

Fredrick H.L. McClure

Partner

Co-Chair, Diversity Committee and Initiative

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Fredrick McClure is an experienced litigator with a concentration in conflict resolution. He is co-chair of DLA Piper's firmwide Diversity and Inclusion Program, a member of the Executive and Policy Committees, and is the Litigation practice group leader in the Tampa office.

Mr. McClure is rated "AV," the highest rating attainable, by the *Martindale-Hubbell Law Directory*. Each year since July 2004, *Florida Trend* magazine has named him to Florida's Legal Elite, a designation extended to only 1.6 percent of Florida attorneys, as voted by their peers. Additionally, since 2006, *Law and Politics* magazine has named Mr. McClure as a "Florida Super Lawyer."

Mr. McClure's broad-ranging experience includes:

Labor and Employment Litigation: Mr. McClure defends both public and private sector clients in all types of employment-related litigation, arbitration, and mediation, including claims of discrimination and sexual harassment, claims under the ADA and FMLA, Title IX of the Education Amendments Act of 1972, wage and hour claims under the FLSA and claims for breach of contract and employment-related torts such as defamation and invasion of privacy, and litigation arising out of employee violations of non-compete agreements, trade secrets, and related issues.

Product Liability: In his product liability practice, Mr. McClure represents both domestic and international manufacturers. He has successfully defended products in the automotive, electronics, cosmetics, food, and asbestos industries in both class action and single plaintiff litigation.

Insurance Coverage and Bad Faith: Mr. McClure has served as regional counsel for a major insurance carrier in the prosecution and defense of coverage and bad faith claims. In addition to his trial work on behalf of the company, he also represented the company in alternative dispute forums that resulted in favorable results for the company and alleviated the potential exposure of the uncertainties of jury verdicts.

Insurance Broker Errors and Omissions: Mr. McClure regularly defends insurance brokers against errors and omissions claims for failure to place or "misplacing" coverage in actions brought by insureds, insurance agents and/or other brokers.

General Civil Litigation: Mr. McClure also maintains an active general civil and commercial litigation practice. He has successfully litigated, arbitrated or mediated disputes ranging from domestic relations to real estate to ecclesiastical matters, among others.

Class Action Litigation: Mr. McClure has lead counsel and co-counsel experience in both federal and state court class action litigation. Among his most recently concluded class action experience, he has:

- > Served as lead appellate counsel for a foreign automobile manufacturer and obtained decertification of statewide class of vehicle owner and lessees.
- > Served as lead trial counsel for a foreign automobile manufacturer with a statewide class action and obtained a defense verdict of the fraud claim, which avoided automatic trebling of damages.
- > Served as lead defense counsel for a major international cosmetics manufacturer in a federal court product liability and Florida Deceptive and Unfair Trade Practices Act case. Successfully defeated certification of any national classes. Appealed the trial court's certification of a Florida-only class and settled the case while on appeal, resulting in no classes being certified and nominal payments to the class representatives.
- > Served as lead defense counsel for a national office supply company in a state court Telephone Consumer Protection Act case. Obtained summary judgment on the substantive claims prior to certification of any class. The dismissal was affirmed on appeal.
- > Served as lead defense counsel for two major international telecommunications companies in a federal court Fair Credit Reporting Act, Equal Credit Opportunity Act, and Florida Deceptive and Unfair Trade Practices Act case. Settled one case for a nominal sum while the defendant's motion for summary judgment was pending, and the other without payment from the firm's client.
- > Served as lead defense counsel for a national career college in a federal Age Discrimination in Employment Act and sex discrimination case. Defeated class certification and subsequently settled case for a nominal sum.

Reported Decisions:

- > *Kia Motors America, Inc. v. Yvonne Butler, et al*, 2008 WL 2356354, (FLA. App. 3 Dist. June 11, 2008)
- > *Owner-Operator Independent Drivers Ass'n, Inc. v. Landstar Inway, Inc.*, 2007 WL 521245, (M.D.Fla. Jan 05, 2007)
- > *Hunt v. Cornerstone Golf, Inc.*, 2007 WL 5685, (Fla. App. 4 Dist. Jan 03, 2007)
- > *Pods, Inc. v. Paysource, Inc.*, 2006 WL 1382099, (M.D.Fla. May 19, 2006)
- > *Benitez v. Computer Horizons Corp.*, 2005 WL 3113217, (M.D.Fla. Nov 21, 2005)
- > *McIntosh Land Co. Ltd. Partnership v. Fairfield Fletcher Ltd. Partnership*, 2005 WL 2656577, (M.D.Fla. Oct 18, 2005)

- > *Benitez v. Neilsen Media Research, Inc.*, 2005 WL 1224926, (M.D.Fla. Mar 17, 2005)
- > *Jantomaso v. Stracick*, 892 So.2d 1055 (Fla. 5th DCA 2005)
- > *Wites & Kapetan, P.A. v. Staples the Office Superstore East, Inc.*, 892 So.2d 1051 (Fla. 4th DCA 2005)
- > *Exchange Mutual v. Sanders*, 1989 WL 147516 (Tenn. Ct. App.)
- > *Warmack v. Barnett*, 1990 WL 19691 (Tenn. Ct. App.)
- > *Laird v. Alazzam*, 1991 WL 12837 (Tenn. Ct. App.)

Admissions

- > Florida
- > Tennessee
- > United States Court of Appeals for the Sixth Circuit
- > United States Court of Appeals for the Eleventh Circuit
- > United States District Court for the Middle District of Tennessee
- > United States District Court for the Eastern District of Tennessee
- > United States District Court for the Middle District of Florida
- > United States District Court for the Northern District of Florida
- > United States District Court for the Southern District of Florida

Memberships

- > Standing Committee on Federal Judicial Improvements, American Bar Association
- > Florida Bar Association
- > Hillsborough County Bar Association
- > Tennessee Bar Association
- > George Edgecomb Bar Association
- > American Bar Association
- > Fellow, American Bar Foundation
- > Phi Alpha Delta Legal Fraternity, Inc.
- > Alpha Phi Alpha Fraternity, Inc.

Publications

- > Co-author, "Recent Developments in the Law Affecting Corporate Counsel," *Tort Trial & Insurance Practice Law Journal*, Winter 2009 (44:2)

Seminars

Mr. McClure is a frequent lecturer on topics in the areas of litigation strategies, ethics and professionalism, and bar leadership. He also gives numerous annual local, state, and national motivational lectures to religious, social, and educational groups.

Civic and Charitable

- > Chairman of the Board, Greater Tampa Chamber of Commerce, 2007
- > Graduate, Leadership Florida, Class XX, 2002
- > The Mountain City Club, Non-Resident Member
- > The Course at CouncilFire, Inc., National Member
- > First Baptist Church, Tampa

Earlham College has honored Mr. McClure with its Outstanding Alumnus Award. In addition to serving on the college's African-American Advisory Board, Mr. McClure is a member of Earlham's Development Leadership Circle and funds two annual scholarships for African-American students to honor two African-American staff members who mentored him during his years at Earlham, a liberal arts college located founded by The Society of Friends in 1847.