



→ David M. Poell

Associate

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David Poell is an associate in the Business Trial Practice Group in the firm's Chicago office with an emphasis in the areas of consumer privacy and class action litigation.

Areas of Practice

David represents companies in a variety of class actions, multi-district litigations and other complex commercial litigation matters in state and federal courts. He specializes in defending corporate clients in high-stakes litigation matters involving federal consumer-protection statutes, privacy torts, unfair business practices, false advertising claims and large-scale data breaches.

David is also particularly experienced in prosecuting and defending actions involving the enforcement of restrictive covenants and non-competes, deceptive trade practices, misappropriation of trade secrets, the Lanham Act and unfair competition. He further advises companies regarding privacy matters and provides counseling on compliance with FCC, FTC and state-specific rules and regulations.

In addition, David works on appellate litigation matters and is well-versed in issues involving administrative law, Article III standing issues and federal jurisdiction.

Pro Bono

Of note with regard to his pro bono practice, David previously represented a prisoner in an Eighth Amendment excessive force trial in the Eastern District of Missouri.

Honors

Illinois Rising Star, *Super Lawyers*, 2016-2020

Helen Hritz Award for Excellence in Classical Arabic Studies, University of Notre Dame

Honored by Chicago Transportation Authority for Act of Heroism

Articles

- One "Chirp, Buzz, Or Blink" is Not enough to Sue Under the TCPA
San Diego Defense Lawyers, Fall 2019
- Credit Card Theft Plaintiffs Discover Warm Home After 7th Circuit Rulings
Chicago Daily Law Bulletin, 04.28.2016

- When is an 'injury' not really an injury? Article III and statutory standing, a comment on *Spokeo, Inc. v. Robins* No. 13-1339 (U.S. OT 2015)
Inside Counsel, 11.10.2015

Eye on Privacy Blog Posts

- "Live Free or Die Trying—New Hampshire Voters Enshrine Right to Privacy in State's Constitution," November 19, 2018
- "Ninth Circuit Opens Door for More Expansive Meaning of ATDS in TCPA Cases," November 14, 2018
- "New York Federal Court Dismisses Nationwide Class Action Arising Out of Alleged Spying by E-Commerce Retailers," September 10, 2018
- "Car Dealer's Attempt to Crash Data Privacy Class Action Sputters Out," February 14, 2018
- "New York Court Scraps Another FACTA Receipt Class Action for Lack of Standing," November 28, 2017

Class Action Defense Strategy Blog Posts

- "Seventh Circuit Adopts Narrow Definition of Autodialer Under The TCPA," *March 2, 2020*
- "Supreme Court Punts On Whether FCC's Interpretation of the TCPA Binds Federal Courts," September 3, 2019
- "One "Chirp, Buzz, Or Blink" Is Not Enough To Sue Under The TCPA," August 30, 2019
- "Supreme Court Poised To Alter TCPA Landscape With Review Of Key Term 'Advertisement,'" November 15, 2018
- "Rikki, Don't Autodial That Number! – Ninth Circuit Doesn't Want You To Call Nobody Else (in violation of the TCPA)," October 26, 2018
- "5 TCPA Class Action Trends to Watch in 2018 – Legislation, Administrative Law & Litigation," February 28, 2018
- "Spokeo—Round 3: The Ninth Circuit Finds Alleged Statutory Violation Sufficiently "Concrete" To Satisfy Article III Standing," August 29, 2017
- "You Can't Always Get What You Want—Second Circuit Affirms Parties Can Bargain Away TCPA Right To Revoke Consent To Automated Calls," July 12, 2017
- "Mooting Class Actions by Offer of Judgment – Episode 2: The Ninth Circuit Strikes Back," April 22, 2016
- "Not Taking "Yes" For An Answer: U.S. Supreme Court Rules That Unaccepted Offer Of Complete Individual Relief Does Not Moot Plaintiff's Individual Or Class Action Claim," January 20, 2016
- "The Pitfalls of Ascertaining Ascertainability: Seventh Circuit Declines to Adopt Heightened Threshold Requirement for Class Actions," August 6, 2015
- "Seventh Circuit Affirms Lodestar Method to Determine Attorneys' Fees in TCPA Class Action Settlement," April 9, 2014, reprinted in the News Blog for the National Association of Legal Fee Analysis, April 10, 2014
- "Third and Seventh Circuit Courts of Appeals Issue TCPA Decisions," September 5, 2013

FCC Law Blog Posts

- "Supreme Court Poised To Alter TCPA Landscape With Review Of Key Term 'Advertisement,'" November 17, 2018

Media Mentions

Pharma Co. Wants Sex Drug Marketing Case Axed
Law360, 10.19.2018

Spokeo 2 Years Later: As Split Grows, High Court Redo Looms
Law360, 05.18.2018

7th Circ. Robocall Ruling To Pad Already Swelling Docket
Law360, 11.27.2013

Memberships

Member, American Bar Association

Member, Chicago Bar Association

Practices

Litigation

Privacy and Cybersecurity

Telephone Consumer Protection Act (TCPA)

Education

J.D., University of Michigan, 2010, *magna cum laude*, Executive Editor of the *Michigan Law Review*

B.A. University of Notre Dame, 2007, *magna cum laude*

Admissions

Illinois