

J. HEYDT PHILBECK

J. Heydt Philbeck concentrates his practice on complex civil litigation in the areas of commercial litigation, employment law, contract disputes, unfair business practices, state and federal personnel law, constitutional law, civil rights and occupational licensing. Mr. Philbeck is an experienced trial advocate who has tried over 100 jury and bench trials to verdict. He has successfully represented clients before the North Carolina Supreme Court, the North Carolina Court of Appeals and the United States District Court for the Fourth Circuit in Richmond, Virginia. Additionally, he has appeared for clients in the United States District Court for all three federal districts in North Carolina.

Mr. Philbeck's legal abilities and ethics have been recognized by his peers who voted him in "Best Lawyers in America" (Woodard/White) for Commercial Litigation (2010). Mr. Philbeck was also named as one of the "Top 100 Lawyers in North Carolina" (2009) by Law & Politics based on peer ratings. Business North Carolina magazine has listed Mr. Philbeck as among North Carolina's "Legal Elite" (2007-2010) and Law & Politics has listed him as a "North Carolina Super Lawyer" (2006-2010) based on peer ratings. In 2005, the Triangle Business Journal has named him as a top "40 under 40" Leadership Award recipient.

Mr. Philbeck regularly volunteers services pro bono for such programs as Project Together, which provides representation for victims of domestic abuse. He also mentors youth by serving as a judge for the Capital Area Teen Court program and as a judge for the Richard A. Lord Moot Court Competition at Campbell Law School. Mr. Philbeck has been a long time fellow at Leadership North Carolina, Leadership Triangle, and at the North Carolina Institute for Political Leadership.

PRACTICE AREAS

- Administrative and Regulatory Law
- Appellate Practice
- Business & Corporate Law
- Business Litigation
- Civil Litigation
- Employment Law
- Litigation
- Professional and Occupational Licensing Law
- Professional License & Malpractice Litigation



EDUCATION

B.S. Magna Cum Laude, Elon University, 1989

President of Student Government (1987-1988)

Externship: U.S. Senate Foreign Relations Committee
(Summer, 1987)

Georgetown University, Washington, D.C., Summer 1987

Certificate, Engalitcheff Institute of Comparative Political
and Economic Systems.

J.D., Valparaiso University, School of Law, 1992

Externship: Hon. Sidney S. Eagles, Jr., North Carolina Court
of Appeals (Summer, 1990)

JURISDICTIONS LICENSED

All North Carolina State Trial and Appellate Courts
United States District Courts for the Eastern, Middle and Western Districts
United States Court of Appeals for the Fourth Circuit
United States Court of International Trade
United States Tax Court
United States Supreme Court

BAR ADMISSIONS

North Carolina State Bar

Tenth Judicial District Bar (elected, Board of Directors, 2008-2010 term)

SELECT REPORTED CASES

Newberne v. Dept. of Crime Control & Public Safety, et al, 192 N.C. App. 703, 666 S.E. 2d 195 (2008) (In a case of first impressions, N.C. Court of Appeals held that plaintiff's settlement of an administrative claim did not prejudice his ability to bring a Whistleblower claim in Superior Court even though the claim arose from the same termination).

Caldwell v. Johnson, Administrator, EPA, 289 Fed. Appx. 579 (4th Cir. 2008) (Unpublished) (first U.S. Court of Appeals case in nation to hold that Title VII retaliation standard announced in the U.S. Supreme Court's landmark decision in Burlington Northern v. White applied to federal employees).

Trayford v. North Carolina Psychology Board, 619 S.E. 2d 862 (2005); aff'd, 360 S.E. 2d 462 (2006) (Court affirmed petitioner's interpretation of statute over that of regulatory board, which interpretation is generally given substantial deference).

Newberne v. Dept. of Crime Control & Public Safety, et al, 359 N.C. 782, 618 S.E. 2d 201 (2005) (landmark North Carolina Supreme Court case for claims under the state Whistleblower Act).

PROFESSIONAL/COMMUNITY

Professional Activities

Braxton Craven American Inn of Court, Duke University School of Law (President, 2009-2010)

North Carolina Bar Association (Sections: Litigation; Labor and Employment Law)

North Carolina Academy of Trial Lawyers (Sections: Employment Law; Civil Rights)

North Carolina Supreme Court Historical Society, sustaining member (2009-Current)

Wake County Bar Association, member (elected: Board of Directors, 2008-2010 term)

National Employment Lawyers Association, member (2007-Current)

Panel Attorney, Southern Police Benevolent Association, Inc. (2006-Current)

Professional Honors and Special Recognition

Listed in "The Best Lawyers in America" (Woodard/White) for commercial litigation (2010) (inclusion based on peer ratings).

Listed in "Top 100 Lawyers in North Carolina" by Law & Politics as published by Charlotte Magazine (2009) (inclusion based on peer ratings).

Named "Legal Elite" by Business North Carolina magazine in two independent practice areas: Litigation (2007) and Employment Law (2007, 2008, 2009, 2010) (inclusion based on peer ratings).

Named "North Carolina Super Lawyer" by Law & Politics as published by Charlotte Magazine (2006, 2007, 2008, 2009, 2010) (inclusion based on peer ratings).

Charter Fellow, Litigation Counsel of America (Member: Order of Justitia, Order of Certus), trial lawyer honorary society, an invitation-only trial lawyer honorary society consisting of less than one-half of one percent of American lawyers. (2007-Current)

Rated: Martindale Hubbell's highest rating "AV" ("Very High to Preeminent") for legal ability and ethics based on confidential and independent peer review. (2006-Current)

Recipient, "40 Under 40" Leadership Award, Triangle Business Journal (2005)

Listed in Marquis' Who's Who in American Law since 2005.

Listed in Marquis' Who's Who in America since 2007.

Listed in Marquis' Who's Who in the World since 2007.

Professional Training and Certifications

Certificate, Master Advocate, National Institute for Trial Advocacy (2007)

Certificate, Advocate, National Institute for Trial Advocacy (2007)

Certificate, Technology-Augmented Trial Advocacy, Center for Legal and
Court Technology, William & Mary Marshall-Wythe
School of Law, Virginia (2007)

National Institute for Trial Advocacy, Jury Selection, Colorado (2008)

National Institute for Trial Advocacy, Advocacy Teacher Training,
California (2007)

National Institute for Trial Advocacy, Advanced Depositions of Financial
Experts, Colorado (2006)

National Institute for Trial Advocacy, Hanley Advanced Trial Advocacy
School, Colorado (2005)

North Carolina Academy of Trial Lawyers, Civil Trial Advocacy Clinic,
Raleigh (1999)

National Institute for Trial Advocacy, Deposition Skills, Duke University,
(1998)

National Institute for Trial Advocacy, Trial Advocacy School, Duke University,
(1997)

Leadership Training

Leadership North Carolina, Fellow (2001)

Leadership Triangle, Fellow (1997)

North Carolina Institute for Political Leadership, Fellow (1996)

Publications and Seminars

Lecturer and author, Employment Issues in the Paperless Workplace,

Employment Law Update, Sterling Education Services, CLE Program, September 25, 2007.

Lecturer and author, Wage & Hour Act Issues, Pro Bono 102: A Practitioner's Toolkit to Representing the Disadvantaged Client, North Carolina Bar Association CLE Program, December 2, 2005.

Lecturer and author, Sex, Race and other Harassment in the Workplace, Fundamentals of Employment Law in North Carolina, Sterling Education Services CLE Program, July 12, 2005.

Lecturer and author, How to Turn Lemons into Lemonade: Evaluating Car Cases, North Carolina Academy of Trial Lawyers, Convention 2004 CLE Program, June 15, 2004.

Lecturer and author, Retaliation Employment Discrimination Act, Recent Developments in Employment Law, Sterling Education Services CLE Program, June 17, 2003.

Lecturer and author, Employee Misconduct and Workplace Torts, Recent Developments in Employment Law, Sterling Education Services CLE Program, June 17, 2003.

Chief Panelist, North Carolina Bar Association, Practical Skills CLE Program, 1999.

Author, "Pretrial Publicity: Let the Lawyer Beware", Survey of Ethics, Grievance, and Malpractice Issues, North Carolina Bar Foundation, 1993.

