V. BellSouth Telcoms. LLC*, 852 F.3d 521 (6th Cir. 2017)

Successfully defended False Claims Act claims against municipal electric system. *City of Chattanooga ex rel. Lepard v. Elec. Power Bd. of Chattanooga*,

- Startups and Emerging Companies

Admissions

- Tennessee
- U.S. Court of Appeals Fourth Circuit
- U.S. Court of Appeals Sixth Circuit
- U.S. District Court Eastern District of Tennessee
- U.S. Supreme Court

Education

- J.D., The University of Tennessee College of Law, 1977
- B.A., The University of Tennessee at Chattanooga, 1973

No. E2015-01995-COA-R3-CV, 2016 Tenn. App. LEXIS 777 (Ct. App. Oct. 20, 2016)

Successfully argued case in which the Tennessee Supreme Court established principles for determining when Tennessee's Public Records Act would not apply to private entities supporting governmental activities. *Gautreaux v. Internal Medicine Education Foundation, Inc.*, 336 S.W.3d 526 (Tenn. 2011)

Defeated class action inverse condemnation action challenging scope of easement rights of municipal electric system. *Mathews v. City of Chattanooga*, No. E2009-01418-COA-R3-CV, 2010 Tenn. App. LEXIS 572 (Ct. App. Sep. 15, 2010)

Obtained interpretation of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund") confirming that a local government holding legal title to property in an industrial park was entitled to protection from liability under CERCLA's secured creditor exemption. *Monarch Tile, Inc. v. City of Florence*, 212 F.3d 1219 (11th Cir. 2000)

Succeeded in establishing that the Tennessee Public Records Act does not require disclosure of records protected by the attorney's work product protection. *Arnold v. City of Chattanooga*, 19 S.W.3d 779 (Tenn. Ct. App. 1999)

Successfully defended petroleum retailer against claims of violation of Resource Conservation and Recovery Act (RCRA) and claims of conspiracy to violate state environmental laws. *Oliver v. Hydro-Vac Servs.*, No. 97-5354, 1998 U.S. App. LEXIS 6024 (6th Cir. Mar. 23, 1998)

Successfully defended multiple attacks on the ability of municipal electric systems to offer competitive telecommunications, cable TV, and Internet services.

Successfully pursued challenges before Tennessee Regulatory Authority to rate increases sought by investor-owned water utility

Protected Internet service provider and its customers from improper discovery tactics

Represented clients in administrative proceedings and litigation regarding environmental compliance and enforcement in multiple states

Developed and implemented litigation strategies to halt illegal use of trade secrets by former employees

Guided design and implementation of forensic strategies in complex litigation, leading to documentation of fraud against public entity

Associations

Professional

- Assistant to Mayors Robert Kirk Walker and Charles A. "Pat" Rose, 1973-1975
- Special Counsel to City of Chattanooga Charter Study Commission, 1988
- Special Counsel on water utility issues, City of Chattanooga, 1998-2000, 2008-2014

Bar Associations

- Tennessee and Chattanooga Bar Foundations, Fellow
- Tennessee Bar Association, past Chair of Environmental Law Section, Member of Executive Committee
- American Bar Association, Member, Section of Environment, Energy & Resources (SEER), Chair of Environmental Impact Assessment Committee, 2010-2012
- Chattanooga Bar Association

Noteworthy

- Listed Recognized Practitioner in *Chambers USA: America's Leading Business Lawyers* for Environment, 2017-2018
- *Best Lawyers in America*, Energy Law
- Martindale-Hubbell® AV® Preeminent™ Peer Review Rated
- Avvo 9.7 Rating
- The University of Tennessee at Chattanooga, Distinguished Political Science Alumnus

Community

- CoLab, past Board Member, past Executive Committee Member
- The Enterprise Center, Board Member and Executive Committee Member, Current Enterprise Center Chair
- Chattanooga Smart Cities Collaborative, Steering Committee Member
- Chattanooga Rotary Club. Past Chairman of Environment Committee
- Chattanooga Area Regional Transportation Authority, past Member and Chairman of the Board
- Tennessee Public Transportation Association, Organizer and past Chairman
- Chattanooga Area Chamber of Commerce, past Board Member
- Chattanooga Area Convention & Visitors Bureau, past Board Member
- United Way of Greater Chattanooga, past Board Member
- Leadership Chattanooga, Original Organizing Committee and past Chairman

Sidebar

Rick has worked with other community leaders for more than a decade to help build Chattanooga's entrepreneurial ecosystem. The work began with efforts to leverage EPB's Internet service – the fastest in the nation – to support innovation and entrepreneurship. It continued as he worked with other local leaders to create Chattanooga's downtown Innovation District, anchored by the Edney Innovation Center, and as he helped define a new mission for The Enterprise Center and a broadened mission for CoLab. In 2019 alone, 140 mentors worked

through CoLab to provide training to more than 520 entrepreneurs, supporting more than 340 startups. In that year, 46% of the participants in CoLab's programs were minorities, and 56% were women.

