



Philip S. McCune

Litigation, Labor/Employment
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Profile Introduction

Phil is a firm founder. His work ranges from large, complex matters for Fortune 500 companies to significant cases for local corporations and individuals. Many of Phil's clients are involved in technology, finance and manufacturing.

Phil has been trial counsel for matters that include prominent business litigation, cutting-edge patent litigation, groundbreaking national antitrust litigation, complicated construction litigation, and the successful defense of class action litigation, as well as trade secrets, products liability, and toxic tort cases. Phil is a mediator and an arbitrator.

Phil's peers repeatedly rate him as a "Top 100 Washington Super Lawyer." He is listed in *Chambers USA* and named as a "Best Lawyer in America" (commercial litigation). Phil has been listed among a small handful of Washington State "Litigation Stars" in *Benchmark Litigation* since its inception, and he is AV rated (preeminent) by Martindale-Hubbell. Phil's peers have selected him as a Fellow of the American Bar Foundation for his "outstanding achievements." Phil is well connected in the Northwest legal, civic and venture capital communities.

After graduating with honors from Dartmouth College and Michigan Law School, Phil was mentored by and clerked for a renowned litigator serving on the federal bench in Seattle. He then joined a prominent national firm, leading complex litigation, including the defense of class actions and environmental litigation. With leaders from Seattle's best firms, Phil founded Summit Law Group and has helped to shape its national reputation among in-house counsel, C-level management, and high net worth individuals, as a top-tier litigation firm.

Representative Cases/Matters



- Corporate fiduciary duty and control litigation, including: obtaining a voting trust on behalf of minority shareholders against the president and majority owner of a corporation controlling groundbreaking emission-reduction technology; representing a private military contractor in claims against a joint venture partner for misappropriating funds invested in the development of an encrypted mobile telephone; defending and prosecuting executive malfeasance claims; and, litigating oppression and fiduciary duty claims related to closely held companies.
- Earnout litigation.
- Representing public figures, such as an NBA All-Star and an international recording artist, in litigation and negotiations.
- Trade secret cases, including: obtaining summary judgment dismissing a billion-dollar patent and trade secret claim against an international corporation; obtaining, with a partner firm, a \$19 million jury verdict for theft of trade secrets on behalf of clients who invented the pointing and scrolling computer mouse; and, litigating the theft of trade secrets from an industry-leading meat-processing equipment company.
- Non-compete negotiations and litigation on behalf of individual executives and Fortune 500 companies.
- Patent and contract litigation regarding Microsoft's challenge to the Android operating system (*Motorola v. Microsoft*); other contract and patent issues against Microsoft (*Symantec v. Microsoft*).
- Class action defense, including: defense of a national text advertiser against claims by an alleged class of 40 million cellphone owners; and, defense of a national airline against class claims by flight attendants alleging unhealthy workplace conditions.
- Mass tort and product liability defense, such as industrial food processing equipment injuries and crane injuries, and Hanford Nuclear Reservation over-pressurization and chemical plant explosion cases.
- Groundbreaking national antitrust litigation (*Caldera v. Microsoft*).
- Complex construction litigation (including a three-month trial regarding \$110-million-plus cost overruns during construction of the world's largest radio telescope).

Publications & Speaking Engagements

- Guest Lecturer, University of Washington Law School, Trial Advocacy and Deposition Practice, 2017
- "Managing Litigation as a Business: Aligning Value and Costs of Dispute/Litigation Services," The Association of Corporate Counsel, Washington Chapter, ACC Value Challenge Program, Speaker/Faculty Member, 2013
- "Ethics and E-Discovery: Understanding the Responsibilities and Pitfalls of ESI," DLA Annual Meeting, 2012
- "E-Discovery as Sword and Shield," Modern Discovery CLE, 2011
- "Expert Witnesses and Ethics," Expert Testimony and Evidence CLE, 2009
- "Federal Discovery Rules in Practice," Modern Discovery CLE: Achieving the Just, Speedy and Inexpensive Determination of Cases: Myth or Reality?, 2008
- "The Power Line Health Controversy: Legal Problems and Proposals for Reform," *University of Michigan Journal of Law Reform* (1991)



- “The Forest Practices Act,” *Environmental Law and Practice (Vols. 23 and 24, Washington Practice Series) (2007–2012)*

Memberships

- Fellow, American Bar Foundation
- American Bar Association; Washington State Bar Association; Federal Bar Association (Western District of Washington); Seattle King County Bar Association
- Fellow, Litigation Counsel of America
- Secretary, Vice President, Executive Board, Seattle Repertory Theatre
- Board of Directors, Dartmouth Men's Rugby
- Board of Directors, American Friends of SMUS
- Board of Directors, Community Services for the Blind and Partially Sighted/SightConnection (emeritus)
- Board of Directors, Friends of Independent Schools and Better Education (emeritus)

Honors

- Featured as a Local Litigation Star in *Benchmark Litigation 2018*
- Fellow of the American Bar Foundation



- Ranked in *Chambers USA*
- Washington State “Litigation Star,” one of a small handful of litigators ranked at the top of their field by clients and peers in *Benchmark Litigation: The Definitive Guide to America’s Leading Litigation Firms and Attorneys*
- Named in *The Best Lawyers in America* for Commercial Litigation
- Washington Super Lawyers Top 100 List
- Previously a Washington Super Lawyer “Rising Star” (Top Lawyers under 40)
- Listed in Marquis Who’s Who publications, including *Who’s Who in American Law*, *Who’s Who in America*, *Who’s Who in American Business*, and *Who’s Who in the World*
- Martindale-Hubbell AV-Rated (highest ranking, 5.0/5.0 for litigation)
- Fellow, Litigation Counsel of America
- Avvo rating of 10.0



Community Service

- Executive Board, Vice President, Secretary, Seattle Repertory Theatre
- Fellow, American Bar Foundation
- Washington State Bar Association Pro Bono Community Service Commendation
- Board of Directors, Bucknell University Parents Association
- Board of Directors, Dartmouth Men's Rugby
- Board of Directors, American Friends of SMUS
- Board of Directors, Community Services for the Blind and Partially Sighted/SightConnection (emeritus)
- Board of Directors, Friends of Independent Schools and Better Education (emeritus)
- Campaign Steering Committee: Building Our Future: The Campaign for Seattle Prep; Seattle Preparatory School

Education

- University of Michigan Law School (J.D., 1991, *cum laude*); national writing award-winning Senior Editor of *University of Michigan Journal of Law Reform*
- Dartmouth College (B.A., history, 1987, *magna cum laude*)

Bar Admissions

- Washington State
- United States District Court, Western District of Washington
- United States District Court, Eastern District of Washington
- United States Court of Appeals for the Ninth Circuit
- United States Supreme Court

Clerkships

- Honorable John C. Coughenour, United States District Court, Western District of Washington