

FormanWatkins

Forman Watkins & Krutz LLP



Caroline M. Upchurch

Partner

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Two things inspire Caroline Upchurch every day: the client and the puzzle. Each case is uniquely important to Caroline, because it's a chance to form a personal relationship with a client and also to use her naturally analytical brain to solve problems. Caroline always works three steps ahead, avoiding surprises and creating well thought out solutions for her client. With an eye for efficiency, Caroline is able to quickly assess situations to decide the best approach and enjoys crafting innovative strategies for her clients. Even if it means finding common ground and compromise, Caroline only works in the best interest of her clients. She enjoys the daily puzzles and challenges that walk through her door. When working with Caroline, clients can expect very thorough work from a strong, passionate, and practical attorney who cares.

Education

- University of Mississippi School of Law, J.D., *magna cum laude*
- University of Mississippi, B.B.A., *summa cum laude*

Bar Admissions

- Mississippi, 2008
- Alabama, 2016

Important Litigation Involvement

- Successfully arbitrated a national forest products company's multi-million dollar construction dispute with a contractor arising out of two large scale plant expansion projects in Alabama and Arkansas. The disputes involved warranty, contract, and payment claims. The first arbitration resulted in an award of damages and attorney fees for the company, and a rejection of the contractor's claims for payment. This victory resulted in an also immediate resolution of the second arbitration.
- Represented multiple school districts and intervened in a lawsuit challenging the constitutionality of a statute governing the distribution of certain ad valorem tax revenues; *Pascagoula Sch. Dist. v. Tucker*, 91 So. 2d 598 (Miss. 2012)
- Successfully challenged plaintiff's expert and obtained summary judgment in favor of satellite television equipment manufacturer, which was later upheld by the Mississippi Court of Appeals; *Thompson v. Echostar Commc'ns. Corp.*, 89 So. 3d 696 (Miss. Ct. App. 2012)
- Obtained summary judgment on punitive damages and other issues on behalf of custom trailer manufacturer in litigation related to a trailer explosion, and persuaded the Fifth Circuit Court of Appeals to affirm the ruling despite limited state court case law on the issue; *Kelly v. Showhaulers Trucks, Inc.*, 460 Fed. Appx. 292 (5th Cir. 2012)
- Represented shareholders and directors of a closely-held corporation and limited liability company in prosecuting action for fraud and embezzlement and in the dissolution and division of the two entities
- Represented a fire safety product manufacturer in litigation related to multiple apartment fires
- Currently serving as national coordinating counsel for a product manufacturer involved in asbestos litigation, which requires developing an overall litigation strategy, drafting discovery responses, and working with the corporate witness
- Obtained favorable settlements and/or dismissals in 30 claims against synthetic stucco manufacturer after manufacturer had been assessed punitive damages in prior litigation
- Obtained summary judgment on behalf of a non-profit agency whose employee was alleged to have had an improper relationship with a client of the agency while serving as a court-appointed third-party neutral in the client's divorce case
- Defended FELA and state law claims against a welding company that was sued after a trestle bridge on which it had been working caught fire, causing a train accident which killed one railroad employee and seriously injured another.

Professional Recognition

- Top 40 Under 40 Honoree, *Mississippi Business Journal* (2022)
- *The Best Lawyers in America*® since 2020: Product Liability Litigation - Defendants
- Selected to Mid-South Rising Stars (2014-2022)
- Selected as one of *Mississippi Business Journal's* 2019 Leaders in Law



Organization/Committee Memberships

- The Mississippi Bar

Speaking Engagements

- Panelist - Mississippi Women Lawyers Association 7th Annual Day of Leadership: "Passing the Torch: Celebrating the Trailblazers of Today and Inspiring the Trailblazers of Tomorrow" - May 8, 2015
- Panelist - The Mississippi Bar's Diversity Best Practices Workshop - April 6, 2022

Law School Honors & Awards

- Mississippi Law Journal
- James O. Eastland Scholarship
- Phi Kappa Phi

Practice Areas

- Asbestos
 - Appellate
 - Commercial Litigation
 - Product Liability
 - Premises Liability
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- Insurance Coverage & Bad Faith Defense
 - Personal Injury
 - Professional Liability
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