

## Local litigation firms

**Highly recommended**

Bass Berry &amp; Sims

Boult Cummings Conners &amp; Berry

Harwell Howard Hyne Gabbert &amp; Manner

Neal &amp; Harwell

Walker Tipps &amp; Malone

Waller Lansden Dortch &amp; Davis

**Recommended**

Baker Donelson Bearman Caldwell &amp; Berkowitz

Riley Warnock &amp; Jacobson

Burch Porter &amp; Johnson

Glankler Brown

Miller &amp; Martin

Sherrard &amp; Roe

## Tennessee

**State trial lawyers made national headlines several times this year for their interesting caseload. Recent news includes the Nashville-based Genesco and Finish Line litigation in relation to a merger meant to be funded by UBS. Lawyers eventually reached a settlement, which left many shareholders unhappy, and Genesco coming out with \$175 million from a Tennessee ruling that would not allow Finish Line to back out of its initial deal.**

**Highly recommended firms**

More than 80 attorneys at **Bass Berry & Sims** focus on litigation, half of which have first-chair trial experience. Office locations for the firm include Memphis, Knoxville and Nashville. Major practice areas for the firm include securities, commercial and healthcare litigation, with a growing base of intellectual property experience. The firm continues to grow its practice in the region with the recent acquisition of six lawyers from the firm Tate Lazarini Brady & Davis. The move helps to bolster the firm's commercial litigation and dispute resolution services. Representative clients include BellSouth Telecommunications, Cracker Barrel Old Country Stores, GlaxoSmithKline, Red Bull North America and Ticketmaster.

Nashville attorney **Michael Dagley** receives praise for his securities and intellectual property practice. Dagley's expertise in securities and class actions also deserve mentioning. Litigation experience includes the "successful defense of bank clients in numerous 'lender liability' and breach of fiduciary duty lawsuits." **Wallace Dietz** serves as co-chair of the internal investigations and special projects practice. Dietz covers several aspects of business and commercial litigation including shareholder class actions, torts, trade secrets, breach of contract and internal investigations. Representative clients include Dollar General and Intergraph. Peers praise the work of **Samuel Felker** for his products liability and intellectual property practice. Felker frequently handles cases for pharmaceutical clients including medical device litigation. Representation experience includes serving as lead counsel for Novartis and defending Wyeth in several matters. With more than 25 years of experience, **R Dale Grimes** handles cases in state, federal and appellate courts. Chair of the litigation group, **Overton Thompson** handles securities, class actions, contracts and insurance cases. **Britt Latham**, formerly of

Jones Day, focuses on "business and commercial litigation, including cases involving business torts, healthcare, insurance coverage, corporate law, securities and intellectual property." **Brant Phillips** handles securities and shareholder class action defense, and also serves as part of the government relations practice. Past clients include Bright Horizons Family Solutions and Wyeth.

Based in Nashville, **Boult Cummings Conners & Berry** receives mention for the class action, intellectual property, antitrust and commercial practices at the firm. Close to 40 lawyers dedicate their time to trial and "offer broad legal counsel." The firm prides itself on offering "dedicated, strategic counselors, adopting a customized approach for each client and each issue." While the firm only has one office, clients call on the lawyers to represent matters across the Southeast. "The legal services provided by [the firm are], by far, the best of any law firm which I have ever worked with," says a client. Recent case work includes the successful defense of a concrete manufacturer opposing a motion for class certification against several plaintiffs. The suit alleged that the manufacturer supplied concrete that "suffered from [a] alkali carbonate reaction," and plaintiffs wanted more than \$40 million in damages. US District Court of the Western District of Kentucky sided with the client and decided that the plaintiffs "failed to carry their burden of demonstrating that common questions of fact and law predominated." Additional notable clients include Bank of America, Oaktree Capital Management and Saint Thomas Health Services.

**Samuel Lipshie** has a formidable intellectual property, music and media law practice. Experience includes handling cases regarding copyrights, the Uniform Commercial Code, trade secrets and contracts. Recent case work includes defending Wal-Mart, Target, Kmart, Sears,

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*-Boult Cummings Conners & Berry*



## Local litigation stars

Leo Bearman  
Baker Donelson Bearman Caldwell & Berkowitz

Robert Boston  
Waller Lansden Dortch & Davis

Gary Brown  
Baker Donelson Bearman Caldwell & Berkowitz

Webb Campbell  
Sherrard & Roe

Oscar Carr III  
Glankler Brown

WJ Michael Cody  
Burch Porter & Johnson

Michael Dagley  
Bass Berry & Sims

Roger Dickson  
Miller & Martin

Wallace Dietz  
Bass Berry & Sims

James Doran  
Waller Lansden Dortch & Davis

Alexander Fardon  
Harwell Howard Hyne Gabbert & Manner

Jef Feibelman  
Burch Porter & Johnson

Samuel Felker  
Bass Berry & Sims

Craig Gabbert  
Harwell Howard Hyne Gabbert & Manner

Dale Grimes  
Bass Berry & Sims

William Harbison  
Sherrard & Roe

Aubrey Harwell  
Neal & Harwell

John Hicks  
Baker Donelson Bearman Caldwell & Berkowitz

John Jacobson  
Riley Warnock & Jacobson

James Kelley  
Neal & Harwell

Samuel Lipshie  
Boult Cummings Conners & Berry

Gayle Malone  
Walker Tipps & Malone

William Morrow  
Waller Lansden Dortch & Davis

James Neal  
Neal & Harwell

Amazon, GameStop and Toys-R-U's in litigation against Gibson Guitar. Also on the case is colleague **Thor Urness**, chair of the litigation practice. Urness focuses on complex business and intellectual property litigation with a recent representation of Yorozu, a supplier of automobile suspension assemblies. **Robert Patterson** receives accolades for his product liability, torts and healthcare practice. Recent case work includes defense of a sports franchise against an insurance company trying to recover a "retroactive premium adjustment on worker's compensation claims." The multi-million dollar case involves several breach of contract and coverage issues. Associate **Martha Boyd** emphasizes labor and employment issues in her litigation practice, and often defends clients regarding employment discrimination. **Julie Burnstein**

represents clients in real estate and land use matters.

Civil litigation and criminal defense are the focus of lawyers at **Neal & Harwell**. Based in Nashville, "lawyers continue to view themselves primarily as trial lawyers." White-collar criminal defense, complex business and insurance law remain prominent areas of practice. Past client representations include defense of Fairchild Aircraft in a products liability suit "arising from death of NASCAR race driver Alan Kulwicki."

Managing partner **Aubrey Harwell** focuses on white-collar criminal defense work and commercial litigation. Notable clients include former San Francisco 49ers owner Eddie DeBartolo in litigation involving riverboat gambling licenses in Louisiana, and Bridgestone/Firestone in several issues regarding alleged "tread separation

**"The firm boasts significant credentials, with lawyers serving time as US Circuit Court of Appeals judges, ambassadors to foreign countries like Japan and Turkey and a former governor of Tennessee."**

*-Baker Donelson Bearman Caldwell & Berkowitz*

represents clients in several matters, including healthcare, insurance, intellectual property and real estate litigation. "Julie is a very competent, hands-on attorney," says a client. "She insures that you understand every aspect of your case and keeps you informed of every significant occurrence."

The business litigation team at **Harwell Howard Hyne Gabbert & Manner** earned praise for construction, healthcare and securities matters. The firm continues to represent medical device companies, hospitals and national laboratories in intellectual property litigation. Dialogic Communications Systems, Anthem Healthcare and LifePoint Hospitals are all notable clients of the firm. Recent case work includes representation of United Regional Medical Center in a matter involving a "certificate of need for a new hospital and nursing home."

Head of the litigation group **Alexander Fardon** handles litigation in the healthcare, insurance and real estate industries. Fardon excels in contract claims, business torts, professional malpractice and Employment Retirement Income Security Act matters. **Craig Gabbert** serves as head of the bankruptcy and reorganization and alternative dispute resolution groups. Clients turn to Gabbert for bankruptcy and creditor-debtor rights as well as merger and acquisition counsel. **Glenn Rose** handles business litigation in bankruptcy, technology and securities areas, and has experience with breach of contract, violations of the False Claims Act and breach of fiduciary duty matters. Associate **Matthew Foster** regularly

represents clients in several matters, including healthcare, insurance, intellectual property and real estate litigation. "Julie is a very competent, hands-on attorney," says a client. "She insures that you understand every aspect of your case and keeps you informed of every significant occurrence."

problems." **James Kelley** handles commercial law and bankruptcy issues for the firm, while **William Ramsey's** litigation emphasizes complex civil and criminal matters. Ramsey represents clients in white-collar criminal investigations and prosecutions, and "has had extensive involvement in securities litigation." **James Neal** continues to receive praise for his past work on criminal defense litigation. A past client of note was former Governor of Kentucky, Ernest Fletcher. **James Sanders** focuses on white-collar criminal defense and civil litigation. Clients include ExxonMobil, Kubota Tractor and Morgan Stanley. Associate **Cynthia Sherwood Parson** handles criminal and civil cases, with an emphasis on white-collar, entertainment law and products liability.

"From multimillion dollar disputes to basic contractual controversies," **Walker Tipps & Malone** remains a top-ranked Tennessee firm. Firm focuses include all aspects of business litigation including aviation, employment, class actions and insurance matters. The firm prides itself on being a "frequent referral choice of other quality law firms when conflicts or other circumstances prevent them from handling a particular matter." The small firm boasts big-name clients such as KPMG, Kraft Foods and Vanderbilt University.

**Gayle Malone's** strengths include plaintiff and defendant matters in business, construction, insurance and health care litigation. Malone "regularly acts as a mediator or an arbitrator for parties and their counsel in all types of litigation." **Mark Tipps** receives mention for his products liability, personal injury and environmental

Robert Patterson  
Boulton Cummings Connors & Berry

William Ramsey  
Neal & Harwell

Steven Riley  
Riley Warnock & Jacobson

Glenn Rose  
Harwell Howard Hyne Gabbert & Manner

James Sanders  
Neal & Harwell

Overton Thompson  
Bass Berry & Sims

Mark Tipps  
Walker Tipps & Malone

Robert Walker  
Walker Tipps & Malone

Timothy Warnock  
Riley Warnock & Jacobson

Thor Urness  
Boulton Cummings Connors & Berry

work, but he handles “virtually all types of commercial civil litigation.” Experienced attorney **Robert Walker** receives accolades for antitrust, product liability, securities, construction and healthcare litigation. **Jason Callen** represents clients involved in contract, antitrust and employee benefit claims.

Based in Nashville, **Waller Lansden Dortch & Davis** has offices in Birmingham and Los Angeles. The firm prides itself on a “deep roster of experienced business lawyers” that practice in several prominent areas of law. Environmental litigation receives mention as one of the largest in the state, with experience handling the Clean Air Act, Clean Water Act and Resource Conservation and Recovery Act, among many others. The healthcare practice also receives mention for the firm’s respected litigation group handling cases for physician practice groups, service providers and pharmaceutical manufacturers.

**Robert Boston** serves on the firm’s board of directors, and focuses his litigation practice on matters of complex commercial litigation with regard to employment law. Boston provides day-to-day management and strategic advice to clients in a range of industries. With more than 35 years of experience, **James Doran** handles products liability defense of pharmaceuticals companies and medical devices. For corporate and securities matters, clients employ **William Morrow** and his experience with the healthcare, chemicals, pharmaceutical and banking industries. Morrow’s experience spans the globe with his services to several European countries in connection to US transactions. Associate **Eileen Burkhalter Smith** focuses her time on products liability matters at both the trial and appellate levels. Smith has an extensive background defending pharmaceutical companies and automobile manufacturers.

#### Recommended firms

With six offices in Tennessee, including Chattanooga, Knoxville, Huntsville, Memphis and Nashville, **Baker Donelson Bearman Caldwell & Berkowitz** enjoys a formidable presence in Southern law. The firm boasts significant credentials, with lawyers serving time as US Circuit Court of Appeals judges, ambassadors to foreign countries like Japan and Turkey and a former governor of Tennessee. The trial section of the firm is “comprised of more than 311 trial lawyers and 74 paralegals,” with an array of litigation services aided by a strong corporate division.

**Leo Bearman** represents clients in civil litigation suits including class action defense, antitrust, insurance defense, products liability and intellectual property law. Past trials include a patent case representing a company that won the right to continue to use the technology at issue in the case. The monetary value represented “its highly profitable \$1.8 billion-a-year spinal business.” **Gary Brown** heads the business department at the firm, with an emphasis on securities and mergers

and acquisitions. Brown has experience with cases for the manufacturing, retailing, franchising and the restaurant industries. **John Hicks** covers the expanse of healthcare litigation including business torts, class actions, medical malpractice defense and insurance coverage disputes. Products liability, torts and insurance defense are main practice areas for associate **Brad Morgan**, who has experience handling medical malpractice defense cases as well.

Located in Nashville, **Riley Warnock & Jacobson** “is dedicated to solving the difficult problems” clients face each day. Dedicated to litigation, the firm defines the term broadly to incorporate dispute resolution, arbitration and mediation. Lawyers here are consistently rated well among the many business law practices in Tennessee. Recent cases include representing a client regarding a banking issue and defaults on loan payments. Another matter includes representing the nation-wide pharmacy chain Walgreens in a Tennessee Middle District Court against Caremark for unfair trade practices. Practice areas include antitrust, business torts, products liability, intellectual property and insurance law, among many others.

**John Jacobson** focuses his practice on civil litigation including securities, intellectual property and products liability matters, while additional name partner **Steven Riley** handles general commercial litigation including class actions, securities and healthcare matters. Riley is currently handling the case for Walgreens. Civil trial specialist **Timothy Warnock** handles intellectual property and securities cases in addition to other general commercial matters. **William Outhier** represents clients in legislative, government and regulatory contract case. Outhier spent six years working in Congress, serving as the Republican Chief Counsel for the US Senate Committee on Governmental Affairs.

**Burch Porter & Johnson** handles business law, and is one of the oldest trial firms in the state. The firm focuses on a client’s needs, “providing specialized expertise, value, responsiveness and practical solutions,” to cases the lawyers tackle. Practice areas within litigation include banking, employment law, intellectual property, media law, products liability and unfair competition. Five new associates joined the firm recently, expanding the reach of Burch Porter. Offices include Memphis and Paris, Tenn.

Former Attorney General of Tennessee **WJ Michael Cody**’s practice focuses on complex commercial disputes including commercial litigation, white-collar criminal investigations and regulatory matters. Managing partner **Jef Feibelman** handles business litigation with a focus on fraud, breach of contract, trade secrets and confidentiality agreements. Personal injury torts, business and employment litigation are the emphasis of **David Goodman**.

**Glankler Brown** represents one of the oldest and largest firms in the state. The



## Future stars

Kevin Baltz  
Miller & Martin

Martha Boyd  
Boulton Cummings Conners & Berry

Eileen Burkhalter Smith  
Waller Lansden Dortch & Davis

Patrick Burnett  
Glankler Brown

Julie Burnstein  
Boulton Cummings Conners & Berry

Jason Callen  
Walker Tipps & Malone

Phil Cramer  
Sherrard & Roe

Matthew Foster  
Harwell Howard Hyne Gabbert & Manner

David Goodman  
Burch Porter & Johnson

Britt Latham  
Bass Berry & Sims

Brad Morgan  
Baker Donelson Bearman Caldwell & Berkowitz

William Outhier  
Riley Warnock & Jacobson

Brant Phillips  
Bass Berry & Sims

Cynthia Sherwood Parson  
Neal & Harwell

William Outhier  
Riley Warnock & Jacobson

firm's commitment lies in "maintaining a diverse group of skilled attorneys," and "continued growth in all practice areas." Litigation practice areas include civil, criminal, health law, employment, insurance and medical liability. FedEx, SunTrust Bank, the Memphis-Shelby County Airport Authority and Elvis Presley Enterprises are all notable clients. Civil litigation including business, construction, environmental and personal injury law are the focus of **Oscar Carr III**. A Fellow of the Tennessee Bar Foundation, Carr led an investigation of Edmund Ford, a Memphis City Council member whose bills at Memphis Light Gas & Water went unpaid for years. **Patrick Burnett** emphasizes contracts and business disputes in his civil litigation practice. He has experience handling breach of fiduciary duties, landlord/tenant matters and restrictive employment covenants.

**Miller & Martin** receives mention for its litigation team that includes more than "50 well trained and highly motivated lawyers and legal assistants." Banking matters such as securities and class actions, as well as labor and employment law earn praise from peers. Offices are based in Chattanooga and Nashville, with an additional office in Atlanta to cover much of the Southeast region. Case experience includes managing litigation for "a fast food company with 250 restaurants in the Southeastern United States," and a "tobacco company in all cases filed in the state of Tennessee."

**Roger Dickson** emphasizes complex commercial, white-collar crime, personal injury and products liability litigation.

Dickson has experience handling cases relating to "federal grand jury investigations and trials involving antitrust violations, bank fraud, Medicare fraud, tax matters, labor law violations and FDA matters." Associate **Kevin Baltz** handles business litigation, transportation law and dispute resolution.

**Sherrard & Roe** offer its clients "a full range of sophisticated, high quality legal services to its clients throughout the United States and abroad." Clients include banks, national and multi-national enterprises and small entrepreneurial businesses. Headquartered in Nashville, the firm continues to grow with the addition of two new lawyers. Litigation strengths include antitrust, business torts, contracts, securities, employment and insurance matters. Representative clients include Bank of America, Health Management Associates, Metropolitan Nashville General Hospital and Vanderbilt University.

Chair of the dispute resolution group, **Webb Campbell** handles business litigation for securities, insurance, business torts and employment matters. Campbell often represents financial firms, healthcare companies and others in commercial disputes. **William Harbison** focuses on corporate law and trusts and estates and served as President of the Nashville Bar Association. **Phil Cramer** covers business litigation in antitrust, insurance coverage and business torts. He has experience representing clients in "both federal and state trial and appellate courts as well as in numerous mediations and judicial settlement conferences."



**OSCAR C CARR, III****GLANKLER BROWN, PLLC**

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Oscar C Carr, III has been a member of Glankler Brown, PLLC since 1982 and served as the firm's Chief Manager from 1998 to 2000. Mr Carr practices primarily in litigation with an emphasis on business, construction, personal injury, environmental and other civil litigation. He has been listed in *The Best Lawyers in America* for more than 20 years and is now listed in the fields of Commercial Litigation, Professional Malpractice, Personal Injury and Environmental Law. He has also been listed in *Mid-South SuperLawyers* in the field of Business Litigation since 2006. He is a Fellow of the Litigation Counsel of America, a trial lawyer honorary society comprised of experienced and effective litigators throughout the United States. He is a member of the mediation panel of the United States District Court for the Western District of Tennessee. Mr Carr is a Fellow of the Tennessee Bar Foundation and in 2008 was named to *Memphis Business Quarterly's* Players List of Memphis lawyers in Business Litigation.

Mr Carr has been involved in a number of reported decisions in both federal and state courts, including *Lawyers Title Insurance Corporation v United American Bank of Memphis*, 21 F.Supp2d 785 (W.D. Tenn. 1998), *Winningham v Ciba-Geigy Corporation*, No. 97-5777 (July 14, 1998) (not recommended for full text publication), *American States Insurance Company v Nethery*, 79 F.3d 473 (5th Cir. 1996), *Velsicol Chemical Corporation v Enenco, Inc*, 9 F.3d 524 (6th Cir. 1993), *Benson v Barasso*, 884 F.2d 1392 (6th Cir. 1989) 1989 U.S. App. LEXIS 14134, *KBL Properties, LLC v Bellin*, 900 So.2d 1160 (Miss. 2005), *Efird v The Clinic of Plastic and Reconstructive Surgery, P.A.*, 147 S.W.3d 208 (Tenn. Ct. App. 2003), *Chandler v D. Canale & Co*, 2001 WL568027 (Tenn. Ct. App. 2001), *Schopfer v. The Kroger Co.*, No. 02A01-9707-CV-00138 (Tenn. Ct. App. 1998), *Wadlington v Miles, Inc*, 922 S.W.2d 520 (Tenn. Ct. App. 1995) and *Memphis Aero Corporation v Swain*, 732 S.W.2d 608 (Tenn. Ct. App. 1986).

He is licensed to practice in Tennessee and admitted to practice in the Western District of Tennessee, the Fifth and Sixth Circuits of the US Court of Appeals and the US Supreme Court.

Mr Carr received his BA in English in 1973 from the University of Virginia, with distinction, and his JD, with distinction, in 1976 from Emory University School of Law, where he was elected to the Order of the Coif and was salutatorian of his class. He is a member of the American (Member, Litigation Section), Tennessee (Member, Litigation Section) and Memphis (Director, 1985-1987) Bar Associations.

**Neal & Harwell, PLC**

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**Website:** www.nealharwell.com

**Managing shareholder:** Aubrey B Harwell, Jr

**Number of partners:** 21

**Number of attorneys:** 11

**Firm profile:**

Neal & Harwell, a boutique firm formed by James F Neal and Aubrey B Harwell, Jr in 1971, has its roots in litigation, both civil and criminal. Mr Neal's experience as Special Assistant to the US Attorney General Robert F Kennedy, during which he successfully prosecuted Teamster leader James Hoffa for jury tampering, and his tenure as US Attorney for Middle District of Tennessee, lent itself to the firm's emphasis on litigation. Over time, the firm's white collar criminal practice has remained and grown. In 1990, the firm substantially expanded its developing transaction and commercial practice by adding two experienced business lawyers who now form the core of the firm's business, banking and bankruptcy practice.

**Senior members:**

Aubrey B Harwell, Jr, Chief Manager; James F Neal, Jon D Ross, James F Sanders, Thomas H Dundon, Ronald G Harris, Philip N Elbert, James G Thomas, William T Ramsey, James R Kelley, Marc T McNamee, George H Cate, III, Philip D Irwin, A Scott Ross, Gerald D Neenan, Aubrey B Harwell, III, W David Bridgers