



James C. Clark

Partner

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Jim is an experienced litigator who represents clients of all sizes in a variety of cases, including class action defense and federal court appeals.

Often serving as his clients' outside general counsel, he is a trusted ally to insurance companies, major financial institutions, entertainment technology businesses, national construction firms, innovative startups, public officials, wireless communications providers, major advertising agencies and commercial farms. His roster of clients also includes a former top-ranked professional women's tennis player.

His far-ranging practice focuses on complex commercial litigation, often where a company's future is on the line.

He frequently assists with:

- **Class Action Defense**, where he works to resolve matters before they go to trial by defeating class certification, decertifying classes or obtaining early dismissals. If litigation is necessary, he devises cost-effective strategies to achieve his clients' goals.
- **Financial Services Litigation**, where he represents global financial institutions in matters that include defending against federal class action lawsuits and internal investigations alleging violations of the securities laws and other fraudulent activity.
- **White-Collar Compliance and Criminal Defense**, in which he has represented public officials facing criminal investigations, and numerous other clients against federal criminal actions, including allegations of theft, fraud, and conspiracy.
- **Government and Regulatory Affairs**, where he counsels clients on federal, state and local legislation and policy-making, and the impact certain government regulations may have on their businesses.
- **Insurance**, in which he represents carriers in matters involving all aspects of their businesses, including termination of agency relationships, breach of contract actions, coverage disputes, bad faith claims, and subrogation actions.

Regardless of the industry his clients operate in, or the issues they face, Jim is a tenacious litigator known for his strategic thinking, attention to detail, and unwavering dedication to achieving the best possible results for their businesses. In time, his client relationships often grow and he becomes an integral member of the management team.

Select Representative Matters

- Helped Westfield Insurance Company win dismissals of two nationwide class action business interruption insurance lawsuits arising out of the COVID-19 pandemic.
- Successfully defended Westfield Insurance Company against multiple cases brought by a litigation vehicle that seeks reimbursement from private insurance companies under the Medicaid and Medicare Secondary Payer Act.
- Helped Nicholas Meats obtain a summary judgement in a breach of contract claim against freight broker Pittsburgh Logistics Systems, Inc. The case involved a high-value load of beef that disappeared, and the subsequent realization that PLS selected the carrier despite phony contact information and a falsified insurance certificate.
- Served as counsel to former top-ranked tennis player, Maria Sharapova, in her successful appeal to the Court of Arbitration for Sport of a two-year ban from tennis handed down by the International Tennis Federation Independent Anti-Doping Tribunal.
- Defended a global bank in connection with their worldwide exposure to the multibillion-dollar Bernard Madoff fraud.
- Defended the former president of a charter school in a federal criminal action alleging wire fraud, bank fraud, theft from a federally funded program and conspiracy. Joined the legal team in the trial's sentencing phase and argued successfully for a sentence that was significantly less than prescribed by federal sentencing guidelines.
- Represented the Council of the City of New York in connection with overriding a mayoral veto of a local law that compelled most grocery stores to provide the level of health benefits they paid workers.
- Defended third party administrator against a Pennsylvania public school district's breach of contract allegations over rebate payments. Filed a lawsuit against the school district that resulted in a settlement in which the district paid the prescription management firm 100% of the fees it owed the company and dropped its lawsuit.

Services

- Litigation
- Class Actions
- Product Liability & Mass Torts
- White-Collar Criminal Defense & Regulatory Compliance

Before Fox Rothschild

Jim is a former intern for the New York Jets, where he analyzed issues relating to the NFL Collective Bargaining Agreement, the NFL salary cap and assisted in the drafting of player contracts. He previously worked as an associate at an international law firm in New York City.

Beyond Fox Rothschild

Jim frequently speaks to young lawyers on the topic of pro bono work as a vital aspect to career growth. He is a former member of the New York Lawyers for the Public Interest Pro Bono Advisory Council and former co-chair of the Legal Aid Society Associate's Campaign. He has volunteered for Legal Outreach, a nonprofit organization focused on encouraging underprivileged public high school students to pursue higher education and professional careers.

Jim also is a former Posse Scholar and remains actively involved with the Posse Foundation, one of the most comprehensive and renowned college access and youth leadership development programs in the United States.

In 2021, he managed Council Rock Holland Little League's 9-11 year old district team to a fourth place finish in the state of Pennsylvania.

Bar Admissions

- Pennsylvania
- New York

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Middle District of Pennsylvania

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, District of Colorado

Education

- Georgetown University Law Center (J.D.)
- DePauw University (B.A.)

Memberships

- The Posse Foundation, NY Advisory Board
- Council Rock Holland Little League Board

Honors & Awards

- Named a "Future Star" by *Benchmark Litigation* (2018, 2022, 2024)
- Named to the "Pennsylvania Rising Stars" list for Business Litigation by *Super Lawyers* (2019-2021)
- Named to *Benchmark Litigation's* "Under 40 Hot List" (2017-2019)
- Named to the list of Lawyers on the Fast Track by *The Legal Intelligencer* (2017)
- Named a "Rising Star" by *Benchmark Litigation* (2016)

Class Action Defense

Jim frequently works with clients in a variety of industries to resolve class action matters as quickly and cost efficiently as possible. He often attacks class certifications, attempts to decertify classes and seeks early dismissals.

Representative Matters:

- Defended a well-known boutique candy company against claims that the company's website violated Title III of the ADA and New York City Human Rights Law.
- Defended various global banks in federal class action lawsuits alleging violations of Section 11 of the Securities Act of 1933 and Sections 10(b) and 20(a) of the Securities Exchange Act of 1934.
- Defended a major national bank against a federal class action lawsuit alleging Section 11 violations. Successfully prevented plaintiffs from substituting a class representative, leading to a settlement for less than 10 percent of the initial demand.
- Defended a global bank in connection with its worldwide exposure to the multibillion-dollar Bernard Madoff fraud.