

DAVID NEIL MCCARTY

David Neil McCarty Law Firm, PLLC www.McCartyAppeals.com
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Licensed to practice law in Mississippi

- Education** **Mississippi College School of Law**, Jackson, Mississippi
J.D., *cum laude*, 2004; *Articles Editor*, Law Review; *Competition Chair*, Moot Court Board
- Mississippi State University**, Starkville, Mississippi
Bachelor of Arts in Political Science, 1999
- Memberships** Mr. McCarty is licensed to practice in all Mississippi state and federal courts, the United States Court of Appeals for the Fifth Circuit, and the United States Supreme Court.
- Significant Civil Appellate Decisions**
- Lone Star Industries v. McGraw***, 90 So.3d 564 (Miss. 2012) (doctrines of election of the remedies, judicial estoppel, and claim splitting did not apply to case with multiple parties) (presented oral argument before the Mississippi Supreme Court).
- Alfonso v. Gulf Pub. Col, Inc.***, 87 So.3d 1055 (Miss. 2012) (summary judgment not proper in intentional interference with contract case, reversing case for trial on the merits)
- Clark Sand Co., Inc. v. Kelly***, 60 So.3d 149 (Miss. 2011) (common law widow had potential standing to file a wrongful death lawsuit on behalf of common-law husband)
- Lampton v. Diaz***, 639 F.3d 223 (5th Cir. 2011) (federal prosecutor did not have prosecutorial immunity for illegally disclosing confidential financial data of ex-Mississippi Supreme Court Justice) (presented oral argument before the Fifth Circuit Court of Appeals)
- Griffin v. Lee***, 621 F.3d 380 (5th Cir. 2010) (district court did not have supplemental jurisdiction over claims of attorney against former client, voiding damages judgment against litigant)
- Delta Housing Development Corp. v. Johnson***, 48 So.3d 573 (Miss. Ct. App. 2010) (landowner's claim for ejectment against company and removal of company's structure from her property affirmed)
- Fields v. City of Clarksdale***, 27 So.3d 464 (Miss. Ct. App. 2010) (firefighter deprived of due process when circuit court failed to allow him time to obtain hearing transcript)
- Significant Criminal Appellate Decisions**
- Quincy Clayton v. State***, 106 So.3d 802 (Miss. 2012) (defendant in murder trial entitled to alternative jury instruction for heat-of-passion)
- Shephard v. State***, 66 So.3d 687 (Miss. Ct. App. 2011) (new trial warranted for criminal defendant when trial court refused to sever case)
- Brown v. State***, 39 So.3d 890 (Miss. 2010) (failure to tender accidental homicide jury instruction warranted reversal of murder conviction)
- Jackson v. State***, 67 So.3d 725 (Miss. 2011) 2010 WL 1239528 (Miss. 2010) (thirty-year old murder conviction could be challenged in trial court)
- U.S. v. Whitfield***, 590 F.3d 325 (5th Cir. 2009) (conviction of former Mississippi judge partially vacated as to federal program bribery conviction)

- Publications** *Love In Vain: The Social Value of Mississippi's Alienation of Affection, the Most Dangerous Tort*, 31 Miss. C.L. Rev. 107 (2012)
- Walk Before They Make Us Run: Republican Party of Minnesota v. White and the Need for Judicial Reform in Mississippi*, 23 Miss. C.L. Rev. 51 (2003)
- "The Fraud of Fraudulent Joinder of Plaintiffs," *Voir Dire*, Fall 2003
- Presentations** "Your Written Legacy," *20th Annual Evelyn Gandy Lecture Series*, 2013
- "Stones in My Passway: 2012 Criminal Law Overview," *Mississippi Association for Justice Criminal Law Seminar*, 2013
- "Men Walk on Moon: Strong, Simple, and Effective Appellate Advocacy for the 21st Century," *Mississippi Association for Justice Trial Skills CLE Appellate Day*, 2012
- "Tumbling Dice: How to Stop Taking Chances with Your Clients, Their Cases, and Your Bar License," *Various Ethics CLEs*
- Possession over Judgment Day: The Silent Landmark of Law as Integrity in Mississippi's In re Johnson*, *Mississippi College Graduate Conference*, 2003
- Selected Work Experience** **Solo Practitioner**, March 2009-present
David Neil McCarty Law Firm, PLLC, Jackson, Mississippi
- Adjunct Professor of Appellate Advocacy**, 2005, 2008-present
Mississippi College School of Law, Jackson, Mississippi
- Adjunct Professor of Pretrial Practice**, 2009-present
Mississippi College School of Law, Jackson, Mississippi
- Adjunct Professor of Legal Writing**, 2009-2012
Mississippi College School of Law, Jackson, Mississippi
- Judicial Law Clerk**, July 2006 – August 2007
The Honorable Oliver E. Diaz, Jr., Presiding Justice
Mississippi Supreme Court, Jackson, Mississippi
- Coordinator**, September 2004 – November 2004
Campaign to Elect Justice James E. Graves, Jr. to the Mississippi Supreme Court
- Judicial Law Clerk**, December 2003 – September 2004
The Honorable James E. Graves, Jr., Associate Justice
Mississippi Supreme Court, Jackson, Mississippi
- Leadership and Honors** Recognized by the Mississippi Business Journal as one of Mississippi's 50 Leading Attorneys,
Leadership in Law 2012
- Appellate Practice Section of the Mississippi Bar, *Secretary*, 2012-13
Jackson Young Lawyers, *Community Service Chair*, 2006-08;
JYL Outstanding Service Award, 2006-07
Hinds County Bar Association, *People's Law School Co-Chair*, 2007;
Community Grant Committee Co-Chair, 2007-08; *Member*, 2005-07
American Inns of Court, Charles Clark Chapter, *Associate*, 2005-07

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