

“we listen to our clients to deliver value; we counsel our clients to deliver results.”

David A. Herman

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Super Lawyers

RISING STARS 2017

David Herman is an experienced litigator who provides stem-to-stern representation to his clients through all phases of litigation. He is experienced in the areas of product liability, retail liability, commercial transportation, professional negligence and malpractice, construction defects, subrogation, commercial contract formation and disputes, and financial services litigation.

Mr. Herman has represented clients ranging from private individuals to multinational corporate entities throughout the State and Federal Courts of Pennsylvania and New Jersey. He has also served as national coordinating counsel for insurance companies and self-insured entities, handling matters throughout the United States.

In his retail banking practice, Mr. Herman represents financial service companies in the niche area of bank/drawer/payee disputes, with a particular focus on the application of UCC Articles 3 and 4. Mr. Herman has served as counsel in litigation involving unauthorized drawer signatures, forged endorsements and customer employee wrongdoing.

Mr. Herman was recognized as a Rising Star in the 2016 and 2017 editions of Pennsylvania Super Lawyers magazine, a distinction that recognizes the top 2.5 percent of Pennsylvania lawyers in practice for 10 years or less.

Mr. Herman has volunteered his time, both personally and professionally, to Philadelphia-area animal shelters. He has served as outside counsel for one such non-profit shelter, implementing safeguards to avoid litigation and protect assets. Mr. Herman has also represented numerous individuals in litigation on a pro bono basis.

Representative Matters

- Obtained defense verdict at trial in commercial auto/retail breach of contract matter.
- Successfully moved for summary judgment of third party contractual indemnity claims on behalf of pharmaceutical company where third party plaintiff failed to demonstrate that client breached its agreement to procure requisite insurance for benefit of third party plaintiff.

Education

The Pennsylvania State University
B.A. 2005

The Pennsylvania State University
Dickinson School of Law
J.D. 2008

Penn State Environmental Law Review,
Senior Editor

World Arbitration & Mediation Review,
Editorial Staff

Admissions

Pennsylvania

New Jersey

U.S. District Court, Eastern
District of Pennsylvania

U.S. District Court, District of
New Jersey

- Obtained summary judgment on behalf of a real estate investment trust in a significantly valued personal injury matter, successfully arguing that the trust's ownership interest in the subject property was too remote for liability to attach.
- Obtained defense awards at Arbitrations involving claims of premises liability and motor vehicle liability.
- Obtained nonsuit in the course of pro bono representation of client wrongfully accused of hit and run.
- Successfully moved for dismissal at trial of plaintiff's breach of contract claim stemming from contractor performance of home insulation and energy conservation services.
- Successfully moved for dismissal of professional liability claim by arguing applicability of Affidavit of Merit statute, where Plaintiff alleged that nursing home failed to notify family of resident who was discharged to hospital with terminal illness.
- Successfully argued Motion for Summary Judgment on behalf of large national bank, where government agency alleged negligence in negotiating fraudulent checks.
- Negotiated zero-dollar settlement on behalf of large national bank by successfully asserting UCC breach of presentment warranty defense against depository banks, where plaintiff claimed three banks negligently negotiated fraudulently endorsed check.

