



## Daniel A. Griffith

PARTNER

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### BIOGRAPHY

Mr. Griffith is the Managing Partner of WTP's Delaware office and co-chairs the firm's Commercial Litigation Section, whose attorneys handle professional liability matters, class action and multi-district litigation, business disputes, complex insurance issues, civil rights matters and a wide range of other litigation. In addition to representing professionals (attorneys, insurance professionals, private and public employers and police officers) in litigated matters, he represents commercial and personal insurance carriers, multi-national corporations, municipal entities and state governments. Mr. Griffith focuses his practice on civil rights litigation, complex insurance coverage matters and litigation arising from business disputes.

He has significant trial experience in Delaware, Pennsylvania and New Jersey. Mr. Griffith has tried cases in a wide variety of areas, including copyright infringement, insurance coverage/bad faith, employment discrimination, municipal liability, civil rights and professional negligence. He is admitted to practice before the United States Supreme Court as well as numerous inferior courts and is a frequent writer and lecturer on issues relating to civil trial practice, including ethics, federal pre-trial practice, expert issues and building civil trial skills.

### PRACTICES & INDUSTRIES

**Business Litigation**

**Professional Liability**

**Intellectual Property Litigation**

**Captive Insurance**

**Real Estate**

**Tort & Insurance Litigation**

**Alternative Dispute Resolution**

**Labor and Employment Litigation**

**Construction and Real Estate Litigation**

### EDUCATION

Rutgers University School of Law, 1990, J.D.

Rutgers University, 1987, B.A.

### ADMISSIONS

New Jersey

Delaware

U.S. District Court: District of

U.S. District Court: District of Delaware  
U.S. Supreme Court  
U.S. District Court: District of New Jersey  
U.S. Court of Appeals: Third Circuit

## RECOGNITIONS

- Listed as a "Future Star" 2010 - present in *Benchmark Litigation*
- Recognized in America's *Leading Lawyers*, published by Chambers and Partners, 2009

## MEMBERSHIPS & ACTIVITIES

- Member: American Bar Association
- Member: Delaware Bar Association
- Member: New Jersey Bar Association
- Member: Defense Research Institute: Professionalism and Ethics Committee

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## BUSINESS LITIGATION

- Counsel to bank and accounts receivable management companies in defense of federal claims brought under Fair Credit Reporting Act and Fair Debt Collection Practices Act.
- Represented Independent Sales Organization (ISO) in federal litigation against bank involving credit and debit card processing of merchant accounts.
- Represented seller of credit-card accounts receivable in federal litigation arising out of alleged breach of Purchase-and-Sale Agreement.

## CIVIL RIGHTS LITIGATION

- Represented medical provider to Delaware's inmate population in federal claim by 19 inmates that nurse's use of contaminated needle exposed inmates' to blood-borne illnesses, including HIV and Hepatitis.
- Represented municipality in claim by mayoral candidate that the city violated his First Amendment rights in connection with campaign advertising.
- Represents numerous Delaware municipalities and counties in defense of constitutional claims arising out of alleged wrongful arrests, excessive use of force, unwarranted taser incidents, denial of land use applications and employment discrimination.

## PROFESSIONAL LIABILITY DEFENSE

- Represents patient advocacy service in claim alleging breach of fiduciary duty arising out of court-appointed guardianship
- Represents law firm in complex legal malpractice claim arising out of a series of real estate and financial transactions involving multiple developers, financial institutions and attorneys.
- Represented attorneys and law firm in legal malpractice claim alleging negligence and fraudulent misrepresentations in connection with underlying toxic tort claim.

## **INTELLECTUAL PROPERTY LITIGATION**

- Represented internet provider of membership discount programs in defense of copyright infringement claim.
- Counsel for multi-national electronics company in patent infringement litigation involving digital television system.
- Delaware counsel for national transportation company in patent infringement claim involving electronic fleet management systems.

## **INSURANCE COVERAGE LITIGATION**

- Represented insurance carrier in complex federal coverage litigation involving underlying environmental exposure and remediation.
- Counsel for multi-national personal and commercial lines insurance carrier in federal coverage action arising out of underlying wrongful death action.
- Counsel for primary insurance carrier in multi-million dollar insurance coverage action arising out of underlying product liability claim.

## **LAND USE/REAL ESTATE LITIGATION**

- Represented Sussex County in federal civil rights action/claim for injunctive relief arising out of denial of Conditional Use Permit for developer's construction of commercial office buildings.
- Represented municipality in developer's claims for money damages and injunctive relief following denial of application or use variance.
- Represented Kent County in appeal from/challenge to County's denial of developer's application for Conditional Use Permit for expansion of commercial asphalt/recycling plant.

## **ALTERNATIVE DISPUTE RESOLUTION**

- One of only 9 attorneys in the State of Delaware named to the Roster of Neutrals of the American Arbitration Association (AAA). The AAA is the nation's leading provider of alternative dispute resolution, and its national Roster of Neutrals consists of accomplished and respected experts from the legal and business communities. Candidates are appointed based upon exceptional qualifications, accomplishments and professional stature.

## **LABOR & EMPLOYMENT LITIGATION**

- Represents municipal employer in federal suit by city's former IT director alleging employer's violation of Americans with Disabilities Act (ADA) and Family and Medical Leave Act (FMLA)
- Represents employees in claims before the Equal Employment Opportunity Commission in claims alleging gender discrimination and retaliatory discharge
- Represents police department in employment claim by former officer alleging discrimination on the basis of religion

## **HEALTHCARE AND MEDICAL MALPRACTICE LITIGATION**

- Represents doctors and nurses in numerous claims alleging medical malpractice in state and federal courts
- Represents medical professionals in disciplinary actions before Delaware's Division of Professional Regulation

## **MUNICIPAL**

- Represents numerous Delaware police departments and other branches of county and state government in claims ranging from wrongful arrest and excessive force (i.e., use of taser or canine, etc.) to property damage from sewer back-ups and personal injuries from alleged negligence by governmental employees.
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## **PRESENTATIONS & PUBLICATIONS**

Author and Speaker: DEPOSITIONS PROCEDURE AND EXPERT TIPS  
(national Business Institute - September, 2011)

Author and Speaker: WHAT THE CIVIL COURT JUDGES WANT YOU TO  
KNOW (National Business Institute, September, 2007)

Moderator: "A View From Their Bench: Evidence & Expert Testimony Best  
Practices," - National Business Institute Trial Practice I Judicial Forum -  
Wilmington, Delaware - November 21, 2008.

Author and Speaker: EFFECTIVE FEDERAL PRE-TRIAL PRACTICE (National  
Business Institute, February, 2007)

Author and Speaker: BUILDING YOUR CIVIL TRIAL SKILLS (National  
Business Institute, December, 2006)

Author and Speaker: GETTING YOUR EVIDENCE AND EXPERT  
TESTIMONY ADMITTED INTO COURT IN DELAWARE (National Business  
Institute, February, 2006)

Author and Speaker: MANAGING ETHICAL ISSUES IN YOUR  
DAY-TO-DAY PRACTICE IN DELAWARE (National Business Institute,  
December, 2005)

Author and Speaker: LEGAL ETHICS IN DELAWARE: SOLUTIONS TO THE  
MOST COMMON ETHICAL CHALLENGES (National Business Institute,  
December, 2004)

Speaker: HOW TO AVOID BEING THE TARGET OF A LEGAL  
MALPRACTICE CLAIM IN DELAWARE (National Business Institute, 2004)