



Carol C. Lumpkin

Partner

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OVERVIEW

Carol Lumpkin has established practices in both commercial and employment litigation. Carol has extensive experience representing companies ranging from small closely held family businesses to multinational public corporations. Her multifaceted practice encompasses a broad spectrum of sectors within the national and global economy, including manufacturing, retailers, health care, hotels, professional sports teams, banking and insurance companies.

Carol has considerable experience litigating: defamation, non-competition, white-collar crime, misappropriation of trade secrets, fraud, trademarks infringements, and corporate compliance matters. Carol frequently consults on issues related to distribution agreements, breach of warranties, and commercial lending. In addition, Carol has extensive experience in class action defense in numerous jurisdictions, and strategic commercial litigation for consumer-focused industries. Most recently, she served as lead counsel in a products liability multi-district litigation, which was consolidated and sent to Charleston, South Carolina. As lead counsel, she managed the litigation involving seventeen jurisdictions and negotiated a settlement with the plaintiffs' steering committees. Her diverse practice also includes client representation within federal and state investigations across multiple jurisdictions. This work equips Carol with the critical knowledge of how to navigate client needs through the quandary of federal and state bureaucracies in a cost-effective manner.

Additionally, Carol has also been at the forefront of litigating Americans with Disabilities Act (ADA) suits by creating highly favorable case law for her representative clients. She has participated in negotiations and settlements with the Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC). She has also testified before the DOJ and Access Board with regard to ADA issues and the most recent amendments to the ADA.

ACHIEVEMENTS

- Named "Lawyer of the Year" by *The Best Lawyers in America*® for Labor Law-Management, Miami, 2013
- Recognized in *The Best Lawyers in America*® for Arbitration, 2023
- Recognized in *The Best Lawyers in America*® for: Labor Law-Management, 2013-2019, 2023; Employment Law-Management, 2018 -2019, 2023; Arbitration, 2023; and Employment Law-Individuals, 2017

- Member, The Fellows of the American Bar Foundation Cambridge Who's Who
- Strathmore's Who's Who Honorary
- Selected to the Florida Super Lawyers list, *Super Lawyers Magazine*, 2007-2018
- Florida's Legal Elite, *Florida Trend* magazine 2004, 2009, 2010, 2013, 2017
- Women Extraordinaire by *South Florida Business Leader* magazine, 2009
- Top Lawyer, *South Florida Legal Guide*, 2004-2011 and 2016 -2018
- Best of the Bar, *South Florida Business Journal*, 2005
- Honorary Recognition, United States EEOC, 1999

PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association
 - Member, Litigation Section
 - Member, Labor and Employment Section
- Member, Labor and Employment Section, Florida Bar
- The Academy of Florida Management Attorneys
- Federal Bar Association
- Board of Directors, Dade County Bar Association
- Chair Person, EEOC Advisory Board, Miami District Office
- Junior League of Miami
- Guardian Ad Litem Program
- Salvation Army

SPEAKING ENGAGEMENTS

- "Equal Employment Opportunity Commission (EEOC)," Technical Assistance Program Seminar, 2008
- "Employment Law for Stadium Managers," 2004, 2005, 2006
- "Employee Classifications in the 21st Century Compliance with the New USDOL White Collar Exemptions," Del Monte Fresh Produce, 2005
- "Conducting Investigations in the Workplace," EEOC T.A.P. Seminar, 2005, 2006

- “Breaking the Glass Ceiling by Respecting Diversity and Creating Strategic Alliances,” Women's Alliance Group, 2006
- “Military Leave Rights and the USERRA Amendments,” GMSHRM Spring Legal Update, 2006
- “Religion in the Workplace – National Origin – English Only Policies,” Florida International University
- “Military Leave Rights,” The Florida Bar, 2003
- “Americans with Disabilities Act,” 2001, 2002

ADDITIONAL BACKGROUND

PRO HAC ADMISSIONS

- Colorado
- Georgia
- Hawaii
- Illinois
- New York
- Oregon
- Pennsylvania
- South Carolina
- Tennessee

EDUCATION

- J.D., University of Miami School of Law, 1988 (*Comments and Articles Editor, Inter-American Law Review*)
- B.S., Florida State University, 1984

ADMISSIONS

- Bar of Florida
- Supreme Court of the United States
- United States Bankruptcy Court for the Middle District of Florida
- United States Bankruptcy Court for the Southern District of Florida
- United States Court of Appeals for the Eleventh Circuit

- United States District Court for the Middle District of Florida
- United States District Court for the Southern District of Florida

LANGUAGES

- Spanish

THOUGHT LEADERSHIP *POWERED BY HUB*

- 23 November 2022 , New California Bill Expands Guidance to Businesses to Mitigate Accessibility Claims for Websites, Parking Lots, and Other Exterior Paths of Travel
- 9 September, California Court Curbs Website Accessibility Claims Against Online-Only Businesses
- February 2022, Tenth Annual "Under the Wire" CLE Webinar
- 12 April 2021, The Eleventh Circuit Has Ruled that Websites Are Not Places of Public Accommodation- Unless Congress Says So
- 18 March 2020, COVID-19: Applicability of Force Majeure Clauses in the United States
- 26 June 2018, The Eleventh Circuit Revives an ADA Website Accessibility Complaint Alleging Nearly Identical Issues Covered in a Prior Settlement Agreement
- 20 June 2017, Does the Most Recent Web Accessibility Ruling Impact Your Business?
- 6 June 2017, A Cautionary Tale for Healthcare Providers: Are You Actually Providing Effective Communication Under the ADA and the Rehabilitation Act?

OTHER PUBLICATIONS

- "Privacy Ruling Highlights Risks Of Third-Party Web Tracking," *Law360*, 22 November 2022
- "Seven steps to prepare for and execute a successful food-related recall," *WestLaw*, March 2019
- "Could Your Business Avoid an ADA Drive-By Lawsuit," *Daily Business Review*, 12 July 2018
- "Is your website ADA-compliant? Avoid becoming a litigation target," *The Miami Herald*, 25 June 2018
- "South Florida Businesses, Get Ready for a Wave of Website-accessibility Lawsuits," *The Miami Herald*, 28 August 2017
- "Winn-Dixie Case Puts Spotlight on Website Accessibility/Compliance," *Chain Store Age*, June 2017
- "5 Tips to Fend off Website Accessibility Litigation," *Corporate Counsel*, 27 April 2016
- "Employer Beware: EEOC Targets Severance Provisions," *Daily Business Review*, 13 November 2014

NEWS & EVENTS

- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch

AREAS OF FOCUS

- Commercial Disputes
- Employment Disputes and Investigations
- Employment Issues in Business Transactions
- Human Resource Advice and Compliance
- Wage and Hour

INDUSTRIES

- Consumer Products
- Resort, Hospitality, and Leisure