

H. Hunter Twiford, III



of counsel

jackson

htwiford@mcglinchey.com

T (769) 524-2323 F (769) 524-2331

Legal Assistant

Karen Callais

kcallais@mcglinchey.com

(769) 524-2345

education

University of Mississippi School of Law (J.D., 1972)

University of Mississippi (B.A., English, Psychology and Sociology, 1971)

admissions

Mississippi

U.S. Supreme Court

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Eleventh Circuit

honors

- *Martindale-Hubbell* AV Preeminent® Peer Review Rated Lawyer
- *Mid-South Super Lawyers* (Business Litigation, Class Action/Mass Torts), 2007–2023
- *The Best Lawyers in America*® (Commercial Litigation; Litigation – Banking and Finance; Litigation – Municipal; Mass Tort Litigation / Class Actions – Defendants), 2007–2019, 2021–2023
- *Best Lawyers*® Jackson Litigation – Banking and Finance “Lawyer of the Year,” 2016

A trial lawyer must have self-confidence, but it’s easy to get carried away with egos. I check mine at the door, and emphasize civility, collegiality, and politeness. Whether it’s collaborating with local counsel, national counsel, or a client, I always try to be easy to work with. I also try to know as much as possible about each case I’m handling, and work hard to isolate the important facts and issues and eliminate the noise. I hate surprises, particularly in the courtroom, and my clients can – and should – expect me to be the most prepared person in the courtroom.

Nationally recognized by multiple prominent peer-reviewed publications and ranking agencies, Hunter Twiford is a trial lawyer who primarily handles complex federal litigation, often in the financial services area, as lead trial counsel. In his almost five decades of practice, he has represented clients in more than 100 jury trials and 200 non-jury trials. He has defended clients in class actions and mass actions as well as complex commercial and lender liability litigation. Hunter also acts as a mentor to younger lawyers as the team guides major national banks and servicers and their subsidiaries through the labyrinth of complicated litigation issues, some of which involve hundreds of plaintiffs, and are brought in state and federal courts throughout the South.

- *Best Lawyers*® Jackson Litigation – Municipal “Lawyer of the Year,” 2017, 2024
- *Best Lawyers*® Jackson Litigation – Banking and Finance “Lawyer of the Year,” 2019
- *Chambers USA*, Mississippi General Commercial Litigation, 2007–2019, 2023
- Selected in 2013 as a Top Rated Lawyer in Banking and Finance by American Lawyer Media and *Martindale-Hubbell*™
- Top 50 Lawyers, Leadership in Law, *Mississippi Business Journal*, Inaugural Class, 2010
- Top 50 Mississippi Lawyers, *Super Lawyers*, 2009
- American Board of Trial Advocates

affiliations

Professional

- American Board of Trial Advocates
- The Mississippi Bar (Commissioner, 1998–2001, Executive Committee 2000–2001)
- Coahoma County Bar Association, Past-President
- Capital Area Bar Association
- Mississippi Bar Foundation, Fellow (Trustee 2000–2003; President 2007–2008)
- Bar Association of the Fifth Federal Circuit
- Former member of the International Municipal Lawyers Association (Chairman, State of Mississippi 1990-2003)
- Former member of the Mississippi Municipal Association City Attorneys Section (President 1995–1996)
- Mississippi Bar Technology Committee (Charter Member; Chairman 1999–2000, 2000–2001; Executive Committee, 1995–2019)
- Mississippi Board of Bar Admissions, (1996–2008)
- William C. Keady American Inns of Court, Master of the Bench (Program Co-Chairman 1998–2003)
- Lamar Order, Sustaining Member

Hunter’s versatility as a trial lawyer is explained in part by his broad range of litigation experience. Before joining McGlinchey, Hunter practiced at his own firm for many years, where he “worked on both sides of the v,” representing both plaintiffs and defendants, as well as representing municipalities and other local governments, and brings this valuable perspective and keen insight to his current practice. Hunter enjoys all aspects of trying lawsuits, from identifying the precise problems to crafting the right strategies to creating and delivering the storyline to the judge and jury. Clients appreciate Hunter’s calm leadership, depth of experience, and tenacious thoroughness. He believes strongly in never asking someone to do something that he is not willing to do himself, so if he asks an associate to pull an all-nighter on a critical brief, Hunter will be there all night, too.

The recipient of multiple lawyer-of-the-year awards in different areas of litigation – further evidence of his versatility – Hunter also earned the Mississippi Bar’s Distinguished Service Award in 2001 for his work in technology for lawyers and the bar, particularly in courtroom and litigation presentation technology. He has written and lectured extensively on litigation, e-discovery, and technology topics. He also co-founded and served as editor-in-chief of the CAFA Law Blog, the first, and only, blog in the country to focus on the Class Action Fairness Act of 2005.

Published Opinions

- *Timothy P. Davis, et al. v. Chase Home Finance LLC and RBS Financial Services*, __ Fed. Appx. ___, 2015 WL 178977 (5th Cir. Jan. 15, 2015)
- *Ishee v. Federal National Mortgage Association, et al.*, 2014 WL2162753 (S.D. Miss. May 23, 2014) (discovery decision on attorney-client privilege issues.)
- *Timothy P. Davis, et al. v. Chase Home Finance LLC and RBS Financial Services*, 2013 WL 5308000 (S. D. Miss. September 19, 2013)
- *Hood ex rel. Mississippi v. JPMorgan Chase & Co.*, 737 F.3d 78 (5th Cir. 2013)

Community

- Former Senior Warden, former member of vestry of local Episcopal Church
 - Licensed lay reader, chalice bearer, Episcopal Diocese of Mississippi
 - Former President of local Rotary Club
 - Former Assistant District Governor of Rotary District 680
 - Paul Harris Fellow, Rotary International
 - Adjunct Professor, Coahoma Community College, 1974–2000
- *Peterson v. Green Tree Servicing LLC*, 2012 4175008 (Bankr. N.D. Miss. September 19, 2012)
 - *Burkett v. Bank of America, et al.*, 2012 WL 3811741 (S.D. Miss. September 4, 2012)
 - *Adams v. Verizon Wireless Tennessee Partnership, ___ F. Supp. 2d ___*, 2012 WL 6569350 (N.D. Miss. 2012)
 - *Hennis v. Trustmark Bank, et al.*, 2010 WL 1904860 (S.D. Miss. 2010)
 - *Rivers v. Green Tree Servicing LLC*, 2010 WL 5375950 (Bkrtcy. S.D. Miss. December 22, 2010)
 - *Norman Place LP v. AA Communications, Inc., et al.*, 2010 WL 2940814 (N.D. Miss. October 6, 2010)
 - *Hennis v. Trustmark Bank*, 2010 WL 1904860 (S.D. Miss. May 10, 2010)
 - *Harold H. Huggins Realty, Inc. v. FNC, Inc.*, 2009 WL 2449888 (N.D. Miss. 2009)
 - *Norman Place, LP v. AA Communications, Inc.*, 2009 WL 2058801 (N.D. Miss. 2009)
 - *U.S. ex rel. Rigsby v. State Farm Ins. Co.*, 2009 WL 1045463 (S.D. Miss. 2009)
 - *Blades v. Countrywide Home Loans, Inc.*, 2009 WL 903589 (S.D. Miss. 2009)
 - *In re: Cox*, 2008 WL 4900552 (Bkrtcy. N.D. Miss. September 19, 2008)
 - *Paul v. Landsafe Flood Determination, Inc.*, 550 F.3d 511 (5th Cir. 2008)
 - *Capital Business Credit, LLC v. Huntington Fabrics, Inc.*, 2007 WL 3027442 (N.D. Miss. 2007)
 - *McIntosh v. State Farm Fire & Cas. Co.*, 2007 WL 2702700 (S.D. Miss. 2007)

- *Veal, et al. v. J. P. Morgan Trust Company, N. A. et al.*, 955 So.2d 843, Supreme Court No. 2005-IA-00607-SCT (Miss. 2007)
- *Price v. Coldwell Banker Real Estate Corporation*, 2007 WL 431046 (N.D. Miss. 2007)
- *McMaster v. MeritPlan*, 2007 WL 892446 (S.D. Miss. 2007)
- *Ivey v. Coldwell Banker Real Estate Corporation*, 2007 WL 902814 (N.D. Miss. 2007)
- *People's Choice Home Loan, Inc. v. Price*, 2006 WL 516833 (N.D. Miss. 2006)
- *Crawford v. WMC Mortgage Corp.* 2006 WL 2095414 (S.D. Miss. 2006)
- *J. P. Morgan Chase & Company v. Conegie ex rel. Lee* 2006 WL 166686 (N.D. Miss. 2006)
- *Murry v. Coldwell Banker Real Estate Corporation*, 2006 WL 1626596 (N.D. Miss. 2006)
- *Ryan v. EquiCredit Corporation of America*, 2006 WL 129957 (S.D. Miss. 2006)
- *Fitzgerald v. Equicredit Corp. of America*, 2006 WL 839478 (N.D. Miss. 2006)
- *People's Choice Home Loan, Inc. v. Price*, 2006 WL 516833 (N.D. Miss. 2006)
- *People's Choice Home Loan, Inc. v. Citizen*, 2006 WL 288116 (N.D. Miss. 2006)
- *Toler v. Litton Loan Service*, 2006 WL 1303129 (S.D. Miss. 2006)
- *Delaney v. Bank of America Corporation*, 2004 WL 1553518 (N.D. Miss. 2004)
- *Wilson v. Bank of America Corp., N.A.*, 2004 WL 443881 (S.D. Miss. 2004)

- *Hines v. Bank of America Corp.*, 2004 WL 439997 (N.D. Miss. 2004)
- *Lott v. NationsCredit Financial Services Corp.*, 2004 WL 741681 (N.D. Miss. 2004)
- *Scruggs, Millette, Bozeman & Dent v. Merkel & Cocke*, 804 So.2d 1000 (Miss. 2001)
- *Briarwood, Inc. v. City of Clarksdale, Mississippi*, 766 So.2d 73 (Miss. App. 2000)
- *Scruggs, Millette v. Merkel & Cocke*, 763 So.2d 869 (Miss. 2000)
- *City of Clarksdale v. Smith*, 736 So.2d 482 (Miss. App. 1999)
- *Hooker v. State*, 716 So.2d 1104 (Miss. 1998)
- *Dunn v. Mississippi State Department of Health*, 708 So.2d 67 (Miss. 1998)
- *Davis v. Magnolia Lady, Inc.*, 178 F.R.D. 473 (N.D. Miss. 1998)
- *Davis v. Lady Luck*, 197 WL 790508, 11 N.D.L.R. 264 (N.D. Miss. 1997)
- *City of Clarksdale, Mississippi v. Mississippi Employment Security Commission*, 699 So.2d 578 (Miss. 1997)
- *McNeil v. Nowell Funeral Services, Inc.*, 678 So.2d 1015 (Miss. App. 1996)
- *City of Clarksdale v. Briarwood, Inc.*, 675 So.2d 1252 (Miss. App. 1996)
- *Lee v. Coahoma County*, 937 F.2d 220 (5th Cir. 1991), 986 F.2d 100 (5th Cir. 1993), 37 F.3d 1068 (5th Cir. 1995), cert. denied, 514 U.S. 1066 (1995)

published articles

"You've Been Hacked! You and Your Firm Are Targets - A Cybersecurity Primer for the Mississippi Practitioner," *The Mississippi Lawyer*, Spring 2018

"Provisional Remedies: Mississippi," *Practical Law*, A Thomson Reuters Legal Solution, February 2016

"Mississippi Commercial Lending Law," *Commercial Lending Law, Second Edition: A Jurisdiction-by-Jurisdiction Guide of U.S. and Canada*, American Bar Association Business Law Section, 2016

"Responding to Discovery Subpoenas: Mississippi," *Practical Law*, A Thomson Reuters Legal Solution, September 2015

"Drafting and Issuing Discovery Subpoenas: Mississippi," *Practical Law*, A Thomson Reuters Legal Solution, August 2015

"A Primer on Metadata: To Scrub or Not to Scrub?" *Executive Counsel Magazine*, August/September 2011

"An Analysis of Cappuccitti: Eleventh Circuit Panel Adds New Amount in Controversy Requirement to CAFA Jurisdiction," *BNA, Inc. Toxics Law Reporter*, Vol. 25, No. 32, August 19, 2010

"An Analysis of Cappuccitti: Eleventh Circuit Panel Adds New Amount in Controversy Requirement to CAFA Jurisdiction," *BNA Class Action Litigation Report*, August 2010

"Class Actions: Going Federal," *Risk Management Magazine*, May 2010

"Bankruptcy Court Jurisdiction to Certify a Multidistrict Debtor Class Action," *The Review of Banking & Financial Services*, Vol. 26 No. 1, January 2010

"Mississippi Commercial Lending Law," *Commercial Lending Law: A State-By-State Guide*, published by the American Bar Association Business Law Section, July 2009

"CAFA's Fourth Year Brings Noteworthy Updates," *Consumer Finance Law Quarterly Report*, Vol. 62, Nos. 1-2, Spring-Summer, 2008

"E-Discovery and the Ethics of Metadata," *The Mississippi Lawyer*, Vol. LIV, No. 4, May/June 2008

"eDiscovery 101: What is Metadata and How Do you Produce ESI Containing MetaData?" *Digital Matters*, The Newsletter of the Technology for the Litigator Committee, Section of Litigation, American Bar Association, Vol. 2, No. 1, Spring 2008

"Enforceability of Arbitration Clauses in Consumer Class Action Litigation," *The Review of Banking & Financial Services*, Vol. 23 No. 10, October 2007

"Beware the Rocky Shoals: Navigating the Uncharted Waters of Electronic Discovery," *The Mississippi Lawyer*, Vol. LIII, No. 3, February-April 2007

"Navigating the Uncharted Waters of Electronic Discovery, Part II,"
The MDLA Quarterly, Vol. 30, No. 3, Fall 2006

"CAFA Enunciates a New Burden of Proof Standard for Federal Jurisdiction," *Consumer Financial Services Law Report*, Vol. 10, No. 15, August 2006

"Navigating the Uncharted Waters of Electronic Discovery, Part I,"
The MDLA Quarterly, Vol. 30, No. 1, Spring 2006

"Resorting to CAFA's Legislative History Resolves Some Ambiguity,"
Consumer Financial Services Law Report, Vol. 9, No. 10, November 2, 2005

"CAFA's New 'Minimal Diversity' Standard for Interstate Class Actions Creates a Presumption that Jurisdiction Exists, with the Burden of Proof Assigned to the Party Opposing Jurisdiction," *Mississippi College Law Review*, 25 Miss. C. L. Rev. 7, Fall 2005

"Practitioners Review 'Abstention' Procedure under Sections 1332(d)(3) and (4)," *Consumer Financial Services*, Vol. 9, No. 2, June 15, 2005

"Technology Tomorrow: A Glimpse into the Crystal Ball," *The Mississippi Lawyer*, Vol. XLVII, No. 4, March 2001

Chapter Author, *Solo/Small Firm Handbook*, Mississippi Bar, 2001

"2001 - A Legal Technological Odyssey," *The Mississippi Lawyer*, Vol. XLVII, No. 3, January 2001

Mississippi Annexation Law, Lex Press, 1992

presentations

"Class Action Litigation Trends and Innovations in Settlement Administrations: New Cases, Emerging Theories of Liability, Certification Developments in the Wake of Wal-Mart v. Dukes and AT&T Mobility v. Concepcion, Settlement Considerations, Statutory Damages, and More," American Conference Institute's 14th National Conference on Consumer Finance Class Actions & Litigation, Chicago, Illinois, July 30, 2012

"Defending Foreclosure and Loan Modification Practices, Defeating MERS, TILA HAMP, and Bankruptcy Defenses & Contending with the Recent Wave of Cases Involving Trustees," American Conference Institute's 13th National Conference on Consumer Finance Class Actions & Litigation, New York, New York, January 2012

"Update on Class Action Litigation," The Credit Law Institute in conjunction with The Conference on Consumer Finance Law, Consumer Credit 2011 Seminar, Dallas, Texas, December 2011

"Class Action Update and Current Trends in Consumer Litigation,"
10th Annual Consumer Finance Legal Conference, New Orleans,
Louisiana, October 21, 2011

"Class Action Update and Current Trends in Consumer Litigation," 9th
Annual Consumer Finance Legal Conference, New Orleans, Louisiana,
October 22, 2010

"Update on Class Actions and the CAFA," The Credit Law Institute in
conjunction with The Conference on Consumer Finance Law,
Consumer Credit 2010 Seminar, Dallas, Texas, October 2010

"Update on Class Actions and CAFA," The Credit Law Institute in
conjunction with The Conference on Consumer Finance Law,
Consumer Credit 2009 Seminar, Dallas, Texas, November 5, 2009

"Class Action and Consumer Litigation Update," 8th Annual
Consumer Finance Legal Conference, New Orleans, Louisiana,
October 22, 2009

"Bankruptcy Court Claim Developments: What Lenders, Servicers and
Law Firms Need to Know to Prevail Against the Latest Claims,"
American Conference Institute Residential Mortgage Seminar, Dallas,
Texas, October 2009

"Emerging Trends in Class Actions," The Credit Law Institute in
conjunction with The Conference on Consumer Finance Law,
Consumer Credit 2008 Seminar, Dallas, Texas, November 2008

"E-Discovery Ethics," Technology Solutions for the Mississippi
Practitioner, Mississippi Bar Technology Seminar, Jackson, MS,
November 2008

"Emerging Trends in Class Actions," 7th Annual Consumer Finance
Legal Conference, New Orleans, LA, October 16, 2008

"Nightmare on Main Street: E-Discovery, Qualcomm and the (Not So)
New Rules - What You Don't Know Can (And Will) Hurt You,"
Mississippi Bar, 20th Annual Summer School for Lawyers, Destin, FL,
July 2008

"Broker Liability: Impact of Emerging Fiduciary Obligations on
Pending and Future Litigation," American Conference Institute
Subprime Lending Litigation & Regulatory Enforcement, Dallas, Texas,
March 2008

"Preparing for Hurricanes and Other Disasters - Mississippi Hurricane
Litigation Update," The Credit Law Institute in conjunction with The
Conference on Consumer Finance Law, Consumer Credit 2007
Seminar, Dallas, Texas, November 2007

"Emerging Trends in Class Actions, including Recent Developments in
the Class Action Fairness Act," The Credit Law Institute in conjunction
with The Conference on Consumer Finance Law, Consumer Credit
2007 Seminar, Dallas, Texas, November 2007

"Determining Third Party Liability for Origination Practices: Lenders vs. Brokers," American Conference Institute Subprime Lending Litigation & Regulatory Enforcement, Washington D.C., September 2007

"Metadata for Litigators: E-discovery, Disclosure, and Ethical Concerns," Mississippi Bar, July 2007

"Class Actions, Arbitration Clauses, and Classwide Arbitration," American Conference Institute, Preventing, Defending, and Resolving Consumer Credit Litigation, New York, NY, June 2007

"Katrina Litigation Surge Floods the Mississippi Courts," Mortgage Servicing & Default Management, American Conference Institute, Washington D.C., December 2006

"Aftermath of Hurricane Katrina: New Flood of Hurricane-Related Servicing Issues and Litigation," The Credit Law Institute in conjunction with The Conference on Consumer Finance Law, Consumer Credit 2006 Seminar, Dallas, TX, November 2006

"The Class Action Fairness Act: Using Evolving Interpretations to Your Advantage," American Conference Institute, Sixth National Advanced Forum Winning Strategies for Preventing and Defending Claims, New York, NY, September 2006

"Where Do Blogs Fit In Your Firm's Business Strategy," International Legal Technology Association Annual Conference, August 2006

"Litigation Skills," Critical Trial Skills For Legal Services Attorneys Seminar, ABA Section of Litigation and National Institute for Trial Advocacy, May 2006

"Lessons learned by a Large Firm from Katrina," New Orleans, New Law: Community Revival with Technology, May 2006

"Post-Katrina Litigation in Mississippi," American Bar Association, Section of Business Law Spring Meeting, Consumer Financial Services Section, Tampa, FL, April 2006

"The Class Action Fairness Act," The Credit Law Institute in conjunction with The Conference on Consumer Finance Law, Consumer Credit 2005 Seminar, November 2005

"Class Action Fairness Act - Preparing for its Impact on Jurisdiction, Discovery Timing and Techniques, Settlement Strategies and Notice Requirements," American Conference Institute, Fifth Annual Consumer Finance Litigation and Class Action Seminar, September 2005

"Avoiding and Defending Class Actions and Class Action Fairness Act Workshop," Consumer Credit Insurance Association 54th Annual Meeting, May 2005

"The Complete Guide to Litigating Class Actions and Class Action Fairness Workshop," American Conference Institute 4th National

Advanced Guide to Consumer Finance Litigation and Class Actions,
April 2005

"Freedom of Information Act - Third Party Information Requests and
the Privacy Act of 1914," Tupelo, MS, October 2003

"Law Office Management - Tips for the New Practitioner," Mississippi
Bar Young Lawyers Division, October 2003

"The Mobile Lawyer - Practicing from the Road," Mississippi Bar
Annual Technology Seminar, October 2003

"Ask the Experts," Mississippi Municipal Association Midwinter
Meeting, January 2003

"Legal Technology for the Mississippi Lawyer," Mississippi Bar
Northeast Mississippi Regional Bar Meeting, November 2002