



PAUL K. SUN, JR.

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OVERVIEW

One of the founders of Ellis & Winters LLP, Paul Sun is a trial lawyer focusing primarily on business litigation, employment litigation, and appeals. He has substantial experience handling litigation involving trade secrets and unfair competition, business and healthcare fraud, employment law issues, intellectual property rights, consumer claims, premises and product liability, and contract disputes. Over the course of his career, Paul has tried civil cases in areas as varied as breach of contract, employment discrimination, misappropriation of trade secrets, healthcare fraud, product liability, wrongful death, and First Amendment violations. He has argued cases in the North Carolina Court of Appeals and North Carolina Supreme Court, and the United States Court of Appeals for the Fourth Circuit, successfully representing clients both as appellants and appellees.

Paul also has substantial experience as a criminal defense lawyer, representing individual and corporate clients from pre-indictment investigations through trial and appeals. He has defended clients charged with Medicare and Medicaid fraud, mortgage fraud, securities fraud, federal programs bribery, theft of government property, robbery, narcotics trafficking, firearms offenses, and immigration offenses. Paul serves on the Criminal Justice Act Panels for the Eastern District of North Carolina and the Fourth Circuit Court of Appeals, representing indigent criminal defendants at trial and on appeal.

Paul believes that litigation is a client-service business. To deliver the most effective client service, Paul believes in knowing his cases and his clients thoroughly, while being reliable, flexible, and responsive to client needs.

Paul approaches cases with a focus on trial, developing a theme and building the evidence and legal strategy necessary to successfully try the case. Although most cases do not proceed to trial, Paul believes that litigating with trial in mind maximizes the opportunities for a favorable pretrial outcome through motions practice or settlement, while also ensuring that the case is trial-ready if it proceeds to that stage. Paul's willingness to take a case to trial also gives clients confidence and creates leverage in pretrial settlement negotiations.

Before he entered into law practice, Paul graduated magna cum laude from Wittenberg University, and received his M.B.A. from Vanderbilt University, where he was the Founder's Medalist. Paul then worked for Genesco, Inc., serving as marketing manager for the Johnston & Murphy and Wrangler shoe brands. Paul's background in accounting and finance, and practical experience in business, enable him to better understand and serve business clients.

After his employment with Genesco, Paul received his J.D. degree with highest honors from Duke University School of Law, where he served as Articles Editor for the Duke Law Journal. Paul subsequently served as a law clerk to the Honorable J. Dickson Phillips, Jr., of the United States Court of Appeals for the Fourth Circuit from 1989-1990.

CREDENTIALS

EDUCATION

- ▶ J.D., Duke University School of Law, 1989
 - ▶ Honors: Highest Honors; Order of the Coif
 - ▶ Law Review: *Duke Law Journal*, Articles Editor, 1988-1989
- ▶ M.B.A., Vanderbilt University, 1981
 - ▶ Honors: Founder's Medalist; Beta Gamma Sigma
- ▶ B.A., Wittenberg University, 1979
 - ▶ Honors: *magna cum laude*

COURTROOM ADMISSIONS

- ▶ North Carolina
- ▶ Eastern District of North Carolina
- ▶ Middle District of North Carolina
- ▶ Western District of North Carolina
- ▶ Fourth Circuit Court of Appeals
- ▶ United States Supreme Court

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- ▶ Fellow, American College of Trial Lawyers
- ▶ American Law Institute, Employment Law Consultative Group
- ▶ American Bar Association
- ▶ North Carolina Bar Association
- ▶ Lung Transplant Foundation
- ▶ Board of Directors
- ▶ Legal Counsel

EXPERIENCE

TRIALS

- ▶ Lead trial counsel for leading data analytics software company suing its former law firm; judgment for company.
- ▶ Lead trial counsel for investment fund defending claims for alleged loss of investment monies; defense verdict.
- ▶ Lead trial counsel for national laboratory in dispute with another laboratory over contract services and alleged business interference; verdict for national laboratory.
- ▶ Lead trial counsel for medical transport and charter aviation company defending wrongful termination claim; judgment for company.
- ▶ Lead trial counsel for national bank pursuing claim against borrower and defending lender liability claims; judgment for bank.
- ▶ Lead trial counsel for national laboratory defending race discrimination claim by former employee; defense verdict.

OTHER CASES

- ▶ Lead counsel for investment management company defending claims arising from alleged fraud and misrepresentation; motion to dismiss for lack of personal jurisdiction granted.
- ▶ Lead counsel for bank defending former executive's claims following change-in-control; motion to dismiss granted.
- ▶ Lead counsel for university defending contract claims by former professor; motion to dismiss granted.
- ▶ Lead counsel for national laboratory defending claims by former employee for gender and race discrimination and retaliation; motion for summary judgment granted.
- ▶ Lead counsel for university defending claims by students arising from disciplinary action taken by university; motion for judgment on the pleadings granted.
- ▶ Lead counsel for railroad defending alleged class claims by landowners; motion for class certification denied.
- ▶ Lead counsel for state licensing board defending claims arising from adoption of new rule; motion for judgment on the pleadings granted.

INVESTIGATIONS

- ▶ Represented client in connection with grand jury investigation of alleged antitrust violations in peanut industry.
- ▶ Represented client in connection with grand jury investigation of alleged government contracting violations.
- ▶ Represented client in connection with investigation of alleged abuse by former employee.

APPEALS

- ▶ Represented manufacturers in appeal after trial court granted summary judgment dismissing claims that manufacturer's products allegedly caused cancer; affirmed.
- ▶ Represented healthcare staffing company appealing adverse trial judgment; reversed and remanded for new trial.
- ▶ Represented state licensing board appealing adverse trial judgment limiting regulatory authority; reversed and remanded.
- ▶ Represented lender in consumer class action appealing denial of motion to compel arbitration; vacated and remanded.
- ▶ Represented national athletics association in student-athlete's appeal after trial court granted motion to dismiss multiple claims; affirmed.
- ▶ Represented university in student's appeal after trial court granted summary judgment for university on tort and statutory claims; affirmed.
- ▶ Represented indigent federal prisoner in successful application to the Fourth Circuit seeking authorization to file successive post-conviction motion challenging legality of sentence.

PRIOR WORK EXPERIENCE

- ▶ Clerkship, United States Court of Appeals for the Fourth Circuit, Hon. J. Dickson Phillips, Jr., 1989-1990
- ▶ Genesco, Inc., 1981-1986

AWARDS/RECOGNITION

- ▶ Judge David Daniel Award for Excellence in the Legal Community (2021)
- ▶ Chambers USA: America's Leading Lawyers for Business®, "Leader in the Field" (2013-2021)
- ▶ *Benchmark Litigation*, North Carolina Litigation Star (2013-2021)
- ▶ *The Best Lawyers in America*®, Appellate Practice; Bet-the-Company Litigation; Criminal Defense: General Practice; Criminal Defense: White-Collar; Litigation-Labor and Employment (2007-2022)
- ▶ Raleigh "Lawyer of the Year" for Appellate Practice (2013, 2019)
- ▶ North Carolina *Super Lawyers* Magazine, Business Litigation, Appellate, Criminal Defense: White-Collar (2006-2022)
- ▶ *Business North Carolina*, Legal Elite, Litigation (2012-2020)
- ▶ Peer Review Rating of AV® in Martindale-Hubbell

PRESENTATIONS/PUBLICATIONS

- ▶ District Judge Panel (Chief U.S. District Judge Terrence W. Boyle, U.S. District Judge James C. Dever III, and U.S. District Judge Richard E. Myers II), EDNC Federal Bar Association CLE, February 28, 2018 (moderator).
- ▶ Federal Bar Association, Labor & Employment Law Section, Circuit Updates, Fourth Circuit Reporter.
- ▶ Making Your Case Through Effective Direct Examination, EDNC Federal Criminal Practice Seminar, October 18, 2018.
- ▶ Challenging Law Enforcement "Expert" Testimony, EDNC Federal Criminal Practice Seminar, April 8, 2016.
- ▶ 2015 Local Rules Amendments, Local Civil Rule 56.1, EDNC Federal Bar Association, November 6, 2015.
- ▶ Appellate Practice in North Carolina and the Fourth Circuit: Highlighting Differences in Rules, Statutes, and Practices, North Carolina Bar Association Appellate Rules Committee, October 4, 2012.

UPDATES

NEWS POSTS

- ▶ [Ellis & Winters Continues Strong Presence in Chambers USA](#)
- ▶ [Ellis & Winters Attorneys Recognized as 2022 Super Lawyers®](#)
- ▶ [Business North Carolina Announces 2022 Legal Elite Rankings](#)
- ▶ [Ellis & Winters Named to 2022 "Best Lawyers in America" List](#)
- ▶ [Eight Ellis & Winters Partners Recognized in Chambers, 2021](#)