

HERBERT ORLANDAH PHILLIPS IV, MD, JD

ATTORNEY, PHILLIPS LAW OFFICE, PLLC

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EMPLOYMENT

2005 -Present: Phillips Law Office, PLLC Founder

2008 -2011: McGuire, Wood and Bissette, PA, Asheville, NC Attorney at Law

2001 - 2006: Phillips Consulting, LLC President Medico-legal Consultation for Chart Review and Litigation Support Services

1999 - 2002: Surgical Outcome Solutions, Inc. President & CEO Medical Software Development Company

1992 - 1999: Blue Ridge Bone & Joint Clinic, Asheville, NC Private Practice of Orthopaedic Surgery

1986 - 1992: Sylva Orthopaedic Associates, Sylva, NC Private Practice of Orthopaedic Surgery

EDUCATION

BS, Pre-Medicine, cum laude, Davidson College, Davidson, NC, 1977

MD with Honors, University of North Carolina School of Medicine, Chapel Hill, NC, 1981

North Carolina Memorial Hospital, Chapel Hill, NC:

1981 - 1982 Internship in General Surgery

1982 - 1985 Resident in Orthopaedic Surgery

1985 - 1986 Chief Resident in Orthopaedic Surgery

JD, University of North Carolina School of Law, Chapel Hill, NC, 2005

AWARDS

UNC School of Medicine, Chapel Hill, NC

1986: Nathan A. Womack Scholarship Award Given to the outstanding resident from the Department of Surgery

1986: William Patton Resident Teaching Award Given to the outstanding resident in the Division of Orthopaedic Surgery

1984, 1986: Musculoskeletal Resident Teaching Award

1980: Alpha Omega Alpha

Davidson College, Davidson, NC

1977: Phi Beta Kappa

PROFESSIONAL ASSOCIATIONS AND APPOINTMENTS

Profession of Law

2005: North Carolina State Bar # 34153

2005: North Carolina Bar Association # 40792

2005: Buncombe County Bar Association

Admitted to practice:

All North Carolina Courts

U.S. District Court, Western, Eastern and Middle Districts of North Carolina

4th Circuit Court of Appeals

Profession of Medicine

American Academy of Orthopaedic Surgeons:

1990: Fellow American Academy of Orthopaedic Surgeons Current status is inactive due to career-ending wrist injury 1986, 1994: Diplomat American Board of Orthopaedic Surgery

North Carolina Organization:

1982 - Present: North Carolina Medical License #26631

North Carolina Orthopaedic Association:

1988 - 1999: Member, North Carolina Orthopaedic Association 1991 - 1993: NCOA Executive Committee 1991 - 1993: NCOA Future Leaders

Disability Medicine:

2001 - 2003: American Academy of Disability Evaluating Physicians 2001 -2003: American Board of Independent Medical Examiners Certified Independent Medical Examiner

Additional Society and Association Memberships:

1986 - 2000: Southern Orthopaedic Association 1986 - 2000: Southern Medical Association
1986 - Present: Nathan A. Womack Surgical Society 1986 - 2003: North Carolina Medical Society 1986 - 1998: American Medical Association 1986 - 1992: Jackson County Medical Society 1992 - 2003: Buncombe County Medical Society 1995 - 1996: Medical Director of Blue Ridge Bone & Joint Clinic 1998 - 1999: Chairman, Clinical Excellence Committee, Blue Ridge Bone & Joint Clinic

Hospital Privileges and Administrative Positions:

Mission-St. Joseph Hospital, Asheville, NC

2001 - 2002: Medical Staff Membership without request for clinical privileges 2000: Sabbatical Leave of Absence for the development of medical software 1992 - 1999: Active Medical Staff Member

1998 - 1999: Led effort to establish platform for hospital/surgeon gain sharing for the Division of Orthopaedic Surgery Engaged services of OrthoExcel to enact program within the OIG gain sharing rulings of 2000 and STARK II rules.

1996 - 1997: Chief of Surgery 1996: Task force Total Joint Arthroplasty Clinical Pathways 1994 - 1995: Chairman of Orthopaedic Division

VA Hospital, Asheville, NC

1992 - 2000: Consulting Medical Staff

Pardee Hospital, Hendersonville, NC

1992 - 2002: Medical staff membership without request for clinical privileges

C.J. Harris Community Hospital, Sylva, NC

1986 - 1992: Active Medical Staff 1992 - 1992: Chief of Staff Elect 1990 - 1991: Chairman
Quality Assurance Committee 1990 -1992: Member Medical Executive Committee

PRESENTATIONS

July 2011 Science update for the DePuy Pinnacle Hip. DePuy Hip Litigation Group (Concurrent with AAJ), New York City, NY

February 2011 ASR and Pinnacle Hip Update. DePuy Hip Litigation Group (Concurrent with Mass Torts Made Perfect), Las Vegas, NV

February 2011 New Developments: Science issues for the DePuy ASR. DePuy Hip Litigation Group (Concurrent with AAJ), Miami Beach, FL

January 2011 Science Update for the DePuy ASR. DePuy Hip Litigation Group, West Palm Beach, FL

November 2010 The Science of the ASR Hip Implant Problems. Johnson & Johnson DePuy Hip Implant Litigation Conference, Durham, NC

October 2010 The DePuy ASR Hip Implant: A Review of the Medicine and Science. DePuy Hip Litigation Summit, Chicago, IL

October 2009: "Anatomy for Litigators." Six-hour CLE Conference, North Carolina Advocates for Justice, Raleigh, NC. Course Director and Speaker.

October 2008: "Communicating with Physicians and Their Offices." Mountain Magic CLE Conference, North Carolina Advocates for Justice, Paralegals Section, Asheville, NC.

October 2008: "Defense Tactics for Poisoning the Patient's Relationship with Treating Physicians." Workshop, Mountain Magic CLE Conference, North Carolina Advocates for Justice, Asheville, NC.

March 2008: Medical Malpractice Symposium 2008, Program Chairman, North Carolina Trial Lawyers Association, Raleigh, NC.

February 2008: "Cross Examination of the Expert Witness." Faculty Participant, North Carolina Academy of Trial Lawyers, Raleigh, NC.

October 2007: "Communicating with Physicians and Their Offices." NC Trial Lawyers Association, Asheville, NC.

October 2007: Moderator for Symposium: "Same or Similar Community v. National Standard of Care," Professional Negligence Section, NC Trial Lawyers Association, Asheville, NC.

June 2007: Medical Malpractice and Concomitant Medical Device Product Liability, Orthopaedic Medical Device Section, Product Liability, AAJ, Chicago, IL.

March 2003: "Patenting Surgical Procedures: Biotechnology and the Law." UNC School of Law, Chapel Hill, NC.

February 2003: "An Analysis and Update on Tort Reform" with Congressman Tim Valentine, Rotary Club, Belvedere Country Club, Rocky Mount, NC.

October 2003: "Cross Examination of the Expert Witness" Program Participant, North Carolina Academy of Trial Lawyers, Raleigh, NC.

March 2002: "Evaluating the Validity of Orthopaedic Impairment Ratings." Workman's Compensation Division, North Carolina Academy of Trial Lawyers, Charlotte, NC.

March 2000: "Orthopaedic Procedure Management: Point-of-Care Software for Outcome and Cost Data Capture." Practice Management Division, Sofamore Danek, Memphis, TN.

1999: "Intuitive physician created software for data capture at the point of care." Orthopaedic Procedure Management. Smith & Nephew, Memphis, TN.

1998: "THR: An analysis of outcomes, cost and value." Presented at the National Symposium and Workshop on Total Joint Arthroplasty, Pinehurst, NC.

1998: "Orthopaedic Procedure Management." Presented to CEO, COO, and Management Team of Sulzer Orthopaedics (SOUS), Austin, TX.

1997: "THR: An analysis of outcomes, cost, and value." Presented at the North Carolina Orthopaedic Association Annual Meeting, Asheville, NC.

1997: "Arthroscopy of the Shoulder." Presented at the Sports Medicine Symposium, Grove Park Inn, Asheville, NC.

1996: "Orthopaedic Centers of Excellence." Presented to St. Joseph and Mission Hospital Leadership and the Division of Orthopaedics, Asheville, NC.

1992: Director, Sports Medicine Symposium, Division II College and High School Training and Coaching Staff, Pack Square Conference Center, Asheville, NC.

1988: "Preventive Lateral Knee Bracing in Football." Presented at the AOSSM Epidemiology Subcommittee (Prophylactic Knee Brace Workshop), Atlanta, GA.

1987: "Workman's Compensation Symposium." Herbert O. Phillips IV MD and J.

Randolph Ward JD, Commissioner, NC Industrial Commission. Presented to the UNC Orthopaedic Division, North Carolina Memorial Hospital, Chapel Hill, NC.

1986: "Treatment of Burst Fractures by Decancellation of the Vertebral Body." Presented at the North Carolina Orthopaedic Association, Asheville, NC.

1986: "Isolated Plantar Flexion Injuries of the Ankle: An Experimental Study." Presented at the American Academy of Orthopaedic Surgeons, New Orleans, LA.

1985: "Preventive Lateral Knee Bracing in Football." Presented at the Sports Medicine Symposium, Wrightsville Beach, NC.

ARTICLES AND PUBLICATIONS

H.O. Phillips IV. "Applications of the False Claims Act in Medical Malpractice Actions." North Carolina Trial Briefs (August 2008).

H.O. Phillips IV. "The Medical Expert Witness Program." UNC School of Law, Chapel Hill, NC (Independent Study; Fall 2004).

H.O. Phillips IV. "Patenting Surgical Procedures." UNC School of Law, Chapel Hill, NC. (Biotechnology and the Law; Spring 2004).

Wilson, F.C., H.O. Phillips IV, and J.A. Gilbert. "Isolated Plantar Flexion Injuries of the Ankle: An Experimental Study." Orthopaedic Transactions 10.3 (Fall 1986): 446.

Dahners, L.E., and H.O. Phillips IV. "The Effect of Piroxicam on Ligament Healing in Rats." Transaction of the 32nd Annual Meeting, Orthopaedic Research Society 11 (1986): 77.

Phillips, H.O. IV, and S.A. Grubb. "Familial Multiple Osteochondritis Dissecans: Report of a Kindred." Journal of Bone and Joint Surgery 67-A (1985): 155-156.

Phillips, H.O. IV, W.B. Greene, et al. "Measurement of Femoral Torsion: Comparison of Standard Roentgenographic Techniques with Ultrasound." *Journal of Pediatric Orthopaedics* 5.5 (1985): 546 - 549.

Gilbert, J.A., and H.O. Phillips IV. "The Effect of Steam Sterilization on Plaster Casting Material." *Clinical Orthopaedics and Related Research* 190 (1984): 241-249.

Phillips, H.O. IV. "The Effects of Direct Electric Current on Stimulating Vascularity in Bone." [Honors Paper] Archives, Health Sciences Library, UNC School of Medicine (1981).

COMMUNITY AND PERSONAL

2008 - 2009: Pisgah Legal Services, Asheville, NC

1992 - 1999: Participant, ABCCM (County Indigent Medical Clinic)

1998: Developed Specialty Clinic concept for ABCCM 1998 - 1999: Participant Project Access (Indigent Medical Care Program)

Team Physician: 1992 - 1999: University of North Carolina at Asheville (All Athletic Programs)

1998 -1999: Asheville Smoke, Professional Hockey Team 1992 - 1998: Asheville Tourist Class AA Professional Baseball Team 1986 - 1992: Western Carolina University, Cullowhee, NC (All Athletic Programs) 1987 - 1992: Smoky Mountain High School, Sylva, NC

Personal: Married to Betsy Coward Phillips, MD Children: Herbert O. Phillips V (Bert); Elizabeth McKinney Phillips