



Phillip T. Jackson
PARTNER

Phillip Jackson is a Fellow of the American College of Trial Lawyers and has 20+ years of extensive experience in complex litigation matters representing doctors, hospitals and other health care facilities in medical malpractice law. He also represents companies and individuals in appellate law, commercial and business litigation, insurance defense and products liability law.

Phillip began his career in private practice in Hendersonville and then became an Assistant Attorney General for the North Carolina Department of Justice where he was responsible for defending state departments, agencies and employees in a wide array of civil matters.

He has represented clients before the North Carolina Superior Court Division, the North Carolina Court of Appeals, the North Carolina Supreme Court, the United States Federal District Court in the Western and Middle Districts of North Carolina and the United States Fourth Circuit Court of Appeals.

Phillip, formerly a partner with Dameron Burgin Law Firm in Marion, North Carolina, is originally from Hendersonville, North Carolina. He has been an active member of the North Carolina Bar Association since 1994 and formerly served as a member of the Litigation Council and Co-Chair of the Litigation Council Legislative Committee. He has also been an active member of the North Carolina Association of Defense Attorneys, where he has served as Chair of the Medical Malpractice Practice Group and is a past member of the Board of Directors. Phillip is also a member of the American Bar Association, the Defense Research Institute, and the North Carolina Chapter of the American Society for Healthcare Risk Management.

EDUCATION

North Carolina State University, BA, *cum laude*, 1991

University of North Carolina at Chapel Hill, JD, 1994

Holderness Moot Court, National Moot Court Team, Order of Barristers

PRACTICES & INDUSTRIES

Appellate Law

Business, Banking, Contract & Corporate Law

Health Law

Insurance Defense

Medical Malpractice

Products Liability

Professional Liability

BAR & COURT ADMISSIONS

North Carolina State Bar

North Carolina Superior Court

North Carolina Court of Appeals

North Carolina Supreme Court

U.S. District Court, North Carolina, Western and Middle Districts

U.S. Court of Appeals, Fourth Circuit

EXPERIENCE

- Medical malpractice defense on behalf of hospitals, physicians, and nursing homes
- Commercial litigation and business torts, including breach of contract, fraud, unfair and deceptive trade practices, misappropriation of trade secrets, breach of noncompete agreements, tortious interference with contractual or business relationships, breach of fiduciary duty, and veil piercing
- Defense of personal injury, products liability, and wrongful death litigation
- Healthcare litigation, including representation of hospitals and professional licensees before regulatory agencies
- Real property litigation, trespass, nuisance, adverse possession, quiet title actions, and easement disputes
- Appellate litigation, including extensive practice before the North Carolina Supreme Court and North Carolina Court of Appeals

PROFESSIONAL

- Defense Research Institute
- North Carolina Association of Defense Attorneys, past Chair of the Medical Malpractice Practice Group; Board of Directors, past member
- North Carolina Bar Association, past Litigation Council; past Co-Chair of the Litigation Council Legislative Committee; past member of the Medico-Legal Liaison Committee
- North Carolina Chapter of the American Society for Healthcare Risk Management

AWARDS AND ACCOLADES

- Fellow, American College of Trial Lawyers
- AV Preeminent Peer Review Rated by Martindale-Hubbell
- *The Best Lawyers in America*, 2017 Asheville Lawyer of the Year for Medical Malpractice Law-Defendants and 2021 Asheville Lawyer of the Year for Litigation-Insurance; Appellate Practice, 2016-present; Commercial Litigation, 2015-present; Litigation-Health Care, 2016-present; Litigation-Insurance, 2014-present; Medical Malpractice Law-Defendants, 2015-present
- *North Carolina Super Lawyers: Personal Injury Medical Malpractice: Defense*, 2019-present

ACCOMPLISHMENTS

- Obtained judgment in favor of a hospital in an alleged negligent release of a patient undergoing a mental health evaluation, trial court decision was affirmed by N.C. Court of Appeals. *McArdle v. Mission Hospital, Inc.*, 807 S.E.2d 150 (2017).
- Obtained a defense jury verdict for hospital following a 6 week trial where hospital was alleged to have improperly treated sepsis requiring the patient to undergo multiple amputations.
- Obtained a defense jury verdict for hospital following a 7 week trial where hospital was alleged to have negligently credentialed a neurosurgeon.
- Successfully represented hospital before N.C. Court of Appeals regarding the confidential nature of a medical staff credentialing file. *Estate of Ray v. Forgy*, 783 S.E.2d 1 (2016).
- Obtained a defense verdict for hospital in an alleged medical malpractice case involving the death of a patient. The jury verdict in favor of hospital was returned after approximately six weeks of trial.
- Obtained a jury verdict on behalf of a non-profit healthcare organization client securing a million dollar bequest to the client. The jury verdict was returned after a five week will contest trial.

- Obtained a defense directed verdict for a spine surgeon accused of negligence following complications from a spine fusion operation.
- Obtained summary judgment for a hospital in a case alleging negligence in the failure to treat an ischemic stroke with rt-PA.
- Obtained defense jury verdict for obstetrician accused of negligence in emergency delivery of twins.
- Obtained summary judgment for hospital in case alleging negligence in treating necrotizing fasciitis.
- Obtained summary judgment for hospital in case alleging negligence in establishing code status of patient.
- Obtained defense jury verdict for obstetrician accused of negligence.
- Obtained summary judgment for hospital in case where hospital alleged to have negligently credentialed and supervised physician.
- Obtained defense jury verdict for internal medicine physician accused of negligence related to the placement of a pacemaker.
- Obtained reversal in Court of Appeals of trial court order declaring a bank account to lack right of survivorship status. *Albert v. Cowart*, 200 N.C. App. 57, 682 S.E.2d 773 (2009).
- In the same case later successfully defended judgment enforcing rights of client in Court of Appeals. *Albert v. Cowart*, N.C. App. , 727 N.C. App. 564 (2012).
- Obtained favorable outcome from North Carolina Court of Appeals affirming judgment in favor of general contractor. *McK Enterprises, LLC v. Levi*, 772 S.E.2d 798 (2012) (unpublished).
- Obtained favorable outcome from North Carolina Court of Appeals in alimony and equitable distribution case. *Bodie v. Bodie*, N.C. App., 727 S.E.2d 11 (2012).
- Obtained favorable outcome from North Carolina Court of Appeals in case affirming summary judgment for hospital client. *Seagle v. Cross*, 680 S.E.2d 901 (2009).
- Obtained favorable outcome from North Carolina Supreme Court in case reversing trial court's evidentiary ruling on scope of cross-examination of state's witness. *State v. Whaley*, 362 N.C. 156, 655 S.E.2d 388 (2008).
- Obtained reversal in Court of Appeals of trial court judgment for \$1,950,000.00 in highway maintenance operations case. *Underwood v. North Carolina Dept. of Transportation*, 179 N.C. App. 227 (2006) (unpublished).
- Obtained favorable outcome from North Carolina Court of Appeals in case affirming jury verdict in favor of obstetrician alleged to have been negligent during a shoulder dystocia. *Suarez v. Wotring*, 155 N.C. App. 20, 573 S.E.2d 746 (2002).