



Marcus M. Maples

Shareholder

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Marcus tries cases and leads defense teams in a wide range of high stakes cases including complex commercial litigation, shareholder disputes, and construction litigation. Marcus has experience litigating in at least a dozen states due to his role as national counsel for an international engineering firm. At the outset of each engagement, Marcus uses his deep jury trial experience to successfully craft an overall strategy for successful resolution of each client's matter.

Representative Trials

- After plaintiff sold its business to defendants, the plaintiff alleged wrongful termination by the defendants, breach of employment agreement and refusal to pay amounts owed. After a five-day trial, won verdict in favor of the plaintiff in excess of \$1 million, plus attorneys' fees; the verdict rejected defendant's assertion of \$25 million in damages for alleged fraud in the acquisition of plaintiff's business.
- Obtained defense verdict on behalf of building owner in defense of breach of contract claims asserted by contractor.
- Obtained defense verdict on behalf of accountant in defense of breach of contract and fraudulent misrepresentation asserted by plaintiff.
- Obtained defense verdict on behalf of financial institution in defense of claims of wrongful foreclosure and other related servicing claims.
- Obtained defense verdict in favor of security officer of an academic institution regarding allegations of excessive force used in breaking up an altercation on campus.
- After day one of trial, obtained beneficial settlement for minority shareholder based on effective development of overall trial strategy.

Representative Matters

- Obtained dismissal of claims for damages against former CEO in excess of \$16 million related to alleged minority oppression, breach of fiduciary duty, and mismanagement of corporate assets. Successfully defended the appeal to the Alabama Supreme Court where the dismissal was affirmed.
- Obtained 100 percent recovery of the contract price, plus attorneys' fees, on behalf of manufacturer in claims against purchaser of equipment in multi-million-dollar contract dispute in federal court.
- Won verdict in favor of the plaintiff in excess of \$1 million, plus attorneys' fees; the verdict rejected defendant's assertion of \$25 million in damages for alleged fraud in the acquisition of plaintiff's business.
- Successfully defended trustee against claims of self-dealing and theft of trust assets.
- Successfully defended heir to \$72 million estate in claims from other purported heirs.
- Obtained removal of trustee and distribution of trust assets following mismanagement by the trustee.
- Obtained summary judgment in favor of officers and directors of financial institution in defense of shareholder derivative claims.
- Served as counsel to the special litigation committee appointed by the board of directors to investigate allegations of minority oppression and corporate mismanagement asserted by minority shareholder.

- Represented numerous clients in connection with estate and wills contests and trusts disputes and litigation.
- Resolved dispute of heirship land between more than 60 land owners with some individuals retaining ownership of the property and the other owners receiving their fair share of the value of the property.
- Successfully defended telecommunications provider in actions in state and federal courts in conjunction with claims by state agencies related to failure to pay E-911 Charges, in addition to lobbying state legislatures for modification in existing statutory language.
- Obtained dismissal on behalf of equipment manufacturer of environmental/toxic tort case pending in Marengo County, Alabama, involving 300 plaintiffs and 30 defendants with claims of public and private nuisance, trespass, duty to warn, fraud and strict liability.
- Successfully defended one of North America's largest energy infrastructure companies in litigation alleging that the company failed to properly evaluate environmental contamination following gasoline release and failed to clean-up and/or remediate the spill.



Professional Honors & Activities

- Named one of *Birmingham Business Journal's* 2020 "Best of the Bar"
- Named one of *Birmingham Business Journal's* 2020 "Top 40 Under 40"
- Listed in *Mid-South Super Lawyers*, Rising Stars (2016 – 2020)
- Listed in *Alabama Super Lawyers*, Rising Stars (2013 – 2015)
- Recognized as one of *Birmingham Business Journal's* 2018 "Rising Stars in Law"
- Board of Trustees – University of North Alabama
 - Vice Chair, Campus Life and Athletics Committee
 - Member, Advancement and University Relations Committee
 - Member, Presidential Evaluation Committee
- Alabama State Bar
 - Recipient, President's Award (2020)
 - Co-Chair, Diversity Committee (2019 – 2020)
 - Chair, Rules Committee, Study the Impact of Disciplinary Process on Minorities Task Force
- Alabama Lawyers Association
 - President (2018 – 2019)
 - Executive Board and Parliamentarian (2017 – 2018)
- Birmingham Bar Association
 - Secretary-Treasurer (2021 – 2022)
- Magic City Bar Association
- American Bar Association
- DRI – The Voice of the Defense Bar
- International Association of Defense Counsel (IADC)
 - Business Litigation Committee
 - Membership Committee
 - Construction Committee
 - Co-Chair, Under 45 Task Force
- Board of Directors – Legal Aid Society of Birmingham
- Leadership Counsel – Alabama Law Alumni Society
- Vestavia Hills City Schools Foundation
 - Board of Directors
 - Member, Grant Committee
- Board of Directors – Cave Canem Foundation, Inc.
 - Chair, Operations Committee
- Sigma Pi Phi Fraternity
 - Rhetoricos, Beta Kappa Boulé

- Alpha Phi Alpha Fraternity, Inc.
- Go Red for Women (American Heart Association)
 - Executive Leadership Team
- Named in the inaugural class of "[YW Allies](#)" by YWCA Central Alabama (2021)



Publications

- "Five Common Mistakes in D&I Strategy," *Diversity Matters Newsletter* (Second Quarter 2021)
- "The American Rescue Plan Provides Significant Debt Relief to Minority Farmers" (March 31, 2021)
- "Directors and Officers: Key Considerations for Continued Response to COVID-19" (July 14, 2020)
- "COVID-19 Economic Downturn: Consider a Special Litigation Committee to Protect Your Company from Meritless Shareholder Derivative Suits" (June 30, 2020)
- "Alabama Malpractice Liability and Immunities During COVID-19 Pandemic" (April 24, 2020)



Speaking Engagements

- "Updating Your Firm's D&I Strategy: Best Practices for Increased Diversity, Inclusion & Equity in 2021," Alabama State Bar Young Lawyers Section Seminar (May 2022)
- "Business Development for Every Law Practice," Birmingham Bar Association's Diversity and Inclusion Committee CLE (April 2021)
- "Updating Your Firm's D&I Strategy: Best Practices for Increased Diversity, Inclusion & Equity in 2021," Alabama State Bar Unity Matters CLE Series (February 2021)
- "Roundtable Discussion on African-Americans in the Legal Industry," Samford University Cumberland School of Law (November 2020)
- "Use Networking to Create Privilege for Under Represented Groups," University of Alabama School of Law (October 2020)
- "Associate to Partner: Marketing Yourself," Alabama Defense Lawyers Association (July 2020)
- "The Importance of Diversity & Inclusion in Big Law," Magic City Bar Association (July 2020)
- "Ten Lessons Small Businesses Can Learn from Big Law's Response to the Pandemic," Alabama Lawyers Association Economic Empowerment Summit (May 2020)
- "Tips for Having a Successful Year," Magic City Bar Association Leadership Forum (September 2019)
- Panelist – "Professional Identity: Evolving as a Minority in Law School and in the Work Place," Samford University Cumberland School of Law (October 2018)
- Keynote Speaker – West Limestone High School Graduation, Lester, Alabama (May 24, 2018)
- "Secrets from A Young Shareholder: How-to-Guide to Building Your Book of Business," Alabama State Bar Young Lawyers Seminar, Orange Beach, Alabama (May 2018)
- Panelist – "The Ethics of Diversity After Rule 8.4(g)," DRI Life, Health, Disability and ERISA seminar, Boston, Massachusetts (April 2018)
- Keynote Speaker – "The Crucial Role that Black Lawyers Play in the Success of the Black Community," Black Law Student Association Leadership Retreat, Birmingham School of Law (August 2017)
- "Stop Waiting for Diversity – Demand it Now," Diversity & Inclusion Luncheon Keynote Address; Life Health Disability & ERISA Seminar, Chicago, Illinois (April 2017)
- Panelist – "Perspectives from Those That Followed," Bending the Arc of History: African-Americans and The University of Alabama School of Law (March 31, 2017)
- "The Fine Art of Cross Examination," DRI Trial Tactics Seminar (2017)
- "Legal Professionals Guide to the Fine Art of Profitability," Birmingham Legal Professionals Association (March 2016)
- "Leadership Re-Defined," University of North Alabama, Honors College (November 2015)
- "Surging into Success: 7 Habits for a Highly Effective Legal Career," University of Alabama School of Law, Black Law Students Association (September 2015)

- "Secrets from a Young Shareholder: Staying on Track to Make the Transition," DRI Young Lawyers Seminar (2014)
- "Lessons Learned: How to Survive Your First Shareholder Derivative Case," Alabama Lawyers Association Annual Meeting (2013)
- Keynote Speaker – "Use These Four Years to Find Your True Self," University of North Alabama Convocation (September 2012)
- "Rules for Success in ERISA Subrogation Claims," DRI Life Health Disability & ERISA Seminar (2011)
- "Conflict Discovery in the After-math of *Met-Life v. Glenn*," DRI LHD Seminar (2010)



Education

- University of Alabama School of Law, J.D., 2006
 - President, Bench & Bar Legal Honor Society
 - John A. Campbell Moot Court Board
- University of North Alabama, B.A., 2002
 - President, Student Government Association



Admissions

- Alabama, 2006
- U.S. District Court for the Northern, Middle and Southern Districts of Alabama