



## David L. Bearman

Of Counsel

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David Bearman has earned a reputation as a creative problem solver who partners with clients to develop resolution strategies that best meet their specific needs and goals.

For twenty-nine years, Mr. Bearman has managed complex, high-value litigation in both state and federal courts. He has significant experience representing clients in interstate water rights and housing discrimination disputes. Mr. Bearman also has experience with matters arising from commercial and business disputes, breach of contract, civil rights, First Amendment, personal injury, property damage, premises liability, defamation, trespass, and negligence. Mr. Bearman believes in giving back to the community and providing pro-bono legal service.



### Case Studies

- Supreme Court Rules in Favor of Memphis and Memphis, Light, Gas & Water in Water-Rights Fight - Governmental Entities



### Representative Matters

- Represented a municipality and utility in a series of precedent-setting water rights lawsuits involving an interstate aquifer. Obtained dismissal in the U.S. District Court. The Fifth Circuit Court of Appeals affirmed and the Supreme Court of the United States denied certiorari. In a subsequent Original Action before the Supreme Court of the United States, the Court issued a unanimous opinion in favor of the municipality and utility.
- Represented utility company in housing discrimination claim brought before the Department of Housing and Urban Development. Secured finding of "No Reasonable Cause" under the Fair Housing Act.
- Prevailed on dispositive motions defending clients in matters including:
  - putative class action against a utility company alleging violations of the Fair and Accurate Credit Transactions Act;
  - putative class action against a vehicle dealership alleging violations of the Truth in Lending Act;
  - lawsuit against an individual filed by the United States to enforce monetary penalty assessed by Commodity Futures Trading Commission;
  - wrongful death lawsuit filed by heirs of individual fatally injured while repairing a large machine at the plant; and
  - lawsuit against a national animal rights organization asserting federal civil rights claims and state law claims arising from the seizure of abused animals.
- Obtained judgment at trial for compensatory damages and attorney fees representing business in breach of contract suit.



### Professional Honors & Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Fellow – Memphis Bar Foundation
- Fellow – Tennessee Bar Foundation
- Listed in *The Best Lawyers in America*® for Commercial Litigation and Litigation - Municipal (2013 – 2026); Water Law (2025, 2026)

- Named the Best Lawyers® 2023, 2021, 2019, 2015 Litigation - Municipal "Lawyer of the Year" in Memphis
- Selected to Mid-South Super Lawyers
  - Top 50 attorneys in Memphis (2015 – 2017, 2022)
  - Top 100 attorneys in Tennessee (2015 – 2017, 2022)
  - Civil Litigation: Defense (2016 – 2025)
  - Business Litigation (2012 – 2016)
- Member – Tennessee, Memphis and American Bar Associations
- Member – Leo Bearman, Sr. American Inn of Court
- Board of Directors – Memphis Bar Association (2017 – 2019)
- Hearing Committee Member – Board of Professional Responsibility (2013 – 2019)
- Central Region Board of Advisors – Hebrew Union College, Jewish Institute of Religion (2019 – 2025)
- Counsel – Temple Israel, Memphis, Tennessee (2002 – 2022)
- Recipient:
  - Howard Baker Award – Baker, Donelson, Bearman, Caldwell & Berkowitz, Memphis (2024)
  - Best of the Bar, Private Firm - Extra Large category, *Memphis Business Journal* (2019)
  - Jeffrey Manis Service Award, Temple Israel, Memphis, Tennessee (2018)
  - CEO Circle Pro Bono Impact Award, Baker, Donelson, Bearman Caldwell & Berkowitz (2015)
  - Pro Bono Impact Award, Baker, Donelson, Bearman, Caldwell & Berkowitz, Memphis (2015)
  - Mentor of the Year, Baker, Donelson, Bearman, Caldwell & Berkowitz, Memphis (2015)
  - Public Service Award, Baker, Donelson, Bearman, Caldwell & Berkowitz, Memphis Office (2014)
  - Fannie Warr Award for Service, St. Mary's Episcopal School, Memphis, Tennessee (2012)
  - Pro Bono Attorney of the Year, Baker, Donelson, Bearman, Caldwell & Berkowitz, Memphis (2010)
  - Leadership Award, Baker, Donelson, Bearman, Caldwell & Berkowitz, Memphis (2003)



## Representative Opinions

- *State of Mississippi v. State of Tennessee, City of Memphis, and Memphis Light, Gas & Water Division*, 142 S.Ct. 31 (2021)
- *Everett v. Memphis Light, Gas & Water Division*, 2017 WL 1830165 (W.D. Tenn. April 18, 2017)
- *Sherman v. State of Tennessee, Humane Society of the United States, et al*, 2017 WL 2589410 (W.D. Tenn. June 14, 2017)
- *Guardsmark (Puerto Rico) LLC v. Miramar Real Estate Management, Inc.*, 2010 WL 625396 (W.D. Tenn. Feb. 17, 2010)
- *Hood, ex rel. Mississippi v. City of Memphis, Tennessee and Memphis Light, Gas & Water Division*, 570 F.3d 625 (5th Cir. 2009), cert. denied (U.S. 2010)
- *Hood, ex rel. Mississippi v. City of Memphis, Tennessee and Memphis Light, Gas & Water Division*, 533 F. Supp. 2d 646 (N.D. Miss. 2008)
- *Hoskins v. A.O. Smith Corporation*, 2001 WL 1450730 (6th Cir. Oct. 31, 2001)
- *Sherman v. State of Tennessee, Humane Society of the United States, et al*, 2017 WL 2589410 (W.D. Tenn. June 14, 2017)
- *Qureshi v. Wells Fargo Bank*, 2013 WL 12284669 (W.D. Tenn. Oct. 21, 2013)
- *Tennessee Municipal League v. Thompson*, 958 S.W.2d 333 (Tenn. 1997)



## Publications

- "Anticipating SCOTUS Ruling on *Chevron* Deference – What to Know and Five Ways to Prepare" (June 2024)



## Speaking Engagements

- "Wild Burros, Beautiful Fog, and Interstate Water: The Sixteen-Year Legal Battle to Protect Memphis's Groundwater Rights," University of Nebraska Law School (September 2023); Federal and Memphis Bar Associations (November 2023)
- Panelist – "Jewish American Heritage Reflections," client presentation (June 2023)
- "Interstate Groundwater Litigation – *Mississippi v. Memphis, TN, Memphis Light, Gas & Water Division, and the State of Tennessee*," Creighton University School of Law (April 2022 and April 2023)
- "Interstate Groundwater Litigation – *Mississippi v. Memphis, TN, Memphis Light, Gas & Water Division, and the State of Tennessee*," Tennessee Environmental Network Show of the South (May 2022)
- "The Middle Claiborne Aquifer Litigation – a History and Recent Developments," Tennessee Bar Association, Environmental Law Forum 2021 (December 2021)



## Education

- The University of Memphis, Cecil C. Humphreys School of Law, J.D., 1996, with high honors
  - Managing Editor – *University of Memphis Law Review* (1995 – 1996)
- University of Minnesota, Duluth, B.A., 1982



## Admissions

- Tennessee
- U.S. Supreme Court
- U.S. Court of Appeals for Sixth Circuit
- U.S. District Court for the Western District of Tennessee