

David A. Harris

Partner

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Office Location: Atlanta-Greensboro

David Harris is a partner at Bovis, Kyle, Burch & Medlin, LLC. David represents sureties, contractors and owners in Georgia and North Carolina and has extensive experience, including: construction defect litigation, claim investigations, indemnity and subrogation rights, payment & performance bond disputes, commercial and miscellaneous bonds, fidelity bonds, fraudulent transfer claims, and creditor rights in bankruptcy.

David joined the firm in 2007, after graduating from Emory School of Law with honors. He is a member of a number of professional organizations and has spoken at the National Bond Claims Association, the Southern Surety & Fidelity Claims Conference, and the Surety Association of Georgia. In 2015 David was program chair for the 26th Annual Southern Surety & Fidelity Claims Conference.

Professional or Trade Affiliations

- American Bar Association, Fidelity & Surety Law Committee
- Atlanta Surety Claims Association
- National Bond Claims Association
- Surety Association of Georgia
- Surety Claims Institute

Honors & Awards

- 2022, Georgia Super Lawyers
- 2017-2021, Georgia Super Lawyers Rising Star
- 2015 & 2021 Program Chair for the Southern Surety & Fidelity Claims Conference
- 2006-2007, The Herman Dooyeweerd Prize in Law and Religion, Emory University Center for the Study of Law and Religion



Practice Areas:

- Surety
- Construction Contracts and Disputes
- Fidelity/Probate and Fiduciary
- Fidelity and Financial Institutions
- Insurance Coverage and Bad Faith
- Construction Defects

Admitted to Practice:

- Georgia, 2007
- North Carolina, 2017

Education:

- Emory University School of Law, JD, 2007, with honors
- Emory Candler School of Theology, MTS, 2007

Publications & Speaking Engagements

- Author, **Recent Developments in Fidelity and Surety Law**, 56 Tort Trial & Ins. Prac. L.J. 377 (2021)
- An Exploration of the Duties and Liabilities of Bond Agents, Surety Claims Institute, June 2021
- Program Chair, Southern Surety & Fidelity Claims Conference, April 2021
- Author, **Recent Developments in Fidelity and Surety Law**, 55 Tort Trial & Ins. Prac. L.J. 297 (2020)
- Author, **Recent Developments in Fidelity and Surety Law**, 54 Tort Trial & Ins. Prac. L.J. 493 (2019)
- Project Oversight, Control, and Staffing, Fidelity & Surety Law Spring Conference (ABA), May 2019
- Payment Bond Mythbusters, Southern Surety & Fidelity Claims Conference, April 2019
- Moderator of Surety Claims and Legal Panel, Surety Association of Georgia, March 2019
- Current Issues Under the Indemnity Agreement, Southern Surety & Fidelity Claims Conference, April 2018
- Author, **Recent Developments in Fidelity and Surety Law**, 53 Tort Trial & Ins. Prac. L.J. 393 (2018)
- Handling High Volume Document Review, Southern Surety & Fidelity Claims Conference, April 2017
- Author, **Recent Developments in Fidelity and Surety Law**, 52 Tort Trial & Ins. Prac. L.J. 393 (2017)
- Surety Law Update, Surety Association of Georgia, June 2016
- Performance Bonds: Surety's Defenses and Options, Southern Surety & Fidelity Claims Conference, 2016
- The Surety's Assignment Rights to Equipment, Southern Surety & Fidelity Claims Conference, 2015
- Payment Bonds: Who is Covered?, Southern Surety & Fidelity Claims Conference, 2014
- Don't Be Put off by "Setoff", Southern Surety & Fidelity Claims Conference, 2013
- In the Pursuit of Indemnity: Perfection Not Required, National Bond Claims Association, 2009
- Milligan College, B.A., 2003, cum laude, Senior Class President

Representative Experience

- Persuaded both the trial court and the Eleventh Circuit that a surety was entitled to summary judgment based on Georgia's one-year statute of limitations for Little Miller Act payment bond claims. *Strickland v. Arch Ins. Co.*, No. 17-10610, 2018 WL 327443 (11th Cir. Jan. 9, 2018).
- Verdict in favor of surety affirmed by 11th Circuit. *Arch Ins. Co. v. Douglas Asphalt Co.*, 361 F. App'x 103 (11th Cir. 2010).
- Tried case to verdict for surety in the amount of \$88,892,128.15 plus specific performance in the amount of \$40,000,000.00. *Arch Ins. Co. v. Douglas Asphalt Co.*, CIV.A. CV507-038, 2009 WL 1873801 (S.D. Ga. June 29, 2009).
- Obtained judgment for surety in the amount of \$19,299,207.02. *Lumbermens Mut. Cas. v. Douglas Asphalt*, 2010 WL 4634316.
- Successfully litigated summary judgment for surety for indemnity and collateral deposit, affirmed on appeal by the 11th Circuit. *Travelers Cas. & Sur. Co. of Am. v. Winmark Homes, Inc.*, 518 F. App'x 899 (11th Cir. 2013).
- Negotiated settlement on indemnity claim. *U.S. Surety Co. v. Riverside Steel*, 2013 WL 3296132.
- Recovered \$450,000.00 for surety from funds deposited in garnishment court on equitable subrogation claim.
- Brought fraudulent transfer claims on behalf of surety seeking subrogation for losses against principal.
- Won summary judgment for insurer in first party case on condition precedent to coverage defense. *McCoy v. Foremost Ins. Co.*, 1:11-CV-128 WLS, 2013 WL 4659791 (M.D. Ga. Aug. 29, 2013).
- Insurer client granted summary judgment based on misrepresentation in the application defense. *Grice Const., LLC v. Foremost Ins. Co.*, CIV. A.2:07CV0131RWS, 2009 WL 901133 (N.D. Ga. Mar. 31, 2009).

In The News

- Bovis Kyle attorneys highlighted as speakers at Southern Surety and Fidelity Claims Conference.
- Christina Craddock and **David Harris** featured in the Daily

Report.

- Paver ordered to pay back \$129M, Fulton Daily Report, July 9, 2009.
- Bovis Kyle attorneys highlighted as speakers at Southern Surety and Fidelity Claims Conference