

Agenda Item 9

Defense Attorney Approval

Mr. Bruce Donaldson, Tort Claims Administrator

Description:

Recommendation to approve three attorneys for inclusion on the Defense Attorney List

Action Requested:

Approval of these attorneys is requested.



STATE OF MISSISSIPPI
GOVERNOR TATE REEVES

MISSISSIPPI TORT CLAIMS BOARD
C. PHILLIP BUFFINGTON, CHAIRMAN

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Insurance Department
LYNN FITCH, Attorney General
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Department of Treasury

SEAN TINDELL, Commissioner
Department of Public Safety
LIZ WELCH, Executive Director
Department of Finance and Administration
CHRIS WELLS, Executive Director
Department of Environmental Quality

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Bruce Donaldson
DATE: March 9, 2023
RE: Additions to Defense Attorney List

RECOMMENDATION: Staff recommends approval of (3) attorneys for inclusion on Defense Attorney List

Honorable Quentin Daniels
Quintairos, Prieto, Wood & Boyer, P.A.
Flowood, Mississippi 39232

Honorable Michael R. Moore
Bryan, Nelson, Schroeder, Castigliola & Banahan
Pascagoula, Mississippi 39568

Honorable Dellwyn Smith
Quintairos, Prieto, Wood & Boyer, P.A.
Flowood, Mississippi 39232



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FLOWOOD, MS 39232
P: (601) 968-8571 • F: (601) 968-8574

March 1, 2023

VIA ELECTRONIC MAIL:

Ms. Amanda Rayburn, Director
Mississippi Tort Claims Board
Post Office Box 267
Jackson, Mississippi 39215
Email: Amanda.Rayburn@dfa.ms.gov

RE: Professional Services

Dear Ms. Rayburn:

This correspondence is forwarded to request the inclusion of Quentin Daniels of my firm, on the list of attorneys who are willing to provide legal defense for governmental entities in litigated cases. He is a 1996 graduate of Mississippi College School of Law and a member of the Mississippi Bar since 1996.

Quentin is a Senior Associate with the Mississippi office of Quintairos, Prieto, Wood and Boyer, P.A. (QPWB), the largest minority firm in the United States. Our firm's primary focus is in the areas of worker's compensation defense, employment law, federal and state civil litigation. Currently, our firm provides legal representation on behalf of individuals, businesses, state agencies, and quasi-governmental entities including, but not limited to, the Mississippi Department of Transportation, Mississippi Department of Corrections and Mississippi Public Entity Workers' Compensation Trust in the areas of employment, worker's compensation claims, and other liabilities claims.

Prior to joining QPWB, Mr. Daniels worked as an attorney with a Jackson, Mississippi law office handling insurance defense and civil litigation matters. Previously, and for over 25 years, he has worked with other Jackson, Mississippi law firms as a trial attorney and in the capacity of partner, in the areas of insurance defense, personal injury, and product and mass tort claims. His experience includes serving as a visiting professor at the Mississippi College School of Law, where he taught Torts I and II, Legal Drafting, and a seminar on Expert Witnesses.

Our firm recognizes the need for governmental entities to have representation from qualified individuals with diverse backgrounds and experiences. Therefore, we welcome the opportunity to continue to serve our state in such capacity.

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I thank you in advance for your consideration in this matter. Please find enclosed a copy of Mr. Daniels' resume for your review. If I may be of assistance, please do not hesitate to contact me.

Sincerely yours,
QUINTAIROS, PRIETO, WOOD & BOYER, P.A.

A handwritten signature in black ink, appearing to read "Amanda", with a long horizontal flourish extending to the right.

Amanda Green Alexander

Enclosure

Quentin A. Daniels
3309 North State Street #C, Jackson, Mississippi 39216
Email: Quentin.daniels@qpwblaw.com PH: (601) 842-8444

Professional Experience:

- Areas:** All aspects of civil litigation, auto accidents, general negligence, premises liability, employer liability, civil rights defense, governmental entity defense, insurance coverage disputes, contractual liability
- 2022-2023 Quintarios Prieto Wood & Boyer, P.A. (Defense / Civil litigation) Senior Associate; civil litigation defense firm, maintain complete file responsibility for assigned matters including initial assessment of client risk exposure, proposed discovery and/or resolution plan, and steer all aspects of client defense including expert witness selection and deposition/cross-examination, mediation, and trial preparation.
- 2019-2022 Alexander Law, P.A. (Defense / Civil litigation) Senior Associate; Practice devoted entirely to employment, insurance defense and Governmental Tort Liability Act claims. Practice areas include negligence, premises liability, insurance coverage, employer liability, professional liability and general liability claims.
- 2016 Don Evans, PLLC, Jackson, Mississippi (Trial Attorney, Personal Injury); *Attend trials and hearings, draft pleadings, appellate briefs, attend depositions*
- 2015-2016 United Medical Recovery, LLC, Jackson, Mississippi (Debt Collection Agency); *General Counsel*
- 2010-2015 Don Evans, PLLC, Jackson, Mississippi (Trial Attorney, Personal Injury); *Attend trials and hearings, draft pleadings, appellate briefs, attend depositions*
- 2009-2010 Mississippi College School of Law, Jackson, Mississippi (Visiting Professor); *Torts I & II, Legal Drafting, Expert Witness Seminar*
- 2002-2010 Daniels & Gentry, PLLC, Jackson, Mississippi (Partner, Mass Tort litigation); *Attend trials and hearings, draft pleadings and briefs, attend depositions.*
- 2001-2002 Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., Jackson, Mississippi (Associate, Mass Tort and Insurance Defense litigation); *Attend depositions and hearings, draft pleadings.*
- 1996-2002 Daniel Coker Horton & Bell, P.A., Jackson, Mississippi

(Associate, Mass Tort and Insurance Defense litigation); *Attend trials, depositions, and hearings, draft pleadings.*

Admitted: Mississippi, 1996
U.S. District Court, Southern District of Mississippi, 1996
U.S. District Court, Northern District of Mississippi, 1996

Education: Juris Doctor Degree (Special Distinction), Mississippi College School of Law, Jackson, Mississippi (1996). Class Rank: 6 of 112; Member, Law Journal

Master of Arts Degree (English), Southern Illinois University, Carbondale, Illinois (1989);

Bachelor of Science Degree (English), Delta State University, Cleveland, Mississippi (1986)



Vincent J. Castigliola, Jr.
John A. Banahan
H. Benjamin Mullen*
Jessica B. McNeel
Calen J. Wills*
Michael R. Moore*

E.S. Ned Nelson
1928 – 1985

John F. Bryan, III
1915 – 1994

Ernest R. Schroeder
1938 – 2018

**Admitted in Alabama*

February 27, 2023

Mississippi Tort Claims Board
c/o Amanda Rayburn
Post Office Box 267
Jackson, Mississippi 39205

Sent Via U.S. Mail & Email
amanda.rayburn@dfa.ms.gov

RE: Approved Attorney Register

Honorable Members of the Mississippi Tort Claims Board:

Please accept the instant request for consideration for addition to the Approved Attorney Register for the Tort Claims Board. I am a partner at Bryan, Nelson, Schroeder, Castigliola & Banahan, PLLC, where I have practiced law since 2014. Throughout that time, my practice has been largely devoted to insurance defense and the defense of professional liability claims, including medical and dental negligence claims. Our firm has also provided representation to various law enforcement agencies, including the Jackson County Sheriff's Office. And, for approximately the past three years, I have served as the City Attorney for the City of Pascagoula.

Enclosed for your consideration is my Curriculum Vitae. Please note that I am in good standing with the Mississippi Bar Association. Should you desire any additional information in relation to this request, please do not hesitate to let me know. With kindest regards, I remain

Sincerely yours,

Michael R. Moore

Enclosure

MICHAEL RILEY MOORE

1103 Jackson Avenue | Pascagoula, Mississippi 39567 | (228) 762-6631 | michael@bnsccb.com

Legal Experience:

Bryan, Nelson, Schroeder, Castigliola & Banahan, PLLC, Pascagoula, Mississippi

Partner, January 2019 – present

Associate, June 2014 – December 2018

- Assists governmental entities with contract procurement, open meeting compliance, civil service commission proceedings, and litigation; counsels various insurance companies in coverage and defense litigation, including first and third party claims; defends professionals in professional liability lawsuits, including medical and dental malpractice lawsuits

Hickman, Goza & Spragins, PLLC, Oxford, Mississippi

Law Clerk, October 2012 – June 2013

- Researched issues pertaining to bad faith insurance defense, medical malpractice defense, commercial landlord-tenant law, personal injury defense and common carriers, and others; drafted pleadings, motions, memoranda, deposition summaries, and other documents

Dogan & Wilkinson, PLLC, Pascagoula, Mississippi

Law Clerk, May 2012 – June 2012

- Researched issues pertaining to insurance defense, medical malpractice defense, mass torts, premises liability, employment law, and others; drafted memoranda, met with clients, and attended hearings

U.S. District Court, Southern District of Mississippi, Gulfport, Mississippi

Extern, June 2011 – July 2011; May 2010 – June 2010

- Researched wide range of civil and criminal issues and drafted orders and memoranda; attended hearings, trials, settlement conferences, and other proceedings

Education:

Tulane University Law School, New Orleans, Louisiana

Master of Laws in Admiralty, Graduated with Distinction, May 2014

- **Harry F. Stiles Jr. Scholarship**, *Recipient*, Spring 2013
- **CALI Excellence for the Future Award – Law of the Sea**, *Recipient*, Fall 2013
- **Maritime Law Society**, *Member*, Fall 2013 – Spring 2014

The University of Mississippi School of Law, Oxford, Mississippi

Juris Doctor, cum laude, May 2013

- **Outstanding Student Award**, *Legal Research and Writing – Section 1*, Spring 2011
- **ABA Admiralty & Maritime Law Committee**, *TIPS Survey Co-Author*, Fall 2012
- **Phi Delta Phi**, *Member*, 2011 – 2013

The University of Mississippi, Croft Institute for International Studies, Oxford, Mississippi

Bachelor of Liberal Arts in International Studies, Minors in Spanish and Economics, May 2010

Admissions:

Mississippi (2013); U.S. District Courts for the Southern and Northern Districts of Mississippi (2013); U.S. Court of Appeals for the Fifth Circuit (2013); Alabama (2014)

Professional and Community Involvement:

Mississippi Enterprise for Technology, Board Member; Mississippi Bar 2019 Leadership Forum; Jackson County 2022 Leadership Class; First Presbyterian Church of Pascagoula, Elder; Jackson County Bar Association, former President; Rotary Club of Pascagoula; Mississippi Bar Association; Jackson County Young Lawyers; Maritime Law Association of the United States; SEALI; DRI; MDLA; Alabama Bar Association; Fifth Circuit Bar Association; ABA Business Law Section, Banking Law Committee; Mississippi Maritime Museum, Former Board Member

Reported Decisions:

- *Lee v. State Farm Mut. Auto. Ins. Co.*, 2021-CA-882-SCT (Miss. Feb. 2, 2023)
- *Span v. Nichols*, 2018-CA-01332 (Miss. Ct. App. May 12, 2020)
- *Rudd v. State Farm Fire & Cas. Co.*, 2018-CA-01390 (Miss. Ct. App. May 5, 2020)
- *West v. State Farm Mut. Auto. Ins. Co., et al.*, 2018-CA-557 (Miss. Ct. App. Oct. 8, 2019)
- *Greenwich Ins. Co. v. Capsco Industries, Inc.*, 934 F.3d 419 (5th Cir. 2019)
- *McGlothin v. State Farm Mut. Auto. Ins. Co.*, 925 F.3d 741 (5th Cir. 2019)
- *Mears v. Jones*, 756 Fed. Appx. 404 (5th Cir. 2018)
- *Singing River Health System v. Vermilyea*, 242 So. 3d 74 (Miss. 2018)
- *Forrest General Hosp. v. Upton*, 240 So. 3d 410 (Miss. 2018)
- *Isom v. Valley Forge Ins. Co.*, 716 Fed. Appx. 280 (5th Cir. 2017)
- *Continental Cas. Co. v. Allstate Prop. & Cas. Co.*, 235 So. 3d 40 (Miss. 2017)
- *Seibert v. Jackson County, Miss.*, 851 F.3d 430 (5th Cir. 2017)
- *Briggs v. State Farm Fire & Cas. Co.*, 673 Fed. Appx. 389 (5th Cir. 2016)
- *Ross v. Wallack*, 188 So. 3d 597 (Miss. Ct. App. 2015)
- *Castigliola v. Mississippi Dept. of Rev.*, 162 So. 3d 795 (Miss. 2015)



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March 1, 2023

VIA ELECTRONIC MAIL:

Ms. Amanda Rayburn, Director
Mississippi Tort Claims Board
Post Office Box 267
Jackson, Mississippi 39215
Email: Amanda.Rayburn@dfa.ms.gov

RE: Professional Services: Dellwyn Smith

Dear Ms. Rayburn:

This correspondence is forwarded to request the inclusion of Dellwyn of my firm, on the list of attorneys who are willing to provide legal defense for governmental entities in litigated cases. She is a 2009 graduate of Mississippi College School of Law and a member of the Mississippi Bar since 2009.

Dellwyn joins our firm as an Associate with the Mississippi office of Quintairos, Prieto, Wood and Boyer, P.A. (QPWB), the largest minority firm in the United States. Our firm's primary focus is in the areas of worker's compensation defense, employment law, federal and state civil litigation. Currently, our firm provides legal representation on behalf of individuals, businesses, state agencies, and quasi-governmental entities including, but not limited to, the Mississippi Department of Transportation, Mississippi Public Safety, Mississippi Department of Corrections and Mississippi Public Entity Workers' Compensation Trust in the areas of employment, worker's compensation claims, and other liabilities claims.

Prior to joining QPWB, Ms. Smith worked as an attorney with multiple Jackson, Mississippi law office handling insurance defense, workers' compensation, civil litigation matters and intellectual property matters. Previously, and for over 13 years, she has worked with other Jackson, Mississippi law firms as a trial attorney, in the areas of insurance defense, employment discrimination, commercial law, and criminal defense.

Our firm recognizes the need for governmental entities to have representation from qualified individuals with diverse backgrounds and experiences. Therefore, we welcome the opportunity to continue to serve our state in such capacity.

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I thank you in advance for your consideration in this matter. Please find enclosed a copy of Ms. Smith's resume for your review. If I may be of assistance, please do not hesitate to contact me.

Sincerely yours,
QUINTAIROS, PRIETO, WOOD & BOYER, P.A.

A handwritten signature in black ink, appearing to read "Amanda", with a long horizontal flourish extending to the right.

Amanda Green Alexander

Enclosure

DELLWYN K. SMITH, ESQ.
Post Office Box 1904
Ridgeland, Mississippi 39158-1904
dellwyn.smithesq@gmail.com
601-316-4769

BAR ADMISSION

State of Mississippi, 2009; Northern District of Mississippi, 2009; Southern District of Mississippi, 2009
Fifth Circuit Court of Appeals, 2009; United States Supreme Court, 2014

EDUCATION

Doctor of Jurisprudence, Mississippi College School of Law May 2009

- American Jurisprudence Award – Criminal Law

Master of Business Administration, Mississippi College School of Business July 2005

Bachelor of Arts in Economics/Accounting, cum laude, Tougaloo College May 2003

EXPERIENCE

Associate Attorney, Quintairos, Prieto, Wood & Boyer, P.A., March 2023- Present

Represent individuals, businesses and public entities in the areas of commercial litigation, insurance defense coverage matters, motor vehicle liability, labor and employment law, and representation of employers, self-insured employers and their insurance carriers. Counsel clients on forming a business entity and the proper procedures in conducting their business entity. Counsel clients and draft legal documents for business plans, estate plans, living wills, and living trusts. Represent individuals and business owners through filing the required documents with federal agencies and registering their brands with the United States Patent and Trademark Office.

Managing Attorney, D.K. Smith Law, PLLC, August 2021 – March 2023

Represented individuals and entrepreneurs in protecting their business and brands. Advised clients on forming a business entity and the proper procedures in conducting their business entity. Advised clients and draft legal documents for estate plans, living wills, and living trusts. Drafted, reviewed, and revised business contracts. Represented individuals and small business owners through filing the required documents with federal agencies and registering their brands with the United States Patent and Trademark Office.

Assistant General Counsel, The Mississippi Bar, January 2019 – August 2021

Provided ethics guidance to Mississippi attorneys on matters of professional conduct and disciplinary procedures through presentations and other means. Conducted investigations and prosecution of grievances against attorneys. Developed strategy and deliver oral arguments in discipline matters before a Court Tribunal. Provided recommendations to the Committee on Professional Responsibility regarding disciplinary actions. Prepared discovery and conducted investigations to obtain relevant facts about the cases against attorneys. Examined and analyzed legal documents in preparation for trials, hearings, and post-hearing developments.

Assistant District Counsel, Jackson Public School District, November 2017 – January 2019

Represented the District as legal counsel in judicial and governmental proceedings, and advocating and defending its interests in those proceedings. Coordinated the handling of legal matters for the school district. Developed strategies, arguments, and motions in preparation for hearings and trials in defending suits filed against the school district. Prepare and participate in hearings before state trial courts. Prepared

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and conducted administrative hearings regarding termination matters. Prepared witnesses for depositions and hearings regarding legal matters for the school district. Conducted extensive research to obtain case law related to legal issues presented in the case. Prepared discovery and conducted investigations to obtain relevant facts to resolve the school district's case. Coordinated and provided in-service training programs for employees of the school district about discrimination prevention, sexual harassment, workplace harassment and compliance. Educated District personnel about legal requirements and risks to prevent or reduce liabilities and legal disputes. Provided legal advice and assistance to the administrative staff with matters relating to the interpretation of statutes, contracts, board policies, and federal and state laws. Provided legal advice to ensure compliance with legal requirements, and reduce exposure to legal risks.

Staff Attorney, MS Office of Capital Post-Conviction Counsel, December 2013 – August 2017

Provided direct representation and advice to indigent death row inmates. Advised clients on complex legal questions involving the interpretation of case law, procedures, and legal documents. Authored substantial pleadings and litigated issues in circuit court and Mississippi Supreme Court. Analyzed the clients' trial and appellate records to identify critical issues for post-conviction relief. Conducted aggressive investigations of all aspects of the case which included interviewing clients, trial attorneys, family members and fact witnesses. Coordinated investigations to obtain relevant facts and evidence which may be mitigating. Identified, retained, and worked closely with expert witnesses. Conducted extensive legal research concerning applicable laws, procedures and requirements. Observed the clients' mental, physical and emotional condition for effects on the clients' legal position. Evaluated the desirability of modifying prior counsel's theory of the case in light of subsequent developments.

Associate Attorney, Gibbs Whitwell PLLC, October 2011 – November 2013

Represented state agencies, public companies, and individuals in state and federal courts, and successfully argued motions before the circuit court. Authored motions, memoranda of law and supporting affidavits, and successfully briefed issues before the Mississippi Supreme Court. Conducted extensive research to obtain case law related to legal issues presented in the case. Prepared discovery and conducted investigations to obtain relevant facts to resolve the client's case. Examined and analyzed legal documents in preparation for trials, hearings, and post-hearing developments to provide competent legal advice and services. Advised clients on legal issues related to executing and negotiating contracts and legal documents.

Attorney, Alexander and Watson, P.A., June 2010 – October 2011

Conducted extensive legal research regarding commercial law, workers' compensation, employment law and domestic relations. Conducted extensive investigations to obtain facts in cases regarding workers' compensation and employment discrimination. Represented families in domestic relations' matters and obtained favorable judgments. Developed case summaries for clients which identified recommendations to effectively resolve their cases. Investigated accidents and problem areas to adequately represent the clients' interests before the Workers' Compensation Commission. Reviewed medical records and submitted summary reports to mitigate the employer/insurer's liability. Prepared discovery requests and responses, court orders, memoranda of law, motion briefs and supporting affidavits in preparation for court hearings and post-hearing matters.

DELLWYN K. SMITH, ESQ.
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Ridgeland, Mississippi 39158-1904
dellwyn.smithesq@gmail.com
601-316-4769

Judicial Clerk, Honorable Winston L. Kidd, August 2009 – May 2010

Researched and analyzed legal issues to provide advice and assistance in court proceedings and post motion hearing developments. Researched and interpreted rules, regulations and statutes to devise comprehensive decisions. Drafted proposed orders, opinions and memoranda of law to assist the judge in post-hearing developments. Maintained summaries in hearings and trials to assist the judge with formulating judgments. Provided support to the court by drafting memoranda of law concerning cases on appeal.

COMMUNITY AND PROFESSIONAL INVOLVEMENT

Mississippi Bar Association, 2009 – Present
Magnolia Bar Association, 2009 – Present
Rotary Club of West Jackson, 2018 – Present
Junior League of Jackson, Active Member, 2018 – Present
Mississippi Volunteer Lawyers Project Pro Bono Service Award, 2010
Mississippi Bar's Leadership Forum, 2013
Leadership Greater Jackson, Class of 2013-2014
Charles Clark Chapter of the American Inns of Court, Associate 2013 – 2015

References available upon request.