



## Julianna Thomas McCabe

Shareholder

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Julianna Thomas McCabe is a class action litigator and appellate lawyer with national experience representing clients in the financial services industry. She has defended complex cases in high stakes litigation including punitive damage and bad faith lawsuits in Florida, Mississippi, Arkansas, Oklahoma, Texas, West Virginia, California and other venues. Ms. McCabe has prepared briefs filed in the United States Supreme Court, several U.S. courts of appeals, and in various state supreme courts and intermediate appellate courts.

Ms. McCabe has represented clients at arbitration, and has litigated the enforceability of contractual arbitration clauses under the Federal Arbitration Act. She has also successfully mediated and favorably settled numerous complex cases on behalf of the Firm's financial services clients. Ms. McCabe is licensed to practice in all Florida state and federal courts and in the U.S. Courts of Appeal for the Fifth, Sixth, and Eleventh Circuits.

Ms. McCabe is the national class actions practice group leader.

### Representative Experience

- *Crosby Valve, LLC v. Dep't of Ins.*, 131 A.3d 1087 (Pa. Commw. Ct. 2016)
- *Weller v. HSBC Finance Corp.*, 2016 WL 2931608 (D. Colo. May 18, 2016)
- *Griffin v. HSBC Mortgage Servs., Inc.*, 2016 WL 1090578 (N.D. Miss. March 18, 2016)
- *Lyons v. Litton Loan Servicing, LP*, 158 F. Supp. 3d 211 (S.D.N.Y. 2016)
- *Clarizia v. Ocwen Financial Corp.*, 2016 WL 439018 (S.D.N.Y. Feb. 2, 2016)

### education

Boston University (J.D., 2000), magna cum laude

University of Connecticut (M.A., 1995)

University of Akron (B.A., 1993), magna cum laude

### related practices

[Appellate Practice and Trial Support](#)

[Consumer Finance and Banking](#)

[Insurance](#)

[National Class Actions](#)

[National Trial Practice](#)

### related industries

[Consumer Finance and Banking](#)

[Insurance](#)

[Life Insurance & Financial Lines](#)

[Property and Casualty Insurance](#)

### bar admissions

Florida

### court admissions

U.S. District Court,  
Southern District of Florida

- *Saccoccio v. JP Morgan Chase Bank, N.A.*, 2013 WL 5585230 (S.D.Fla., Oct. 9, 2013).
- *Allianz Life Ins. Co. of North America v. Cain*, 2013 WL 3880217 (W.D.N.C. July 26, 2013).
- *Hunter v. Transamerica Life Ins. Co.*, 2011 WL 4621111 (S.D. Tex. Sept. 27, 2011); 498 F. App'x 430 (5th Cir. 2012). Affirming dismissal of national class action collaterally attacking prior class action settlement.
- *Transamerica Life Ins. Co. v. Moore*, 274 F.R.D. 602 (E.D. Ky. 2011).
- *Hunter v. Runyan*, 2011 Ark. 43 (Feb. 9, 2011); *Crager v. Runyan*, --- S.Ct. ---, 2011 WL 4533079 (U.S. Oct. 3, 2011). Affirming orders denying intervention by objecting class members to national class action settlement of contract and tort claims and dismissing appeal of objector who failed to successfully intervene.
- *Wright v. Life Investors Ins. Co. of Am.*, 2010 WL 481003 (N.D. Miss. Feb. 4, 2010).
- *In re Life Investors Ins. Co. of Am.*, 589 F.3d 319 (6th Cir. 2009). Reversing district court's order enjoining defendants from pursuing approval of national class action settlement in parallel state court litigation.
- *Pipes v. Life Investors Ins. Co. of Am.*, 254 F.R.D. 544 (E.D. Ark. 2008); 711 F. Supp. 2d 964 (E.D. Ark. 2009). Class certification denied in case alleging breach of contract and bad faith; denying motion to intervene and to enjoin state court class action settlement filed by absent class member from parallel national class action.
- *Smith v. Life Investors Ins. Co. of Am.*, 2009 WL 3756913 (W.D. Pa. Nov. 6, 2009). Class certification denied in case alleging breach of contract, bad faith, and declaratory relief in relation to claims practices.
- *Adams v. Southern Farm Bureau Life Ins. Co.*, 493 F.3d 1276 (11th Cir. 2007). Affirmed district court finding that claims alleging, inter alia, fraud and breach of contract were barred by earlier class action settlement and release.

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, District of Colorado

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Sixth Circuit

U.S. Court of Appeals, Eleventh Circuit

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## Publications

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| 04.04.2017 | Co-Author, "As Class Action Spending Continues to Climb, Companies Manage Greater Risks," Carlton Fields Web Article (April 4, 2017).                  |
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| 03.06.2017 | Co-Author, "Surprising Findings On The Latest Class Action Litigation Trends," Carlton Fields Web Article (March 6, 2017).                             |
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| 06.03.2016 | Co-Author, "CFPB Rule Will Ban Use of Arbitration Agreements to Block Class Actions," Daily Business Review (June 3, 2016).                            |
| <hr/>      |                                                                                                                                                        |
| 05.05.2016 | "CFPB Publishes Proposed Rule Banning Use of Pre-Dispute Arbitration Agreements in Consumer Class Actions," Carlton Fields Client Alert (May 5, 2016). |
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| 03.21.2016 | Co-Author, "2016 Class Action Survey: Best Practices in Reducing Cost and Managing Risk in Class Action Litigation," Carlton Fields (March 2015).      |

12.23.2015	"The More the Merrier: Court Rejects Waiver Argument, Enforces Arbitration Clause in Consumer Contract," Expect Focus, Vol. IV (Fall 2015).
12.15.2015	"Supreme Court Confirms Enforceability of Class Action Waivers," Carlton Fields Client Alert (December 2015).
11.01.2015	Co-Author, "Recent Developments in Appellate Advocacy," Tort Trial & Insurance Practice Law Journal, Volume 50, Number 2 (Winter 2015)
12.22.2014	Co-Author, "Motions In Limine, Contemporaneous Objections, and the Need to Adequately Preserve the Record," Expect Focus, Vol. IV (Fall 2014).
10.01.2013	Co-Author, "Recent Developments in Appellate Advocacy," Tort Trial & Insurance Practice Law Journal, Volume 49, Number 1, Fall 2013 (Fall 2013).
12.31.2007	Contributing Author, "Chapter 3: Preemption, 'Handbook on ERISA Litigation'," Wolters Kluwer Law & Business/Aspen Publishers (3d ed. 2007).
12.31.2002	Co-Author, "Recent Developments in Credit Insurance Litigation: An Update", Practising Law Institute, Corporate Law and Practice Course Handbook Series, 1301 PLI/Corp. 379 (2002).
12.31.2001	Co-Author, "Operating in the Sub-Prime Market: Ancillary Products Issues," Practising Law Institute, Corporate Law and Practice Course Handbook Series, 1241 PLI/Corp. 1047 (2001).
04.30.2000	Author, "Fifteen Years After Weintraub: Who Controls the Individual's Attorney-Client Privilege in Bankruptcy", 80 B.U. L. REV. 635 (2000).

### Speaking Engagements

- Co-Presenter, "Class Action Survey and Trends," Carlton Fields In-House Counsel Forum, Orlando, FL (March 2017)
- Panelist, "Recent Developments in Annuity and Life Insurance Litigation," Insured Retirement Institute (IRI) Webinar, Washington, DC (May 11, 2016)
- Co-Presenter, "Class Action Survey and Recent Developments," Carlton Fields In-House Counsel Forum, Orlando, FL (March 2016)
- Presenter, "2015 Carlton Fields Class Action Survey and Supreme Court and Rule 23 Update," Client Focus Forum, Boston, MA (October, 2015)
- Presenter, "Supreme Court and Rule 23 Update," Client Focus Forum, Newport Beach, CA (October, 2015)
- Panelist, Conference on Life Insurance and Financial Services Litigation, ALI-CLE (2013)
- Program Co-Chair, "Winning Strategies for Jury Instructions," ABA TIPS Annual

Spring CLE and Leadership Forum (2011)

- Teleconference Program Co-Chair, "Punitive Damages after Philip Morris USA v. Williams," ABA TIPS and Litigation Sections (2007)
- Panelist, Mock Supreme Court Oral Argument, "Silencing the Court: Judicial Impartiality v. Free Speech," ABA Annual Meeting (2006)

#### Professional Recognition

- Outstanding Contributor Award, Lawyers for Civil Justice (LCJ) (2016)
- Dade County Bar Association - Put Something Back Pro Bono Program, pro bono service award (2009)
- Selected as a Florida Rising Star in Florida Super Lawyers magazine (2009)
- Intern to Honorable Mark W. Vaughn, Chief Judge, United States Bankruptcy Court, District of New Hampshire (Summer 1998)

#### Professional and Civic Activities

- American Bar Association, Section of Litigation and Tort, Trial, & Insurance Practice Section ("TIPS")
- Trial Techniques Committee (Litigation Section)
- Appellate Advocacy Committee (TIPS Section) - Vice Chair

#### News

03.14.2017	<a href="#">Class Action Spending on the Rise</a>
03.07.2017	<a href="#">Carlton Fields' 2017 Class Action Survey Featured in the Wall Street Journal Market Talk</a>
03.06.2017	<a href="#">Class Action Defense Spending Increases for Second Consecutive Year</a>
01.31.2017	<a href="#">Attorney: U.S. SC Review Of Arbitration Agreements to Impact Businesses</a>
01.19.2017	<a href="#">SCOTUS To Decide Arbitration Issue</a>
12.02.2016	<a href="#">Carlton Fields Shareholder Julianna Thomas McCabe Wins 2016 Outstanding Contributor Award from Lawyers for Civil Justice</a>
06.03.2016	<a href="#">CFPB Rule Will Ban Use of Arbitration Agreements to Block Class Actions</a>
05.13.2016	<a href="#">Business Observer Cites Carlton Fields 2016 Class Action Survey</a>

05.01.2016	Chubb Management Liability Insights Newsletter Features Carlton Fields Class Action Survey and Attorney Expert Analyses
03.24.2016	Chris S. Coutroulis and Julianna Thomas McCabe Quoted in Inside Counsel about Carlton Fields' Class Action Survey
03.23.2016	Carlton Fields Class Action Survey Featured in The Global Legal Post
03.21.2016	Carlton Fields Survey Shows First Increase in Class Action Defense Spending Since Inaugural 2011 Report

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