



## Richard H. Sinkfield

Partner | Atlanta

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### Areas of Practice

Litigation/Trial Practice | Class Action Litigation | Securities | Securities Litigation | Appellate Practice

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Richard H. Sinkfield is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP.

Richard H. Sinkfield is nationally recognized as a leading defense trial attorney for bet-the-company cases and is frequently named among the very best trial attorneys in Georgia. A founding partner of Rogers & Hardin, Richard handles complex litigation matters, often with sizeable monetary values, in Georgia courts as well as in other jurisdictions. He is recognized both for his trial and appellate advocacy skills in complex business litigation, with extensive experience in securities, business torts, and director, officer and professional liability litigation.

Recently, when asked to name a litigator he feared going up against, a partner in a prominent global firm replied: "Richard Sinkfield of Rogers & Hardin in Atlanta. He's a brilliant lawyer, a master of the art of advocacy, and has a towering courtroom presence. He could read the phone book and make it sound significant."

*Chambers USA* recognizes Richard with a Band One - Leading Individual rating – their highest ranking. He is also recognized by *The Best Lawyers in America®* and *Super Lawyers* as a leading lawyer in multiple practice areas, including bet-the-company cases. *The Best Lawyers®* named Richard their "2014, 2019 and 2020 Atlanta Lawyer of the Year" in Litigation - M&A. *Super Lawyers* again included Richard in the Top 10 Georgia Lawyers list for 2018, 2019 and 2020.

Richard is a Fellow of the American College of Trial Lawyers, the International Academy of Trial Lawyers, and the American Academy of Appellate Lawyers. He is a member of the International Association of Defense Counsel, and he has served on the American Bar Association's Special Commission on Evaluation of Professional Standards.

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He was previously Adjunct Professor, Litigation and Trial Practice, at Emory University School of Law, and Lecturer in Law, Litigation under the Federal Securities Laws, at Vanderbilt University School of Law. He is a Member of the Board of Trust Emeritus of Vanderbilt University and is a past recipient of the Vanderbilt School of Law's Distinguished Alumnus Award (1995).

## Experience

- Representation of the defendants before the Georgia Supreme Court in *Holmes v. Grubman*, a case in which the Second Circuit had certified substantial questions of Georgia fraud and securities law to the Georgia court, including loss causation. Richard successfully argued the loss causation issue before the Georgia Supreme Court.
- Representation of retired educators and state employees and their beneficiaries against Georgia state retirement systems in multiple class actions arising from the retirement systems' use of improper mortality tables.
- Representation of national privately owned nursing homes in five civil lawsuits arising out of tort claims for alleged improper care of patients and seeking, among other relief, to pierce the corporate veil and impose liability on an individual shareholder.
- Representation of a pharmaceutical company in a number of "fen-phen" diet drug cases in Georgia, including the first such trial in Georgia to a jury verdict (for the defense). These cases involved thousands of plaintiffs nationwide. Many were consolidated for certain discovery purposes but were remanded for individual trials. The jury returned a verdict in favor of the defendant pharmaceutical company and against the plaintiff's claim of alleged heart injury.
- Representation of a public hospital authority in defense of claims seeking substantial recoveries for alleged breach of executive employment agreements.
- Successfully argued in the Georgia Court of Appeals for reversal of class certification in *Rollins, Inc. v. Warren*, where the trial court had certified a consumer class action against a pest control company.
- Successfully argued in the Georgia Supreme Court on behalf of Georgia Attorney General Thurbert Baker in a suit brought by the Governor seeking to compel the Attorney General to dismiss an appeal pending in the United States Supreme Court.
- Representation of an investment consulting firm and individual defendants in an ERISA breach of fiduciary duty action in which plaintiffs initially sought over \$160,000,000.00. Obtained partial summary judgment and successfully tried remaining issues in bench trial to a fully favorable result.
- Representation of former owner of a non-profit hospital facility in an action alleging that a large public corporation owning numerous hospitals breached a contract to purchase the facility.

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- Representation of a credit insurer in defense of a class action on behalf of former policyholders seeking premium refunds.
- Successfully defended companies and individuals in federal district court and the Eleventh Circuit Court of Appeals in connection with federal securities claims arising out of a buy/sell agreement. Successfully defended the grant of summary judgment on appeal to the Eleventh Circuit.

## **Admissions**

Georgia

Supreme Court of Georgia

Court of Appeals of Georgia

United States Supreme Court

United States Court of Appeals for the Eleventh Circuit

United States Court of Appeals for the Fourth Circuit

United States Court of Appeals for the Fifth Circuit

United States District Court Northern District of Georgia

United States District Court Middle District of Georgia

United States District Court Southern District of Georgia