



# Michael W. McTigue Jr.

## Co-Chair, Class Actions

### Philadelphia

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A premier class actions strategist, Mike represents leading companies in the defense of class actions and complex civil litigation in jurisdictions across the country, at both the trial and appellate levels. He also assists clients with class action and litigation due diligence in connection with corporate transactions. Mike also represents global businesses in international arbitration proceedings in the United States and abroad. Mike has been recognized by BTI Consulting, which noted that in-house corporate counsel praised him for “unsurpassed excellence in client service.”

For more than 25 years, Mike has defended high stakes litigation for Fortune 500 companies and other businesses. He has substantial experience representing clients in the financial services, retail, telecommunications, technology, pharmaceutical and life sciences, education, hospitality, and insurance industries. He has a proven record of success persuading plaintiffs to voluntarily dismiss claims, obtaining early dismissals on the pleadings, defending cases on the merits, defeating class certification, negotiating favorable individual settlements, and curtailing the efforts of professional litigants. Mike routinely defends claims brought pursuant to California’s robust consumer protection laws, including the Unfair Competition Law (UCL), Consumers Legal Remedies Act (CLRA), Invasion of Privacy Act (CIPA), and Song-Beverly Credit Card Act.

Mike has considerable success shutting down Telephone Consumer Protection Act (TCPA) putative class actions that challenge marketing and informational telephone calls and text messages, as well as fax advertisements. He is well-versed in the nuances of the statute as to the sufficiency and scope of consent, reassigned and wrong number issues, revocation of consent, and the health care and emergency purpose exemptions. Mike has been a leading advocate in the push for TCPA reform through his representation of a large industry association in multiple proceedings before the Federal Communications Commission (FCC). In one such proceeding, the FCC ruled in favor of the creation of a reassigned number database with an accompanying safe harbor for liability. His advocacy efforts also resulted in a favorable appellate court ruling that effectively shut down mass class action filings against retailers and consumer-facing companies under the Truth-in-Consumer Contract, Warranty and Notice Act (TCCWNA).

Mike defends businesses against claims alleging violations of the Fair Credit Reporting Act (FCRA), Computer Fraud and Abuse Act (CFAA), Video Privacy Protection Act (VPPA), Cable Communications Policy Act (Cable Act), Biometric Information Privacy Act (BIPA), and the Wiretap Act. Several of these cases challenge practices involving the capture, retention, use, and disclosure of consumer data. He has deep knowledge of the patchwork of state and federal privacy laws and the evolving legal and regulatory landscape. Clients rely on him to navigate threatened and filed claims, which may initially surface as the basis for enforcement actions or in private litigation, to ensure their interests are thoroughly protected. A key part of Mike’s practice is focused on advising clients on practical ways to mitigate litigation and enforcement risk. For example, he counsels clients on compliance with the California Consumer Privacy Act (CCPA), Children’s Online Privacy Protection Act (COPPA), BIPA, and emerging privacy statutes. He assists companies in developing and refining their call campaigns and text messaging programs to ensure compliance with the TCPA, and managing third party vendor relationships.

### Practice Areas

- Class Actions
- Commercial Litigation
- Privacy Litigation & Compliance
- Technology, Privacy & Data Security

### Industry Sectors

- Food & Beverage
- Health Care & Life Sciences
- Media & Entertainment
- Retail

### Education

- Boston University School of Law, J.D., *cum laude*, 1993
- University of Pennsylvania, B.A., *cum laude*, 1990

### Bar Admissions

- Pennsylvania
- New Jersey

### Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court -- New Jersey
- U.S. District Court -- Middle District of Pennsylvania
- U.S. District Court -- Eastern District of Pennsylvania
- U.S. District Court -- Western District of Pennsylvania
- Supreme Court of New Jersey
- Supreme Court of Pennsylvania

### Awards & Honors

- Pennsylvania Trailblazers, The Legal Intelligencer
- Pennsylvania Litigation Star, Benchmark Litigation
- Client Service All-Star Team, BTI Consulting

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Mike drafts, revises, and interposes state of the art consumer agreements, including terms and conditions, arbitration agreements and class action waivers, and privacy policies. He has enforced arbitration agreements in courts across the country, including in the Ninth Circuit, and successfully argued the leading Third Circuit case on the enforceability of arbitration agreements in the consumer context. Since 2016, Mike has authored the Pennsylvania Chapter of the International Comparative Legal Guide to Litigation and Dispute Resolution.

For two decades, Mike has represented an international chemical manufacturer and distributor as national coordinating counsel for its mass tort litigation.

In addition to his active litigation practice, Mike has also held significant firm leadership roles. Mike served as chair of the litigation group and as part of the senior management team at another AmLaw 100 firm. He holds a certificate from Harvard Law School in Leadership in Law Firms. Mike is a member of Cozen O'Connor's board of directors.

Mike earned his undergraduate degree, *cum laude*, from the University of Pennsylvania, and his law degree, *cum laude*, from Boston University School of Law, where served as an articles editor for the *Boston University Law Review*. Following graduation from law school, Mike served as a law clerk for the Honorable Donald W. VanArtsdalen, U.S. District Court for the Eastern District of Pennsylvania.