

J. Lawson Hester

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Licensed in North Carolina, Tennessee and Mississippi

Career Summary

For more than 35 years I have concentrated my civil litigation practice in multiple areas of litigation inclusive of commercial litigation, products liability, civil rights, insurance law and litigation, insurance law and coverage, employment law and litigation, and general litigation matters. I have tried more than 140 civil cases to verdict or judgment as first-chair or solo trial counsel, and currently maintain an “outright win” success rate of more than 96% of civil cases tried to conclusion. My litigated matters have been reported and featured nationally in the National Law Journal, Business Week, Forbes.com, Wall Street Journal, Washington Post, ABA Journal, Mealey’s Litigation Reports, Kings of Tort, and through NBC, ABC and CBS affiliate media stations.

I have defended the interests of 68 of Mississippi’s 82 counties as well as numerous municipalities in other states. I have served as personal defense counsel for Mississippi’s Attorney General. I have litigated matters in the state courts of 71 of Mississippi’s 82 counties, and in twenty of the twenty-two circuit court (plenary jurisdiction trial court) districts in the State. I have tried civil damage cases in all divisions of the United States District Courts in Mississippi in both the Northern and Southern Districts. I have handled more than forty appeals to, and orally argued more than ten cases before, the United States Court of Appeals for the Fifth Federal Circuit. I have represented/defended an extensive array of corporate entities in a wide variety of industries, including seventeen of the current Fortune 500 companies; examples of this litigation representation would include civil litigation regarding medical devices, industrial and consumer appliances/equipment, pharmaceuticals, sporting goods, recreational products, and commercial disputes such as non-competition and breach of contract claims. I have handled a multitude of mass tort (silica, pharmaceuticals, and wood byproducts), premises liability, wrongful death, civil rights, contract, commercial, professional liability, employment and personal injury matters. On a multistate basis in Mississippi, Tennessee, North Carolina, Louisiana, Georgia, South Carolina, Connecticut, Kansas, Arkansas, Alabama, Oklahoma, Washington, D.C., and Florida, I have represented and advised/defended municipalities and counties, and private corporate entities and insurers, on high exposure civil rights and constitutional law claims/issues, including class actions, as well as government contracts, HUD compliance, risk analysis, zoning, tort liability, and governmental and private liability matters. Also, I regularly handle major/catastrophic loss claims, insurance coverage-related litigation and claims-handling direct action cases, and the defense of commercial lines and casualty litigation. I serve as National Trial Counsel for multiple major insurers.

Several of my cases have served as established precedent in numerous subject matter areas, including the determination of personal liability, immunity and punitive damage exposure for physicians and health care professionals at the State’s largest public health care facility, the applicability and scope of pollution exclusions, occurrences and coverage terms within the meaning of comprehensive general liability insurance policies, as well as the standards for exclusion of opposing expert witnesses for opposing party violations of the Federal Rules of Civil Procedure.

I obtained my B.A. degree with a double major in English and Political Science from the University of Mississippi in 1984, and my J.D. degree from the University of Mississippi School of Law in 1986. Subsequent to licensure in April, 1987, I have been engaged continuously in litigation and trial practice. I have tried more than one hundred and forty (140) civil cases to verdict or judgment as first-chair trial counsel, and currently maintain an “outright win” success rate of more than ninety-seven percent (97%) of civil cases tried to conclusion. I am admitted to practice before, and have successfully defended appeals to, the United States Supreme Court. I am a member of the Defense Research Institute, Mississippi Defense Lawyers Association, American Bar Association, Mississippi Bar, Tennessee Bar, North Carolina Bar, Capitol Area Bar Association, as well as the Bar Associations of the Fifth and Tenth Federal Circuits. I am a frequent lecturer in continuing legal education seminars on subject matter related to trial practice, inclusive of effective deposition practice, tort reform, corporate/private attorney-client privilege, civil rights, governmental liability, ethics, and the art of cross-examination.

Practice Areas and Experience

- Previously served as Co-Chair of Litigation for Mississippi’s second-largest law firm
- Extensive experience in management of associate and contract attorneys, and paralegals and oversight of complex litigation, including mass tort and class action matters
- Extensive commercial litigation experience, inclusive of contract, employment matters, D & O and non-competition/corporate opportunity/fraud and transaction-related litigation
- Significant employment litigation experience in the contexts of 42. U.S.C. Section 1983, Title VII, Title IX, FLSA and wrongful discharge/retaliation claims, as well as representation of employers (public and private) before the EEOC
- Extensive public sector litigation experience in virtually all areas of municipal liability under federal/state law, including continuous defense of Mississippi’s largest county for more than 24 years
- Significant experience in insurance-related litigation, inclusive of coverage, bad faith-direct action claims, and defense of wrongful death and personal injury claims
- Significant class action experience in the context of commercial claims, FLSA, and civil rights
- Experienced in the defense of corporate officers/directors and professional liability claims (accountant, legal and agent liability)
- Significant experience in defense of corporate agribusiness entities in claims, enforcement actions, and litigation brought by the U.S. Department of Agriculture and/or Internal Revenue Service inclusive of experience in defense of corporate poultry processors against Agricultural Fair Practices Act and Packers and Stockyards Act monetary damage and declaratory/injunctive relief claims
- Significant experience in advising public entities, corporations and business entities in contract disputes, compliance, e-discovery compliance, FLSA compliance, and maintenance of corporate/in-house privilege matters
- Successful defense of health care professionals in civil claims and in disciplinary matters before the multiple states’ medical, dental and nursing licensure boards, and in administrative resolutions with major medical providers and national accreditation boards regarding staff privileges, National Practitioner Databank Issues, and regulatory enforcement issues

Representative Matters

- Recovered in excess of \$23,775,000 in pretrial settlements on behalf of the Firm’s clients;
- Recovery of multiple million-dollar monetary jury awards for clients in complex civil litigation;
- Received jury verdict in excess of \$4.4 million in compensatory damages in a complex commercial matter involving claims of breach of fiduciary duty, breach of contract; and unjust enrichment in the context of anti-trust claims;

- Successfully defended numerous product liability matters for a wide variety of industries;
- Successful defense of wrongful death claims arising from structural collapses of or defects in bridges, public roads, railroad grade crossings, road maintenance, elevator defects, intersection/highway designs, and motor vehicle/heavy equipment design and maintenance failures;
- Successful defense of a multi-million dollar CERCLA/Superfund cost recovery action brought by the United States of America involving lead and hexavalent chromium contamination at a FUDS site (formerly used defense site)(resulting in the then-lowest monetary percentage settlement in the history of United States/EPA-brought Superfund cost-recovery litigation);
- Defense of multiple class action matters, inclusive of class actions arising from toxic tort exposures, Fair Labor Standards Act claims, and alleged civil rights violations;
- Successful defense, inclusive of successful defense of appeals, in direct actions against insurers over numerous significant coverage terms, exclusions, coverage triggers and endorsements;
- Successful defense of multi-million-dollar civil RICO and conspiracy claims brought against 23 insurers and/or banking institutions;
- Successful representation of a leading international business software entity in multi-million-dollar vendor dispute over systems/systems performance and contract issues; and
- Successful representation of a financial institution in dispute with insurer(s) over coverage issues in *qui tam* litigation

Education and Educational Honors

- 1986 - J.D., University of Mississippi School of Law
- 1984 - B.A., (English and Political Science), University of Mississippi
- Winner, University of Mississippi School of Law Mock Trial Competition, 1986
- Member, Moot Court Board: Chairman, Trials Division, Vice-Chair of Appellate Advocacy Division
- Omicron Delta Kappa
- Sigma Tau Delta
- Recipient, Gray Award for excellence in writing, 1984
- Who's Who in American Colleges and Universities (limited to 50 students per university)

Professional Honors

- Rated AV Preeminent 5.0 by Martindale-Hubbell., its highest rating, for 28 consecutive years.
- Selected for Woodward White's Best Lawyers in America
- Mid-South Super Lawyer, 2019-2021, Top Rated Lawyer for Products Liability and Personal Injury Defense
- Selected as 2018 Leading Civil Rights Litigator of the Year – Mississippi
- Lifetime Achievement Award, America's Top 100 Attorneys – Mississippi
- Appointed as Attorney advisor to Chairman of Committee on Pattern Jury Instructions, District Judges' Association, Fifth Circuit Court of Appeals

Admissions

- North Carolina, 2021
- Tennessee, 2021
- Mississippi, 1987
- United States District Court of Northern District of Mississippi
- United States District Court of Southern District of Mississippi
- United States District Court for the Eastern District of North Carolina
- United States District Court for the Middle District of North Carolina
- United States Court of Appeals for the Fifth Circuit
- United States Supreme Court
- United States Tax Court
- United States Court of Appeals for the Tenth Circuit

Professional Activities and Memberships

- American, Capital Area and Mississippi Bar Associations
- Defense Research Institute
- Mississippi Defense Lawyers Association
- Mississippi and Atlanta Claims Associations
- Mississippi Bar Association
- Tennessee Bar Association
- North Carolina Bar Association

Representative Civil Cases

1. *RLI Insurance Company v. Milling et al*, United States District Court of Mississippi, S.D. Mississippi 3:17-cv-00819 (August 28, 2019)(not yet available on Westlaw)

2. *Joiner v. City of Columbus*, United States District Court, N.D. Mississippi, Aberdeen Division. January 04, 2016, Slip Copy 2016 WL 55336

3. *Hinds County Economic Development District v. W & G Properties, LLC and Magnolia Label Co., Inc.*, Court of Appeals of Mississippi, 203 So.3d 49, NO. 2013-CA-00817-COA,) October 25, 2016, 2016 WL 6463926

4. *Thomas v. Rankin County, Miss.*, United States District Court, S.D. Mississippi, Northern Division. September 30, 2015, Slip Copy 2015 WL 5772398

5. *Thomas v. Scott County*, United States District Court, S.D. Mississippi, Northern Division. August 21, 2015, Slip Copy 2015 WL 5009715
6. *Estate of Thornton v. Rankin County, Miss.*, United States District Court, S.D. Mississippi, Northern Division. April 14, 2015, Slip Copy 2015 WL 1650237
7. *Shaidnagle v. Adams County, Miss.*, United States District Court, S.D. Mississippi, Western Division. January 27, 2015, 88 F.Supp.3d 705, 2015 WL 365820
8. *Graham v. Hodge*, United States District Court, S.D. Mississippi, Eastern Division. November 19, 2014, 69 F.Supp.3d 618, 2014 WL 6476284 and *Graham v. Hodge*, United States Court of Appeals, Fifth Circuit. October 19, 2015 2015619 Fed.Appx. 394
9. *Pannell v. City of Columbus, Miss.*, United States District Court, N.D. Mississippi, Aberdeen Division. September 29, 2014, Slip Copy 2014 WL 4843955
10. *Longino v. Hinds County, Miss. ex rel. Bd. of Sup'rs*, United States District Court, S.D. Mississippi, Northern Division. September 11, 2014, Slip Copy 2014 WL 4545943
11. *Staten v. City of D'Iberville*, United States District Court, S.D. Mississippi, Southern Division. August 28, 2014, Slip Copy 2014 WL 4273249
12. *Williams v. Mueller Copper Tube Co., Inc.*, Court of Appeals of Mississippi, April 22, 2014, 149 So.3d 527 2014 WL 1600399
13. *Gallion v. Hinds County, Miss.*, United States District Court, S.D. Mississippi, Northern Division. May 27, 2015, Slip Copy 2015 WL 3409460
14. *Hopkins v. Lowndes County Sheriff Dept.*, United States District Court, N.D. Mississippi, Aberdeen Division. August 01, 2014, Slip Copy 2014 WL 3799329
15. *Baymeadows, LLC v. City of Ridgeland*, Supreme Court of Mississippi. February 06, 2014, 131 So.3d 1156, 2014 WL 465698
16. *Skinner v. Hinds County, Miss.*, United States District Court, S.D. Mississippi, Northern Division. January 29, 2014, Slip Copy 2014 WL 317872
17. *Felton v. Wells Fargo Bank*, United States District Court, S.D. Mississippi, Western Division. September 27, 2013 Slip Copy 2013 WL 5436951
18. *Amerson v. Pike County, Miss.*, United States District Court, S.D. Mississippi, Jackson Division. March 21, 2013, Reported in F.Supp.2d 2012 WL 968058 and *Amerson v. Pike County, Miss.*, United States District Court, S.D. Mississippi, Jackson Division. January 03, 2013, Not Reported in F.Supp.2d, 2013 WL 53900
19. *Patton v. Hinds County Juvenile Detention Center (Henley-Young)*, United States District Court, S.D. Mississippi, Jackson Division. October 23, 2012, 2012 WL 5287068
20. *Hinson v. Rankin County, Miss.*, United States District Court, S.D. Mississippi, Jackson Division. May 11, 2012, 873 F.Supp.2d 790, 2012 WL 1668875

21. *Bennett v. GEO Group, Inc.*, United States District Court, S.D. Mississippi, Eastern Division. April 19, 2012, Not Reported in F.Supp.2d, 2012 WL 1365752 and *Bennett v. GEO Group, Inc.*, United States District Court, S.D. Mississippi, Eastern Division. November 22, 2011 Not Reported in F.Supp.2d 2011 WL 5864674
22. *Stafford v. City of West Point, Miss.*, United States District Court, N.D. Mississippi, Eastern Division. March 30, 2012, 2012 WL 1080313
23. *Bingham v. City of West Point, Miss.*, United States District Court, N.D. Mississippi, Eastern Division. February 10, 2012, Not Reported in F.Supp.2d 2012 WL 441288
24. *Diamond Fields, LLC v. Rankin County, Miss.*, United States District Court, S.D. Mississippi, Jackson Division. September 30, 2011 2011 WL 8198518
25. *Skinner v. Hinds County, Miss.*, United States District Court, S.D. Mississippi, Jackson Division. September 29, 2011, 2011 WL 4565586
26. *Dean v. Walker*, United States District Court, S.D. Mississippi, Western Division. January 06, 2011 764 F.Supp.2d 824 2011 WL 39809
27. *Taylor v. Hartford Cas. Ins. Co.*, United States District Court, S.D. Mississippi, Hattiesburg Division. December 14, 2010, 2010 WL 5158634
28. *Rutland v. McMillan*, United States District Court, S.D. Mississippi, Jackson Division. September 30, 2010, 2010 WL 3937871
29. *Cunningham v. City of West Point*, United States District Court, N.D. Mississippi, Eastern Division. September 29, 2009 Not Reported in F.Supp.2d 2009 WL 3163331 and *Cunningham ex rel. Cunningham v. City of West Point Miss.*, United States Court of Appeals, Fifth Circuit. June 7, 2010, 380 Fed.Appx. 4192010 WL 2331987
30. *Butler v. Bancorpsouth Bank*, United States District Court, S.D. Mississippi, Jackson Division. October 31, 2007, 2007 WL 3237927
31. *Meeks v. Miller*, Supreme Court of Mississippi. May 24, 2007 956 So.2d 864 2007 WL 1501083; and *Meeks v. Miller*, Court of Appeals of Mississippi. June 27, 2006 956 So.2d 942 2006 WL 1737757
32. *Blake v. Wilson*, Court of Appeals of Mississippi. April 17, 2007 962 So.2d 705 2007 WL 1121517
33. *Magnolia Healthcare, Inc. v. Hartford Financial Services Group, Inc.*, United States District Court, N.D. Mississippi, Greenville Division. November 17, 2006, 2006 WL 3347952
34. *Brumfield v. Brumfield*, United States District Court, S.D. Mississippi, Hattiesburg Division. July 19, 2006, 2006 WL 2038636
35. *McCoy v. City of Florence, et al.*, Court of Appeals of Mississippi. July 18, 2006, 949 So.2d 69 2006 WL 1984735

36. *Acceptance Ins. Co. v. Powe Timber Co., Inc.*, United States District Court, S.D. Mississippi, Eastern Division. November 30, 2005 403 F.Supp.2d 552 2005 WL 3274860 and *Acceptance Ins. Co. v. Powe Timber Co., Inc.*, United States Court of Appeals, Fifth Circuit. February 21, 2007, 219 Fed.Appx. 3492007 WL 624992
37. *Robinson v. Hosemann*, Supreme Court of Mississippi. May 26, 2005, 918 So.2d 668 2005 WL 1385207
38. *Ballard v. Burton*, United States District Court, N.D. Mississippi, Eastern Division. July 01, 2004, Not Reported in F.Supp.2d 2004 WL 1778820
39. *Campbell v. McMillin*, United States District Court, S.D. Mississippi, Jackson Division. February 11, 2000, 83 F.Supp.2d 761 2000 WL 192781
40. *Burkes v. Waggoner*, United States Court of Appeals, Fifth Circuit, December 9, 2008301, Fed.Appx. 3902008 WL 5155230
41. *Brooks v. Stringer*, United States Court of Appeals, Fifth Circuit. December 18, 2008303 Fed.Appx. 2252008 WL 5262699 (2008)
42. *Brumfield v. Hollins*, United States Court of Appeals, Fifth Circuit. December 2, 2008551 F.3d 322 (2008)
43. *Collins v. Ainsworth*, United States Court of Appeals, Fifth Circuit. December 21, 2005177 Fed.Appx. 3772005 WL 3502174
44. *Rutland v. Pepper*, United States Court of Appeals, Fifth Circuit. March 24, 2005, 404 F.3d 92185 Empl. Prac. Dec. P 41, 915151 Lab.Cas. P 35, 019
45. *Hinds County v. Burton*, Supreme Court of Mississippi, March 31, 2016--- So.3d ----2016 WL 1255745
46. *Ballard v. Burton*, United States Court of Appeals, Fifth Circuit. March 24, 2006, 444 F.3d 391
47. *Hartford Underwriters Ins. Co. v. Foundation Health Services Inc.*, United States Court of Appeals, Fifth Circuit. April 9, 2008, 524 F.3d 588