

# C. Mitchell Brown

## Partner

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Mitch practices in the areas of appellate law, state attorneys general actions practice, business litigation, bad faith insurance defense, and premises liability. He has also represented attorneys in disciplinary proceedings. He is the leader of the firm's appellate practice group.

## Experience

The following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

### Experience

- Handled more than 200 appeals and made over 100 oral arguments in appellate courts.
- Frequently hired as embedded appellate counsel and litigation/legal strategy counsel during trial and pre-trial. Has filled this role in multi-million exposure cases in multiple states including South Carolina, North Carolina, Florida, Georgia, Nebraska, and Tennessee. These matters involve personal injury, wrongful death, bad faith, and other torts, statutory fine claims, and other claims.
- Retained by clients to assist with post-trial motions and/or appeals, including the following from South Carolina courts:
  - \$327 million unfair trade practice order (Spartanburg County)
  - \$97.5 million tort verdict (Charleston County)
  - \$53.5 million business tort verdict (Dorchester County)
  - \$50 million defamation verdict (Beaufort County)
  - \$45 million personal injury verdict (Dorchester County)
  - \$38 million products liability verdict (Richland County)
  - \$31 million products liability verdict (Hampton County)
  - \$30 million bad faith claim (Darlington County)
  - \$30 million slander verdict (Berkeley County)
  - \$30 million dram shop verdict (Bamberg County)

## Education

University of South Carolina School of Law, JD (1989)

University of South Carolina, BA,  
Political Science, cum laude (1986)

## Admissions

South Carolina

Supreme Court of the United States

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the District of South Carolina

U.S. Court of Appeals for the Eighth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Federal Claims

## Clerkships

Law Clerk , The Honorable Jean H. Toal,  
Former Chief Justice , Supreme Court of  
South Carolina

## Practice Areas

[Appellate Practice & Legal Strategies](#)

[Bad Faith & Extra Contractual Litigation](#)

- \$30 million tort verdict (Horry County)
- \$29 million medical malpractice verdict (Sumter County)
- \$21.7 million bad faith verdict (Berkeley County)
- \$18 million products liability verdict (Greenville County)
- \$17.2 million breach of fiduciary duty verdict (Greenville County)
- \$15 million bad faith verdict (Florence County)
- \$14.5 million bad faith verdict (Greenville Division, USDC)
- \$13.1 million bad faith verdict (Charleston Division, USDC)
- \$12.3 million medical malpractice verdict (Richland County)
- \$10.5 million informed consent medical malpractice verdict (Charleston County)
- \$9 million sought on appeal (Fourth Circuit)
- \$9 million negligence verdict (Darlington County)
- \$8.5 million construction defect judgment (Horry County)
- \$8.1 million unfair trade practices verdict (Greenville County)
- \$7.2 million insurance coverage judgment (Horry County)
- \$6 million defamation verdict (Beaufort County)
- \$6 million medical malpractice verdict (Richland County)
- \$5 million sought on appeal (Beaufort County)
- \$5 million defamation verdict (Pickens County)
- \$4.5 million construction defect judgment (Horry County)
- \$4.45 million medical malpractice verdict (York County)
- \$3.97 million libel verdict (Charleston County)
- \$3.45 million professional negligence verdict (Richland County)
- \$3.4 million negligence verdict (Fairfield County)
- \$3.0 million malpractice verdict (Horry County)
- \$3 million uninsured motorist verdict (Darlington County)
- \$2.05 million auto accident judgment (Charleston County)
- \$2 million breach of fiduciary duty verdict (Richland County)
- \$1.82 million breach of fiduciary duty verdict (Beaufort County)
- \$1.27 million breach of contract verdict (Beaufort County)
- \$1.2 million false imprisonment verdict (Charleston County)
- \$1.22 million construction judgment (Dorchester County)
- Represented both Republican and Democratic Governors in matters before the South Carolina Supreme Court.
- Represented three South Carolina Governors in matters before the South Carolina Supreme Court.
- Represented the South Carolina Speaker of the House of

[State & Local Government Relations](#)[State Attorneys General Actions](#)**Industries**[Consumer Products & Retail](#)[Manufacturing](#)

Representatives, the South Carolina Treasurer, the Comptroller General, and other governmental officials before the South Carolina Supreme Court.

- Represented the South Carolina Attorney General before the South Carolina Supreme Court.
- Obtained grants of rehearings from the S.C. Supreme Court.
- Prevailing counsel in many multi-million dollar verdict appeals.
- Took matters that were lost at the S.C. Court of Appeals and obtained reversals from the S.C. Supreme Court.
- Was among counsel where a \$3.5 billion industry was at risk over whether video poker constituted a lottery.
- Experienced with extraordinary writ practice, as well as original jurisdiction actions in the South Carolina Supreme Court.
- Successfully argued to overrule prior precedent.
- Won over \$90 million consent judgment as plaintiff's counsel.
- Won a jury trial verdict of nearly \$2 million as plaintiff's counsel.
- Was among counsel for a plaintiff corporation winning a verdict of more than \$20 million in a nonjury trial.
- Obtained multi-million dollar verdicts/settlements in cases involving unfair trade practice claims, breach of fiduciary duty claims, breach of contract accompanied by a fraudulent act, and other claims.
- Successfully argued to have statutes declared unconstitutional.
- Has developed attorneys general practice strategies and many working relationships with attorneys general. Co-founder and co-chair of firm's State Attorneys General Actions Practice.
- Handled cases involving trade secret misappropriation, copyright and trademark infringement, and patent infringement.
- Defended banks, finance companies, and drug companies in class actions in defeating class certifications and obtaining dismissals
- Served as primary counsel in multi-million dollar consumer class actions
- Served as defense counsel in cases involving claims of racially discriminatory pricing by insurance companies
- Experienced in bad faith insurance defense and was counsel in appellate matters involving claims of bad faith and in coverage cases
- Handled many kinds of premises liability cases, including claims of inadequate security, and argued appellate cases in premises liability

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**Pro Hac Vice Admissions:**

- U.S. District Court for the Western District of Arkansas
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Northern District of Georgia

- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Eastern District of Texas
- Georgia Supreme Court
- Florida, Kentucky, and North Carolina state courts

## Recognitions

The bar rules of some states require that the standards for an attorney's inclusion in certain public accolades or recognitions be provided. When such accolades or recognitions are listed, a hyperlink is provided that leads to a description of the respective selection methodology.

- [The Best Lawyers in America®](#), Appellate Practice (2003–2026), Bet-the-Company Litigation (2021–2026), Commercial Litigation (2003–2026)
- [The Best Lawyers in America®](#), Lawyer of the Year, Columbia, SC, Bet-the-Company Litigation (2019); Appellate Practice (2012, 2016, 2025)
- [South Carolina Super Lawyers](#), Appellate (2008–2025)
- [Martindale-Hubbell® AV Preeminent®](#), [Peer Rated for Highest Level of Professional Excellence](#); [Distinguished](#), [Peer Rated for High Professional Achievement](#)(AV rated since 2013)
- [Columbia Business Monthly "Legal Elite"](#)
  - Appellate (2024)

## Professional Activities

- Chair, Committee to Review Appellate Court Rules (2016–present)
- Past Chair, Appellate Advocacy Committee, DRI -The Voice of the Defense Bar (appointed September 2013)
- Former Vice Chair, Appellate Advocacy Committee, DRI - The Voice of the Defense Bar (2013)
- Former Program Chair, Seminar on Appellate Advocacy, San Diego, Calif., DRI -The Voice of the Defense Bar (2009)
- Former Vice Program Chair, Seminar on Appellate Advocacy, Orlando, Fla., DRI -The Voice of the Defense Bar (2008)
- Former Chair, Business Relations Subcommittee of Appellate Advocacy Committee, DRI -The Voice of the Defense Bar (2012)
- National Center for State Courts
  - Executive Committee of Attorneys Committee (2012–present)
  - Co-Chair, Lawyers Committee (2018–2020)
- President, South Carolina Supreme Court Historical Society (2011–2020), current board member (2020-present)
- Program Committee, National Foundation for Judicial Excellence Symposium (2013)
- Fellow, American Academy of Appellate Lawyers

- Member, Meetings Committee
- Fundraising Chair, Committee for Statue Honoring Judge Waites Waring (2013)
- Assistant counsel to disciplinary counsel, S.C. Supreme Court (1997–1999)
- S.C. Supreme Court Board of Commissioners on Grievances and Discipline (1993–1996)
- Appointed to task force to improve court rules and procedures (2011)
- Appointed to task force to implement e-filing in South Carolina (2012)
- Appellate Advocacy Committee, DRI -The Voice of the Defense Bar
- Amicus Committee, DRI - The Voice of the Defense Bar
- Appellate Practice Committee, American Bar Association
- Litigation Section, American Bar Association
- Insurance Practice Group of the American Law Firm Association
- Charter Member, Academy of Hospitality Industry Attorneys
- National Foundation for Judicial Excellence
- American Bar Foundation

## Leadership

- Nelson Mullins Executive Committee (elected in 2007, 2009, 2011, 2014, 2017, 2020, and 2023)
- Team Leader, Nelson Mullins South Carolina Commercial, Appellate, Consumer and Employment Litigation Team
- Chair, Nelson Mullins Appellate Practice Group
- Nelson Mullins Operations and Finance Committee (chairman, 2005–2006; vice chairman, 2004)
- Nelson Mullins Associates Committee (chairman, 2000–2003; member, 1996–1998)
- Nelson Mullins Marketing and Planning Committee (1993–1995)

## Articles & Speeches

### Insights

[Consent Decrees' Hidden Costs to Businesses and Consumers](#), *Washington Legal Foundation*- Co-Author (July 30, 2021)

### Events/Speaking Engagements

A View of Three South Carolina Appellate Decisions as Seen From All Sides, *American Academy of Appellate Lawyers* - Speaker (2021)

Preservation of Error Law in South Carolina , *SC Defense Trial Attorneys' Association*- Moderator (2015)

Bad Faith Seminar , *Charlotte, NC*- Panelist (2013)

Writing for the Appellate Audience , *DRI Panel of Judges on Appellate Practice, Boston, MA*- Moderator (2012)

The Keys to Courthouse - Helpful Hints From Court Staff , *DRI Panel of Clerks of Court on Appellate Practice, Orlando, FL*- Moderator (2011)

How to Win More Appeals , *DRI Panel of Judges on Appellate Practice, San Diego, CA*- Moderator (2009)

"Bridge the Gap" regarding Practicing Before Appellate Courts in South Carolina , *University of South Carolina School of Law*- Speaker (2009)

The View From the Other Side of the Bench , *DRI, Panel of Judges on Appellate Practice, Orlando, FL*- Moderator (2008)

Risky Business: A Security Workshop , *Dallas, TX*(January 1998)

Premises Liability Litigation in South Carolina - Speaker (June 1996)

Winning Themes in Premises Security Litigation - Speaker (January 1996)