

## M. Derek Harris

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## Overview

Derek Harris is a commercial litigator and trial lawyer. Derek has tried cases in the areas of product liability, health care, business torts, and real estate in Florida, Georgia, and Alabama. He also has extensive experience with class action, commercial contract, construction, and creditors' rights litigation.

Derek has served as lead counsel on cases in multiple areas of law and provided legal assistance through all phases of litigation including discovery, motions practice, mediation, and bench and jury trials. His practice focuses primarily on complex commercial litigation, defending manufacturing clients in product liability litigation, and defending hospitals in health care litigation.

Derek received an "On the Rise" award for lawyers from the *Daily Business Review* in 2017 and the *Daily Business Review's* "Most Effective Lawyers" award in 2016. Derek was recognized by the *Atlanta Business Chronicle* as a "40 Under 40 Up & Comer" and by *Florida Trend's* Florida Legal Elite as a 2014 "Up & Comer." He is a member of Class V of Leadership Florida's Connect Florida program, and a 2011 Fellow in the Leadership Council for Legal Diversity's Fellows Program. Derek has served as an associate editor for *ABA Litigation News*, and has been actively involved in many bar and civic organizations. Much of his pro bono work has involved child advocacy, including representing children in juvenile court with delinquency, early intervention, and educational neglect issues; mentoring; and helping them get on track to achieve academic and personal success.

## Experience

- Defended asbestos, automotive, safety system, talc, and tobacco manufacturers in product liability actions in state and federal courts. Achieved clients' business goals by working collaboratively to design and implement effective litigation strategies.
- Represented hospitals in contract, defamation, and fraud cases. Obtained favorable results through dispositive motions, mediation, and trial.
- Represented banks and financial institutions in multiple receivership cases. Obtained appointments of receivers to manage business assets following evidentiary hearings.
- Represented construction companies and general contractors in construction defect, commercial contract, lien, and bonding matters.
- Represented national banking institutions in commercial and residential foreclosure cases. Obtained favorable results through dispositive motions, mediation, and trial.
- Represented a corporate director in a lawsuit filed by the director's former employer asserting claims for breach of fiduciary duty, fraud, negligence, civil conspiracy, conversion, unjust enrichment, and disgorgement. Resolved case through mid-trial settlement.
- Represented corporate officer in litigation to prevent insider sale and transfer of corporation's assets. Obtained appointment of receiver following trial.

## Representative Cases

- *S. Fla. Fair & Palm Beach Cty. Expositions, Inc. v. Joseph*, 256 So. 3d 875 (Fla. 4th DCA 2018) (trial and appellate counsel in first impression case involving sovereign immunity and fair associations, case resolved after successfully establishing client's entitlement to sovereign immunity).
- *In re Takata Airbag Prods. Liab. Litig.*, No. 1:15-md-02599 (S.D. Fla.) (counsel for Takata Corp. and TK Holdings Inc. in federal multidistrict litigation concerning allegedly defective airbags).
- *Small v. Ford Motor Co.*, Southern District of Florida (trial counsel in high-stakes product liability litigation for an automotive safety system manufacturer; jury returned defense verdict).
- *HCA Health Servs. of Fla., Inc. v. CyberKnife Ctr. of Treasure Coast, LLC* (trial and appellate counsel for hospital in successful defense of fraud and breach of contract case related to a joint venture to operate a surgery center).
- *Lam v. General Mills, Inc.*, Northern District of California (consumer fraud class action, obtained dismissal of multiple claims, and case ultimately resolved through settlement).
- *Mitchell Co. v. Campus*, Southern District of Alabama (district court granted motion to dismiss all of the plaintiffs' claims, and granted client's motion for partial summary judgment seeking to enforce the operating agreements of two LLCs).
- *Cox v. South Cherokee Recreation Association*, Superior Court of Cherokee County, Georgia (negligence and defamation case; court dismissed the case and barred plaintiff from filing any further pleadings without the court's permission).

- *Moshtagh v. Lange*, Superior Court of Cobb County, Georgia (obtained preliminary injunction for client preventing insider sale of corporate assets; court appointed a receiver to dispose of the assets of the corporation as requested following full evidentiary hearing).
- *Lawson v. Miller*, Superior Court of DeKalb County, Georgia (obtained temporary restraining order and writ of replevin preventing sale of client's antique vehicles and requiring that vehicles be returned to client).

## Areas of Focus

### Practices

- [Mass Tort and Product Liability](#)
- [Banking, Commercial, and Consumer Finance](#)
- [Litigation and Trials](#)
- [Construction Litigation](#)
- [Consumer Finance](#)
- [Class Actions](#)

### Industries

- [Banking, Commercial, and Consumer Finance](#)

## Insights

07.15.2016

Food for Thought: Olive Oil Manufacturer's "Imported from Italy" Representation On Product Label Results in Certification of Consumer Fraud Class Action

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09.13.2013

Two U.S. Supreme Court Opinions Enforce Arbitration Agreements

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05.16.2013

Lawyers May Face Liability for Ex-Parte Defamatory Remarks

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02.06.2013

Experts Cannot Be Shielded from Discovery by Re-designation

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11.12.2012

Attorney Gambles Chasing Fees and Loses Big

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03.01.2012

Coupons for Lawyers: Three Ethics Opinions Approve Daily Deal Advertising for Lawyers

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08.22.2011

Supreme Court Shifts Basic Personal Jurisdiction Rules

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08.01.2011

Civil Procedure / Is Zippo Getting Zapped?

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06.02.2011

E-Discovery Sanctions Awarded after Case Is Closed

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03.16.2011

Inadvertent Disclosure Results in Disqualification of Opposing Counsel

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## News

05.19.2021

'2020 Stole a Lot From Me': Carlton Fields Shareholder Triumphs Over Tragedy

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05.18.2021

'I Want a Lawyer': Black Attorney Advises His Children on Police Encounters

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05.12.2021

'They Expect to See the Bills Reduced': Litigators Juggle New Expectation Amid Pandemic

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09.05.2018

Carlton Fields' Appellate Win Featured in Daily Business Review and Law360

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10.30.2017

Carlton Fields Named Top Performer By Leadership Council on Legal Diversity

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05.12.2017

Daily Business Review Honors Carlton Fields Attorneys With On the Rise Awards

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## Recognition

- *The Best Lawyers in America*, Commercial Litigation (2024)
- On the Rise Award, *Daily Business Review* (2017)
- Most Effective Lawyers Award, *Daily Business Review* (2016)
- Florida Legal Elite "Up & Comers," *Florida Trend Magazine* (2014)
- "40 Under 40 Up & Comer," *Atlanta Business Chronicle* (2006)
- State Bar of Georgia Pro Bono Project Certificate of Recognition for outstanding public service to Georgia's low-income citizens (2006–2009)

## Professional & Community Involvement

- American Bar Association
  - Section of Litigation
    - Commercial and Business Litigation Committee (2011–2012)
    - Diversity Initiatives Subcommittee (2011–2012)
    - Co-Chair (2011–2012)
    - Associate Editor, *Litigation News*
- State Bar of Georgia
  - Children and the Courts Committee (2006–2017)
    - Adviser (2006–2008)
- Atlanta Bar Association (2002–present)
- Boys Town of South Florida
  - Board of Directors (2013–present)
- Georgetown Club of Georgia (2002–present)
- Leadership Council on Legal Diversity
  - Fellow (2011)
- Leadership Florida's Connect Florida Statewide Leadership Institute, Class of 2015

- The Law Pipeline Program Inc.
  - Board of Directors (2011–2013)
- 40 Under 40 Alumni Group

## Speaking Engagements

- "Youth Mental Health Discussion With Solution-Driven Action," Boys Town South Florida's Family Community Action Summit, West Palm Beach, FL (October 6, 2022)
- "2021 Carlton Fields Class Action Survey Results," Carlton Fields and the National Bar Association Commercial Law Section (September 29, 2021)
- "Class Action Trends: Stairway to Heaven or Highway to Hell?," ACC South Florida 10th Annual CLE Conference, Fort Lauderdale, FL (September 19, 2019)
- "How to be Successful and Stay Sane at a Big Law Firm," Palm Beach County Bar Association, Bench Bar Conference (March 9, 2018)
- "Trial Tips From the Experts," Malcolm Cunningham Bar Association, West Palm Beach, FL (August 2015)
- "What Does It Mean to Be a Fellow?," Leadership Council for Legal Diversity, Atlanta, GA (February 2014)
- "Major Supreme Court Decisions Impacting Class Actions," Carlton Fields Class Action Symposium, New York, NY (June 2013)
- "Building Successful Affinity Groups," Charting Your Own Course Career Development Conference, Philadelphia, PA (February 2013)
- "Achieving Law School Success and Conquering the Bar," State Bar of Georgia, Diversity Committee (2011)
- "IP in the Digital Age," Young Professionals Division of the Technology Associates of Georgia Seminar (February 2010)

## Pro Bono

- Volunteer attorney with the Palm Beach County Legal Aid Society representing victims in domestic violence proceedings.
- Non-Partisan Election Protection volunteer attorney for the Lawyers Committee for Civil Rights.
- Advocate and mentor with the Truancy Intervention Project, which works in conjunction with the juvenile court and public school systems to resolve truancy issues and get children on track to achieve academic and personal success.
- Since 2004, represented dozens of students between the ages of 6 and 16 years old in delinquency, early intervention, and educational neglect proceedings.

# Credentials

## Education

- Georgetown University Law Center (J.D., 2002)
- University of Delaware (B.A., 1999)

## Bar Admissions

- Florida
- Georgia

## Background

- Associate, Jones Day, Atlanta, GA (2002–2006)

## Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Northern District of Georgia
- U.S. Bankruptcy Court, Southern District of Florida