



D. Porpoise Evans

Partner

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(305) 377-0086

Porpoise Evans is a partner at PBY&A. He counsels public and private companies, and represents their interests in connection with government investigations and legal disputes. Mr. Evans has found that his ability to obtain creative resolutions can be just as valuable to his clients as his skills as an experienced litigator. Mr. Evans focuses his practice on litigation and compliance, including counseling and representing management in employment disputes such as wage & hour, discrimination and

contract claims; against alleged violations of the Americans with Disabilities Act and the Fair Housing Act; and in securities litigation, including FINRA arbitrations. He also conducts in-market risk assessments and designs and implements comprehensive anti-corruption compliance programs for multinational companies subject to the Foreign Corrupt Practices Act (FCPA), with an emphasis on leading such compliance initiatives in sub-Saharan Africa.

PRACTICE AREAS

Litigation

ADA and FHA litigation

Commercial litigation

Employment counseling and litigation

FCPA compliance and investigations

Securities litigation, including FINRA arbitrations

EDUCATION

J.D., magna cum laude, University of Miami School of Law, 2002 - Order of the Coif

A.B., Brown University

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

Florida Bar

Executive Council Member, Entertainment Arts and Sports Law Section

Member, Diversity and Inclusion Committee

Dade County Bar Association, Chair, Labor and Employment Law Committee, 2015-2016

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court for the Middle District of Florida

U.S. District Court for the Northern District of Florida

U.S. District Court for the Southern District of Florida

National Bar Association, Commercial Law Section

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PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS (cont.)

American Bar Association

International Law Section – Africa and Anticorruption Committees
Labor and Employment Law Section

SEMINARS AND PRESENTATIONS

Co-Chair, Dade County Bar Association, Chair, Labor and Employment Law Committee, “EEOC 2016: Breakfast with the New Miami District Director and Legal Updates from the EEOC”, June 2016

Panelist, “Human Resources and Employment Matters”, 10,000 Small Business - Legal Clinic, April 2016

Lecturer, “Legal Consultation Breakout Session”, 10,000 Small Business - Legal Clinic, April 2016 Speaker, “ADA, FMLA, and Workers’ Compensation Seminar”, Miami, March 2016

Speaker, “ADA, FMLA, and Workers’ Compensation Seminar”, Miami, March 2016

Speaker, “Brigade Bookkeeping Non-Profit Leadership Workshop”, Miami, Jan 2016

Panelist and Moderator, GBA’s Arbitration and Anti-Corruption Forum, Accra, Ghana, July 2015

Presenter, 7th Annual “Hiring & Terminating: The Ins and Outs of Employment Law” seminar, Miami, October 2014

Panelist, “Off-The-Clock Claims Arising from Employee Use of Mobile Devices and Remote Work Access,” ACI’s National Forum on Wage & Hour Claims and Class Actions, January 2014

Lecturer, “FINRA Arbitration - The Defense Perspective,” Securities Litigation Clinic, University of Miami, 2013 and 2015

Panel Moderator, “Is the Web Accessible?” Social Media and the Law Symposium, University of Miami Law Review, February 2013

Panelist, “The Cost of Human Trafficking” Annual Conference, ABA Labor and Employment Law Section , November 2012

Lecturer, “How to Prepare a FINRA Arbitration Case,” Securities Litigation Clinic, University of Miami, March 2012

Panelist, “Pro Bono: Benefiting the Community and Enhancing Your Career,” University of Miami School of Law, 2011-2012

Panelist, Independent Film and the Law Seminar - Protecting Against Intellectual Property Claims, Jacksonville Film, October 2011

Presenter, Updates to ADA Regulations and Case Law, CLE, 2010

ARTICLES AND PUBLICATIONS

Contributing Author, “American Bar Association International Law Section/Africa Committee -- 2015 Year In Review ,” ABA 2015

Co-Author, “Sub-Saharan Africa’s Performance in this Year’s Corruption Perception Index,” GT Alert, December 5, 2013

Co-Author, “Foreign Corrupt Practices Act,” Supplements to International Labor & Employment Laws: Extraterritorial Application of U.S. Laws, BNA, 2009-2013

REPRESENTATIVE MATTERS

Conducted market-based risk assessment for foreign subsidiaries of global telecom distributor and on-site training of personnel during implementation of enhanced compliance program.

Assisted foreign subsidiary of major retailer in implementation of enhanced compliance program, including due diligence, financial controls, and employee training on policy/procedures.

Represented international engineering firm before SEC and DOJ in connection with FCPA investigation.

Defended major accounting firm in action brought by investors for alleged violations of GAAS, GAAP, aiding and abetting audit client's breaches of duties and related claims.

Counseled and defended municipalities and commercial landlords, affordable housing developers, hotels, restaurants and retail stores against claimed violations of Titles II and III, of the Americans with Disabilities Act and the Fair Housing Act.

Defended international broker-dealer against actions brought by public employee pension funds for breach of fiduciary duty, fraud and negligence.

Defended international banking institution against claims of fraud, racketeering and civil conspiracy.

Defended international and regional broker-dealers against hundreds of actions brought by individual investors in arbitration and federal courts.

HONORS

Rated, AV[®] Preeminent 5.0 by Martindale-Hubbell

Fellow, Wm. Reece Smith, Jr. Leadership Academy, Class II, 2014-2015

Winner, "Legal Luminary", *Dade County Bar Association*, 2016

South Florida Legal Guide, "Top Lawyers - Labor & Employment" 2016

South Florida Legal Guide, "Top Lawyers - Securities, Litigation & Arbitration" 2016

South Florida Legal Guide, "Top Up & Comers," 2013-2014

Super Lawyers[®], 2009-2016 ("Rising Star," 2009-2012)

Florida Trend, "Legal Elite, Commercial Litigation" 2013

Florida Trend, "Legal Elite, Labor & Employment" 2015-2016

Team Member, Law360 "Employment Practice Group of the Year," 2011 and 2013

Higginbotham Fellow, American Arbitration Association, 2013

Legacy Miami and *Miami Herald*, "Legacy Legal Leader" 2012

"40 Under 40 - Outstanding Lawyer of Miami," The Cystic Fibrosis Foundation, 2009

Inaugural "Community Advocacy Award," Dade County Bar Association, Put Something Back Program, May 2009

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CIVIC & COMMUNITY INVOLVEMENT

Advisory Board, University of Miami School of Law Center for Ethics and Public Service
Board Member, Arts & Business Council of Miami
Board of Directors and Executive Committee Member, Legal Services of Greater Miami, Inc.
Co-Chair, Brown University Alumni, Miami Schools Committee, Past Southeast Regional Director
Mentor, John W. Kozyak Minority Law Student Mentoring Program
Past Secretary, Wilkie D. Ferguson, Jr. Bar Association

PREVIOUS EXPERIENCE

Greenberg Traurig, LLP, Shareholder
McDermott, Will & Emery, Associate
Miami-Dade County Public Defender's Officer, Certified Legal Intern
The Honorable U.S. Magistrate Judge John J. O'Sullivan, Summer Intern