



LUTHER T. MUNFORD

Of Counsel

Jackson Office

(601) 985-4418

luther.munford@butlersnow.com

Luther is a member of the firm's Appellate and Written Advocacy Group and concentrates his practice on appellate matters, media law, constitutional law, professional liability and product liability defense.

PRACTICE AREAS AND INDUSTRY TEAMS

- Appellate and Written Advocacy
- Professional Liability
- Drug and Device Litigation
- Pharmaceutical, Medical Device and Healthcare Industry Team
- Entertainment and Media Industry Team

EXPERIENCE

- *Epperson v. Southbank*, 93 So.3d 10 (Miss. 2012) (reversed Court of Appeals on certiorari and upheld client's ability to restrict certificate of deposit withdrawals).
- *Pascagoula School District v. Tucker*, 91 So.3d 598 (Miss. 2012) (reversed chancellor and upheld client's state constitutional right to certain ad valorem tax revenues).
- *McDonald v. Raycom TV Broadcasting, Inc.*, 665 F.Supp. 2d 688 (S.D. Miss. 2009) (summary judgment granted to television client in defamation action).
- *Poliner v. Texas Health Systems*, 537 F.3d 475 (5th Cir. 2008) (amicus brief for hospitals; hospital immunity under HCQIA enforced).
- *Travelers Cas. & Sur. Co. v. Ernst & Young, LLP*, 542 F.3d 475 (5th Cir. 2008) (represented plaintiff in accountant malpractice suit: \$14 million judgment affirmed).
- *Baker Donelson Bearman & Caldwell, P.C. v. Muirhead*, 920 So. 2d 440 (Miss. 2006), (reversed million dollar judgment and held client lawyer's handling of bad faith suit was not malpractice).
- *Tanks v. Lockheed Martin Co.*, 417 F.3d 456 (5th Cir. 2005) (reversed district court and enforced workers' compensation immunity in plant shooting suit against client).
- *Titan Insurance Co. v. Hood*, 895 So. 2d 138 (Miss. 2004), (enforced forum selection clause and reversed \$75 million judgment against client).

- *Lipscomb v. Columbus Municipal Separate School District*, 277 F.3d 1375 (5th Cir. 2001) (court upheld Contracts Clause protection for 19th century school lands leases held by clients).
- *Dimmitt Chevrolet, Inc. v. Southeastern Fidelity Ins. Corp.*, 636So.2d 700, 705 (Fla. 1993), (successful amicus brief for London insurers on construction of “pollution exclusion” construction of “pollution exclusion” clause).
- *Eimann v. Soldier of Fortune*, 880 F.2d 830 (5th Cir. 1989), (amicus brief for American Newspaper Publishers’ Ass’n in support of successful appeal challenging negligence award against magazine publisher).
- *Department of Banking and Consumer Finance v. Clarke*, 809 F.2d 266 (5th Cir. 1987), cert. denied 107 S. Ct. 3240 (1987), (interpreted federal branch banking law in favor of client).
- *Affholder v. Southern Rock, Inc.*, 746 F.2d 305 (5th Cir. 1984), (state appeal penalty inapplicable in federal court), followed in *Burlington Northern Railroad Co. v. Woods*, 400 U.S. 1, 107 S.Ct. 967 (1987) (Affholder “persuasive”).
- *Blake v. Gannett Co.*, 529 So.2d 595 (Miss. 1988), (summary judgment for client in newspaper libel case).

BAR ADMISSIONS

- Mississippi, 1976
- U.S. District Court
 - Mississippi: Northern, Southern
- U.S. Court of Appeals
 - 5th Circuit
- U.S. Supreme Court

DISTINCTIONS

- *Martindale-Hubbell*[®]
 - AV[®]- Preeminent[™] Peer Review Rated, 1994-2017
- *Chambers USA: America’s Leading Lawyers for Business*
 - Litigation: Appellate–Mississippi, 2014-2020
- *Best Lawyers in America*[®]
 - Lawyer of the Year, Appellate Practice, 2010, 2014
 - Lawyer of the Year, Litigation - Intellectual Property, 2016
 - Lawyer of the Year, Litigation - First Amendment, 2013
 - Appellate Practice, 2007-2021
 - Bet-the-Company Litigation, 2010-2021
 - Commercial Litigation, 2007-2020
 - First Amendment Law, 1991-2021
 - Litigation–First Amendment, 2011-2021

- Litigation–Intellectual Property, 2011-2021
- Litigation and Controversy-Tax, 2011-2021
- Media Law, 2011-2021
- *Super Lawyers*®
 - Mid-South Super Lawyers, Appellate, 2006-2020
 - Top 50: Mississippi Super Lawyers, 2006-2008, 2011-2016
- Advisory Committee on Appellate Rules to the Judicial Conference of the United States, 1992-1998
- Lawyers' Advisory Committee to the United States Court of Appeals for the 5th Circuit, 1990-2002
- Chair, Alumni Council of Princeton University, 1995-1997
- Associate Professor, Mississippi College School of Law, 1986-1989

ASSOCIATIONS

- Mississippi Bar Association
- American Bar Association
- American Academy of Appellate Lawyers
 - Past President
 - *The Appellate Advocate*, 2009-2013
 - Editor
- Mississippi Code of Judicial Conduct Study Committee
 - Chair, 2009-2010
- Princeton University Alumni Association
 - Chair, 1995-1997

EDUCATION & HONORS

- University of Virginia, J.D., 1976
 - Editorial Board, *University of Virginia Law Review*
- Oxford University, B.A., Political Science and Economics, *first class*, 1973
- Princeton University, A.B., 1971
- Clerkship, Honorable Paul H. Roney, U.S. Court of Appeals, 5th Circuit
- Clerkship, Honorable Harry A. Blackmun, U.S. Supreme Court

PAPERS, PRESENTATIONS AND PUBLICATIONS

- Author, "Letter to a Young Media Lawyer," *MLRC MediaLawLetter*, November 2020.
- Presenter, "Hot Issues in Ethics for Media Lawyers," MLRC Media Law Conference 2020, September 2020.
- Co-Author, "Product Liability & Safety USA Trends and Developments," *2020 Chambers Global Practice Guide*, July 2020.
- Co-Author, "Discoverability of Third-Party Litigation Financing," *Pro Te: Solutio*, Vol. 13, No. 2, June 2020.

- Co-Author, “510(k) Evidence: A View of the Universe Outside of Pelvic Mesh,” *Pro Te: Solutio*, Vol. 13 No. 1, April 2020.
- Co-Author, “Product Liability & Safety USA Trends and Developments,” *2019 Chambers Global Practice Guide*, July 2019.
- Author, “No Way Around It: The Need for Federal “Permission and Assistance” Can Preempt a State Tort Duty,” *Pro Te: Solutio*, Vol. 12 No. 2, June 2019.
- Speaker, “Some (Previously) Unwritten Admonitions Concerning Appellate Advocacy,” Massachusetts Defense Lawyers 2019 Annual Meeting and Spring Seminar, Boston, Mass., May 31, 2019.
- Speaker, “Establishing Jurisdiction in Appellate Courts,” University of Mississippi Center for Continuing Legal Education, Ridgeland, Miss., October 26, 2018.
- Author, “Protecting Reasonable Physician Choice in Medical Product Cases,” *Pro Te: Solutio*, Vol. 11 No. 2, September 2018.
- Author, “Next Decade To-Do: Enforce Preemption for Class II Devices with Special Controls,” *Pro Te: Solutio*, Vol. 11 No. 1, July 2018.
- Author, “Litigation As a Tort: A Short Exercise With Consequences,” *The Green Bag: An Entertaining Journal of Law*, Autumn 2017.
- Instructor, “Legal Ethics,” Yale School of Law, Media Freedom and Information Access Clinic, November 9, 2017.
- Speaker, “Clerking for the U.S. Supreme Court and Success in Appellate Practice,” Mississippi Appellate Judges Conference, Inn at Ole Miss, Oxford, Miss., March 17, 2017.
- Author, “A Judge Looks to the Internet for Drug Information” *Pro Te: Solutio*, Vol. 8 No. 3, December 2015.
- Co-Author, “Classification When ‘Equivalence’ Means ‘Safety,’” *Pro Te: Solutio*, Vol. 8, No. 2, October 2015.
- Co-Author, “The Door to Open Government in Mississippi,” *Tapping Officials’ Secrets* (Reporters Committee for Freedom of the Press, 2015).
- Co-Author, “Survey of Mississippi Privacy and Related Claims Against the Media” *50-State Survey: Media Privacy and Related Law 2014-2015* (Media Law Resource Center).
- *Mississippi Appellate Practice* (MLI Press 2010).
- Author, “The Peacemaker Test: Application and Comparison,” 80 *Miss. L. J.* 639 (2010).
- Author, “The Peacemaker Test: Designing Legal Rights to Reduce Legal Warfare,” 12 *Harv. Neg. L. Rev.* 377 (2007), selected for the 2008 *Green Bag Almanac*.