

DENNIS J. ROMAN

SHAREHOLDER



AREAS OF PRACTICE

Professional Liability
Commercial Litigation

CONTACT INFO

(412) 803-1190
djroman@mdwcg.com

Union Trust Building, Suite 700
501 Grant Street
Pittsburgh, PA 15219

ADMISSIONS

Pennsylvania
1986

U.S. Court of Appeals 3rd
Circuit
1986

EDUCATION

Duquesne University School
of Law (J.D., 1982)

Duquesne University (B.S.,
1979)

OVERVIEW

For over 25 years, Dennis has concentrated his practice in defense of professionals, with particular emphasis on lawyer liability claims. His commitment and dedication to these matters is underscored by his service to the Pennsylvania and American Bar Associations' Professional and Lawyers Liability Committees as well as the Allegheny County Bar Association, serving as chair of the Lawyer Insurance Committee from 1998 to 2004.

In the legal malpractice arena, Dennis has successfully defended attorneys and law firms sued as a result of claimed malpractice arising from virtually every underlying field of the practice of law including medical malpractice, securities, corporate litigation, corporate transactions, employment law, bankruptcy, labor law, patent law, workers' compensation, social security, administrative law, estates & trusts, family law, immigration & naturalization, personal injury, insurance defense, real estate and taxation.

Dennis also regularly defends insurance brokers and agents, real estate brokers, agents and settlement officers, architects, accountants and chiropractors.

In addition to defending attorneys and other professionals, Dennis has strategized and proactively employed creative claims avoidance and claims repair techniques on behalf of insurance companies and their insureds to avoid or ameliorate significant professional liability claims.

He has also handled significant e-commerce litigation including commercial claims brought on behalf of healthcare professionals against health insurers, network managers and pharmacy benefits managers (PBMs).

Dennis has been actively involved in the Allegheny County, Pennsylvania, and American Bar Associations for many years. He is a frequent lecturer and author on behalf of the Pennsylvania Bar Institute and the Pennsylvania Bar Association. In

HONORS & AWARDS

AV® Preeminent™ by
Martindale-Hubbell®

Attorneys Listed by Best
Lawyers in America
- Pittsburgh "Lawyer of the
Year" Legal Malpractice-
Defendants, 2013; Legal
Malpractice Law-Defendants
2006-Present

Pennsylvania Super Lawyers
2006, 2008-2011, 2019-2020

ASSOCIATIONS & MEMBERSHIPS

Allegheny County Bar
Association: Judiciary
Committee (2004-Present),
Chair, Lawyer Insurance
Committee (1998-04),
Governing Council, Young
Lawyers Section (1990-91)

American Bar Association,
Associate Member of Standing
Committee on Lawyers'
Professional Liability

Pennsylvania Bar Association,
Professional Liability
Committee (1987-Present)

Pennsylvania Bar Association,
House of Delegates (2003-
Present)

Pennsylvania Defense
Institute

YEAR JOINED

2006

2003, he was appointed to the Pennsylvania Bar Association's House of Delegates, its policy-making body.

THOUGHT LEADERSHIP

Dennis Roman Named 2013 Pittsburgh Lawyer of the Year for Legal Malpractice By Best Lawyers in America®

Professional Liability
July 10, 2013

Dennis J. Roman, shareholder with the Pittsburgh office of Marshall Dennehey Warner Coleman & Goggin, has been named the "2013 Pittsburgh Lawyer of the Year for Legal Malpractice" by Best Lawyers in America®.

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Four Marshall Dennehey Shareholders Selected "Best Lawyers of the Year" by Best Lawyers in America®

June 14, 2013

Marshall Dennehey is pleased to announce that four of the firm's shareholders have been selected as 2013 "Best Lawyers of the Year" by Best Lawyers in America®. They are:

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PUBLISHED WORKS

"Enforceability of Arbitration Clauses in Attorney Retainer Agreements in Pennsylvania," *Counterpoint*, May 31, 2000

"Amicus Curiae Briefs, Pennsylvania Bar Association Glenbrook Leasing Co. v. Beausang, 881 A.2d 1266 (Pa. 2005)," (principal author); *Ferencz v. Milie*, 535 A.2d 59 (Pa. 1987) (co-author)

CLASSES/SEMINARS TAUGHT

Lawyer Exposures Under The "Continuous Representation Rule" and Conflicts of Interest, Pennsylvania Bar Association In-House CLE Program, September 27, 2005

Abusive Advocacy: Frivolous Prosecution & Frivolous Defense, Lorman Education Series, February 7, 2001

Series 2000: Professional Liability, Ethics and Professionalism, Pennsylvania Bar Association In-House CLE Program, May 21, 1999

The Admission of Judicial Opinions from Underlying Proceedings in Subsequent Litigation Against Attorneys, Academy of Trial Lawyers of Allegheny County, April 20, 1999

Plaintiff's Ultimate Weapon: The Use of Judicial Opinions from Underlying Proceedings in Litigation Against Attorneys, Pennsylvania Westport Defense Panel Conference, March 18-19, 1999

Managing Conflicts of Interests and Handling Outside Collateral Pursuits, Pennsylvania Bar Association - Professional Liability Committee Annual Meeting, CLE Program, May

RESULTS

Summary Judgment in High-Stakes Legal Malpractice Case

Professional Liability

April 21, 2016

Obtained summary judgment in a legal malpractice case seeking in excess of \$2 million stemming from a trial court judge's determination in underlying litigation that our lawyer-clients had waived, on behalf of their former clients, challenges to the sufficiency of the evidence supporting the verdict. The underlying litigation arose from the events of 9/11.

Dismissal of Legal Malpractice Case

Professional Liability

June 8, 2015

Won dismissal of our lawyer-clients in a legal malpractice lawsuit arising from improper advice given in underlying bankruptcy proceedings. Our clients represented the plaintiffs, an individual and her limited liability company, in connection with the filing of two bankruptcy petitions. The plaintiffs were incorrectly advised by our lawyer-clients that, in spite of the filing of a Chapter 7 bankruptcy petition on behalf of the business, the plaintiff could continue to operate her business as usual.

SIGNIFICANT REPRESENTATIVE MATTERS

Achieving a defense verdict in a legal malpractice jury trial brought by the surviving children of a 46-year-old homemaker who died while in the process of receiving a divorce from her estranged multi-millionaire husband. Her daughter, personal representative to her mother's estate, claimed that the lawyer-client had not abided by her mother's earlier express instructions to bifurcate the divorce proceedings and immediately obtain a divorce decree. Had a decree been entered in her lifetime, her death would not have abated her estate's claims to equitable distribution. The children, as sole heirs, contended their mother's share of the husband's marital assets would have exceeded \$1,500,000 had the equitable distribution phase been reached. At trial, successfully persuaded the trial court, without benefit of any supportive Pennsylvania case precedent, that the legal malpractice action should be bifurcated into two phases, the first liability phase tried to a jury on the contentions of legal malpractice and the second damages phase tried to the court only in the event of a favorable verdict in the first phase. Because the Pennsylvania Divorce Code provided that a judge not a jury should decide matters of equitable distribution, argued and ultimately convinced the court that the damages phase of the legal malpractice case, seeking to duplicate the equitable distribution phase of a divorce action, should likewise be tried before a judge.

Attaining a jury verdict in a legal malpractice jury trial arising from lawyer-client's failure to timely file an underlying personal injury lawsuit on behalf of a 25-year-old gentleman who had suffered significant personal injuries. The client claimed compensatory and punitive damages against the attorney for economic losses due to the client's personal injuries, loss of earnings and earnings capacity and life-altering permanent disabilities. The trial required careful consideration and analysis of

complex legal and evidentiary issues including judicial estoppels, piercing the corporate veil and the admissibility in the legal malpractice case of judicial admissions from underlying proceedings.

Earning a jury's defense verdict on legal malpractice counterclaims that included breach of fiduciary duties in the nature of conflicts of interest. The action was originally brought by lawyer-client to recover legal fees from the lawyer's former client, a 75-year-old widow. Given the oft-stated expressions that juries hate lawyers and attorneys should never sue their own clients, the trial required thoughtful and meticulous strategizing, planning and in-courtroom orchestration, including pointed yet delicate cross-examination of a very sympathetic elderly woman who claimed to have been sold out by her attorney in earlier environmental litigation. The jury not only found in favor of lawyer-client on the malpractice counterclaims but awarded the lawyer the full amount he had been seeking on his suit for fees, plus interest.

Upon commencement of trial and the furnishing of focused trial motions favorably received by the court, successfully resolved, consistent with both attorney-clients' and their carrier's objectives and within relatively negligible eroding policy limits, a complex legal malpractice action. The legal malpractice trial implicated multiple insurer pressure point components. These included separate but parallel fraudulent conveyance litigation brought by plaintiff against clients, the assertion of insurer bad faith by the lawyer-clients' independently retained legal counsel, and the virtually certain prospect of the lawyer-clients' substantial, collectible personal assets exposures in the event of an adverse verdict.

Achieving a defense verdict in a physician malpractice action brought by a wheelchair-bound 80-year-old widow who claimed total disability and damages in excess of \$1 million. Made several bold, case-turning strategic decisions both prior to and during trial, including electing not to offer any testimony of medical experts to counter plaintiff's two nationally recognized neurosurgical and physiatrist experts.

Successfully trying complex commercial claims on behalf of over 100 pharmacies in litigation asserting in excess of \$1.7 million in damages and implicating the Electronic Transactions Act, real time claims processing, and claimed breaches of professional duties, ethical obligations and provider contracts.