Fredrick H.L. McClure

Shareholder



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Overview

Fred McClure is an experienced single plaintiff and class action trial lawyer with a concentration in complex product liability, consumer protection, employment, commercial law, insurance coverage and bad faith litigation, having tried many such cases to verdict in both bench and jury trials as lead counsel in multiple jurisdictions.

Fred is also a Certified Florida Supreme Court Circuit Mediator; Mediator, U.S. District Court, Middle District of Florida;and Qualified Court Appointed Mediator.

Representative Matters

- *Porsche Cars N. Am., Inc. v. Diamond*, 140 So.3d 1090 (3d DCA 2014), cert. denied, 2014 WL 7005011 (Fla. Dec. 11, 2014) Adopted heightened standard for pleading and proving an unfair practice claim under Florida Deceptive and Unfair Trade Practices Act.
- *Kia Motors America, Inc. v. Yvonne Butler, et. al.*, 985 So.2d 1133 (Fla. 3d DCA 2008), cert. denied, 999 So.2d 644 (Fla. Dec. 16, 2008) Established as a matter of Florida class action law that a consumer's mere purchase of an allegedly defective product that does not actually manifest the defect does not provide a basis for such consumer to sustain a claim for damages under Florida Deceptive and Unfair Trade Practices Act.
- *Hunt v. Cornerstone Golf, Inc.*, 2007 WL 5685, (Fla. App. 4 Dist. Jan 03, 2007) Affirming that a nonresident's telephone calls and electronic mail to a Florida resident does not subject the non-resident to personal jurisdiction in Florida under the long arm statute when the underlying cause of action does not arise from those communications.
- *Wites & Kapetan, P.A. v. Staples the Office Superstore East, Inc.*, 892 So.2d 1051 (Fla. 4th DCA 2005) First reported appellate decision recognizing an existing business relationship as a defense to a claim of unlawful faxing under the Telephone Consumer Protection Act.
- *Exchange Mutual v. Sanders*, 1989 WL 147516 (Tenn. Ct. App.) Established that a policyholder's education level is irrelevant in the determination of whether a reasonable person would have been on notice of a potential claim for purposes of complying with notice provision in an insurance policy.

Honors and Distinctions

- *Tampa Magazine's Top Lawyers List*, 2023
- BTI Client Service All-Star, 2022
- Certified Florida Supreme Court Circuit Civil Mediator
- Mediator, U.S. District Court, Middle District of Florida
- Qualified Court-Appointed Mediator
- *Chambers USA*, Litigation, 2022
- *Florida Super Lawyers*, 20062020
- *The Best Lawyers in America,*Commercial Litigation; Insurance Law: Mass Tort Litigation/Class Actions Defendants; Personal Injury Litigations - Defendants, 2013-2023
- *Florida Trend'sLegal Elite*, 2004-2010
- AV Preeminent Peer Review Rated by Martindale-Hubbell

Practice Areas

- Appellate
- Casualty / Personal Injury Defense
- Class Actions
- Insurance
- Litigation and Dispute Resolution
- Mediation and Arbitration
- Product Liability

Education

- J.D., University of Cincinnati, 1987
  - Moot Court Board
  - Order of the Barristers
- B.A., Earlham College, 1984
  - Outstanding Alumnus Award (2008)

Admissions

Florida
Tennessee
United States Court of Appeals for the Eleventh Circuit
United States Court of Appeals for the Sixth Circuit
United States District Court for the Southern, Middle, and Northern Districts of Florida
United States District Court for the Eastern and Middle Districts of Tennessee

Professional Involvement

- Florida Bar Association
- Hillsborough County Bar Association
- Tennessee Bar Association
- George Edgecomb Bar Association
- American Bar Association
  - TIPS / ABOTA National Trial Academy, Director, 2015, 2022
  - Tort Insurance and Trial Practice Section Council, Member
  - TIPS / ABOTA National Trial Academy, Director-Elect, 2014, 2020, 2021
  - Business Law Section
- Life Fellow, American Bar Foundation
- Phi Alpha Delta Legal Fraternity, Inc.
- Alpha Phi Alpha Fraternity, Inc.
- Sigma Pi Phi Fraternity, Inc.
- National Association of Guardsmen, Inc.

Community Involvement

- Trustee, Earlham College
  - Chair, Institutional Advancement Committee
  - Member, Academic Affairs Committee
- Trustee, Leadership Institute for Women of Color Attorneys
- President, The Tampa Club, 2013
- Chairman of the Board, Greater Tampa Chamber of Commerce, 2007
- Graduate, Leadership Florida, Class XX, 2002
- Old Memorial Golf Club
- Board of Trustees, First Baptist Church, Tampa

Thought Leadership

Fred 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 speeches to religious, social, and educational groups.

- "Trials in the Age of Covid: A View from the Bench," Moderator, ABA Tort Trial, and Insurance Practice Section Conference, April 2022
- Tampa Bay American Inns of Court Luncheon, Panelist, April 2022
- Director, TIPS/ABOTA National Trial Academy, 2015, 2022
- Director-Elect, TIPS/ABOTA National Trial Academy, 2014, 2020, 2021
- Faculty member, TIPS/ABOTA National Trial Academy, 2006, 2012, 2013, 2016, 2017, 2018 and 2019
- Co-author, "Recent Developments Affecting Corporate Counsel," *Tort Trial and Insurance Practice Law Journal*, Winter 2009 (44:2); Winter 2010 (45:2); Fall 2011 (47:1); Fall 2012 (48:1); Fall 2013 (49:1)