



JEREMY FALCONE

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OVERVIEW

Jeremy Falcone draws on his diverse practice background to guide his collaboration with his clients as a partner in the Trial and Litigation Group. He strives to provide high-quality, creative representation while remaining focused on the client's bottom line.

Jeremy concentrates his practice on employment law, data privacy and security issues, and commercial litigation. His practice includes product liability, tort defense, and medical malpractice defense. Jeremy rejoined Ellis & Winters in 2021 after serving as an associate and partner of the firm from 2009 until 2019.

Beginning his legal career in Times Square, Jeremy litigated high-stakes commercial and securities matters for financial institutions with Skadden Arps in New York. By litigating bet-the-company cases and trying a nine-figure dispute in front of a federal judge, he learned the advantage of preparation and top-notch representation.

Jeremy left Times Square to join a law school mentor and former judge in setting up a practice in the Pittsboro Circle. As a country lawyer, Jeremy continued to hone his skills by providing advice and counsel to clients on any legal issue that brought them to a law office. Jeremy handled traffic court and criminal matters, family law, trusts and estates, and general litigation. In Pittsboro, Jeremy learned the importance of being efficient while providing high-quality representation to cost-conscious clients.

In addition to his private practice experience, Jeremy also served as senior in-house counsel at Wells Fargo Bank, N.A. in Charlotte. At Wells Fargo, he managed an extensive employment litigation docket and provided advice to internal clients on employment and data privacy issues. As in-house counsel, Jeremy learned to view disputes from the client's perspective, understanding the importance of thorough, candid assessments of matters to mitigate risk. He also cultivated an appreciation for the art of smart representation that does not run up the bills.

In employment matters, Jeremy has litigated restrictive covenant disputes and advised employers on general employment matters. In this work, Jeremy draws on his experience as in-house employment counsel where he focused on wrongful termination, discrimination, and retaliation claims involving Title VII, Fair Labor Standards Act, American with Disabilities Act, Age Discrimination in Employment Act, and the Family and Medical Leave Act. He also advised internal clients on employment issues, including employment policies, corrective actions, recruiting and offer letters, displacements, departure agreements, restrictive covenants, workplace accommodations, and leaves of absence.

Jeremy has advised clients on data security and privacy matters, including compliance with data privacy requirements, such as GDPR, CCPA, CPRA, HIPAA, and the Gramm-Leach-Bliley Act. He has also advised regarding a data loss event and litigated disputes involving data privacy issues. Jeremy became CIPP/US certified in 2017, and he draws on in-house experience advising on insider-threat initiatives and data loss prevention issues.

In commercial litigation and tort matters, Jeremy has had primary responsibility for litigating cases in state superior, business, and federal courts. He has overseen extensive e-discovery projects, and has tried cases at arbitration and trial, before both judges and juries. He has also handled appeals in state and federal courts.

Jeremy stays active in his community, serving on the Board of Directors for NCBarCARES, an organization that provides short-term, free intervention to legal professionals in need. He previously served on the Board of Directors for the NC Triangle to the Coast affiliate of Susan G. Komen.

Jeremy and his wife Ashley live in Davidson with their children Claire and Benjamin. Searching for outlets for the kids during the pandemic, Jeremy became a playground connoisseur, and he can provide a detailed review of every playground within a 30-mile radius of Charlotte. Jeremy is also a long-suffering fan of the University of Tennessee football program and is learning to love basketball and baseball instead.

CREDENTIALS

EDUCATION

- ▶ J.D., University of North Carolina School of Law, 2006
- ▶ B.A., University of Tennessee, 2001

BAR ADMISSIONS

- ▶ New York
- ▶ North Carolina

ASSOCIATIONS & MEMBERSHIPS

- ▶ BarCARES, Raleigh, NC, Board Member, 2017–Present
- ▶ Susan G. Komen, Raleigh, NC, Board Member, Exec. Committee, 2014–2019
- ▶ DRI
 - ▶ Young Lawyers, Steering Committee, 2013–2017
 - ▶ Medical Liability and Health Care Law Committee, Membership Chair, 2013–2017
- ▶ North Carolina Association of Defense Attorneys
 - ▶ Vice–Chair of the Commercial Litigation Practice Group, 2016–2017
- ▶ Leadership Raleigh Participant, Greater Raleigh Chamber of Commerce, 2014
- ▶ Certified Information Privacy Professional (CIPP/US), 2017

EXPERIENCE

- ▶ Associate, Wade Barber, PLLC, Pittsboro, NC, 2007–2008
- ▶ Associate, Skadden, Arps, Slate, Meagher & Flom LLP, New York, NY, 2006–2007, 2008–2009
- ▶ Associate, Ellis & Winters LLP, Raleigh, NC 2009–2012
- ▶ Partner, Ellis & Winters LLP, Raleigh NC, 2013–2019
- ▶ Senior Counsel, Wells Fargo Bank, N.A., Charlotte, NC, 2019–2021

AWARDS/HONORS

- ▶ *North Carolina Lawyers Weekly* Power List, Employment Law, 2021
- ▶ *North Carolina Super Lawyers Magazine*, “Rising Star”, Business Litigation, Personal Injury – Medical Malpractice, 2013–2018
- ▶ *Business North Carolina*, Legal Elite, Young Guns, 2014

PRESENTATIONS/PUBLICATIONS

- ▶ [What’s Fair?](#), Firm Blog, Contributing Author
- ▶ *The Renewed Importance of Clear Upjohn Warnings in the Biden Administration’s DOJ*, Keynote Address to Lawyers’ Group Meeting of Legatus International, Ann Arbor, MI, February 10, 2022 (by Videoconference with [Tom Segars](#))
- ▶ [“What to Do When Your Client’s COO Becomes Your Competitor’s BFF,”](#) *For the Defense*, February 2014
- ▶ Warn and Be Forewarned: The Importance of Clear Upjohn Warnings (and the Potentially Catastrophic Consequences of Not Providing Them), Association of Corporate Counsel–Research Triangle Area Chapter, Cary, NC, November 9, 2016
- ▶ Working with Expert Witnesses, NBI, 2016
- ▶ Closely–Held Company Litigation, NCBA Joint Annual Meeting for Sections of Business and International Law, 2016
- ▶ The Pain Drain – The Continuing Impact of Pain Management on Health–Care Providers, DRI, 2014
- ▶ Judicial Enforcement of E–Discovery Violations, NCADA, 2014

UPDATES

NEWS POSTS

- ▶ [Partners Jeremy Falcone and Tom Segars Present to Legatus International Lawyers Group](#)
- ▶ [Supporting Wendell Scott’s Legacy](#)
- ▶ [Jeremy Falcone Recognized in NCLW Employment Law Power List](#)
- ▶ [Jeremy Falcone Joins Ellis & Winters as Partner](#)

BLOG POSTS

- ▶ [To Catch a Leprechaun: Our Continuing Quest for Certainty on the Application of the Economic-Loss Rule to Unfair and Deceptive Trade Practices Claims](#)
- ▶ [The Top 10 Ways Companies Can Protect Their Confidential Information and Relationships When an Employee Joins a Competitor](#)
- ▶ [The Wheels of Progress on the Economic-Loss Rule and Unfair and Deceptive Trade Practices Claims](#)
- ▶ [Are Zoning Board Decisions In or Affecting Commerce?](#)
- ▶ [Clarity on the Economic-Loss Rule and Section 75-1.1 \(at least in WDNC\)](#)