

JOSHUA M. AUTRY

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Professional Experience

Litigation / Trial Attorney

Lavery Faherty Patterson, Harrisburg, PA (May 2014 – present)

Clymer, Musser & Conrad, P.C., Lancaster, PA (Jan. 2013 – May 2014)

Boyle, Autry & Murphy, Camp Hill, PA (Oct. 2008 – Dec. 2012)

- Litigate civil rights, personal injury, and criminal defense cases from intake to trial
- Tried fifteen cases to jury verdict; first-chaired eleven jury trials
- Won multiple federal and state appeals in both criminal and civil cases
- Argued before Second Circuit Court of Appeals
- Argued nine appeals before the Superior Court of Pennsylvania
- Drafted more than 30 appellate briefs filed in both state and federal courts
- Deposed more than 75 adverse witnesses; defended more than 35 depositions
- Notable cases include those listed on the attached appendix
- Notable media appearances include those listed on the attached appendix

Summer Associate, Boyle, Neblett & Wenger, Camp Hill, PA (Summer 2007, Summer 2008)

Extern, Virginia Circuit Court Judge Robert P. Doherty, Salem, VA (Fall 2007 – Spring 2008)

Fellow, Blackstone Legal Fellowship, Washington, D.C. (Summer 2006)

Debate Coach, Liberty University, Lynchburg, VA (Fall 2005 – Spring 2006)

Bar Admissions

Pennsylvania, 2008; All Pennsylvania U.S. District Courts (Middle District, 2009; Eastern District, 2010; Western District, 2011); U.S. Court of Appeals for the Third Circuit, 2010; U.S. Court of Appeals for the Second Circuit, 2012

Advanced Advocacy Training

Ultimate Trial Advocacy College, American Association for Justice, Mar. 10-14, 2012

Advanced Depositions College, American Association for Justice, Feb. 18-21, 2011

Litigating Nursing Home Cases, American Association for Justice, Sep. 24-25, 2010

Trial Advocacy College, American Association for Justice, Mar. 20-23, 2010

National Litigation Academy, Alliance Defense Fund, June 22-27, 2009

Education

Washington and Lee University School of Law, Lexington, VA; Juris Doctor, May 2008

- Environmental Law Digest, Editor-in-Chief (3L), Editor (2L), Staff Writer (1L)
- Moot Court Executive Board (3L), Chair of Moot Court Competition
- Moot Court Competition (2L), Runner-up for Best Oralist; Finalist for Best Brief
- Research Assistant (3L), Professor Darryl Brown
- Federalist Society (3L), President

Liberty University, Lynchburg, VA; Bachelor of Science in Government, May 2005

Debate Team, Awarded “Best Debater” for Liberty’s 2005 national champion team

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Notable Cases

Appeals

Zimmerman v. Norfolk Southern, 706 F.3d 170 (3d Cir. 2013). Third Circuit reversed grant of summary judgment to railroad. In brief, successfully argued that federal regulations did not preempt state negligence cause of action. The case settled for \$950,000 on remand.

United States v. Miller, 12-4190 (2d Cir. 2012). Filed motion for extra-ordinary appellate relief because prosecutors threatened to seek a sentencing enhancement if Miller exercised right to remain silent and refused to testify before a grand jury after conviction but before sentencing. After oral argument, prosecutors agreed not to seek any such sentencing enhancement.

In the Interest of H.V., 37 A.3d 588 (Pa. Super. 2012). Superior Court reversed decision that Mother—the victim of Father’s violence—was unfit to raise her children. Argued on appeal that Mother ended her relationship with Father and was never accused of any abuse or neglect.

Knopick v. Downey., 639 F.3d 600 (3d Cir. 2011). Third Circuit reversed dismissal of a legal malpractice case based on the statute of limitations. In brief, successfully argued that the discovery rule tolled the statute while Knopick relied on his attorney’s advice.

Kelly v. Borough of Carlisle, 622 F.3d 248 (3d Cir. 2010). Third Circuit reversed District Court’s grant of summary judgment to police officer. Showed through briefing that the police officer violated Kelly’s Fourth Amendment rights. On remand, the District Court granted Kelly judgment as a matter of law.

Commonwealth v. Rainey, 826 MDA 2009 (Pa. Super. 2010) (unpublished). Superior Court reversed and remanded for new trial in murder case. Successfully argued that trial court should have let Rainey replace trial counsel, who had previously represented a key government witness.

Commonwealth v. Evans, 527 MDA 2009 (Pa. Super. 2011) (unpublished). PCRA court reinstated Evans’ appellate rights. Demonstrated that prior counsel failed to adequately advise him of his appellate rights. On appeal, the Superior Court held that his sentence was excessive. Successfully argued that two of his charges should have merged at sentencing.

Civil

Jacobs v. Hamot Medical Center, 1:09-cv-00048 (W.D. Pa. 2012) (unpublished). After over 30 depositions, defeated summary judgment on claims of battery, fraud, negligent misrepresentation and medical malpractice. The case settled for \$1.2 million.

Rocuba v. Borough of Carbondale et al., 3:10-cv-01465 (M.D. Pa. 2012). Through several depositions, showed that a police officer rammed an ATV and gave Rocuba, a 17-year-old girl, a permanent back injury. Prior to trial, the Borough agreed to pay \$105,000 to settle the case.

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Civil (continued)

Perry v. Borough of Middletown et al., 1:10-cv-00911 (M.D. PA 2011). Deposed more than a dozen witnesses to reveal that police displayed a naked photograph of Mrs. Perry through her front window for hours. During discovery, the Borough agreed to pay \$100,000 to settle the case.

Criminal

Commonwealth v. Johnson, CP-67-CR-7485-2009 (York County 2011). Jury acquitted driver of Aggravated Assault while DUI, a felony. Showed the jury that the victim, a local sheriff's deputy, did not suffer any "serious injury" according to most of her treating physicians.

Commonwealth v. Cave, CP-21-CR-2382-2008 (Cumberland County 2009). DA dismissed charge of Aggravated Harassment by Prisoner, a felony. With a medical exam, argued that Cave—who threw feces on a prison guard—did not understand the nature of his actions.

Commonwealth v. Clugston, CP-22-CR-2795-2008 (Dauphin County 2009). Jury acquitted Clugston of Resisting Arrest. Less than 90 days after becoming an attorney, called several witnesses to show that Clugston did not resist arrest; rather, the police actually assaulted him.

Commonwealth v. Cote, CP-67-CR-3388-2008 (York County 2008). As a law clerk, drafted a brief arguing that the police officer lacked probable cause to justify a vehicle search. The court agreed and suppressed all of the drugs discovered, forcing the prosecution to drop the case.

Notable Media Appearances

- *Motorist's lawyer: Officer had violent history*, NBC 11, March 18, 2013 (<http://bit.ly/pittsburghnbc>).
- *Harper opted not to fire former Pittsburgh detective prior to road rage incident*, Pittsburgh Post-Gazette, March 19, 2013 (<http://bit.ly/pittsburghpostgazette>).
- *Opposing Sides Preview Strategies in Kidnapping Trial*, New York Times, August 8, 2012 (<http://nyti.ms/12GPHps>).
- *Judge rules Carlisle officer violated man's rights*, The Sentinel, June 18, 2012 (<http://bit.ly/kellycasesentinel>).
- *Federal judge rules in dispute over wiretapping arrest of Carlisle man who filmed police officer*, Patriot News, June 15, 2012 (<http://bit.ly/kellycasepatriot>).
- *Teachers' attendance at prayer approved*, Patriot-News, November 21, 2008 (<http://bit.ly/teacherspatriot>).