

## Philip D. Nickerson

Associate

Austin

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### OVERVIEW

Philip's diverse practice includes representation of financial, tech, real estate, and energy companies in a range of government investigation and litigation matters. With experience obtaining favorable results for clients as a first and second-chair litigator in state and federal trial courts, arguing before federal courts of appeal, and representing clients in arbitration proceedings, he understands the importance of tailoring litigation strategy to align with clients' goals.

Philip represents clients in navigating regulations, criminal and civil fraud claims, government investigations, responding to Civil Investigative Demands (CIDs) and subpoenas, consumer protection litigation, fiduciary duty litigation, trade secrets claims, breach of contract disputes, construction and product defect litigation, and insurance defense matters. He also advises clients on name, image, and likeness (NIL) compliance issues concerning permissible and impermissible NIL activities and navigating state NIL laws, NCAA bylaws, and other NCAA policies. Philip serves as an editor for the *[NIL Revolution Blog](#)* which explores the dynamic landscape and recent developments in name, image, and likeness (NIL) law.

Philip is active in his local community and enjoys mentoring first generation undergrad and law students in their pursuit of a legal career. He is also passionate about pro bono and access to justice initiatives. In addition to representing clients pro bono, Philip is a founding board member of the Federal Limited Appearance Program (FLAP). FLAP provides pro se litigants with limited-scope representation for hearings in civil suits pending before the United States District Court of the District of Colorado. He helped develop the program as part of the coalition of stakeholders at the District of Colorado and the Colorado Bar Association – Young Lawyers Division.

### REPRESENTATIVE MATTERS

#### Government Investigations and Litigation

- Represented a business owner in multimillion-dollar small business administration (SBA) wire fraud case brought by the Department of Justice (DOJ) in federal district court.
- Represented various companies in responding to subpoenas issued by government agencies.
- Represented companies in a securities fraud and unregistered broker-dealer investigation by the Securities and Exchange Commission (SEC) that resulted in a no-action letter.
- Represented a financial institution during ongoing Office of the Comptroller of the Currency (OCC) investigation.

- Represented state municipalities in litigation brought by the state attorneys general office.
- Successfully tried a licensure revocation case against a registered nurse in administrative court.
- Responds to Civil Investigative Demands (CIDs) from CFPB, HUD, state attorneys general, and the DOJ.

### **Civil Litigation, Trials, and Arbitration**

- Successfully represented a construction company in federal trade secrets litigation in federal court and by briefing and presenting oral argument before the Fifth Circuit Court of Appeals in defense of the dismissal obtained in federal the trial court.
- Obtained summary judgment for an international travel booking company during representation of that company in multiple cases alleging unlawful trafficking in Cuban property confiscated by the Cuban government under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Helms-Burton Act) in federal district court.
- Lead trial attorney in successful federal jury trial of a Colorado inmate's Eighth Amendment claim against correctional officers alleged to have applied excessive force when placing the inmate in universal restraints.
- Obtained a \$1.4 million arbitration award on behalf of a homeowner in construction defect arbitration.
- Obtained an injunction against a real estate developer on behalf of investors in fraud litigation.
- Obtained an injunction and appointment of a receiver on behalf of an international media production company that brought claims against its business partner for breach of fiduciary
- Obtained dismissal of all claims against an international real estate company in breach of contract claims brought by independent licensee.
- Represented a hospital district in litigation against a health care service provider in a multimillion-dollar breach of contract dispute.
- Represented various oil and gas companies in royalty disputes, and in contract disputes against downstream distributors.

### **Financial Services Litigation**

- Represents financial companies in disputes relating to the Uniform Commercial Code (UCC), Truth-In-Lending Act (TILA), Real Estate Settlement Procedures Act (RESPA), Telephone Consumer Protection Act (TCPA), and other consumer statutes.
- Represented a financial institution that served as sponsoring bank for a card payment processing portfolio against civil fraud and fiduciary duty claims brought by the portfolio's independent sales organization.
- Successfully advised financial services institution in wind down of a line of business during an ongoing Office of the Comptroller of the Currency (OCC) oversight.
- Advised a financial services institution on various employment matters involving non-compete and non-solicitation agreements.

### **AWARDS**

- Up & Coming Lawyer by *Austin Black Business Journal* (2022)
- *Super Lawyers®*: Texas Rising Star (Civil Litigation) (2024)
- *Best Lawyers in America®*: Ones to Watch, Commercial Litigation (2026)

### **TOP AREAS OF FOCUS**

- Regulatory Investigations, Strategy + Enforcement

## **ALL AREAS OF FOCUS**

- Financial Services Litigation
- Litigation + Trial
- Regulatory Investigations, Strategy + Enforcement
- State Attorneys General
- White Collar Litigation + Investigations

## **PROFESSIONAL/COMMUNITY INVOLVEMENT**

- Member, Austin Bar Association
- Member, Austin Black Lawyers Association
- Board member & mentor, Law School... "Yes We Can!" 2014-2024
- Member, Austin Bar Association/Austin Young Lawyers Association Leadership Academy, 2023
- Member, University of Denver Alumni Council, 2020-2022
- Director, Board of Directors for the Colorado Bar Association – Young Lawyers Division, 2020-2021
- Young Lawyers Division chair & Judicial Endorsement Committee member, Sam Cary Bar Association, 2019-2021

## **PROFESSIONAL EXPERIENCE**

- Adjunct professor, International Practice & Procedure, University of Denver Sturm College of Law, 2020-2021
- Law clerk, Hon. S. Kato Crew, U.S. District Court for the District of Colorado
- Intern, Hon. Christine Arguello, U.S. District Court for the District of Colorado
- Intern, Colorado Attorney General's Office

## **EDUCATION AND CERTIFICATIONS**

### **EDUCATION**

- University of Denver Sturm College of Law, J.D., 2017
- University of Denver, M.B.A., 2017
- Baylor University, B.B.A., 2012

### **BAR ADMISSIONS**

- Colorado
- Texas

### **COURT ADMISSIONS**

- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas

- U.S. District Court, District of Colorado

## **SPEAKING ENGAGEMENTS**

- Speaker, “House v. NCAA: Shaping the Future of Student-Athlete Rights,” myLawCLE and Federal Bar Association CLE Webinar, April 17, 2025.
- Speaker, “New to Federal Practice: What you need to Know, Faculty of Federal Advocates,” April 2021.
- Moderator, “Just Mercy” Panel – “Confronting Today’s Justice System,” ABA YLD Fall Conference, October 2020.
- Speaker, “Federal Practice Update,” Colorado Bar Association CLE, June 2019.
- Speaker, “Behind the Bench” – A Clerk’s Panel, Faculty of Federal Advocates CLE, February 2019.

## **PUBLICATIONS**

- Editor, NIL Revolution Blog.
- Co-author, “2025 Mid-Year Review: State AGs in a New Era,” *Troutman Pepper Locke*, July 25, 2025.
- Podcast, “NIL Enforcement in a Post-House World – What Institutions Can Expect,” *Highway to NIL*, June 5, 2025.
- Co-author, “Navigating Change: First 100 Days Under the Trump Administration,” *2025 Digital Asset Developments*, May 28, 2025.
- Co-author, “NIL Recruiting Ban About to Become a Thing of the Past,” *Troutman Pepper Locke*, March 24, 2025.
- Author, “Texas NIL Update: Texas Gears Up for a Post-House Settlement World and Beyond,” *Troutman Pepper Locke*, March 14, 2025.
- Author, “SEC Rule 14a-8(l)(9): The Conflict with Conflicting Proposals,” *Den. L. Rev. Online*, Vol. 93, April 2016.