

RICHARD E. DAVIS
Starnes Davis Florie LLP
Birmingham and Mobile, Alabama
<https://www.starneslaw.com/attorneys/richard-davis/>
rdavis@starneslaw.com
205.868.6044

For over 29 years, Richard Davis has represented clients in federal and state court trials throughout Alabama, in appeals, and in matters in the Southeast involving federal and state regulatory, investigative, and enforcement agencies—including the United States Department of Justice and the USEPA.

His cases primarily involve civil and white collar defense litigation, investigations, and contested administrative proceedings arising in environmental, health care, and commercial contexts. He has also had noteworthy success on behalf of corporate and institutional plaintiffs, including in environmental cases, and on behalf of individual plaintiffs. In addition to his work in the Southeast, Richard has represented parties in federal investigations and criminal matters originating in Washington, DC; New York, NY; Atlanta, GA; Detroit, MI; and Muskogee, OK. He is admitted to practice in all Alabama federal districts and the Eleventh and District of Columbia Circuit Courts of Appeals.

After receiving his B.A. at Auburn University (1983), Richard earned his M.A. at The University of Alabama at Birmingham (1986) on a fellowship, and then attended Cumberland School of Law of Samford University, on scholarship, where he obtained his J.D. (1989) and was Editor-in-Chief of *The Cumberland Law Review*.

Richard is AV-rated by Martindale-Hubbell; is a Senior Fellow in the Litigation Counsel of America Trial Lawyer Honorary; has been recognized by Chambers USA as a leading environmental lawyer; has been listed in the 2008-2018 editions of *Mid-South (f/k/a Alabama) Super Lawyers* for Environmental Litigation; and has been included in the 2011-2019 editions of *Best Lawyers in America*—for Environmental Law, Litigation-Environmental, Natural Resources Law, and Commercial Litigation. In addition, he was named by *Best Lawyers* as Birmingham’s Natural Resources “Lawyer of the Year” for 2017 and 2019. *Birmingham Magazine* named Richard a 2018 Top Attorney for White Collar Defense and Energy/Environmental Litigation.

Richard served as Chair of the Birmingham Bar Association Federal Practice Section and as Chair of the Alabama State Bar Environmental Law Section for the 2010-2011 term. He is a member of the Federal Bar Association and the National Association of Criminal Defense Lawyers, among other professional organizations.

Representative environmental cases include the following --

- Environmental Crime: representing trucking company in investigation of alleged discharge of hazardous waste

- Environmental Crime: represented recycling and transport services company in criminal investigation of hazardous waste disposal practices (no charges filed); representing same client with regard to civil administrative issues
- Environmental Permitting: representing major manufacturing and by-product facility with regard to Clean Air Act Title V permit renewal, compliance, administrative proceedings, and litigation
- Environmental Litigation: Represented surface-mining client in bench trial of water quality issues in state circuit court
- Environmental Crime: Represented corporate client in conjunction with negotiated plea agreement for single-count misdemeanor Clean Water Act violation; obtained reinstatement for compliant client after mandatory debarment from federal programs
- Environmental Insurance Coverage/Bad Faith: Obtained settlement valued in excess of \$2,500,000 for plaintiff policyholder in federal lawsuit
- Environmental Litigation: Obtained defense judgment for City of Lincoln in federal trial of Clean Water Act and inverse condemnation claims brought by adjacent property owner complaining of \$1,840,000 in damage to 239-acre property, including wetlands, allegedly caused by discharges of storm water from 160-acre city property; presented oral argument and obtained affirmance of defense judgment before 11th Circuit Court of Appeals
- Environmental Crime: Defended client charged with criminal violations of Clean Water Act and related charges of mail fraud, wire fraud, and conspiracy in federal jury trial
- Natural Resources: Represented two mining clients in an administrative action in which petitioner sought to have 40,400 acres, or 63 square miles, of land declared unsuitable for mining; petition was denied
- Environmental Litigation: Obtained summary judgment for manufacturer on plaintiff's claims for bodily injury allegedly caused by plant's chemical and particulate air emissions
- Environmental Litigation: Defended waste generator in suits for personal injuries that occurred in conjunction with a chemical explosion during unloading of a tractor-trailer rig
- Environmental: Numerous CERCLA matters including the LWD, Inc. (Calvert City, Kentucky), Anniston PCB and lead sites (Calhoun and Talladega Counties, Alabama), Alabama Plating (Vincent, Alabama), B&B Manufacturing (Mobile, Alabama), M & J Solvents (Fulton County, Georgia), and Interstate Lead (Leeds, Alabama) Superfund sites and the Reef Environmental (Sylacauga, Alabama),

Shredders, Inc. (North Birmingham, Alabama), Alabama Wood Treating (Mobile, Alabama), and Allworth (Tarrant, Alabama) sites

- Environmental Permitting: Represented an oil company in conjunction with multi-agency review and permitting of new dock facility on a major multi-state river
- Environmental Litigation: Obtained affirmance by Court of Civil Appeals of client's NPDES permit after having prevailed in hearings before a hearing officer, the Alabama Environmental Management Commission, and the Montgomery County circuit court
- Environmental/Governmental Investigation: Represented client with regard to EPA investigation of a former tank wash facility (Mobile, Alabama)(no claims or charges filed)
- Environmental Litigation: Obtained injunction for plaintiffs, university and university foundation, based on anticipatory nuisance against proposed limestone quarry by proving imminent harm would result to university foundation-owned wetlands research preserve from quarry construction and operation
- Environmental Regulation: Negotiated favorable civil settlement of client's self-reported violation of state hazardous waste law by accidental disposal of nine tons of cadmium-affected baghouse dust in sanitary, rather than hazardous waste, landfill
- Environmental/Whistleblower: Represented county government in conjunction with whistleblower-retaliatory termination lawsuit by former landfill employee alleging improper disposal of hazardous wastes
- Environmental Permitting: Obtained ADEM determination that no air permits required for two CO2 purification plants because no state or federal emissions standards would be exceeded