

PHILLIP S. SYKES

Co-Chair, Associates Review Committee

Jackson Office

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“He is an effective negotiator and effectively uses relationships to obtain optimal results for clients. He has early recognition of cases for trial settings and/or settlement, sees the big picture and creates strategies for the future to protect the client.”

*Patricia Bligh
Chubb & Son Inc.*

PRACTICE AREAS AND INDUSTRY TEAMS

- Commercial Litigation
- Professional Liability
- Business Torts and Unfair Competition
- Tort, Transportation and Specialized Litigation
- Environmental Litigation
- Products, Catastrophic & Industrial Litigation
- Class Actions

EXPERIENCE

- Currently defending community-wide, groundwater contamination cases related to two different sites. Each site generated dozens of plaintiffs and multiple lawsuits, including litigation brought by the Attorney General suing on behalf of the State.
- Experienced mediator and arbitrator.
- Served as national coordinating counsel for target benzene defendant, supervising local counsel, developing trial strategy and leading trial team.
- Secured dismissal of competitor's claim of theft of trade secrets, and subsequently obtained \$147 million settlement for clients' counter-claim against that competitor.
- Exposed conspiracy between two former mid-level managers during evidentiary hearing before Mississippi federal judge to take 90 employees to client's competitor and use client's confidential information from bi-annual bid to its largest customer. In evidentiary hearing in parallel lawsuit in Louisiana federal court, exposed same facts resulting in consolidation with first-filed Mississippi action. Thereafter, resolved on very favorable terms.
- Successfully represented law firm client in its internal investigation of former partner's embezzlement and parallel actions under fidelity bond; Bar complaint; civil litigation; and criminal subpoena.

- Compelled arbitration of lawsuit filed in federal district court by former president of \$100 million subsidiary of a publicly traded company. After the close of discovery involving production of thousands of documents and multiple depositions, obtained summary judgment on all of plaintiff's remaining claims and thereafter defeated plaintiff's motion to vacate the arbitration award before the district court (2012 WL 718876) and his subsequent appeal to the Fifth Circuit Court of Appeals (514 Fed. Appx. 430; 2013 WL 632245).
- Successfully contested, appealed and reduced OSHA citations for two willful, general duty clause violations stemming from pipeline explosion causing fatalities and serious bodily injuries to two "other than serious" citations.
- Dismissed wrongful death claim for nuisance value for juvenile killed in collision on ATV with tractor trailer, after intervening in estate action, removing administrator who filed suit, and negotiating dismissal and release with successor administrator for cost of her expenses.
- Successfully defended national wireless telephone company, its subsidiary, and former officers of subsidiary for claims related to the subsidiary's initial public offering in one trial, two arbitrations and an appeal to the Mississippi Supreme Court (*Sullivan v. Mounger*, 882 So. 2d 129).
- Successfully tried lawsuit by former partner relating to dissolution of an accounting firm, including appeal to the Mississippi Supreme Court (*Koury v. Ready*, 911 So. 2d 441).
- Prosecuted successful claim by minority shareholders for value of stock in corporate transaction, and, on appeal, persuaded the Mississippi Supreme Court to affirm the trial court's verdict (*Richton Bank & Trust Co.*, 798 So. 2d. 1268).
- Defended international law firm for advice to company's board of directors relating to a corporate merger and achieved an advantageous settlement for client.
- Favorably resolved litigation against the former directors and majority shareholders of international closely held telecom company in adversary proceeding brought by bankruptcy Trustee.
- Former auditor, KPMG

BAR ADMISSIONS

- Mississippi, 1995
- U.S. District Courts
 - Mississippi: Northern, Southern
- U.S. Court of Appeals
 - 5th Circuit

DISTINCTIONS

- Certified Public Accountant
- *Chambers USA: America's Leading Lawyers for Business*
 - Litigation – General Litigation – Mississippi, 2010-2020

- *Best Lawyers in America*®
 - Bet-the-Company Litigation, 2019-2021
 - Commercial Litigation, 2010-2021
 - Corporate Governance Law, 2013-2021
 - Mass Tort Litigation/Class Actions – Defendants, 2012-2021
 - Personal Injury Litigation – Defendants, 2012-2021
 - Product Liability Litigation – Defendants, 2012-2021
 - Professional Malpractice Law – Defendants, 2011-2021
 - Litigation – Land Use & Zoning, 2011-2021
 - Litigation – Real Estate, 2011-2021
 - Litigation – Securities, 2011-2021
 - Litigation & Controversy – Tax, 2011-2021
 - Litigation – Real Estate: Lawyer of the Year – Jackson, MS, 2015, 2019
 - Litigation – Securities: Lawyer of the Year - Jackson, MS, 2017
 - Corporate Governance Law: Lawyer of the Year – Jackson, MS, 2016, 2021
 - Litigation - Land Use and Zoning: Lawyer of the Year – Jackson, MS, 2013
- *Martindale Hubbell*®
 - A®- Preeminent™ Peer Review Rated, 2007-2019
- *Super Lawyers*®
 - Mid-South Super Lawyers, Business Litigation, 2009-2020
 - Top 50: Mississippi Super Lawyers, 2014-2020
- Former Auditor, KPMG (Jackson, MS)
- Graduate, Leadership Jackson

ASSOCIATIONS

- American Bar Association
- Mississippi Bar
- American Institute of Certified Public Accountants
- Mississippi Society of Certified Public Accountants
- Defense Research Institute
- International Association of Defense Counsel (IADC)
 - Business Litigation Committee
 - Chair, 2019-2021
 - Webinars
 - Vice Chair, 2018-2019
 - Programs and Projects
 - Vice Chair, 2016-2017
 - Membership
 - Vice Chair, 2014-2016
 - Class Actions and Multi-Party Litigation Committee
 - Membership
 - Vice Chair, 2016-2017
- CLE Committee
 - 2016 Midyear Meeting
- Audit Committee, 2017-Present

EDUCATION & HONORS

- University of Mississippi, J.D., *magna cum laude*, 1995
 - Business Manager, *Mississippi Law Journal*
 - Phi Delta Phi
- Mississippi State University, B.P.A., Professional Accountancy, *magna cum laude*, 1990

PAPERS, PRESENTATIONS AND PUBLICATIONS

- Co-Author, "Which Came First, the Standard or the Suit," IADC, *Toxic and Hazardous Substances Litigation Committee Newsletter*, April 2020.
- Co-Author, "Does Spoliation Spoil a Product Liability Claim? Analyzing and Defending Product Liability Claims of the Product-less Claimant," IADC, *Product Liability Committee Newsletter*, December 2017.
- Presenter, "Daimler v. Bauman: Are You Defending Lawsuits Where You Don't Belong?," IADC Midyear Meeting, 2016.
- Co-Author, "Are You Defending Clients Where They Don't Belong? Corporate Defendants' New Potent Defense Is Personal (Jurisdiction, That Is)," 82 IADC Defense Counsel Journal 282, 2015.
- Co-Author, "It's Personal: The Supreme Court Equips Corporate Defendants With A Potent Defense From an Almost-Forgotten Friend," *Pro Te: Solutio*, Vol. 7, No. 4, December 2014.
- Seminar Co-Chair, Network of Trial Law Firms, "Litigation Management in a New York Minute," New York, NY, 2011-2014.
- Seminar Co-Chair, Network of Trial Law Firms, Semi-Annual Meetings, 2011-2014.
- Presenter, "Information is Power: Defending Mass Environmental Claims," IADC Annual Meeting, 2013.
- Presenter, "Information is Power," The Network of Trial Law Firms, Napa, CA and New York, NY.
- Presenter, "Mississippi's Reversal of Fortune: Return from Judicial Hellhole," The Network of Trial Law Firms, New York, NY and Scottsdale, AZ.
- Presenter, "Managing Legal Liability in an Audit," Central Mississippi Chapter of the Mississippi Society of Certified Public Accountants, Jackson, MS.
- Presenter, "Free Speech or Sanctions," Network of Trial Law Firms, Phoenix, AZ.
- Author, "Intentional Torts - Alienation of Affections - An Inference of Defendant's Intentional Interference in Plaintiff's Marital Relations Is Sufficient to Prove Alienation," 63 Miss. L.J. 249.

CIVIC INVOLVEMENT

- Goodwill Industries of Mississippi
 - Board of Directors
 - Former Member
- Friends of Children's Hospital
 - Board of Directors
 - Former Member
- Leukemia and Lymphoma Society
 - Fundraiser and Marathon Runner
- Team Continuum
 - Fundraiser and Marathon Runner