

BIRMINGHAM

John Neiman

SHAREHOLDER



John's Profile

John's practice focuses on constitutional and regulatory litigation. A former U.S. Supreme Court clerk and Solicitor General of Alabama, John is a member of Maynard Cooper's General Litigation group and serves as Chair of the Firm's Appellate Practice group.

John represents clients in wide array of cases throughout the country. He is lead counsel in a pending California Supreme Court case concerning the retroactivity of an California statute that impacts the entire life-insurance industry. In 2020, John helped one client obtain reversal of an \$11.4 million jury verdict for breach of contract in the Alabama Supreme Court, which rendered judgment in the client's favor on appeal. He helped another client obtain vacatur, in the Eleventh Circuit, of a trial court's decision not to compel arbitration of a \$66.5 million bad-faith insurance claim. He helped local-government clients obtain dismissal, at both the trial-court and appellate levels, of constitutional challenges to the taxes that funded those clients' operations. John routinely represents alcohol-industry clients in cases raising constitutional challenges to the three-tier system of state alcohol regulation, including in the Supreme Court.

As state Solicitor General from 2011 to 2014, John argued two merits cases at the United States Supreme Court. He continues to represent the State of Alabama in interstate water-rights cases in the District of Columbia and the Northern District of Georgia.

Chambers USA: America's Leading Lawyers for Business distinguishes John as a Band 1 leading attorney in the area of Appellate Litigation. Best Lawyers® named him the region's 2017 and 2021 "Lawyer of the Year" for Appellate Practice.

John's Experience

U.S. Supreme Court:

- Tennessee Wine & Spirits Retailers Ass'n v. Thomas, 139 S. Ct. 2449

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RELATED INDUSTRIES/SERVICES

[Appellate and Post-Verdict
Insurance and Financial
Services Litigation
Insurance](#)

- (2019) (amicus brief for Center for Alcohol Policy in dormant Commerce Clause challenge to state alcohol laws)
- *Packingham v. North Carolina*, 137 S. Ct. 1730 (2017) (filed amicus brief for state and local government organizations defending constitutionality of law regulating sex offenders)
 - *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016) (filed amicus brief for prosecutors' organizations concerning juvenile sentencing)
 - *Comptroller of Treasury of Md. v. Wynne*, 135 S. Ct. 1787 (2015) (on team that filed amicus brief for state and local government groups in case concerning power of government to tax income earned out of state)
 - *Nat'l Labor Relations Bd. v. Noel Canning*, 134 S. Ct. 2550 (2014) (as Alabama Solicitor General) (lead counsel for Alabama and 17 other amicus States in U.S. Supreme Court merits case concerning constitutionality of President's appointments to NLRB)
 - *Shelby Cnty. v. Holder*, 133 S. Ct. 2612 (2013) (as Alabama Solicitor General) (lead counsel for Alabama as amicus in U.S. Supreme Court case concerning constitutionality of portions of Voting Rights Act)
 - *Miller v. Alabama*, 132 S. Ct. 2455 (2012) (as Alabama Solicitor General) (argued U.S. Supreme Court merits case on constitutional issues concerning juvenile sentencing)
 - *Maples v. Thomas*, 132 S. Ct. 912 (2012) (as Alabama Solicitor General) (argued U.S. Supreme Court merits case on right to counsel)

Federal Courts of Appeals:

- *McCullough v. AIG Ins. Hong Kong Ltd.*, 828 F. App'x 704 (11th Cir. 2020) (obtained vacatur of denial of client's motion to arbitrate \$65 million bad-faith claim)
- *WM Mobile Bay Env'tl. Ctr., Inc. v. City of Mobile Solid Waste Auth.*, 972 F.3d 1240 (11th Cir. 2020) (certifying questions to Alabama Supreme Court relating to execution of \$6 million jury verdict for client)
- *Robinson v. Liberty Mut. Ins. Co.*, 958 F.3d 1137 (11th Cir. 2020) (obtained affirmance of dismissal of claims against client for infestation of home by brown-recluse spiders)
- *Carruth v. Bentley*, 942 F.3d 1047 (11th Cir. 2019) (obtained affirmance of dismissal of Section 1983 claims against former Alabama governor over conservation of credit union)
- *Griffin v. Hartford Life & Accident Ins. Co.*, 898 F.3d 371 (4th Cir. 2018) (successfully orally argued case raising novel questions about ERISA standard of review)
- *James v. Total Solutions Inc.*, 691 F. App'x 572 (11th Cir. 2017) (successfully defended summary judgment entered for client in employment case)
- *Landeros v. Pinnacle Recovery, Inc.*, 692 F. App'x 608 (11th Cir. 2017) (successfully defended, by court appointment, judgment of district court declining to certify class action under Fair Debt Collection Practices Act)
- *Ingalls v. U.S. Space & Rocket Ctr.*, 679 Fed. Appx. 935 (11th Cir. 2017) (successfully argued and defended dismissal of employment claims brought against state agency)
- *DeCoursey v. Am. Gen. Life Ins. Co.*, 822 F.3d 469 (8th Cir. 2016) (in insurance case, orally argued and defended summary judgment issued)

on plaintiff's claims against client and obtained reversal of summary judgment on client's counterclaim against plaintiff)

State appellate courts:

- Protective Life Ins. Co. v. Apex Parks Grp., LLC, No. 1180508, 2020 WL 5582229 (Ala. Sept. 18, 2020) (obtained reversal of \$11.4 million jury verdict against client and rendering of judgment for client as matter of law)
- Davis v. Chilton County Health Care Auth., Nos. 1180876 & 1180969 (Ala. Mar. 13, 2020) (no-opinion affirmance and dismissal in appeals challenging funding mechanism for client's operations)
- McHugh v. Protective Life Ins., 253 Cal. Rptr. 3d 780, 782 (Cal. App. 2019) (obtained affirmance of jury verdict for client on alternative ground that California statute was not retroactive)
- MetLife Sec., Inc. v. Brandt, No. B282949, 2018 WL 6616097 (Cal. Ct. App. Dec. 18, 2018) (successfully orally argued case involving request for attorney fees)
- G.R.L.C. Trust v. Garrison Decatur Crossings, LLC, 266 So.3d 690 (Ala. 2018) (successfully defended judgment in lawsuit seeking invalidation of long-term lease)
- Ex parte Birmingham Airport Auth., 274 So. 3d 964, 965 (Ala. 2018) (obtained writ of mandamus requiring dismissal of all claims against client due to statutory immunity defense)
- Hasting v. Bentley, No. 1150009 (Ala. Jan. 21, 2016) (obtained dismissal of appeal for Governor in case challenging his decision to remove Confederate flags from state capitol grounds)

John's Awards

- Chambers USA, Leading Practitioner in Litigation: Appellate (2015 - present)
- The Best Lawyers in America® for Appellate Practice and Commercial Litigation (2016 – present); Civil Rights Law (2018 - present); Bet-the-Company Litigation (2019 - present)
- Best Lawyers® 2017 and 2021 "Lawyer of the Year" for Appellate Practice
- Super Lawyers "Top 50 Lawyers in Alabama" (2018, 2019)
- Mid-South Super Lawyers for Appellate (2016 - present)
- Alabama Super Lawyers for Appellate (2011, 2015)
- National Association of Attorneys General "Best Brief Awards," Brief for Respondent, Miller v. Alabama; Brief for Respondent, Maples v. Thomas (July 2012)
- Birmingham Magazine's "Top Attorneys" for Appellate (2017)
- Birmingham Magazine's "Best Attorneys" (2011)



John's Affiliations and Civic Involvement

Affiliations

- American Academy of Appellate Lawyers
- American Bar Association; Appellate Committee Chair (2012-2013)
- American Law Institute
- Eleventh Circuit Appellate Practice Institute Planning Committee (2014)
- Alabama Rules of Appellate Procedure, Advisory Committee (2011-present)
- Alabama State Bar
- Birmingham Bar Association

Civic Involvement

- Living River, Board of Directors (2011-2015)
- Leadership Birmingham Class of 2014-15
- Alabama Leadership Initiative Class of 2012

Bar Admissions

State Bar: Alabama

U.S. District Court: Alabama (Northern, Middle, Southern), District of Columbia

U.S. Court of Appeals: Second Circuit, Fourth Circuit, Eighth Circuit, Ninth Circuit, Eleventh Circuit, Federal Circuit, D.C. Circuit

U.S. Supreme Court

Education

- Harvard Law School
 - (2000, J.D., magna cum laude)
- University of North Carolina at Chapel Hill
 - (1997, B.A., with highest honors and highest distinction)