



MICHAEL C. MCCABE, JR.

Gulfport Office

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Michael focuses his practice on business litigation, including business torts, real estate disputes and employment matters. He is AV-rated by Martindale-Hubbell® and has been recognized by Best Lawyers in America® and Super Lawyers® in the field of business litigation. Michael has held leadership positions in numerous civic and professional organizations. Michael currently serves on the Ethics Committee of the Mississippi Bar and the Multistate Essay Examination/Multistate Performance Test Committee of the National Conference of Bar Examiners. In 2018, the Mississippi Supreme Court appointed him to a second term on the Mississippi Board of Bar Admissions.

PRACTICE AREAS AND INDUSTRY TEAMS

- Commercial Litigation
- Real Estate Development and Finance
- Employment Litigation
- Public Utilities
- Insurance
- Gaming

EXPERIENCE

- General representation of casino resort operator, including matters of employment, contracts, real estate and litigation.
- Extensive experience in the prosecution of and defense against non-compete, non-solicitation and trade secret claims. Michael has successfully defended multiple casino operators and C-level executives against allegations of theft and/or misuse of competitors' proprietary customer information.
- Counsel for casino operator in high stakes real estate litigation seeking the enforcement of a commercial ground lease for property where gaming operations were conducted.
- Counsel for indenture trustee in litigation relating to financing and insurance for casino resort following Hurricane Katrina.
- Defended owner of frac sand processing facility and its affiliates in federal court lawsuit filed by 12 residential homeowners asserting claims for negligence and trespass relating to alleged increased flooding and structural damage resulting from the facility's construction, nuisance relating to facility operations, and declaratory relief relating to

restrictive covenants against the development of real property acquired with FEMA HMGP funds.

- Counsel for multiple water and wastewater public utility companies and regulatory agencies involving challenges to rate structures and litigation involving allegations of breach of contract/express warranty in sale of public utility, condemnation of a public utility and constitutional issues relating to disputed well permits and invasion of public utility's certificated area. *See, e.g., Dedeaux Utility Co., Inc. V. City of Gulfport* 63 So. 3d 514 (Miss. 2011).
- Counsel for limited liability company in multi-million-dollar litigation initiated by member/developer directly against LLC and other member arising from failed real estate development project on Mississippi Gulf Coast.
- Defense counsel in over 200 Hurricane Katrina first party, extra-contractual insurance lawsuits. Trial counsel for major insurance company in two Hurricane Katrina insurance trials resulting in directed verdicts for defendants - responsible for all expert witness issues at trial.

BAR ADMISSIONS

- Mississippi, 2004
- U.S. District Courts
 - Mississippi: Northern, Southern
- U.S. Court of Appeals
 - 5th Circuit

DISTINCTIONS

- *Martindale-Hubbell*®
 - AV®-Preeminent™ Peer Review Rated, 2011-Present
- *Best Lawyers in America*®
 - Commercial Litigation, 2021
- *Super Lawyers*®
 - Mid-South Super Lawyers, Business Litigation, 2013-2017
 - Mid-South Rising Stars, 2010-2012
- Mississippi Board of Bar Admissions
 - Board Member, 2015-2018, 2018-2021
 - Member, Committee on Character and Fitness, 2013-2015
- Leadership Mississippi, Class of 2013
- Member, Multistate Essay Examination/Multistate Performance Test Committee, National Conference of Bar Examiners

ASSOCIATIONS

- American Bar Association
- International Association of Defense Counsel (IADC)
- Mississippi Bar
 - Ethics Committee, 2019-2022
 - Young Lawyers Division
 - Disaster Legal Assistance Committee
 - Chair, 2015-2016
 - Member, 2015-2016
 - Unauthorized Practice of Law Committee
 - Member, 2010-2013
 - Chair, 2011-2012
 - Chair, 2012-2013
- Harrison County Bar Association
- Harrison County Young Lawyers

EDUCATION & HONORS

- University of Mississippi, J.D., 2004
 - Moot Court Board
 - Law School Student Body Senator
- Mississippi State University, B.B.A., Business Administration, *magna cum laude*, 2001
- Clerk, Chief United States Magistrate Judge John M. Roper, Sr., 2004-2005

PAPERS, PRESENTATIONS AND PUBLICATIONS

- Lecturer, “Lawyers as Officers of the Court: Preserving the Integrity of the Judicial Process” – The Young Lawyers Division of the Mississippi Bar, Bridge the Gap: Rule 3 – New Lawyer Program, June 1, 2017, Gulfport, Mississippi.
- Author, “Substantial Justice in the Valuation of Public Utility Companies,” *Law360.com*, August 2012.
- Contributor, “Evidentiary Issues in Trucking Litigation,” *The MDLA Quarterly*, Vol. 36, No. 2, pgs. 12-19, Summer 2012.
- Author, “Substantial Justice in Eminent Domain Proceedings: The New Date of Valuation for Privately-Owned, Public Utility Companies,” *Mississippi Bar, Litigation Section E-Newsletter*, Vol. 2, Issue 1, pgs. 12-18, May 2012.
- Author, “Substantial Justice in the Valuation of Public Utility Companies,” *Mississippi Bar, Litigation Section E-Newsletter*, Vol. 2, Issue 1, pgs. 12-18, May 2012.
- Contributor, “Identifying Common Evidentiary Issues in Trucking Litigation,” ABA – The BRIEF (Tort Trial & Insurance Practice Section) Fall 2011, Vol. 41, No.1.

CIVIC INVOLVEMENT

- Lynn Meadows Discovery Center
 - Board of Directors
 - Chair, 2017-2018
 - Vice Chair, 2015-2016