



## John S. Hicks

Shareholder

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John Hicks, Baker Donelson's general counsel and chair of the Firm's Conflicts and Ethics Committee, serves as the primary ethics counsel for the Firm.

Mr. Hicks previously served on the Firm's Board of Directors and is the former chair of the Health Law and Medical Professional Litigation Group. His trial practice is varied and includes securities litigation, health law litigation, business torts, shareholder and corporate governance disputes, professional liability defense, defense of class action cases including various consumer fraud and insurance claims, insurance coverage disputes and commercial and banking litigation.

Mr. Hicks has defended securities and shareholder derivative claims involving public companies and regularly represents one of the nation's largest health insurance groups in a variety of disputes, both in court and in arbitration. He has represented a major health benefits provider in extensive arbitrations and related litigation regarding the enforceability of managed care agreements for a statewide health benefits network. He also has represented a trade association of managed care organizations in class action litigation relating to the operation of Tennessee's Medicaid managed care program as well as several of the individual managed care organizations in litigation and arbitration with providers and in regulatory matters. In addition, Mr. Hicks has represented health care providers in disputes with payors as well as both providers and payors in a variety of commercial disputes. Also, he has defended a series of consumer fraud cases in the life insurance industry. His experience includes the defense of a collection agency in a class action case alleging violations of the Fair Debt Collection Practices Act and the Tennessee Consumer Protection Act. He has also represented law firms in professional liability and breach of fiduciary duty claims as well as individual lawyers in disciplinary proceedings. He has past extensive experience in bankruptcy, creditors' rights and business reorganizations.



## Representative Matters

- Represented a licensee defendant in a putative class action by former collegiate athletes claiming a right to individually license their names, images and likenesses (NIL) for use in sports broadcasts and seeking damages for prior uses of same. The U. S. District Court for the Middle District of Tennessee granted a Rule 12 Motion to dismiss for failure to state a claim, and the U.S. Court of Appeals for the Sixth Circuit affirmed dismissal after oral argument.
- Represented an insurance services company in long running litigation in the U.S. District Court for the Middle District of Tennessee against multiple former independent agents. After years of heated litigation, summary judgment was won with the decision affirmed by the U.S. Court of Appeals for the 6th Circuit.
- Obtained a victory for an energy company in a dispute involving the repossession of subleased railcars. The suit was brought by a bank, which claimed its assignor, an ethanol producer, would have made \$6.2 million from use of the railcars had the energy company not repossessed as a result of the assignor defaulting on the lease of the cars. The court found there was an issue of fact as to whether such a breach caused any damages and subsequently dismissed the bank's claims, entering judgment in favor of our client.
- Defended an insurance company in a class action lawsuit challenging a policy provision relating to the computation of Actual Cash Value. Negotiated a favorable settlement of the lawsuit.



## Professional Honors & Activities

- Listed since 2005 in *The Best Lawyers in America*® for Commercial Litigation since 2006; Professional Malpractice Law - Defendants since 2011; Medical Malpractice Law, 2010 – 2016; Bet-the-Company Litigation since 2017
- Listed in *Chambers USA* as a leading Commercial Litigation lawyer in Tennessee since 2005
- Listed in Mid-South Super Lawyers since 2006
- Named among the top 100 attorneys in Tennessee in 2009 and 2017; named among the top 50 Nashville attorneys in Tennessee in 2017
- Named a *Benchmark Litigation* "Local Litigation Star" for Tennessee, Insurance, Bankruptcy, Medical Malpractice and General Commercial, 2014 – 2017
- Member – American (Litigation section), Tennessee (Litigation, Commercial and Bankruptcy and Banking sections) and Nashville Bar Associations
- Named "Best of the Bar," *Nashville Business Journal*, 2011 – 2014, 2018
- Recipient – Baker Donelson's 2009 Nashville Office Pro Bono Award
- Member – American Health Law Association
- Member – Tennessee Defense Lawyers Association
- Member – DRI
- Member – American Bankruptcy Institute
- Fellow – Nashville Bar Foundation
- Member – Board of Directors, Attorneys Liability Assurance Society, Ltd. (ALAS) and Attorneys Liability Assurance Society, Inc., A Risk Retention Group since 2008



## Education

- University of Memphis, J.D., 1983
- University of Mississippi, B.A., 1980



## Admissions

- Tennessee, 1983
- United States Court of Appeals for the Eighth Circuit, 2017
- United States Court of Appeals for the Sixth Circuit, 1985
- United States District Court, Eastern District of Tennessee, 1984
- United States District Court, Middle District of Tennessee, 1988
- United States District Court, Western District of Tennessee, 2004
- United States Supreme Court, 2008