
Dennis S. Klein

Owner, Critical Matter Mediation

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Dennis S. Klein is the owner of Critical Matter Mediation, an alternative dispute resolution practice, specializing in complex commercial cases and class actions. Mr. Klein is a State of Florida Supreme Court Certified Circuit and Appellate mediator. For over 27 years, Mr. Klein was a litigation partner at Hughes Hubbard & Reed LLP, a Wall Street-based international law firm, and for 6 years he was partner at Kelly Kronenberg, where he is presently "of council" handling litigation throughout Florida.

- Officer and director liability lawsuits
- Bank insolvency problems
- Professional liability claims, including accountants' litigation
- Appellate litigation
- Cybersecurity matters
- Product liability/mass tort litigation
- Health care issues
- Real estate matters, including foreclosure and consumer claim litigation
- Bankruptcy litigation
- Insurance coverage disputes
- Employment matters
- Contract, lease, pension plan and co-branded credit card disputes
- Banking matters
- Personal injury
- Broker and security disputes
- Insurance claims
- Non-competition
- Guardianships
- Defamation
- Estate claims
- Construction
- Privacy and technology matters

Education

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

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Highlighted Matters

- Litigation of numerous director and officer liability disputes in various commercial areas, including banking and health care
- Representation of Merck & Co. Inc. in defense of Vioxx mass tort litigation
- Representation of Lorillard in tobacco litigation
- Representation of a government agency in its dispute with New York City that successfully challenged New York's rent control laws in the 2nd US Circuit Court of Appeals and the Supreme Court
- 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
- Successful defense of a challenge in the 9th US Circuit Court of Appeals to California's "one action" rule in a foreclosure setting
- Litigation regarding co-branded credit card arrangements on behalf of major banks and corporations
- Litigation in all facets of bankruptcy
- Defense of accounting claims

Major Decisions

- Primary responsibility for successfully handling 20 significant appellate cases, including the following frequently cited opinions:
- 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): Reaffirming unenforceability of the New York rent control law after a Supreme Court remand
- 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): Pension plan dispute
- Unisys Financial Corp. v. RTC, 979 F.2d 609 (7th Cir. 1992): Repudiation of a lease

Highlighted Publications

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

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- Protecting Directors and Officers of Hospitals and Health Care Organizations from Civil Liability, American Health Lawyers Association Expert Series, 1999
- Author, "Fla. Data Privacy Legislation and the Controversy Over the Right to a Private Cause of Action," Daily Business Review, August 2022

Highlighted Lectures

- Frequent lecturer and author for Executive Enterprises Inc., Business Development Associates, Practising Law Institute, and clients on commercial litigation topics
- Frequently quoted in Law360 on cybersecurity issues
- Featured speaker on the topic of selecting 30(b)(6) witnesses in professional liability cases, the Federal Deposit Insurance Corp.'s Professional Liability and Financial Crimes Unit Conference on Current and Emerging Issues, April 14-16, 2010

Court Admissions

- District of Columbia, Florida and Virginia Bars
- United States Supreme Court
- United States District Courts for the Eastern District of Virginia, District of Columbia, Maryland, Northern District of California, Central and Southern District of Florida and Northern District of Texas
- United States Court of Appeals for the District of Columbia Circuit, Federal Circuit, Second Circuit, Third Circuit, Fourth Circuit, Fifth Circuit, Seventh Circuit, Eighth Circuit, Ninth Circuit and Eleventh Circuit
- United States Court of Federal Claims