

Courtney B. Wilson

Shareholder
Co-Chair, Appellate Practice Group

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Focus Areas

Unfair Competition and Trade Secrets
Litigation and Trials
Appellate

Overview

A skilled litigator with over 35 years of first chair trial and appellate experience, Courtney B. Wilson has tried employment cases before judges, juries and arbitrators throughout Florida, appearing in all state and federal trial courts and in administrative proceedings. In addition, he has handled multiple appeals in the United States Supreme Court, in multiple Circuit Courts of Appeal and in the state appellate courts throughout Florida. Courtney's practice includes:

- Prosecuting and defending noncompete, unfair competition and trade secret claims
- Litigating complex employment contract claims
- The Employee Retirement Income Security Act (ERISA) litigation including class action
- Appellate practice
- Defending public accommodation claims under Title III of the Americans With Disabilities Act including physical facilities and websites
- Independent contractor/employee misclassification claims
- Enforcement of arbitration agreements and class waivers

Courtney's experience ranges from representing small employers defending single plaintiff cases to acting as lead counsel for a Fortune 10 multi-national corporation in a nationwide class action. For example, Courtney successfully defended a major multi-national technology company in several class actions, and secured a precedent-setting appellate court decision holding on-demand service providers were correctly classified as independent contractors.

Courtney chairs Littler's Appellate Practice Group and previously chaired its Appellate Practice & Procedure Sub-Group. Courtney is a core member of Littler's Unfair Competition & Trade Secrets Practice Group and also founded Littler's Americans with Disabilities Title III (public access) Practice Group.

Prior to joining Littler, Courtney served in several leadership roles with the Labor and Employment Law Section of the Florida Bar, serving as Chair of the Section in 2002-03, and he developed the initial standards for board certification of labor and employment lawyers in Florida.

In 2000, Courtney was one of only five Miami lawyers recognized in *The Best Lawyers in America*® in the category of Labor and Employment Law, and he has been selected for inclusion in every edition over the last 25 years.

Selected Matters

- *McGillis v. Dep't of Econ. Opportunity*, 210 So. 3d 220 (Fla. Dist. Ct. App. 2017): Uber driver was properly classified as an independent contractor and not an employee.
- *Reliance Wholesale, Inc. v. Godfrey*, 51 So. 3d 561, 565 (Fla. Dist. Ct. App. 2010): Independent covenants provision negated former employee's 'prior breach' defense to enforcement of noncompete agreement.
- *Infinity Home Care, L.L.C. v. Amedisys Holding, LLC*, 180 So. 3d 1060, 1063 (Fla. Dist. Ct. App. 2015): 'Referral sources' for home health services are a protectable interest warranting enforcement of former employee's noncompete agreement.
- *Aerotek, Inc. v. Zahn*, 625 F. App'x 394 (11th Cir. 2015): Each day competitor knowingly continues to employ former employee in violation of noncompete is a separate breach.

Professional and Community Affiliations

- Chair, Labor and Employment Law Section, Florida Bar, 2002-2003
- Former Member, Executive Council, Labor and Employment Law Section, Florida Bar

Recognition

- Named, *The Best Lawyers in America*®, 2001-2025

Education

J.D., University of Florida College of Law, 1986, *With Honors*

B.A., University of South Florida, 1982, *cum laude*

Bar Admissions

Florida

Courts

U.S. Supreme Court
U.S. Court of Appeals, 5th Circuit
U.S. Court of Appeals, 11th Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Southern District of Florida
U.S. District Court, Northern District of Florida

Publications & Press

Florida Federal District Court Enjoins Enforcement of FTC's Non-Compete Rule Against Real Estate Broker

Littler ASAP

August 16, 2024

Employment Contracts in the Americas

Littler Podcast

March 31, 2023

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

Littler Appoints New Practice and Industry Group Chairs

Littler Press Release

October 14, 2020

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Littler Press Release

August 20, 2020

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year

Littler Press Release

August 15, 2019

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 15, 2018

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 17, 2017

The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition

Littler Press Release

August 16, 2016

Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition

Littler Press Release

August 18, 2015

Outrunning Contractual Non-Compete Undertakings: Does The Eleventh Circuit's Palmer & Cay Decision Offer 'Earlybird Specials' For Florida Forum Shoppers

The Florida Bar Journal Vol. 79 No. 11

December 2005

Application of The Florida Civil Rights Act to Extraterritorial Employees in Sinclair v. De Jay Corp., Gives a Parochial Statute Potentially Limitless Application

The Florida Bar Journal Vol. 74 No. 1

January 2000

Tort Reform and Its Impact on Labor and Employment Law in Florida

The Checkoff Vol. 30 No. 1

September 1999

Analyzing Retaliation Claims Premised on Conditional Settlement Offers: Abandoning Comparative Evidence Yields Inconsistent Results"

The Checkoff Vol. 26 No. 2

January 1995

Speaking Engagements

2024 Florida Regional Employer Conference

Orlando, FL

November 14, 2024

Drafting & Enforcing Confidentiality and Noncompetiton Agreements in Florida

2023 Florida Regional Employer Conference, Miami, FL

October 12, 2023

Emerging Accessibility Issues Under Title III of the ADA

Florida Regional Employer Conference, Miami, FL

October 24, 2019

Go Your Own Way: A Deep Dive into Noncompetes - Their Risks and Rewards

ACC South Florida 10th Annual CLE Conference Fort Lauderdale, FL
September 19, 2019

Statutory And Common Law Protection Of Business Interests

15th Labor and Employment Law Annual Update and Certification Review - The Florida Bar, Orlando, FL
January 30, 2015

A Survey and Analysis of State Law Governing the Existence Scope and Alleged Breach of Employees' Duty of Loyalty

Annual Multi-State Labor & Employment Law Seminar - SMU Dedman School of Law
2003

**Litigating the Efficacy of Sexual Harassment Investigations From Discovery Through Examination of the Attorney/
Investigator at Trial**

Annual Multi-State Labor & Employment Law Seminar - SMU Dedman School of Law
2002