

# Speaker Biography



## Carter G. Phillips

Partner

### Practice Areas

- General Appellate
- Litigation
- United States Supreme Court

### Admissions and Certifications

- U.S. Supreme Court, 1983
- U.S. Court of Appeals, 1<sup>st</sup> Circuit
- U.S. Court of Appeals, 2<sup>nd</sup> Circuit
- U.S. Court of Appeals, 3<sup>rd</sup> Circuit
- U.S. Court of Appeals, 4<sup>th</sup> Circuit
- U.S. Court of Appeals, 5<sup>th</sup> Circuit
- U.S. Court of Appeals, 6<sup>th</sup> Circuit
- U.S. Court of Appeals, 7<sup>th</sup> Circuit
- U.S. Court of Appeals, 8<sup>th</sup> Circuit
- U.S. Court of Appeals, 9<sup>th</sup> Circuit
- U.S. Court of Appeals, 10<sup>th</sup> Circuit
- U.S. Court of Appeals, 11<sup>th</sup> Circuit
- U.S. Court of Appeals, D.C Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, District of Columbia
- District of Columbia, 1979
- Illinois, 1977

### Education

- Northwestern University School of Law (J.D., 1977, *magna cum laude*, Order of the Coif)
- Northwestern University (M.A., 1975)
- Ohio State University (B.A., 1973, *summa cum laude*, Phi Beta Kappa)

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CARTER G. PHILLIPS is the Managing Partner of the Washington, D.C., office of Sidley Austin LLP, and is a member of the firm's Management Committee. He served as a law clerk to both Judge Robert Sprecher on the U.S. Court of Appeals for the Seventh Circuit and Chief Justice Warren E. Burger on the United States Supreme Court. Mr. Phillips served as Assistant to the Solicitor General for three years, during which time he argued nine cases on behalf of the federal government in the United States Supreme Court. Since joining Sidley, Mr. Phillips has argued **49** cases in the Supreme Court, for a career total of **58** appearances, and has argued more than 65 cases in other appellate courts. Examples of some of his cases are as follows: *CSX Transportation v. Georgia Board of Equalization*, (06-1287), which determined if under federal statute prohibiting state tax discrimination against railroads, must federal district court accept valuation method chosen by state for "true market value" of railroad property; *Tellabs, Inc. v. Makor Issues & Rights*, 127 S. Ct. 2499 (2007), which determined to what extent must a court consider

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competing inferences in determining whether a complaint asserting a claim of securities fraud has alleged facts sufficient to establish a “strong inference” that the defendants acted with scienter, as required under the Private Securities Litigation Reform Act; *Norfolk Southern v. Timothy Sorrell*, 127 S. Ct. 799 (2007); *Mohawk Industries v. Williams*, 126 S. Ct. 2016 (2006), which involved the definition of a RICO “enterprise”; *eBay Inc. v. MercExchange*, 126 S. Ct. 1837 (2006), labeled “the most important issue of patent law to be decided by the Supreme Court in decades,” determined whether the standard for issuing a permanent injunction in patent cases differ, from the established traditional standard for equitable relief; *IBP v. Alvarez*, 126 S. Ct. 514 (2006), determined, on the one hand, that certain types of employee “waiting time” are not compensable under the Fair Labor Standards Act, and on the other hand, that certain types of “walking time” must be compensated; *Muehler v. Mena*, 125 S. Ct. 1465 (2005), which involved the constitutionality under the Fourth Amendment of the use of handcuffs to restrain occupants of a residence during a two-hour execution of a search warrant; *Norfolk Southern Railway v. Pty. Kirby*, 125 S. Ct. 385 (2004), which involved the question of whether federal law governs the interpretation of certain maritime contracts, and if so, whether contractual liability limits on shippers extend to all downstream carriers such as railroads; Mr. Phillips successfully argued *Pegram v. Herdrich*, 530 U.S. 211 (2000) which involved the legality of federal law of incentive payments to physicians who participate in managed care organizations. He argued *TXO Production Corp. v. Alliances Resources, Corp.*, 509 U.S. 443 (1993) which involved the due process standards applied to punitive damage awards. Mr. Phillips successfully argued *Yee v. City of Escondido*, 503 U.S. 519 (1992) which involved a challenge under the Takings Clause to the city’s laws regulating mobile homes. Mr. Phillips briefed and argued *McNally v. United States*, 483 U.S. 350 (1986), in which the Supreme Court struck down the prevailing interpretation of the mail fraud statute that had been used to convict hundreds of public officials, including Governors Mandel and Kerner.

Mr. Phillips is a member of the American Law Institute, the American Academy of Appellate Lawyers and is a Fellow in the American College of Trial Lawyers. He is a member of the Federal Circuit Advisory Committee and was the Chair of the Committee from 2003-2005. He received the 2001 Rex Lee Advocacy Award, the Northwestern University Alumni Merit Award in 1998, the Northwestern University Alumni Service Award in 2006, and the Ohio State Alumni Professional Achievement Award in 2007. He is a trustee of the Federal City Council in Washington, a trustee of the Supreme Court Historical Society and is on their Publications Committee; and on the Amicus Curiae Committee of the Federal Bar Association. Mr. Phillips also is a member (and former chairman) of the Dean’s Advisory Committee of Northwestern University’s School of Law, a member of the Advisory Committee of

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The Ohio State University Colleges of Arts and Sciences, and a member of the Dean's Advisory Council of the University of California, Irvine's Donald Bren School of Law. He is on the Board of Directors of the Institute of Judicial Administration at New York University School of Law and serves on the Advisory Committee of the Georgetown University Law Center's Supreme Court Institute. He is also an adjunct professor of law at Northwestern University School of Law, teaching a clinic seminar on Supreme Court practice.

His practice has been featured in articles in the *American Lawyer*, *Business Week*, *Legal Times*, *The National Law Journal*, *USA Today* and *Legal Business* (a publication in England). Mr. Phillips was selected by the *American Lawyer* as a member of the 45 Under 45 in 1995 and as one of the 100 Best Lawyers in America by the *National Law Journal*. Mr. Phillips was listed in the top band of litigators in Washington, D.C. by Chambers USA. In 2006 he was named one of the "Top 100 Most Influential Lawyers in America" as chosen by the *National Law Journal*. The NLJ also named him a runner-up for its 2006 "Lawyer of the Year," saying that in 2006 he "became the 'go-to' attorney for corporations seeking Supreme Court relief, further elevating his stature within the small, but highly skilled, Supreme Court bar." In September, 2007 he received the Lewis F. Powell Award for Business Advocacy given by the National Chamber Litigation Center, the public policy law firm of the U.S. Chamber of Commerce.