

David C. Potter

David C. Potter has experience in general business and commercial litigation. His practice includes representation of businesses and individuals in all aspects of civil disputes in state and federal courts. In addition, Mr. Potter represents management clients in all aspects of employment issues in federal and state courts and before administrative agencies. He also regularly advises clients on day-to-day employment matters under state, federal and local laws.

Prior to joining the Firm in 2007, Mr. Potter completed a two-year federal trial court clerkship, a one-year state appellate court clerkship and practiced for five years in the Boston office of a leading global law firm. He also taught the first-year legal research and writing class at Boston University School of Law.

Representative Experience

- Defended major performance coatings manufacturer in age discrimination case
- Represented direct marketing company in restrictive covenant cases
- Defended international IT company in restrictive covenant case
- Represented school district in constitutional challenge related to hockey program
- Represented non-profit organization dedicated to education regarding autism and related disorders in wage claim
- Represented major health care organizations in numerous labor arbitrations related to collective bargaining agreements
- Defended major shaving and personal care product company in matters related to charges of discrimination, claims under ERISA and claims related to the exercise of stock options
- Assisted in the representation of candidate for governor of Massachusetts before the State Ballot Law Commission with respect to objections to his eligibility to appear on the ballot

Significant Reported Decisions

- *Livick v. The Gillette Co.*, 492 F. Supp. 2d 1 (D. Mass. 2007), affirmed 524 F.3d 24 (1st Cir. 2008)
- *Mariasch v. The Gillette Co.*, 2007 WL 518830 (D. Mass. 2007), affirmed 521 F.3d 68 (1st Cir. 2008)
- *Massachusetts Nurses Ass'n v. North Adams Regional Hospital*, 396 F. Supp. 2d 30 (D. Mass. 2005), affirmed 467 F.3d 27 (1st Cir. 2006)

Presentations and Publications

Presentations

- "Opportunities for Employers in a Struggling Economy," Speaker, Fowler White Boggs Fort Myers Employment Law Seminar, January 2010
- "Employment Law Update," Speaker, Sterling Education Services, Inc., April 2009
- "Legislative & Administrative Update," Speaker, Fowler White Boggs Fort Myers Employment Law Seminar, January 2008
- "Overtime Exemptions: A Road Map for the School Business Administrator," Speaker, AISNE Fall Business Conference, November 2005



Shareholder

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Practice Areas

Employment Law

Industries

Banking and Financial Services
Health Care
Manufacturing
Professional Services
Technology and E-Commerce

Education

J.D., *magna cum laude*, Boston University School of Law, 1999
(Editor-in-Chief, *Law Review*, Recipient of the Dr. John Ordronaux Prize)
B.A., *cum laude*, Hofstra University, 1992 (Phi Beta Kappa)

Bar Admissions

Florida
Massachusetts

Court Admissions

U.S. Court of Appeals, First Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Southern District of Florida
U.S. District Court, District of Massachusetts
U.S. Court of Federal Claims

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Publications

- "Hiring Employees: Getting the Process Right," Co-Authored with Peter L. Ebb, *Journal of Oncology Practice*, Vol 2, Issue 5, September, 2006
- "The Jake Baker Case: True Threats and New Technology," Author, 79 *Boston University Law Review*, 779, June 1999

Professional Affiliations

- American Bar Association
- Calusa Inn of Court
- Florida Equal Justice Center, Inc.: Board of Directors
- Florida Rural Legal Services, Inc.: Board of Directors
- Lee County Bar Association
- The Law Clerks' Society of the Supreme Judicial Court of Massachusetts