



ATTORNEYS AT LAW



Joseph L. Nelson

SHAREHOLDER

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Joseph L. Nelson practices in North Carolina and South Carolina representing the interests of business entities, professionals, and nonprofits from pre-suit through trial and on appeal. Outside of the courtroom, he is also a certified mediator and has resolved a number of matters through mediation in North Carolina. Prior to joining the firm, he litigated professional and institutional malpractice, transportation (aviation and railroad), and construction defect cases in Illinois and the Carolinas.

Mr. Nelson has broad experience outside of the law. In addition to work in the healthcare and consulting/marketing industries, he holds an FAA private pilot's license and cooked professionally in world-class restaurants. He enjoys cooking, working in programming/data analytics, playing the bagpipes with Charlotte's Ceol na Gael Irish Pipe Band, and exploring the Carolinas with his wife and two children.

Practice Focus

- Church Law
- Commercial Law and Litigation
- Construction Law
- Insurance Law and Litigation
- Medical Malpractice Defense
- Professional Liability Defense
- Toxic Tort
- Transportation Law

Professional Accomplishments

- *North Carolina Super Lawyers[®] – Rising Stars 2016–2017*

Representative Matters

- Summary judgment for a community hospital in an obstetrical post-delivery retained sponge case following an arbitration award for the plaintiff

- *Sasso v. Statesville Flying Serv., Inc.*, 744 S.E.2d 496 (N.C. Ct. App. 2013) review denied, 749 S.E.2d 899 (N.C. 2013) (on the brief): summary judgment for a North Carolina airport where the plaintiffs alleged improper runway markings and failure to properly alter or disable radio navigation aids caused a single-engine aircraft to crash, resulting in two deaths and a catastrophic injury
- *Freedman v. Payne*, 784 S.E.2d 644 (N.C. Ct. App. 2016): 12(b)(6) dismissal with prejudice of legal malpractice claims under the *in pari delicto* doctrine where the plaintiff hog farmer and farm repeatedly lied to a federal judge about the same “side deal” he claimed that his attorneys had orchestrated; subsequent dismissal of the remaining claims pursuant to Rule 12(c) was affirmed in 2017 N.C. App. Lexis 321, because the later counts were based on and incorporated the *in pari delicto* allegations
- Declaratory judgment in favor of insurer where homeowner’s claimed notice of lawsuit was unverifiable and homeowner claimed the policy at issue lacked a notice provision
- Dismissal with prejudice for a nursing home against allegations of the home’s failure to supervise and control a sexually aggressive resident following repeated documented incidents

Speaking Engagements

- “2014–2015 Case Law Update” (Co-Speaker); 2015 Annual Conference; North Carolina Association of Self-Insurers; Wrightsville Beach, North Carolina; 3/25/2015
- “Legal Risks that Impact North Carolina and South Carolina and How the Laws Differ Between States” (Co-Speaker); 2014 Southeastern RIMS Educational Conference; Myrtle Beach, South Carolina; 9/18/2014

Publications

- “*Unreasonable Expectations? Ambiguity in Rule 9(j) Relaxes the Statute’s Gatekeeper Function*,” *Prognosis*, Health Law Section of NC Bar Association, Vol. 29, No. 2, Jan. 2013

Admissions and Licenses

- Illinois Bar Admission
- North Carolina Bar Admission
- South Carolina Bar Admission
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for Veterans Claims
- United States District Court for the District of South Carolina
- United States District Court for the Eastern, Middle, and Western Districts of North Carolina
- United States District Court for the Northern District of Illinois

Memberships

- American Inns of Court – Chief Justice William H. Bobbitt Chapter (Program Committee Chair 2015–2018)
- Claims and Litigation Management (CLM) Alliance
- Defense Research Institute
- Mecklenburg County Bar
- North Carolina Association of Defense Attorneys
- North Carolina Bar Association (Litigation Section)

- South Carolina Bar (Torts and Insurance Practice Section)
- South Carolina Defense Trial Attorneys' Association

Community Involvement

- United States Court of Appeals for Veterans Claims (Pro Bono representation of veterans)
- Mecklenburg County Bar Fee Dispute Resolution Committee (Mediator)
- South Carolina Bar “Law Answers” Pro Bono Program
- Charlotte’s Ceol na Gael Irish Pipe Band

Education and Specialized Training

- Loyola University Chicago – School of Law, J.D. (2007); *Annals of Health Law* (Staff); Certificate Program in Trial Advocacy
- St. Olaf College, B.A. (1998), Economics
- NCDRC Certified Superior Court Mediator

