



Andrew R. Lincoln

Principal
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Practices

Class Actions and Complex Litigation
Non-Competes and Protection Against Unfair Competition
Wage and Hour

Industries

Hospitality
Retail and Consumer Goods

Education

University of North Carolina at Chapel Hill School of Law
J.D., 2009

University of Virginia
B.A., 2004
with Honors

Admitted to Practice

- Florida - M.D. Fla., 2010
- Florida - N.D. Fla., 2013
- Florida - S.D. Fla., 2012
- Florida, 2009

Drew Lincoln is a Principal in the Tampa, Florida, office of Jackson Lewis P.C. He advises and manages key relationships with international, national, regional and local clients across multiple industries with a focus on healthcare, hospitality, and retail. He learns his clients' businesses, industry issues, and creates partnerships with them to craft policies and a culture that avoids litigation. However, when there is no alternative to court, Mr. Lincoln draws upon his extensive experience to be a strategic advisor who drives the management of employment litigation with practical solutions to leverage better results for clients.

Mr. Lincoln proactively works together with his clients, both with advice and counsel as well as litigation defense, and helps design concrete steps to address problems.

Mr. Lincoln represents clients in every aspect of employment law, including complex litigation, arbitration, advice and counsel, and compliance advice and audits with respect to the EEOC and Department of Labor. He has litigated cases in states across the country as well as practiced before FINRA, the NLRB, and other tribunals. His diverse employment practice focuses on the following areas:

- Defending companies against wage and hour, breach of contract, discrimination, harassment, retaliation and wrongful termination claims with a focus on complex cases and class and collective actions.
- Internal wage and hour audits as well as those brought by the United States Department of Labor.
- Preparing and advising clients on all issues related to restrictive covenants, including non-compete and non-solicitation agreements, confidentiality, and the protection of trade secrets.
- Counseling business owners on a wide array of policies and everyday practices such as leaves of absence, reasonable accommodations, terminations, hiring, discipline and discharge, and countless other workplace policies.

Class and Collective Action Experience

Mr. Lincoln has handled numerous class and collective actions across the country, including wage and hour claims alleging misclassification and failure to pay minimum wages to tipped employees. Representative results in those cases include:

- Defeated class certification motion and subsequent appeals seeking to certify a class of servers and bartenders for alleged unpaid wages under Florida law;
- Defeated conditional certification of putative nationwide collective action of drivers brought under the FLSA for alleged unpaid meal breaks;
- Defeated conditional certification of putative nationwide class of sous chefs and managerial employees brought under the FLSA for alleged misclassification;
- Defeated conditional certification of proposed Florida collective action pertaining

to timeshares representatives;

- Obtained dismissal of class claims in a putative nationwide race discrimination case under Rule 23;
- Obtained immediate dismissal of case in a putative nationwide class action under the Fair Credit Reporting Act.

Restrictive Covenants

Mr. Lincoln also assists employers in drafting and promulgating restrictive covenants designed to avoid unfair competition, such as non-compete, non-solicitation, and confidentiality agreements. He frequently litigates claims on behalf of employers against former employees (and often their new employers) for breaches of these agreements and also for related claims, such as theft of trade secrets, breach of the duty of loyalty, and unfair competition. Mr. Lincoln also advises departing employees (and their new employers) regarding contractual and other legal rights and obligations and defends challenges to their new employment.

Mr. Lincoln is originally from Virginia and is proud to support his Cavaliers and Tar Heels. He lives in Tampa with his wife and two amazing daughters.

Honors and Recognitions

Andrew R. Lincoln

Rated by Super
Lawyers

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Professional Associations and Activities

- Florida Restaurant and Lodging Association
- Westshore Business Alliance
- American Bar Association, Labor & Employment Law Section
- Federal Bar Association
- Florida Small Business Resource Network
- Hillsborough County Bar Association

Pro Bono and Community Involvement

- St. Joseph's Children's Hospital, Board of Directors Member
- Straz Center for the Performing Arts (Best of Tampa Bay and Broadway Ball Committee Member)

Published Works

- "Legal Challenges to Consider as Employers Reopen Post-Pandemic," *Hillsborough County Bar Association Lawyer Magazine*, Volume 30 (July 2020) [Author]
- "Purging Religion from Prisons: The Constitutionality of the Standardized Chapel Library Project," *First Amendment Law Review*, 6 First Amend. L. Rev. 312 (April 2008) [Author]

Speeches

- "A Beginner's Guide to Defending FLSA Collective Actions," National Law Firm, Attorney Training (Tampa, Florida, June 2014) (Lead speaker)