



Dennis S. Klein

Partner

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Overview

Biography

Dennis Klein is a Partner and Business Unit Leader focusing his practice on **business litigation** with his primary office in Fort Lauderdale.

Having been a partner for almost his entire career in both the DC and Miami offices of a Wall Street-based international law firm, Dennis has prosecuted and defended all facets of **commercial litigation**.

Dennis has focused the majority of his legal career on **director and officer liability**. He represented the Federal Deposit Insurance Corporation for over 30 years in litigation arising from major bank failures throughout the country. During the recent financial crisis, Dennis headed up litigation involving the officers and directors of the two biggest banking failures in Florida: BankUnited and Orion. In the failed bank area, some of the most significant appellate precedents over the past 30 years were argued and handled by Dennis. Additionally, Dennis has extensive experience handling complex business law and insurance matters, including **fiduciary liability** and **errors & omissions** disputes.

Dennis also specializes in cases across a wide array of substantive areas, including **real estate** and contractual disputes, professional liability, financial institution issues, product liability, pharmaceutical litigation, **bankruptcy**, insurance coverage, art law and **employment matters**. In the area of cybersecurity litigation, Dennis has numerous publications and has been quoted in Law360. Dennis also has substantial appellate experience, having argued in state and federal courts throughout the country. In the product liability area, Dennis represented Merck in the Vioxx litigation and Lorillard in tobacco litigation.

As an experienced business litigator, Dennis has participated in hundreds of mediations, and is a State of Florida Supreme Court Certified Circuit and Appellate Mediator. Prior to joining the firm, Dennis was the owner of an alternative dispute resolution practice that specialized in commercial disputes. Dennis has merged his **mediation** practice with the Kelley Kronenberg team.

Dennis also serves as an Adjunct Professor at both Florida International University School of Law and University of Miami School of Law. He teaches courses on mediation advocacy.

During law school, Dennis was on the editorial board of the Virginia Law Review.

Admissions

- ▶ United States Supreme Court
- ▶ United States Court of Appeals, Federal Circuit
- ▶ United States Court of Federal Claims
- ▶ Florida
- ▶ District of Columbia
- ▶ Virginia
- ▶ United States District Court, Middle District of Florida
- ▶ United States District Court, Southern District of Florida
- ▶ United States Court of Appeals, 11th Circuit

- ▶ United States District Court, District of Columbia
- ▶ United States Court of Appeals, District of Columbia Circuit
- ▶ United States District Court, Eastern District of Virginia
- ▶ United States Court of Appeals, 4th Circuit
- ▶ United States District Court, District of Maryland
- ▶ United States District Court, Northern District of California
- ▶ United States District Court, Northern District of Texas
- ▶ United States Court of Appeals, 2nd Circuit
- ▶ United States Court of Appeals, 3rd Circuit
- ▶ United States Court of Appeals, 5th Circuit
- ▶ United States Court of Appeals, 7th Circuit
- ▶ United States Court of Appeals, 8th Circuit
- ▶ United States Court of Appeals, 9th Circuit

Education

- ▶ University of Virginia School of Law, J.D., 1981
- ▶ University of Virginia, M.A., 1978
- ▶ Muhlenberg College, B.A., *magna cum laude*, 1976

Representative Cases

- ▶ *RTC v. Diamond*, 18 F.2d 111 (2d Cir. 1994), vacated and remanded, 513 US 801, reinstated, 45 F.3d 665, cert. denied, 515 US 1158 (1995): Represented government agency in its dispute with New York City that successfully reaffirmed unenforceability of the New York rent control law in 2nd US Circuit Court of Appeals and Supreme Court
- ▶ *Rosa v. RTC*, 752 F. Supp. 1231 (D.N.J. 1990), rev'd, 938 F.2d 383 (3d Cir.), cert. denied, 112 S. Ct. 582 (1991): Successful defense of claims in the 3rd US Circuit Court of Appeals and Supreme Court by employees of a New Jersey bank over termination of a pension plan
- ▶ *Unisys Financial Corp. v. RTC*, 979 F.2d 609 (7th Cir. 1992): Repudiation of a lease
- ▶ Representation of Merck & Co. Inc. in defense of Vioxx mass tort litigation
- ▶ Representation of Lorillard in tobacco litigation
- ▶ Successful defense of a challenge in the 9th US Circuit Court of Appeals to California's "one action"

Practice Areas

- ▶ Complex Commercial Litigation
- ▶ General Business Litigation
- ▶ Mediation
- ▶ Products Liability
- ▶ Professional Liability Defense
- ▶ Appellate
- ▶ Data Privacy and Technology
- ▶ Labor & Employment | Employer Side

Accolades, Associations & News

Speaking Engagements

- ▶ Panelist, *Cybersecurity in 2020: Keeping Breaches off our Beaches*, South Florida Business Journal and Comcast Business Panel Discussion, August 2020
- ▶ Advising Directors and Officers: Fiduciary Duties, LawPracticeCLE, May 2019
- ▶ An Attorneys Guide to Advising Directors and Officers, MyLawCLE, February 2019

Media

- ▶ Featured, *Coronavirus Q&A: Kelley Kronenberg's Litigation Leader*, *Law360*, July 2020
- ▶ Featured, *On the Move*, *Florida Bar News*, August 2018
- ▶ Featured, *Movers*, *Miami Herald*, July 2018

- ▶ Featured, [Veteran Business Litigation Lawyer Dennis S. Klein Joins Kelley Kronenberg's Miami Office](#), *Attorney at Law Magazine*, July 2018
- ▶ Featured, [Dennis S. Klein Joins Kelley Kronenberg's Miami Office as a Partner](#), *CityBiz List*, July 2018
- ▶ Featured, [Veteran Business Litigation Lawyer Dennis S. Klein Joins Kelley Kronenberg's Miami Office](#), *Sun-Sentinel*, July 2018

Publications

- ▶ Author, The Mediator's Proposal As A Tool For Litigants, *Law 360*, April 28, 2017
 - ▶ Author, Do Mitigation Efforts Give Plaintiffs A Right to Sue in Data Breach Cases?, *New York Law Journal*, March 6, 2017
 - ▶ Author, Defending A Data Breach Class Action, *New York Law Journal*, June 6, 2016
 - ▶ Author, When Banks Sue Merchants Over Data Breaches, *Law 360*, June 3, 2016
 - ▶ Author, Seven Lessons Learned From D&O Litigation Arising From The Financial Crisis, *Review of Banking & Financial Services*, April 2016
 - ▶ Author, Accept a Bank Board Seat? A Verdict From the Litigators, *Directors and Boards*, Third Quarter 2014
 - ▶ Author, Litigating Against Directors and Officers of Bankrupt Dot-Com Entities: A Potential Asset for the Debtor's Estate, *Delaware Journal of Corporate Law*, 2002
 - ▶ Author, Protecting Directors and Officers of Hospitals and Health Care Organizations from Civil Liability, *American Health Lawyers Association Expert Series*, 1999
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