

FormanWatkins

Forman Watkins & Krutz LLP



Malissa Wilson

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Before joining FormanWatkins, Malissa worked as a journalist, a public relations practitioner in crisis communications, a defense attorney, a government attorney, and in-house counsel. Malissa's diverse background and vast array of knowledge make her a key asset to the creative, efficient work ethic of FormanWatkins. Though she is not a working journalist covering stories anymore, as an attorney, Malissa offers clients her ability to lay out and present the storyline of their cases clearly and efficiently to a judge or juror as demonstrated by her successful trials in state and federal courts and oral arguments before the state supreme court. With her experience in crisis communications, she offers a calm and honest confidence that clients will find indispensable in the midst of tough litigation. A firm believer in the golden rule, Malissa handles every case how she would want an attorney to handle a case for her, always going the extra mile and never backing down from a challenge. Working in the areas of Labor Employment, Premises Liability, Civil Rights, and Media Law, Malissa never sees the same work day twice, and welcomes each case's unique fact patterns and challenging details. Ultimately, clients can expect a thorough job well done when working with Malissa, and will not find a kinder advocate.

Education

- University of Mississippi, J.D., *cum laude*
- Columbia University, Master of Science, Journalism
- Texas Southern University, B.A., Journalism, *magna cum laude*

Bar Admissions

- Arkansas
- Illinois
- Mississippi
- Missouri
- Texas
- U.S. District Courts for the Northern and Southern Districts of Mississippi
- U.S. District Courts for the Northern and Southern Districts of Texas

Important Litigation Involvement

- *Earnestine Jackson, et al. v. Razor USA, LLC*, product liability, defense verdict, 2019.
- *Calvin Martin v. Wesley Biblical Seminary*, personal injury, defense verdict, 2018.
- *Khansari v. William Rutherford, et al.*, Section 1983, excessive force, defense verdict, 2016. [Click here for news article.](#)
- *Re: Houston (TX) Police Officer B. Guzman*, five-day suspension, arbitration proceeding, suspension affirmed, 2015
- *Re: Houston (TX) Firefighter G. Saldana*, eight-day suspension, arbitration proceeding, suspension affirmed, 2015
- *Murphy v. Secretary of State*, post-Katrina Tidelands dispute, plaintiff's verdict, 2014
- *McField v. Dept. of Public Safety*, Title VII, race-based termination, defense verdict, 2014. [Click here for news article.](#)
- *Patrick Higgins v. State of MS*, wrongful conviction, defense verdict, 2013
- *Vikki May v. MS Dep't of Corrections*, Title VII, race-based failure to hire, defense verdict, affirmed on appeal at 531 Fed. Appx. 464 (5th Cir. 2013) (tried twice)
- *Hymes v. State of MS*, wrongful conviction, defense verdict, 2012
- *Anderson v. State of MS*, wrongful conviction, 2011
- *Gaithright v. Robbie D. Wood Inc.*, motor vehicle accident, defense verdict, 2010
- *Smith v. Cato*, malicious prosecution, defense verdict, 2009
- *Woullard v. State of MS*, racial gerrymandering, (3-federal judge panel), defense verdict, 2006
- *Phillips v. Dillard's*, premises liability, defense verdict, 2004

Reported Decisions

- *Wilbert Pete v. City of Houston*, March 31, 2017; U.S.D.C., Southern District of Texas; Houston Division; 4:14cv2600, affirmed on appeal at – Fed. Appx. – (5th Cir. 2018).
- *In re GuideOne Mutual Insurance Company*, May 3, 2017; Court of Appeals of Texas, Tenth District, Waco; No. 10-16-00404-CV. Insurance Contract - Invocation of Appraisal Clause - Mandamus proceedings where appellate court vacated order denying insurance company's motion to compel appraisal and directed trial court to order the appraisal. Attorney for GuideOne Insurance Company.
- *Uyless L. Jones v. City of Houston, et al*, March 10, 2017; U.S.D.C., Southern District of Texas; Houston Division;

H-15-3051. Labor and Employment - Hostile Work Environment, Race Discrimination, Retaliation - Court dismissed the plaintiff's Title VII claim on the ground that he filed his lawsuit untimely. Court rejected the plaintiff's attempt to invoke the doctrine of equitable tolling. Attorney for City and City Employees.

- *Wilbert Pete v. City of Houston*, March 31, 2017; U.S.D.C., Southern District of Texas; Houston Division; 4:14cv2600. Retaliation, Race Discrimination - Court granted the defendant's motion for summary judgment finding no direct evidence of discrimination and no "but-for" causation between the alleged complaint of discrimination and the plaintiff's termination. Attorney for the City of Houston.
- *Seluk v. City of Houston*, July 18, 2016; Fifth Circuit; No. 16-20002. Civil Rights. Appellant court affirmed district court's judgment dismissing the plaintiff's complaint finding no due process violation. Attorney for the Appellee.
- *MS Dept. of Public Safety v. Raybon*, Apr 29, 2014; Court of Appeals of MS; 2012-SA-02046-COA. Labor and Employment - Evidence supported decision of Board denying full-time certification to two part-time officers. Attorney for Appellant.
- *Tipton v. State*, Mar 20, 2014; Supreme Court of MS; 2013-CA-415. Compensation for Wrongful Conviction. Intensive Supervision Program, commonly known as house arrest, could not be construed as being the equivalent of "incarceration" within the meaning of compensation statutes. Attorney for Appellee.
- *Hymes v. State*, May 21, 2013; Court of Appeals MS; 2011-CA-01688. Compensation for Wrongful Conviction. Collateral estoppel did not apply in claimant's wrongful conviction action against State. Attorney for Appellee.
- *Calvin v. MS Dept. of Rehabilitation Services*, Jan 30, 2013; U.S.D.C.; S.D. Miss.; 3:12cv258. Labor and Employment - Public Employment. Failure to promote. Plaintiff failed to create an issue of fact as to whether defendant's legitimate, non-discriminatory reason was pretextual. Attorney for MDRS.
- *Kirkland v. Hinds Cnty Dept. of Human Services*, Dec 17, 2012; U.S.D.C.; S.D. Miss.; 3:12cv512; Labor and Employment - Public Employment. Plaintiff untimely filed of EEOC charge. Attorney for MDHS.
- *Moffett v. Miss. Dept. of Mental Health*, Jun 28, 2012; U.S.D.C.; S.D. Miss.; 3:11cv262. Labor and Employment - Public Employment. Wrongful discharge; Retaliatory demotion; Whistleblower claim. Plaintiff failed to create an issue of fact as to whether defendant's legitimate, non-discriminatory reasons were pretextual as to demotion and discharge claims. Plaintiff failed to establish that she was subjected to reprisal or retaliatory action as a "direct result" of her whistleblowing. Affirmed by Fifth Circuit. Attorney for MDMH.
- *Cox v. Miss. Div. of Medicaid*, May 11, 2012; U.S.D.C.; S.D. Miss.; 3:11cv331. Labor and Employment - Public Employment. Failure to promote. Plaintiff failed to create an issue of fact as to whether defendant's legitimate, non-discriminatory reason was pretextual. Attorney for MDOM.
- *Lafayette Cnty Bd. of Sup'rs v. Third Circuit Drug Court*, Feb 23, 2012; Supreme Court of MS; 2010-CA-01745. Government. Judicial review of circuit court order was not appropriate once all issues raised by county board of supervisors were rendered moot. Presented oral arguments before the Supreme Court of Mississippi. Attorney for Appellee.
- *Richardson v. American Bldg. Components*, Apr 22, 2011; U.S.D.C.; S.D. Miss; 3:10cv229. Torts - Premise Liability. Plaintiff failed to prove that ABC was under a duty to warn of a perceived danger. Attorney for ABC.
- *Ellis v. Gresham Service Stations, Inc.*, Feb 1, 2011; Court of Appeals of MS; 2009-CA-01750. Torts - Premise Liability. Twelve reported criminal acts that occurred on premises of convenience store over a ten-year period did not constitute actual or constructive notice that an atmosphere of violence existed on its property. Attorney for Appellee.
- *Thomas v. NBC Universal, Inc.*, Feb 5, 2010; U.S.D.C.; S.D. Miss; 3:08cv479. Litigation - Removal. Amount in controversy exceeded \$75K required for diversity jurisdiction. Attorney for NBCU.
- *Hegwood v. Community First Holdings, Inc.*, Mar 12, 2008; U.S.D.C.; S.D. Miss.; 1:06cv1105. Torts - Defamation. Statement in a newspaper article was substantially true, and thus privileged. Attorney for Community First Holdings, Inc.

Professional Recognition

- Selected as one of Mississippi's 50 Leading Businesswomen by the *Mississippi Business Journal* (2019)
- Martindale-Hubbell® Silver Client Champion Rating
- Martindale-Hubbell NotableSM Peer Review Rating
- Selected as one of Mississippi's Top Ten Leaders in Law by the *Mississippi Business Journal* (2017)
- Leadership Jackson, class of 2005

Law School Honors & Awards

- Outstanding Student Award for achieving highest grade in Advanced Legal Research
- Articles Editor, *The National Security Law Journal*
- Moot Court Board
- Finalist, Moot Court Competition

Previous Experience

- In-House Counsel for a national insurance company, Houston, Texas
- Senior Assistant City Attorney, Houston, Texas
- Special Assistant Attorney General, Office of the Attorney General, Jackson, Mississippi

Organizations/Committee Membership

- American Bar Association
 - Standing Committee on Strategic Communications
- Mississippi Bar
 - Diversity in the Law Committee
 - Media and the Law Subcommittee
 - Young Lawyers Division
 - Board of Directors
- Magnolia Bar Association
- Bessie Young Council - University of Mississippi School of Law

Speaking Engagements

- Mini Law School for HR Professionals - A Comprehensive Primer on Labor & Employment Law, Speaker, June and August 2019, Jackson, Mississippi
- Corporate Responses in the #METOO Era," Panel Moderator, The Network of Trial Law Firms, Litigation Management Conference, New York City, New York
- "Legal Issues in Advertising," Mississippi Press Association's Convention

- "How to Handle Complaints of Discrimination," presented to State Attorneys and Human Resources Personnel
- "Constitutional Policing," Houston Police Department training academy

Publications

- "Special Delivery: What To Do When Information Illegally Obtained By Others Lands In Your Newsroom Mailbox," Student Press Law Center Report, Fall 2001
- "Mississippi Statute of Limitations Starts With Publication On Internet," Media Law Resource Center Media Law Letter, January 2004
- "FOIA Gains Sharper Teeth With OPEN Act," *The Fourth Estate*, Mississippi Press Association, First Quarter 2008

Pro Bono & Community Service

- Pro-Bono Attorney, Mission First Legal Clinic and MVLP
- Volunteer, Big Brothers & Big Sisters in-school mentor program (Lester Elementary School)
- Volunteer, Habitat for Humanity

Practice Areas

- Labor & Employment Law
- Insurance Coverage & Bad Faith Defense
- Media Law
- Personal Injury
- Political Law
- Premises Liability
- Workers' Compensation