

Carter Phillips of Sidley Austin LLP to Represent Belward Farm Successors' Appeal in Donor Intent Lawsuit Against Johns Hopkins University

Rockville, MD – Carter Phillips, Partner and Executive Committee Co-Chair of Sidley Austin LLP, has been selected to represent the plaintiffs' appeal efforts in *John Timothy Newell, et.al. v. Johns Hopkins University*, the donor intent lawsuit challenging Hopkins' proposed development of Montgomery County's historic Belward Farm.

“Our family – and more importantly the future of Belward Farm – is in experienced hands with [Sidley Austin](#),” said Tim Newell, lead plaintiff and nephew to Elizabeth Beall Banks, who donated Belward Farm to JHU in 1989.

“We are extremely honored to have [Carter Phillips](#) leading our efforts to overturn a recent ruling which removed all development restrictions on the Belward Farm property. The Court's decision was an affront to my Aunt Liz's legacy and only served to strengthen our resolve to seek justice for her and donors everywhere. Mr. Phillips will help us reach that goal.”

Phillips has argued 67 cases in the Supreme Court - the most of any lawyer currently in private practice. He also has argued more than 100 cases in United States courts of appeals, including at least one in every Circuit in the country, and 25 in the Court of Appeals for the Federal Circuit. Due to his impressive track record, Phillips has consistently been ranked among the top lawyers in the country by numerous sources.

“I am honored that the descendants of Ms. Elizabeth Beall Banks, have asked my law firm, Sidley Austin LLP, and me personally, to assist in the appeal of the lawsuit between the estate and Johns Hopkins University,” said Phillips. “The refusal of the University to respect Ms. Banks' desire to ensure that the bulk of her family's 138 acre farm not be developed except as a low-density suburban campus may serve the University's short-term financial interests, but will have a significant and harmful effect on charitable giving more generally. The trial court erred in ruling against the descendants' claims summarily, and I am hopeful and confident that the appellate process will correct that error.”

Newell added that “Our original Counsel David Brown of Knopf & Brown will continue to serve as an advisor both to our family and to Mr. Phillips.”

Belward Farm was originally gifted to the University to protect the property from commercial and residential development by restricting the use of the 108 acre parcel to a JHU owned and operated suburban research campus. An October 26, 2012 ruling by Montgomery County Circuit Court Judge Ronald B. Rubin removed all restrictions on the development of the Farm property, thereby allowing JHU and County officials to move forward with their plans to turn Belward Farm into a commercial “Science City” real-estate venture.

The family formally filed its appeal in November 2012. The case now moves to the Maryland Court of Special Appeals, with briefs filed as early as March 2013.

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ABOUT THE LAWSUIT:

John Timothy Newell, et.al. v. Johns Hopkins University alleges John Hopkins University's plan to develop Belward Farm into a commercial "Science City" violates the now-deceased donor's intent that the farm be used for a Johns Hopkins University Research Campus in a park-like setting.

The donor's family filed suit against the University on November 10, 2011 in Montgomery County Circuit Court under representation by David Brown of Knopf & Brown. JHU's initial attempt to have the case dismissed failed when the Court issued a lengthy decision in March 2012 mandating that discovery in the case go forward.

A later ruling on October 26, 2012 by Montgomery County Circuit Court Judge Ronald B. Rubin removed all restrictions on the development of the Belward Farm property. Judge Rubin adopted the position that Ms. Banks' "sale" of Belward Farm for \$5 million, when it was worth as much as \$50 million, constituted nothing more than an arms-length real estate transaction, rather than a gift.

The family announced it would appeal the decision in late October of 2012 and filed its formal appeal in November 2012.