

FREDERICO LAW LLC

DONALD R. FREDERICO, ESQ.

INFO@FREDERICOLAW.COM

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Dear Friend,

As you may know, in 2022, after more than 40 years of private practice with four excellent law firms, I retired from law firm practice. I wasn't ready to leave the profession of law entirely, so I soon set out to form my new venture, Frederico Law LLC. Both through that entity and individually, I have remained engaged in class action law and other personal and professional pursuits. Now, as I approach the 18-month mark since my "retirement," and with your indulgence, I am writing to update you on some of the class action work and other projects that occupy my time.

Class Action Consulting. In 2023, I was engaged to assist several outside counsel and their clients in multiple class action matters. The outside counsel I've been working with are contacts and friends who are senior trial lawyers at excellent law firms. They do not hold themselves out as class action lawyers, so they asked me to consult with them and their clients on issues and strategies specific to the putative class actions they are defending. For someone who is used to being the lead courtroom lawyer, I've been pleased at how much I enjoy playing a supporting role to the talented and experienced front-line litigators and in-house counsel with whom I've had the privilege of working. I look forward to continuing to assist them and others, adding my more than 25 years of class action knowledge and experience to their teams.

Class Action Teaching. One of my most rewarding experiences in the last few years has been teaching Class Action Law to second- and third-year law students. I've taught the two-credit course several times, at my alma mater (Cornell Law School) and at Boston College Law School. The course covers all aspects of Rule 23 of the Federal Rules of Civil Procedure, Supreme Court and lower federal court class action decisions interpreting the rule, subject matter and personal jurisdiction issues unique to class actions, class action arbitration decisions and related trends in federal and state courts, class action settlements and appeals, and practical strategies and nuts and bolts of class action law and practice from the perspectives of lawyers on both sides of the "v." I've very much enjoyed putting the course together and continually updating and improving it each time I teach. The most rewarding part has been working with smart and delightful law students at these great schools and watching them develop a sound understanding of a complex, fascinating, and constantly evolving area of law.

NEW: In-House Class Action Training for Lawyers and Their Clients. In addition to potentially teaching the law school course again, I am now taking the materials and structure I developed for the classroom and using them to design class action training programs for in-house legal departments and lawyers in private practice. The goal is to help equip lawyers and organizations to handle the class action cases that have already, or may in the future, come their way. If you think you or your organization might benefit from a training program designed to

provide an overview of class action law and/or a deep dive into specific aspects of class litigation, please contact me for more information.

Class Action Mediation. Late last year I became an affiliate of the Boston Law Collaborative, a well-established ADR firm headed by mediator and Harvard Law Professor David Hoffman. I've known and admired David for many years, ever since I conducted a successful mediation before him about 20 years ago in a large environmental justice case. (I represented a large group of individual plaintiffs, an unusual but very satisfying role for me.) David also gave me my start as a mediator a few years ago by inviting me to co-mediate a class action case with him. Although I am still early in my mediation career, the combination of my extensive background with negotiating and obtaining court approval of complex class action settlements, my proven ability to work well with both plaintiff and defense attorneys, and my access to the mediators and services of a well-established ADR firm, enable me to effectively assist lawyers and parties hoping to resolve their class action cases.

Class Action Speaking Engagements. For many years, I have served on the planning committee of the American Bar Association's National Institute on Class Actions. In that capacity, last year I once again moderated a panel, this one focused on recent federal appellate decisions rejecting proposed class action settlements and the lessons lawyers and their clients can learn from them. Looking ahead, I expect to continue to present at class action programs, but have decided to step down from the planning committee to make room for up-and-coming lawyers who wish to join it, and to give me more time for the other activities and engagements listed here.

Other Activities. In addition to my continued focus on class actions, I remain involved in other professional and personal activities. They include my service as a representative of the Boston Bar Association on the ABA's House of Delegates; my role (soon ending) as President of the Cornell Law School Alumni Association and *ex officio* member of the Dean's Advisory Council; interviews of lawyers and others committed to the common good on my podcast, "Higher Callings"; and weekly, or at least occasional, updates to my Substack newsletter, "Reflections of a Boston Lawyer." Now that I've completed another semester of teaching, I plan to resume the podcasting and return to a more regular schedule with the newsletter. I hope you will check them out and consider signing up for a free subscription. (You can find links on the email accompanying this letter.)

As you can see, it's been a busy year, and I'm not ready to slow down yet. My wife thinks I am failing retirement. I think I can't be failing if I'm doing what I love, associating with good people, and finding ways to give back from the abundance that has been given me. If I can be of assistance to you in any way, whether in a paid or volunteer capacity, I hope you'll let me know. I will be selective in the commitments I take on, but I'm prepared to consider any opportunity that can benefit from my expertise or that supports a worthy cause.

Best regards,



Donald R. Frederico