

STEWART W. FISHER
Glenn, Mills, Fisher & Mahoney, P.A.
404 Hunt Street, Suite 100
Measurement Building at Morris Ridge
PO Drawer 3865
Durham, NC 27702
(919) 683-2135
sfisher@gmfm-law.com

EDUCATION:

Duke University: BA - History (1972)
Magna Cum Laude
Phi Beta Kappa

Yale University: MA - History (1973)

University of North Carolina at Chapel Hill: JD with Honors (1982)
Notes and Comments Editor
North Carolina Journal of International Law and Commercial Regulation

WORK EXPERIENCE:

1982 - 1985 **Haywood, Denny & Miller, Attorneys at Law, Durham, NC - Associate**

1986 - **Glenn, Mills, Fisher & Mahoney, P.A., Attorneys at Law, Durham, NC - Partner**

PROFESSIONAL ASSOCIATIONS:

North Carolina Advocates for Justice
American Association for Justice
National Employment Lawyers Association
North Carolina Bar Association
American Bar Association
American Civil Liberties Union
Duke University School of Law Pro Bono Project Supervisor (1994 - 2005)
University of North Carolina School of Law Pro Bono Clinic Supervisor (1996 - Present)
North Carolina Central University Trial Advocacy Instructor (1991)

PROFESSIONAL LICENSES:

North Carolina Supreme Court (1982)
US District Court for the Middle District of North Carolina (1982)
US District Court for the Eastern District of North Carolina (1983)
US District Court for the Western District of North Carolina (1997)
US Court of Appeals for the Fourth Circuit (1993)
US Court of Appeals for the District of Columbia (2007)
US Supreme Court (1997)

HONORS AND AWARDS:

1997 - Present Awarded AV Rating by Martindale and Hubbell
1998 - Present Board Certification in Civil Trial Advocacy by
National Board of Trial Advocacy
1998/99 - Present Listed in Who's Who in American Law
2004 Listed as one of "America's Leading Lawyers for Business"
by Chambers USA
2007 - Present Listed in The Best Lawyers in America© in Labor and Employment Law
2012 Lawyer of the Year for Employment Law (Raleigh Area), The Best
Lawyers in America
2005 - Present Selected as Member of the "Legal Elite" (Employment
Law) and Top 100 lawyers in NC, Business North Carolina
2007 - Present Selected as N.C. Super Lawyer (Top 100 lawyers in NC 2010 - 2016)
2014 Selected as one of the Top 10 Lawyers in North Carolina, North Carolina
Super Lawyers
2015 Listed in Global Directory of Who's Who Top Lawyers
2017 Lawyer of the Year for Employment Law – Individuals (Raleigh Area),
The Best Lawyers in America

PUBLICATIONS AND PRESENTATIONS:

"The US Supreme Court says "No" to Equal Protection for Puerto Rico," North Carolina Journal of International Law and Commercial Regulation (1982).

"Doing Business in Mexico," North Carolina Journal of International Law and Commercial Regulation (1982).

"Preparation of an Automobile Accident Case: Reconstructing the Crash," NCATL Seminar, Auto Torts, Durham, NC (January 11, 1991).

"Disproving Defense Claims of No Injury," North Carolina Manual of Personal Injury Medicine, NCATL (1993).

"Discrimination Law from the Plaintiff's Perspective," North Carolina Bar Association Seminar, Employment Law, Greensboro, NC (April, 1995).

"Closing Argument: Can You Really Win Your Case in Closing if You Haven't Won it Already?," NCATL Seminar, Personal Injury Law, Greensboro, NC (March, 1997).

"An Outline of Local Government Liability: Immunity and Insurance Issues from the Plaintiff's Perspective," NCATL Seminar, Suing the Sovereign, Raleigh, NC (May 2, 1997).

"Damages from the Plaintiff's Perspective," American Bar Association Seminar, Basic Equal Employment Opportunity Law and Procedures, Charlotte, NC (April 29, 2000).

"Bringing Employment Claims in State Court" (Oral presentation; manuscript by Robert Elliott), NCATL Seminar, Convention 2000, Sunset Beach, NC (June 20, 2000).

"Intentional Trespass to Person and Property," Wake Forest University School of Law Seminar, North Carolina Tort Law, Raleigh, NC (February 14, 2003).

"Race Discrimination Claims," Wake Forest University School of Law Seminar, Employment Law, Raleigh, NC (October 2, 2003).

"2003-04 Employment Law Update" (Oral presentation; manuscript by Amy Reeder), NCATL Seminar, Convention 2004, Sunset Beach, NC (June 16, 2004).

"Jury Instructions in Discrimination Cases," NCATL Seminar, Employment Law 2005, Raleigh, NC (May 13, 2005).

"2004-05 Employment Law Update," NCATL Seminar, Convention 2005, Sunset Beach, NC (June 20, 2005).

"Discovery Strategies in Employment Cases," NCATL Seminar, Employment Law 2006, Raleigh, NC (May 12, 2006).

"What Makes a Million Dollar Case," NC Bar Association, Labor and Employment Law Newsletter, Vol. 24, No. 3 (2006).

"Employment Litigation," NCATL, Manual of Complaints (2006).

"Federal Employment Law Update," NCATL Seminar, Convention 2007, Sunset Beach, NC (June 18, 2007).

"Minding Your Business: Making a Living in Employment Law," NCATL Seminar, Employment

Law 2008, Raleigh, NC (February 8, 2008).

"I am a Plaintiff's Lawyer and I'm Here to Help," Capital Associated Industries Seminar, 2008 Labor & Employment Law Update, Raleigh, NC (May 21, 2008).

"Federal Employment Law Update," NCATL Seminar, Convention 2008, Sunset Beach, NC (June 14, 2008).

"Federal Employment Law Update," NCAJ Seminar, Convention 2009, Sunset Beach, NC (June 21, 2009)

"Federal Employment Law Update," NCAJ Seminar, Convention 2010, Wilmington, NC (June 21, 2010)

"Negotiation of Severance Agreements," North Carolina Advocates for Justice, Employment Law Seminar, Raleigh, NC (February 4, 2011)

"Employment Litigation," North Carolina Advocates for Justice Manual of Complaints, (4th Edition, 2011)

"Damages in Employment Cases," North Carolina Advocates for Justice, Employment Law Seminar, Raleigh, NC (February 10, 2012)

"Federal Litigation" (with Carlos Mahoney), North Carolina Advocates for Justice Seminar, Convention 2013, Wilmington, NC (June 15, 2013)

"2012-2013 North Carolina Employment Law Update," 29th Annual Labor & Employment Law Conference, NC/SC Bar Association, Charleston, SC (October 26, 2013)

"Client Intake, Case Selection and Fee Agreements: Building and Managing a Successful Plaintiffs' Employment Law Practice," National Employment Lawyers Association, 2014 Annual Convention, Boston, MA (June 27, 2014)

"2013-2014 North Carolina Employment Law Update," 30th Annual Labor & Employment Law Conference, NC/SC Bar Association, Asheville, NC (October 25, 2014)

"Employment Litigation," North Carolina Advocates for Justice Manual of Complaints, (4th Edition, 2015)

"2014-2015 North Carolina Employment Law Update," 31st Annual Labor & Employment Law Conference, NC/SC Bar Association, Isle of Palms, SC (October 23, 2015)

JURY VERDICTS:

Industrial Innovators, Inc. v. Myrick-White, Inc. (Durham County Superior Court, 1993)
Jury award of \$600,000 for misappropriation of computer technology trade secrets.

Watson v. Dixon and Duke University (Durham County Superior Court, 1998)
Jury award of \$605,000 for intentional infliction of emotional distress – sexual harassment.

Smith v. Nello L. Teer Co., 97CVS2107 (Durham County Superior Court, 1999)
Jury award of \$2,000,000 for race discrimination.

Hinton v. Conner, Montford and City of Durham (US District Court – MDNC, 2005)
Jury award of \$1,590,000 for First Amendment retaliation against City employee.

Phelps v. Carter (US District Court – MDNC, 2009) with Carlos Mahoney
Jury award of \$850,000 for shooting of soldier by deputy sheriff. Case settled for \$1,230,000 after verdict.

REPORTED CASES:

Johnson v. Crossroads Ford, Inc., _N.C. App._, 749 S.E.2d 102 (2013) (Reversing trial court summary judgment decision and allowing wrongful discharge claim based on age discrimination to proceed to trial).

Yarber v. Capital Bank, 944 F.Supp.2d 437 (E.D.N.C. 2013) (Summary judgment against former bank president on ERISA severance benefit claims).

Williams v. New Hope Foundation, Inc., 192 N.C. App. 528, 665 S.E. 2d 586 (2008) (Upholding award of \$25,000 in attorney's fees on judgment of \$72 dollars in wage and hour claim.)

Massasoit v. Carter, 439 F. Supp. 643 (M.D.N.C. 2006), *affirmed*, 2007 WL 3390462 (4th Cir. 2007) (Denying qualified immunity to deputy sheriff who shot Special Forces soldiers after a traffic stop).

Jones v. City of Durham, 361 N.C. 144, 638 S.E.2d202 (2006) (Recognizing gross negligence claims against police officers after police chase).

Hinton v. Conner, 366 F.Supp. 2d 297 (M.D.N.C. 2005) (Denying summary judgment to city in First Amendment retaliation case).

Hinton v. Conner, 225 F.R.D. 513 (M.D.N.C. 2005) (Requiring city to respond to request for personnel information).

Lassiter v. Cohn, 359 N.C. App. 633, 607 S.E.2d 688, *review denied*, 359 N.C. 633, 61 S.E. 2d, 686 (2005) (Dismissing claims against police officer based on public duty doctrine).

Johnson v. Bd. Of Trustees of Durham Technical Community College, 157 N.C. App. 38, 577 S.E.2d 670 (2003) (Holding after-acquired evidence did not bar teacher's disability discrimination claim).

Johnson v. Harris, 149 N.C. App. 928, 563 S.E.2d 224 (2002) (Reversal of Rule 11 sanctions against civil rights attorneys).

Johnson v. Trustees of Durham Technical Community College, 139 N.C. App. 676, 535 S.E.2d 357, *review denied*, 353 N.C. 265, 546 S.E.2d 101 (2000) (Reversal of directed verdict on teacher's claims under Americans with Disabilities Act).

Watson v. Dixon, 352 N.C. 343, 532 S.E.2d 17 (2000)(Upholding \$605,000 jury verdict for intentional infliction of emotional distress, including separate punitive damages claim against corporate defendant, Duke University).

Williams v. Holsclaw, 128 N.C. App. 205, 495 S.E.2d 166 (1998) (Amicus brief for NCATL with respect to claim of sovereign immunity by uninsured motorist carrier).

ACT-UP Triangle v. Commission for Health Services of the State of N.C., 345 N.C. 699, 483 S.E.2d 388 (1997) (Holding that citizen organization may file constitutional challenge under Administrative Procedures Act).

Moore v. City of Creedmoor, 345 N.C. 356, 481 S.E.2d 14 (1997) (Reversing grant of summary judgment and returning claims for trial in civil rights case against town and police chief for violation of First Amendment rights).

Byers v. North Carolina Sav. Institutions Div., 123 N.C. App. 689, 474 S.E.2d 404 (1996) (Affirming denial of motion to dismiss in class action suit on behalf of depositors in savings and loan).

Henson v. Liggett Group, Inc., 61 F.3d 270 (4th Cir. 1995) (Upholding dismissal of claims for age discrimination, ERISA discrimination, and common law discharge claims).

Iturbe v. Wandel and Golterman Technologies, Inc., 23 F.3d 401 (4th Cir. 1994) (Unpublished decision upholding dismissal of claims for sex and national origin discrimination).

Durham City Bd. of Educ. v. National Union Fire Ins. Co., 109 N.C. App. 152, 426 S.E.2d 451, *petition for disc. review denied*, 333 N.C. 790, 431 S.E.2d 22 (1993) (Affirming existence of insurance coverage for negligence claims against school board in case where teacher raped student).

Requeno v. Integon General Ins. Corp., 332 N.C. 339, 421 S.E.2d 784 (1992) (Amicus brief for NCATL in uninsured motorist case).

Jarrell v. Town of Topsail Beach, 105 N.C. App. 331, 412 S.E.2d 680 (1992) (Affirming that action for right to use beach under Disabled Persons Protection Act may be brought in disabled plaintiff's county of residence).

Industrial Innovators, Inc. v. Myrick-White, Inc., 99 N.C. App. 42, 392 S.E.2d 425, *petition for disc. review denied*, 327 N.C. 483, 397 S.E.2d 219(1990) (Affirming that arbitration award supports damages for wrongful injunction in case involving theft of trade secrets).

Taborn v. Hammonds, 324 N.C. 546, 380 S.E.2d 513 (1989) (Affirming administrative dismissal of teacher's claims for improper dismissal).

Taborn v. Hammonds, 83 N.C. App. 461, 350 S.E.2d 880 (1986) (Holding that probationary teacher has right to new hearing for improper dismissal under Teacher Tenure Act).

University Motor Lodge, Inc. v. Owens, 79 N.C. App. 152, 338 S.E.2d 823 (1986) (Upholding jury verdict in negligence case and rejecting claim of contributory negligence).

Colony Hill Condominium I Ass'n v. Colony Co., 70 N.C. App. 390, 320 S.E.2d 273 (1984) (Affirming dismissal of fire loss claims relying on statute of repose defense).

Peloquin Associates, P.A. v. Polcaro, 61 N.C. App. 345, 300 S.E.2d 477 discretionary review denied, N.C. 752.S.E.2d 471(1983) (Affirming decision to compel arbitration).

PERSONAL:

Married to Melinda Ruley

Children: Kira, Amos, Emily, Henry, and Rose

HOBBIES:

Fishing and Gardening