



Richard E. Davis

PARTNER

100 Brookwood Place
7th Floor
Birmingham, AL 35209

P: 205-868-6044
F: 205-868-6099
rdavis@starneslaw.com

ABOUT RICHARD

Richard represents businesses and professionals in trials and appeals and in investigations and administrative proceedings involving federal and state regulatory agencies.

Over three decades, he has defended clients in matters presenting substantial risks to their continued business or professional viability.

Richard has also obtained millions of dollars in value for plaintiffs and counterclaimants in bad faith, fraud, data security breach, contract, and laboratory research negligence cases; obtained an injunction protecting a rare wetlands ecosystem for a university; and secured, *pro bono publico*, the release from federal prison of an individual incarcerated for 30 years for a non-violent crime.

In addition to his work in Alabama, he has litigated in Mississippi, Oklahoma, and South Carolina; addressed regulatory matters in Tennessee, Kentucky, Georgia, and Washington, D.C.; and represented clients in investigations originating in Washington, D.C., New York, and Detroit, Michigan.

Before law school, Richard was a university English instructor and a technical writer for a software company. His focus in law practice remains clear and effective communication of answers to complex questions.

Legal Assistant

Myste Kennedy
mkennedy@starneslaw.com

Areas of Practice

Complex Litigation
Energy, Natural Resources & Land Use
Antitrust
Energy & Environmental
Environmental Regulation
Environmental Litigation
False Claims Act / Qui Tam
Healthcare Audits and False Claims Act Investigations
Healthcare Fraud
Privacy & Data Security
Securities
Toxic Torts
White Collar Criminal Defense
White Collar, Compliance & Investigations

EDUCATION

J.D., cum laude, Cumberland School of Law of Samford University (1989)
M.A., The University of Alabama at Birmingham (1986)
B.A., Auburn University (1983)

BAR ADMISSIONS

Alabama

COURTS

Supreme Court of the United States
U.S. Court of Appeals, 11th Circuit
U.S. Court of Appeals, District of Columbia Circuit
U.S. District Court, Northern District of Alabama
U.S. District Court, Middle District of Alabama
U.S. District Court, Southern District of Alabama

ACCOLADES



PROFESSIONAL RECOGNITION

AV-Rated, Martindale-Hubbell

Senior Fellow, Litigation Counsel of America Trial Lawyer Honorary

Top Leading Litigator by Chambers USA

Best Lawyers in America®—Litigation-Environmental, Commercial Litigation, Environmental Law, and Natural Resources. In addition, Best Lawyers in America® has named Richard Davis the “Birmingham Natural Resources Law Lawyer of the Year” for 2017, 2019, 2021, and 2024.

Mid-South Super Lawyers

Chair, Birmingham Bar Association Federal Practice Section (2015-2016)

Chair, Alabama State Bar Environmental Law Section (2010-2011)

Editor-in-Chief, Cumberland Law Review (1988-1989)

EXPERIENCE HIGHLIGHTS

False Claims Act: Representing asphalt and construction companies against allegations of fraud and whistleblower retaliation pertaining to paving of a highway and an airfield; already obtained dismissal of 4 individual defendants.

Environmental/Natural Resources/Land Use: Representing county commission as plaintiff in effort to protect free-flowing Halawakee Creek (National Rivers Inventory: “outstanding remarkable values”), its watershed, local water supply, and ecological habitat from potential catastrophic impacts by a proposed granite quarry.

Environmental: Defending a city waterworks and sewer board and individual board members in a putative class action regarding PFAS and related chemicals released into the Tennessee River by upstream manufacturers.

Environmental: Defending two water works and sewer boards in two state enforcement cases and one CWA citizen suit regarding sanitary sewer overflows (“SSOs”) and permit non-compliance.

Commercial Fraud/RICO: Defending corporation, CEO, and CFO in federal lawsuit by customer alleging breach of contract, fraud, and Racketeer Influenced and Corrupt Organization (RICO) Act violations and damages of \$370,836,753.

Environmental/Commercial: representing recycling and transport service companies in federal-lead and state civil enforcement proceeding after successful representation in federal criminal investigation of hazardous waste disposal practices (no charges filed); represented same companies in fraud and contract litigation against disposal site owner and obtained judgment of \$929,478.

False Claims Act: represented or currently representing numerous healthcare providers—including medical doctors, a psychiatrist, a psychologist, nursing homes, physician practices, pharmacies, therapy and rehabilitation providers, and a hospice—in False Claims, Anti-Kickback, and other investigations with claims totaling over \$10,000,000.

False Claims/Anti-Kickback: Defending a nursing home regarding referrals to mental health facilities; obtained the dismissal of qui tam relator's claims with prejudice; now on appeal to the Eleventh Circuit.

Medicare Overpayment: Obtained judgment in favor of a physician regarding an alleged overpayment on grounds that a nurse practitioner (NP) working under the physician failed to revalidate with CMS for processing of the claims. After a hearing, the Administrative Law Judge (ALJ) determined that neither the physician nor NP were at fault for the failure to revalidate; that a reasonable person would have presumed eligibility for billing continued; and that a reasonable person would not have concluded that billing privileges had been terminated because CMS had not notified either of the revalidation deadline and that termination of billing privileges had occurred as CMS was required by law to do. The ALJ ruled that CMS had waived the overpayment and ordered that the recouped amount of over \$113,000 (including interest) be refunded to the physician.

Environmental: Defended public water authority in two mass tort cases and one putative class action regarding PFAS and related chemicals released into the Tennessee River by upstream manufacturers and obtained two dismissals and one nominal settlement.

Privacy: Defended dental practice in investigation by HHS OCR of HIPAA violations (civil resolution).

Environmental: Represented City of Opelika, Storybook Farm, and Retirement Systems of Alabama in successful rejection of proposed granite quarry that threatened the Saugahatchee watershed, the city water supply, a charitable equine and canine therapy farm for at-risk children, and the Robert Trent Jones – Grand National golf course and facilities.

Environmental: Defended Clean Water Act citizen suit against landowner for alleged unpermitted discharges of pollutant into Black Warrior River from reclaimed mine site; settled by consent decree with site currently under remediation.

Environmental Crimes (multiple matters): Represented trucking company in investigation of alleged discharge of hazardous waste (no charges filed); represented corporate client in conjunction with negotiated plea agreement for single-count misdemeanor Clean Water Act violation and obtained reinstatement for compliant client after mandatory debarment from federal programs; defended client charged with criminal violations of Clean Water Act and related charges of mail fraud, wire fraud, and conspiracy in federal jury trial.

Medicare Overpayment: Advised large physician practice in conjunction with fraud investigations and overpayment recoupment actions obtaining on administrative appeal revision of alleged \$2,700,000.00 overpayment to \$2,100.00 through the presentation of statistical, independent audit, and medical necessity evidence.

Securities and Accounting Fraud: Represented corporate officer/lawyer in parallel securities and accounting fraud investigations of publicly traded defense contractor by the Department of Justice (USAO SDNY) and the Securities and Exchange Commission (New York) and in conjunction with SEC administrative proceeding that resulted in corporate penalties and restatement of earnings but no liability for client.

Commercial Litigation: Defended wastewater operations and management company against fraud and breach of contract claims totaling over \$2,100,000 related to installation of a decentralized cluster wastewater management system.

Healthcare Investigations (multiple matters): Represented healthcare providers in DEA drug diversion-prescribing investigation (Alabama, resolved without criminal charges); advised medical device manufacturer in conjunction with federal grand jury investigation (Detroit, MI) (no charges against client); investigated allegations of illegal conduct by nursing home employee in making referrals to home health care providers (Alabama).

Environmental: *Birmingham Water Works Board v. Alabama Surface Mining Commission and Reed Minerals, Inc.*: Defended issuance of permit by state agency to client in trial of water quality issues in state court.

Criminal Defense: In a case *The American Lawyer* named “Most Inspiring Pro Bono Win of 2015” [*United States v. Rivera*] Richard and co-counsel obtained the [release from federal prison of an individual incarcerated for 30 years for non-violent drug crimes](#).

Commercial Litigation (for plaintiff): Obtained settlement valued in excess of \$2,500,000 for plaintiff policyholder in federal lawsuit for bad faith claims denial on pollution policy.

Data Security Breach (for plaintiff): Prosecuted claims for bad faith violation of federal Electronic Funds Transfer Act (EFTA), for failure to maintain commercially reasonable security procedures and for other related torts on behalf of victims of identity theft/account hacking and obtained full recovery of clients’ funds (six-figures+) along with attorneys’ fees.

Environmental: *Woods Knoll, LLC v. City of Lincoln*: 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 being developed as an industrial park; presented oral argument and obtained affirmance of defense judgment before 11th Circuit Court of Appeals.

Environmental (CERCLA): Represented clients in over a dozen matters including the LWD Incinerator site (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 Leeds (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: *University of Montevallo, et al. v. Middle Tennessee Land Development Company, LLC*: Obtained injunction for plaintiffs, university and university foundation, after a two-week trial consisting largely of technical hydrogeological and quantitative expert testimony, to protect the Ebenezer Swamp Wetlands Preserve—the “scenic highlight” of the University of Montevallo (Ranked by Thrillist as one of the “20 most beautiful college campuses in the country”)—from proposed quarrying activity.

PRESENTATIONS AND PUBLICATIONS

“Surprise! You May Be an Environmental Criminal: Recognizing the Quagmire as a Prerequisite to Managing Risk, Manufacture Alabama Environmental Conference (November 16, 2016) (presentation)

“Working with Environmental Experts in Litigation, Regulation, and Transactions,” 25th Annual Southern Environmental Law & Regulation Conference (June 10, 2016, Destin, Florida)(presentation)

“Healthcare Audits and Investigations as Pathways to Criminal and Civil Liabilities for Providers,” Etowah County Medical Group Management Association (October 20, 2015) (presentation)

“Strategic Legal Risk Management—Contingency Planning to Avoid or Mitigate Legal Crises,” “Investigations—Internal and Governmental,” and “What Accountants Should Know About White Collar Crime,” Alabama Society of Certified Public Accountants (August 13, 2015; August 31, 2015) (presentations)

COMMUNITY INVOLVEMENT

- Volunteer, Northern District of Alabama Pro Bono Counsel for Unrepresented Indigent Parties in Civil Cases
- Two pending pro bono representations in cases of wrongful conviction or “over-sentencing”
- Member, Friends of Rickwood Field (America’s Oldest Baseball Park, 1910)

DISCLAIMER: The following language is required by the Alabama Rules of Professional Conduct: No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.