

# ROBERTS & STEVENS

ATTORNEYS AT LAW



PHILLIP T. JACKSON

## PARTNER

Phillip Jackson is a Fellow of the American College of Trial Lawyers and has over 25 years of experience in complex litigation and trial matters representing doctors, hospitals and other health care organizations. He also represents companies and individuals in appellate law, commercial and business litigation, insurance defense and products liability law.

Phillip is a native of Western North Carolina and began his career in the private practice of law in his hometown of Hendersonville. Phillip's practice experience includes serving as 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.

Phillip 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 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.

## EXPERIENCE

- Medical malpractice defense on behalf of hospitals, physicians, and nursing homes
- Commercial litigation and business torts, including breach of contract, fraud, unfair

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## 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

and deceptive trade practices, misappropriation of trade secrets, breach of non-compete 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
- 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

## AWARDS AND ACCOLADES

- Fellow, American College of Trial Lawyers (ACTL). Phillip serves as a member of the State Committee and the Teaching of Trial and Appellate Advocacy Committee for the ACTL. The ACTL is composed of the best of the trial bar from the United States and Canada. Fellowship in the ACTL is extended by invitation only to those experienced trial lawyers of diverse backgrounds who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility, and collegiality.
- AV Preeminent Peer Review Rated by Martindale-Hubbell
- *The Best Lawyers in America*, 2017 and 2022 Asheville Lawyer of the Year for Medical Malpractice Law-Defendants and 2021 and 2025 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

- Defense verdict for hospital related to brain injury to neonate caused by scalp IV extravasation.
- Defense verdict for spine surgeon where plaintiff suffered permanent lower extremity paraplegia after being diagnosed with cauda equina syndrome.
- Defense verdict for emergency room physician where 52-year-old patient died from complications of a pulmonary embolism that he experienced while walking out of the emergency department.
- Successfully established that documents sought by a plaintiff in discovery were protected by the medical review committee privilege contained in N.C. Gen. Stat. 131E-95. *Estate of Ray v. Forgy*, 245 N.C. App. 430 (2016).
- Successfully established that a hospital evaluating a patient for an involuntary commitment proceeding does not owe a duty to third parties harmed by that patient. *McArdle v. Mission Hosp., Inc.*, 804 S.E.2d 214 (2017), review denied, 370 N.C. 380, 807 S.E.2d 150 (2017).
- Successfully established that medical literature published after the treatment date was admissible to challenge the plaintiff's causation theory in an alleged failure to timely treat sepsis case. *Ingram v. Henderson Cty. Hosp. Corp., Inc.*, 815 S.E.2d 719, 722 (2018).

- Successfully had a summary judgment order in favor of an emergency room physician affirmed on the basis that North Carolina did not recognize “loss of chance” as a theory of recovery. *Parkes v. Hermann*, \_\_\_ N.C. App. \_\_\_, 828 S.E.2d 575 (2019).
- Successfully had a trial court order excluding causation testimony offered by plaintiff’s expert witness affirmed on appeal based on Rule 702 of the Rules of Evidence and North Carolina’s application of the Daubert standard. *Wallace v. Maxwell*, \_\_\_ N.C. App. \_\_\_, 838 S.E.2d 696 (2020).
- 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.
- 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).