



SpencerFane®

David M. Harris

Partner

Contact

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Overview

David Harris assists clients in the energy, securities, and health care industries with their most important litigation needs. He has experience representing large integrated energy companies, broker-dealers in securities matters and a broad spectrum of other entities. David brings a valuable combination of trial experience and efficient, practical counsel to his nationwide client base, having defended more than 50 class action lawsuits, including trying class actions to verdict.

David has handled a significant amount of litigation on behalf of major energy companies, defending them against claims including motor fuel advertising rule violations, price discrimination, fraud, franchise violations and breach of contract. In his securities work, he has represented broker-dealers in large complex class actions in venues throughout the country, as well as in front of regulatory agencies. Cases have included defense of revenue-sharing practices, alleged wage and hour violations and municipal bond failures, among others.

In health care litigation, David regularly represents institutional providers in payment disputes with governmental and private payers, including managed care plans, state and federal regulating authorities concerning licensure, certificate of need and conditions of participation. This includes governmental compliance with program requirements and medical staff privileging disputes.

David is admitted to practice before the U.S. Supreme Court, the Sixth, Seventh, Eighth, and Tenth U.S. Circuit Courts of Appeals and numerous U.S. District Courts.

Education

- Washington University School of Law, 1980 (J.D.)
- Bradley University, 1978 (M.A.), *summa cum laude*
- Illinois State University, 1977 (B.S.)

Bar Admissions

- Illinois
- Missouri

Court Admissions

- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the District of Kansas
- U.S. District Court for the Eastern District of Missouri
- U.S. District Court for the Western District of Missouri
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Supreme Court

Distinctions

- *Chambers USA*, Litigation: General Commercial, 2013–2019, 2021–2022
- *Benchmark Litigation*, Local Litigation Star, 2015–2020, 2023
- *Best Lawyers in America*, Commercial Litigation; Franchise Law; Health Care Law, 1991–2026
- *American City Business Journals*, Who's Who in Energy, 2012–2015
- *Missouri & Kansas Super Lawyers*, Business Litigation, 2005–2008, 2010–2024; Top 50 St. Louis list, 2020
- Illinois Leading Lawyers, Commercial Litigation, Energy Law, Franchise & Dealership Law, Health Law
- Ronda F. Williams Spirit of Diversity Award, 2016
- Litigation Counsel of America, Fellow
- America's Top 100 High Stakes Litigators, 2018

Memberships

- American Bar Association
- The Missouri Bar
- Missouri Hospital Association
- Illinois State Bar Association
- The Bar Association of Metropolitan St. Louis

Presentations and Publications

- "The Anatomy of Lost-Profits Claims in Franchise Cases," *Franchise Law Journal*, 2020
- "Responding to Crises Events – the Broker-Dealer's Perspective," Panel Discussion, Edward Jones Legal Summit, St. Louis, Missouri, June 18, 2013
- "Pricing Patterns and Behavior That Cause Litigation Risks," ABA Petroleum Marketing Attorneys' Meeting, Washington, D.C., April 12, 2013
- "Litigating a Case Under the Petroleum Marketing Practices Act," ABA Forum on Franchising, Austin, Texas, October 2008
- "Post Market Divestment Litigation," Petroleum Marketing Attorneys' Meeting, Washington, D.C., 2008

- "Supreme Court Ruling in Halliburton Raises the Bar for Class Certification," *Bloomberg BNA Expert Evidence Report*, September 26, 2014
- "U.S. Supreme Court Poised to Address Class Action Practices in Yet Another Term," *BNA's Class Action Litigation Reporter*, January 10, 2014
- "SCOTUS Continues to Mold Class Action Standards," *Annual Law Day Edition of the Chicago Daily Law Bulletin*, April 27, 2013
- "Concepcion's impact on the judicial enforcement of class-action waivers," *Westlaw Journal*, August 2012
- "Walmart decision may have far-reaching impact," *Chicago Daily Law Bulletin*, July 7, 2011
- "Cellphone case impacts consumer class actions," *Chicago Daily Law Bulletin*, May 26, 2011
- "Class Action Waivers: Supreme Court rejects California's attempt to ban class-action waivers," *Westlaw Journal*, May 24, 2011

Related Experience

- Lead counsel for a major oil company in defending against former operators of all branded stations in the suit area who claimed the defendant defrauded them and breached contracts in connection with the operation of those stations. The plaintiffs were seeking \$28 million in damages. After remand from the Eighth Circuit Court of Appeals from an earlier dismissal, the U.S. District Court for the Western District of Missouri again dismissed the plaintiffs' claims because of discovery abuses resulting from the plaintiffs' failure to preserve, and permitted destruction of, key financial information.
- Lead counsel for a major petroleum refiner in a two-month trial brought by Chicago-area gas station and convenience store operators for franchise violations, fraud, and breach of contract seeking over \$120 million in damages. A complete defense verdict was returned.
- Lead counsel for a national stock brokerage firm in defending its revenue-sharing practices. This included Consolidated Securities Class Actions alleging the failure to adequately disclose over \$384 million in revenue sharing payments, negotiating with federal and state agencies to resolve regulatory concerns, and defending state civil enforcement actions, including those brought by California.
- Lead counsel for a major petroleum refiner in defeating motions for TROs and preliminary injunctions by over 100 California dealers challenging lease expirations and franchise terminations and nonrenewals.
- Lead counsel for one of the big six oil companies in multidistrict litigation involving 34 class actions alleging consumer fraud for allegedly failing to temperature-adjust motor fuel sales.
- Lead counsel in multi-jurisdiction price discrimination claims brought by present and former dealers of major oil companies – Missouri, Illinois, Alabama, Georgia, North Carolina, Virginia, and Maryland.
- Prevailed in a monthlong trial in California defending a major oil company in its model contract used throughout the U.S. with ancillary cases in Indiana, Missouri, and Ohio.
- Lead counsel for a major oil company facing gas station franchisees' claims of unfair wholesale pricing. A bellwether trial in California Superior Court in Los Angeles involved four out of the hundreds of similar claims from dealers nationwide, and it concluded in favor of the oil company, with the jury determining its pricing was fair.
- Lead counsel for a national brokerage firm in consolidated class actions alleging wage and hour violations for over 10,000 brokers.
- Selected as counsel for the Missouri Hospital Association to prepare its amicus brief on the seminal case establishing the limitations on a physician's right to sue hospitals for credentialing decisions.
- Successfully defending numerous hospital systems in putative class actions challenging hospital charges to uninsured patients.