

Jason S. McCarter

Member

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Jason McCarter is an experienced business litigator who represents business enterprises in complex commercial disputes and regulatory investigations. Jason is the Chair of the firm's Automotive practice and is often called upon to counsel and advocate for clients facing contract, business tort, secured lending, creditors' rights and licensing issues.

Jason practices in state and federal courts and alternative dispute resolution forums around the country. For example, he has prevented class certification in an automotive false advertising case seeking \$1 billion in damages, won summary judgment and appeal in a nine-figure network antitrust and contract dispute for a national cable provider, prevailed at trial in the arbitration of a multimillion dollar real estate purchase option for a craft brewer, and obtained an eight-figure judgment, along with recovery of all stolen intellectual property, in a web-based trade secrets dispute.

Jason is a frequent speaker and writer on financial, automotive and regulatory issues.



PRACTICE AREAS

Litigation

Automotive

Business Litigation

Class & Collective Action

Trade Secrets & Non-Compete Litigation

Alternative Dispute Resolution (ADR)

Bankruptcy & Creditors' Rights

Investigations & Special Projects

Commercial Finance

BAR ADMISSIONS

- Georgia
- North Carolina

ACCOLADES

- Named a Commercial Litigation Leader by *The Best Lawyers in America®*, since 2021
- Recognized by *Georgia Super Lawyers®* (2015-2016)
- Recognized by *Georgia Super Lawyers®* as a "Rising Star" (2011-2014)
- Recipient, *James A. Treanor III Pro Bono Service Award*

MEMBERSHIPS

- Georgia Bar Association, Business Law and Creditors' Rights Sections

COMMUNITY

- Group Leader, State Bar Law School Orientations on Professionalism
- Volunteer, AVL F Saturday Lawyers Program
- Member, U.S. Department of Energy's Clean Cities - Georgia Coalition
- Co-Founder, *Virginia Sports & Entertainment Law Journal*
- Member, Atlanta Lawn Tennis Association

EXPERIENCE

EDUCATION

- J.D., University of Virginia School of Law
- B.A., *summa cum laude*, University of Tennessee

- Successfully prosecuted and defended numerous complex lawsuits and ADR proceedings, including breach of contract, trade secrets, antitrust, RICO, class actions, and unfair competition claims.
- Defended national auto auction client in eight-figure fraud and conversion claim in plaintiff-friendly jurisdiction, achieving favorable pre-trial settlement.
- Represented financial software provider in Fair Credit Reporting Act (FCRA) filed in “rocket docket” jurisdiction, fighting overbroad discovery and negotiating advantageous class settlement with injunctive relief only.
- Routinely advise clients on responses to complex state and federal regulatory inquiries and non-party subpoenas, including serving objections, negotiating scope, defending depositions, and coordinating document productions.
- Drafted many customer-facing forms, loan agreements, online terms, and privacy policies, developing substantive expertise in UCC, privacy, usury, licensing, judgment collection, and consumer protection areas.
- Advised multiple automotive clients on potential anti-competition claims against leading industry technology providers.
- Defended a nationwide customer research management provider in arbitration regarding a software dispute.
- Represented an automotive wholesale inventory lender in a complex, putative class action regarding alleged interest practices.
- Achieved a favorable settlement for an international chemical compounder in a trade secrets matter related to a proprietary chemical recycling process.
- Rewrote a suite of customer purchase agreements and policies for an international automotive remarketer.
- Counseled and defended a professional partnership on a recurring basis in operational and employment claims.
- Advised on and responded to various claims against clients for alleged banning, blacklisting and refusal to deal practices under federal and state antitrust and anti-competition rules.
- Regularly advise automotive industry clients on the potential expansion of their service offerings.

Articles

- "Batten the Hatches: Preparing for an Automotive Dispute," *JD Supra* (November 14, 2023)
- "Steering Through Privacy: State Law Variation Affecting Auto Dealers," *JD Supra* (August 3, 2023)
- "Proposed FTC Rule to Prohibit Non-Competes," *JD Supra* (January 9, 2023)
- "Georgia Direct Sales Bill Could Be Boon to EV Makers," *Law360* (March 10, 2022)
- "Georgia Legislature Considers Expanded Franchise Exception for EV Makers," *JD Supra* (February 4, 2022)
- "Now More Than Ever, Automakers Must Protect Trade Secrets," *JD Supra* (December 13, 2021)
- "Loss Mitigation Strategies for Commercial Creditors," *JD Supra* (September 2, 2021)
- "Companies Must Consider Electric Vehicles' Unique Risk Profile," *Law360* (June 23, 2021)
- "Legal Alert: Electric Vehicle Incentives – Federal," *JD Supra* (March 30, 2021)

- “Legal Alert: Electric Vehicle Incentives in Georgia,” *JD Supra* (March 3, 2021)
- “Legal Alert: Special treatment for motor vehicle inventory interest under new federal tax law,” *JD Supra* (January 30, 2018)
- “How Highly Automated Vehicles Will Drive Legal Change,” *Law360* (August 2, 2017)
- “Legal Alert: Transportation Disrupted: AI in the Driver’s Seat,” *Lexology* (June 5, 2017)
- “Auto Companies Should Take Note of Recent DTSA Case Law,” *Law360* (December 7, 2016)
- “Remarketing Recalls in a Preregulated World,” *Law360* (October 11, 2016)
- “What the Supreme Court Giveth, the CFPB Taketh Away,” *New York Law Journal* (July 18, 2016)
- “Laying the Groundwork for Automotive E-Titles,” *Law360* (May 2, 2016)
- “Potential Impact of CFPB’s Proposed Auto Lender Rule,” *Law360* (October 14, 2014)
- “Legal Alert: CFPB Proposes to Examine and Directly Supervise Nonbank Auto Lenders,” *JD Supra* (September 19, 2014)
- “Legal Alert: CFPB Plans Supervision of Nonbank Automobile Lenders,” *JD Supra* (June 2, 2014)
- “CFPB Credit Card Crackdown May Carry to Auto Lending,” *Law360* (May 29, 2014)
- “Keeping the Lights On,” *Auto Dealer Monthly* (August 2013)
- “Avoid the Single Entity Test in Corporate Transactions,” *Corporate Counsel* (July 9, 2013)
- “A Map to the Minefield of Financial Regulations Affecting Car Dealers,” *Corporate Compliance Insights* (June 2012)
- “Client Alert: Changes to UCC Article 9,” *Lexology* (January 2011)
- “Client Alert: Red Flag Program Clarification Act,” *Lexology* (December 2010)
- “Truth in Lending Act Changes: Effects on Private Lenders,” *Career Education Review* (July 2010)
- “Client Alert: Is Your Telecommunications Company Ready for the Red Flags Rule?” *Martindale* (March 2009)
- “State Supreme Court Strikes Down Georgia’s Rape Confidentiality Statute,” Libel Defense Resource Center *Libel Letter* (Oct. 22, 2001)
- “Survey of Georgia and Related Claims Against the Media,” Media Law Research Center *50-State Survey: Media Privacy and Related Law* (2001 - 2003)
- “Tapping Officials’ Secrets in Georgia,” Reporters Committee for Freedom of the Press *Tapping Officials’ Secret (50-State Survey)* (2001-2002)

Speaking & Presentations

- “Time to Fight: Prepping for an Automotive Dispute,” National Remarketing Conference - Used Car Week (November 2023)
- “Buckle Up: The Revised FTC Safeguards Rule for Remarketers,” National Remarketing Conference - Used Car Week (November 2022)
- 2022 Law School Orientations on Professionalism - University of Georgia School of Law (August 2022)
- “Remarketing Recharged - Insulating Against EV Shocks,” National Remarketing Conference - Used Car Week (November 2021)

- "Tempered Enthusiasm - A Survey of Electric Vehicle (EV) Risks," Auto Intel Summit (May 2021)
- "Protecting Your Mobility IP," National Remarketing Conference – Used Car Week (November 2019)
- "Loss Mitigation for Auctions and Floor Planners," National Remarketing Conference (November 2018)
- "Eyes on the Road? Data Privacy and Cybersecurity for Highly Automated Vehicles," Pre-Owned and National Remarketing/National Auto Auction Association Conferences (November 2017)
- "Transportation Disrupted: Artificial Intelligence in the Driver's Seat," (May 2017)
- "Remarketing Open Recalls in a Pre-Regulated World," National Remarketing and NAAA Conference (November 2016)
- "Audits, Inquiries and Questionnaires – Legal Backdrop and Best Practices," National Remarketing Conference (November 2015)
- "The CFPB and Its Impact on the Automobile Remarketing Industry," National Remarketing Conference (November 2014)
- "Recurring Legal Issues in Institutional Loans," So. Assoc. of Student Financial Aid Admins. (February 2013)
- "A Map to the Minefield of Financial Regulations Affecting Car Dealers," large automotive client (July 2012)
- "The Red Flags Rule as 'Clarified,'" Commercial Vehicle Training Association, Spring 2011 Conference (March 2011)
- "Webinar: Truth in Lending or Regulation Z: What It Means and Why It Matters to You," Commercial Vehicle Training Association (February 2010)
- "Georgia Open Records Act and Its Impact on Police Officers," Georgia Police Officer Safety Training Center (2000 & 2001)

