

## Jim W. Phillips, Jr.

Partner



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### OFFICE

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A trusted advocate and accomplished litigator, Jim Phillips advises and represents businesses, business people and professionals in litigation and other disputes with third parties and the government. He is frequently called upon to take the lead in disputes in the public eye.

## MY PRACTICE

### SUMMARY OF EXPERIENCE

Jim Phillips is frequently called upon by businesses, professional firms, educational institutions, individuals, and municipalities to represent them when complex legal and regulatory issues arise. Frequently these matters lead to litigation, and for many years, Jim's advocacy skills have been recognized by his peers. He has been voted as one of North Carolina's "Top 100" lawyers, and is recognized regularly for Business Litigation in [North Carolina Super Lawyers](#). He is listed in [The Best Lawyers in America®](#), recognized in *Business North Carolina's* ["Legal Elite"](#) in Litigation, listed in [Chambers USA: America's Leading](#)

### PRACTICE AREAS

Administrative and Regulatory  
Compliance & Internal Investigations  
Government Relations & Public Policy  
Health Care  
Land Use & Zoning  
Litigation  
› Complex Business Litigation  
› Federal Litigation  
› IP Litigation  
› North Carolina Business Court  
› Professional Liability Litigation

### INDUSTRIES

Accounting & Professional Services  
Banking, Investment & Financial  
Services  
Health Care  
Insurance  
Manufacturing  
Technology

### EDUCATION

Wake Forest University School of Law  
J.D., 1984, *magna cum laude*; Editor-in-Chief, *Wake Forest Law Review*, 1983-84  
University of North Carolina at Chapel Hill  
B.A., 1979, Student Body President;  
Order of the Golden Fleece

### BAR & COURT ADMISSIONS

North Carolina  
US Supreme Court  
US Court of Appeals  
4th Circuit  
US District Court - North Carolina  
Western District  
Middle District  
Eastern District

[Lawyers for Business](#), and recognized as a litigation star in [Benchmark Litigation](#).

Jim is known for his effective advocacy in the courtroom, and has litigated complex business matters in federal and state courts in North Carolina and across the United States. He has led the defense of significant claims for violations of the federal and state securities laws, and has litigated numerous intellectual property and trade secrets cases, many of which involved preliminary hearings seeking injunctive relief. In addition, Jim has litigated cases involving contracts, real property, employment issues, tax issues, defamation, construction issues and a variety of business torts.

Recently, Jim has represented the Office of the Governor of North Carolina in a series of high-profile lawsuits challenging legislation passed by the North Carolina General Assembly. Those cases, grounded in the separation of powers provision of the North Carolina Constitution, challenged laws revamping the State Board of Elections, embedding political hires of the previous Governor in state government, requiring confirmation of the Governor's cabinet appointments, reducing the Governor's ability to appoint judges, and undermining the Governor's authority over the state budget.

For several years during the 1990s, Jim served as Legislative Counsel to the Honorable Jim Hunt, Governor of North Carolina. Jim currently serves on the Board of Trustees of Blue Cross Blue Shield of North Carolina. He previously served on the boards of BEST NC and the James B. Hunt Institute for Educational Leadership and Policy. Jim has chaired the Administration of Justice Committee of the N.C. Bar Association. Jim also served on the University of North Carolina Board of Governors, chairing the Board from 2006 through 2008.

## COMPLEX BUSINESS AND CORPORATE LITIGATION

Jim has significant complex business litigation experience, both in North Carolina and in venues throughout the nation. He has represented clients in matters involving intellectual property, federal securities law, contracts, real property, state insurance regulation, defamation claims, First Amendment rights, construction issues, tax matters, employment matters, and other sophisticated commercial controversies. By way of example, Jim has:

Obtained a judgment declaring that a gypsum board manufacturer was entitled to contract damages in excess of \$80 million from its supplier, a national electric utility company.

Defended the three major U.S. tobacco companies against claims brought by the States of Maryland and Pennsylvania. The North Carolina Supreme Court ruled that no monies were owed and dismissed the States' claims.

Obtained a judgment for a significant operator of adult care homes in North Carolina which was affirmed on appeal exempting that operator from the legislatively mandated moratoriums on the certification of need obligations and operation of new adult care homes in the state. Later, Jim argued and won a challenge by a competitor of that adult care home business contending that all new homes required a Certificate of Need issued by the State.

Successfully represented a major U.S. tobacco company in a multi-year litigation matter asserting breach of contract and unfair competition claims in the North Carolina Business Court.

Represented a large restaurant franchisee asserting claims against one of the largest banks in the country for substantially overcharging in connection with equipment leases. The matter was resolved satisfactorily.

## PROFESSIONAL LIABILITY LITIGATION

Jim is regularly engaged to defend national and regional accounting firms, law firms, and other businesses against claims alleging professional negligence or violations of securities laws. He has appeared in state and federal courts in North Carolina and other Southeastern states on related matters.

For example, Jim:

Successfully defended a national insurance agency against claims arising under Delaware law for breach of contract and breach of fiduciary duty. Four of the five claims against the agency were dismissed, and the matter was resolved shortly thereafter.

Defended a major North Carolina law firm against securities fraud claims in federal court in South Carolina. The matter was resolved satisfactorily.

Defended a national accounting firm against malpractice claims asserted by its client. After two weeks of trial, the case was settled on favorable terms.

Defended another national accounting firm against claims asserted by a trustee in bankruptcy. The matter was resolved satisfactorily.

Defended the president of a Florida-based insurance agency and its parent company against claims for wrongful interference with contract and other claims in Michigan State Court. Obtained a dismissal of all claims.

## CONSTITUTIONAL LAW AND BALANCE OF POWER ISSUES

In the last several years, Jim has represented a number of cities, school boards, and public bodies across North Carolina who have challenged legislation restricting or taking their authority. Jim has:

Successfully represented the Governor of North Carolina in his challenge to the constitutionality of laws reducing or restricting the Governor's authority.

Successfully challenged the constitutionality of an act of the North Carolina General Assembly moving control of Charlotte Douglas International Airport from the City of Charlotte to an independent commission.

Obtained a preliminary injunction on behalf of two of North Carolina's largest school systems, enjoining application of two recently passed laws retroactively abolishing tenure for public school teachers and requiring the school systems to contract with teachers in exchange for the teacher's relinquishment of their tenure rights.

Jim continues to represent municipalities, school boards, or other public institutions in matters relating to the balance of power and constitutional law issues. He recently represented the City of Greensboro and obtained a preliminary injunction halting implementation of fundamental changes to Greensboro's form of governance.

## INTELLECTUAL PROPERTY AND TRADE SECRET LITIGATION

### Excerpt from [Chambers USA 2015](#):

**Jim Phillips is held in high esteem by peers for his work on a variety of intellectual property, contract and general business disputes. He is particularly praised for his knowledge of individual businesses, with one source commenting:** *"The ability to act quickly and effectively was a direct result of the time Jim has spent getting to know and understand our business and developing a relationship of trust with management."*

Jim has litigated numerous intellectual property and trade secrets cases, many seeking immediate preliminary injunctive relief. He recently represented a major tobacco company asserting unfair competition claims and breach of contract in the North Carolina Business Court. That matter settled favorably while the trial date was pending.

## ADMINISTRATIVE PROCEEDINGS

Because of his background in state government, Jim has the ability to design and implement strategies directed at regulators which frequently lead to positive results for clients.

In addition to his trial practice, Jim regularly appears on behalf of clients in the telecommunications, retail, hospitality, healthcare, and financial services industries in administrative proceedings. He represents clients in hearings before the

North Carolina Utilities Commission, the North Carolina Property Tax Commission, the North Carolina Tax Review Board, and the North Carolina Board of Elections, as well as in a number of proceedings before the Office of Administrative Hearings.

## HONORS

Selected by his peers for inclusion in [\*The Best Lawyers in America\*](#)® in Bet-the-Company Litigation (2018-2021), Commercial Litigation, Litigation - Intellectual Property, and Litigation - Securities (Greensboro "Lawyer of the Year" 2018) (2006-2021)

Recognized in [\*North Carolina Super Lawyers\*](#) (Thomson Reuters) in Business Litigation (2006-2021); Top 100 (2007-2009, 2019-2021)

Recognized in *Business North Carolina* as one of their 2018 "Power 100"

Recognized in [\*Super Lawyers Business Edition\*](#) in Business Litigation (2015)

Recognized by his peers for inclusion in *Business North Carolina's "Legal Elite"* in Litigation (2005-2006, 2008-2010, 2015-2016, and 2019-2020); Appellate (2018)

Recognized by [\*Chambers USA: America's Leading Lawyers for Business\*](#) for Litigation: General Commercial (2004-2020), and Litigation (2004)

Recognized by [\*Benchmark Litigation\*](#) as a "Litigation Star" in General Commercial Litigation and Intellectual Property (2015-2021)

## COMMUNITY INVOLVEMENT

At-Large Member, Public School Forum of North Carolina (2017-present)

Board Chair (2006-2008); Member (1997-2009), Board of Governors, University of North Carolina

Trustee, Blue Cross Blue Shield of North Carolina (2011-present)

Director, James B. Hunt Institute for Educational Leadership and Policy (2010-2018)

Chair, Administration of Justice Committee, North Carolina Bar Association (2015-2016)

Chair, Greensboro Economic Development Alliance (2010-2014)

Jim Phillips Named to Business North Carolina's Power 100 List, February 2, 2018

Brooks Pierce Partner Named At-Large Member of Public School Forum of North Carolina, June 23, 2017

Brooks Pierce Attorneys, Practice Areas Earn Top Rankings from Chambers USA, May 26, 2017

Eighteen Brooks Pierce Attorneys to Speak at the 2016 Festival of Legal Learning, February 2, 2016

Henry Frye and Jim Phillips named among the Triad's Most Influential People, November 11, 2015

Greensboro Prevails in Challenge to City Council Redistricting Legislation, Jim Phillips Leads Brooks Pierce Team, July 25, 2015

Henry Frye and Jim Phillips Named to Triad's Most Influential People List, November 24, 2014

Jim W. Phillips Jr. is Focus of 2008 North Carolina Super Lawyers Feature Story, January 29, 2008

SPEAKING ENGAGEMENTS

Jim Phillips Presents "Credible Persuasion", November 13, 2009