



## Bruce Anthony McMullen

Managing Shareholder

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Bruce McMullen, managing shareholder of the Memphis office, concentrates his practice in commercial litigation, class action defense, health care litigation, tort liability and municipal law.

Mr. McMullen has been listed in *The Best Lawyers in America*® since 2009, *Mid-South Super Lawyers* since 2012 and is AV® Preeminent™ Peer Review Rated by Martindale-Hubbell. He has tried more than 25 jury cases.

Mr. McMullen is an experienced commercial litigator who has defended large corporations and businesses in complex litigation matters in numerous trial and appellate proceedings in federal and state courts. Specifically, Mr. McMullen has defended clients in complex class actions and multi-plaintiff litigation alleging a variety of contractual claims. Mr. McMullen has also assisted clients in enforcement of non-compete contracts.

Mr. McMullen also has extensive experience representing hospitals and health care facilities in medical malpractice actions, as well as experience representing national insurance carriers in coverage and bad faith denial disputes. Mr. McMullen has tried numerous cases to verdict in state and federal courts and successfully defended favorable outcomes in appellate proceedings.

Mr. McMullen also has broad experience in governmental entity defense. He has defended governmental entities in state and federal constitutional claims, such as 42 U.S.C. § 1983 claims and First Amendment and civil rights issues. Additionally, Mr. McMullen assists governmental entities with compliance, enforcement, and associated litigation with respect to consent decrees.

Mr. McMullen served a four-year term as the Chief Legal Officer for the City of Memphis from January 1, 2016 to December 31, 2019, while simultaneously maintaining his practice at Baker Donelson. During his time with the City, he worked closely on matters involving the following:

- Government contracts, including Minority & Women Business Enterprises (MWBE) requirements;
- Disaster recovery contracting, DHS – OIG investigations and appeals of deobligations of FEMA funds;
- Confederate monument removal;
- Internal investigations.



## Representative Matters

- Successfully defended a municipality in appellate proceedings alleging the sale of public park to private, non-profit organization and subsequent removal of historic monuments as fraudulent and violative of Tennessee law.
- Successfully defended a municipality in a First Amendment case before the Sixth Circuit Court of Appeals. A media entity alleged that the municipality violated its constitutional rights by excluding that media entity from a media advisory list. The district court granted the municipality's motion to dismiss, and the Sixth Circuit Court of Appeals affirmed the dismissal.



- Obtained dismissal in the Arkansas Supreme Court of a putative class action against a national grocery retailer where the Plaintiffs alleged that the retailer's honor card system violated Arkansas's price discrimination statute.
- Obtained a defense verdict in a month-long jury trial on behalf of a rehabilitation hospital against allegations that negligent acts of its nurses caused permanent brain damage to a well-known former TV weatherman and kids' show host.
- Obtained a defense verdict in a jury trial representing a public school district and its board in a \$4.5 million breach of contract suit.
- Successfully defended before the Sixth Circuit Court of Appeals a constitutional challenge, based on the Commerce and Privileges and Immunities clauses of the U.S. Constitution, to the "Citizens Only provision" of the Tennessee Open Records Act.
- Successfully defended, before the Tennessee Court of Appeals, an appeal of summary judgment in favor of a utility's pension plan.
- Obtained the dismissal of a putative class action seeking the certification of a class of more than 2,000 employees alleging reverse discrimination.
- Successfully argued before the Sixth Circuit Court of Appeals summary judgment dismissal of a Title VII Complaint based on race discrimination.
- Obtained a defense verdict in a medical malpractice jury trial where plaintiff alleged breach of the standard of care during a liver transplant.
- Obtained the dismissal on motion of a rehabilitation facility in a wrongful death lawsuit.
- Obtained a directed verdict for the physician director of a long term health care facility in a medical malpractice and abuse trial.
- Successfully argued the appeal of a defense verdict before the Tennessee Court of Appeals related to Tennessee's discovery rule.
- Tried a federal court jury trial involving insurance bad faith and coverage and successfully obtained dismissal of the bad faith action.
- Represented a large municipality in defeating class certification on an action based on easement violations.
- Served as outside general counsel for a municipal transit system, managing legal matters including contract negotiation, real estate purchases, open records request and litigation.
- Obtained a directed verdict in a state court jury trial on behalf of an over-the-road carrier in a case involving a collision accident.
- Successfully secured a defense verdict in the jury trial and subsequently a denial of motion for new trial on behalf of a hospital in health care liability action.
- Won dismissal of governmental entity in suit alleging state constitutional violations and violations of the Tennessee Human Rights Act.
- Won a Rule 12(b)(6) dismissal of a lawsuit alleging that the plaintiff's rights under the Fourth Amendment to the U.S. Constitution were violated when the defendant entered and searched the plaintiff's residence, which was ultimately condemned.
- Obtained dismissal of a rehabilitation facility in a medical malpractice action based on the failure to timely move for substitution of the party after the death of the plaintiff; dismissal upheld by the Tennessee Court of Appeals.



## Professional Honors & Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Listed in *The Best Lawyers in America*® for Personal Injury Litigation - Defendants and Commercial Litigation (2013 – 2024); Medical Malpractice Law - Defendants (2018 – 2024); Municipal Litigation (2019 – 2024); Health Care Litigation (2021 – 2024)
- Selected to Mid-South Super Lawyers in Civil Litigation Defense (2012 – 2023); listed as one of the top 100 Tennessee attorneys (2016, 2021) and top 50 Memphis attorneys (2016, 2018, 2020, 2021)



- Named to *Memphis Business Journal's* Power 100 (2022, 2023, 2024)
- Recipient – MLK Luminary Award, which recognizes attorneys who champion civil rights in Memphis (2020)
- Recipient – Memphis Bar Association's Judge Jerome Turner Lawyer's Lawyer Award (2020)
- Recipient – The *Memphis Business Journal* Public Service Award, 2018 Best of the Bar Awards
- Named to "The Business Journals' Influencers: Law List," highlighting key influencers and dealmakers in the national legal scene (2018)
- Appointed to the Tennessee Commission on Continuing Legal Education and Specialization (2012 – 2014)
- Member – Memphis Bar Association and American Bar Association
- Member – Tennessee Bar Association
- Member – National Bar Association
- Former Board Member – Memphis Area Legal Services
- Former Hearing Officer – Board of Professional Responsibility
- Fellow – Memphis Bar Foundation
- Former Civil Service Commissioner – City of Memphis
- Graduate – Tennessee Bar Association Leadership Law Program (2004)



## Publications

- "A Victory for Qualified Immunity. A Trend to Continue?" (November 2021)
- "Baker's Dozen – Tips and Insights on Partnering to Advance Women," *Women's Initiative Newsletter* (October 2021)
- Featured – "The Last Word," *Mid-South Super Lawyers*, Cover Story (November 2015)
- Featured – "Minority Powerbrokers Q&A: Baker Donelson's McMullen," *Law360* (March 2015)
- Co-author – "Sunk: What Protection Does the Sinkhole Statute Offer Your Clients?," *Tennessee Bar Journal*, Volume 49, Number 10 (October 2013)



## Speaking Engagements

- Guest Speaker – "Comparison of UAE and USA Complex Litigation," Judicial Council National Bar Association Mid-winter Meeting 2023, Dubai (February 2023)
- Panelist – "Town Hall: The Impact of COVID-19 and Police Brutality on our Region," National Bar Association Region VI (May 2021)
- Keynote Speaker – University of Tennessee College of Law's 16th Annual Julian Blackshear Jr. Scholarship Gala (February 2016)
- Panelist – "Improving Communications," Advocacy Department Retreat (April 2014)
- "The Evolving Landscape of Class Actions: Basics, Significant Developments, and Litigant Strategies," ABA's Young Lawyers Division Spring Conference (May 2012)
- Panelist – "Dos and Don'ts of Financial Service Marketing," NAIFA Memphis Member Luncheon (March 2012)
- "The Ethics, The Rules, The Pitch - Overview of Rule 7.2 and 7.3," National Bar Association (September 2011)



## Education

- University of Tennessee College of Law, J.D., 1996
- Georgia College & University, M.B.A., 1991
- University of Georgia, B.A., 1986



## Admissions

- Tennessee, 1996



- Arkansas, 1997
- U.S. Supreme Court
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court, Eastern, Middle and Western Districts of Tennessee
- U.S. District Court, Eastern and Western Districts of Arkansas
- U.S. District Court, Southern District of Illinois