



DAVID F. HERMAN

PARTNER

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David Herman is a member of the firm's Litigation practice group. David assists clients in navigating all aspects of complex commercial litigation, financial services litigation, regulatory compliance and government investigations. He has successfully litigated numerous consumer arbitrations and advises clients on best practices relating to contractual arbitration clauses in consumer agreements. In addition, David regularly handles appeals in state and federal court for clients across the country.

Government Investigations

David has substantial experience practicing before the Consumer Financial Protection Bureau and advises and defends clients through all phases of investigations and enforcement proceedings.

He has also assisted with internal investigations and witness preparation in connection with alleged violations of state and federal law.

Financial Services

David represents and advises fintech companies, their executives and investors. He has successfully defended clients in complex litigation involving consumer protection statutes as well as federal causes of action, including RICO. He counsels lenders and fintech companies on recent developments in the law and how those changes might affect their businesses.

David has also represented numerous companies in contract disputes involving contractual ambiguities.

Consumer Arbitrations

David has represented clients in small-dollar consumer arbitrations and small claims cases arising out of arbitration clauses in consumer contracts. He has achieved numerous defense verdicts and favorable settlements on behalf of clients.

David has also drafted and revised arbitration and choice-of-law provisions in consumer contracts for clients, and has advised clients on best practices with respect to those provisions.

Privacy and Data Security

David regularly presents to clients and industry organizations on legal issues relating to technology and privacy and data security.

SERVICES AND INDUSTRIES

Antitrust and Trade Practices
Appellate
Class Action Litigation
Complex Commercial Litigation
White-Collar Criminal Defense and Government Investigations
Debt Finance
Internal Investigations and Regulatory Compliance Litigation
Data Innovation, Security and Privacy
Technology Transactions

ADMISSIONS

Pennsylvania
New Jersey
U.S. District Court, Eastern District of Pennsylvania
U.S. District Court, District of New Jersey
U.S. District Court, Eastern District of Michigan
U.S. Court of Appeals, Second Circuit
U.S. Court of Appeals, Third Circuit
U.S. Court of Appeals, Fourth Circuit
U.S. Court of Appeals, Sixth Circuit

EDUCATION

- Temple University James E. Beasley School of Law (J.D., *magna cum laude*, 2014)
 - Order of the Coif
 - Student Bar Association, President
 - Moot Court Honor Society
 - Rubin Public Interest Law Honor Society Fellow
 - Albert M. Cohen Memorial Award
- Franklin and Marshall College (B.A., 2008)
 - History

PROFESSIONAL ACTIVITIES

- Philadelphia Bar Association
- Pennsylvania Bar Association

CHARITABLE AND CIVIC INVOLVEMENT

- Temple Law Alumni Association (Secretary, 2019-2021; Executive Committee, 2013-2018)

ACCOLADES

- *The Best Lawyers in America*® Ones to Watch, Appellate Practice (2021-present), Commercial Litigation (2023) ([methodology](#))
- Pennsylvania Super Lawyers®, Rising Star (2020-present) ([methodology](#))
No aspect of these advertisements has been approved by the Supreme Court of New Jersey.

BACKGROUND

Prior to joining the firm, David was an associate at a mid-Atlantic law firm.

David also completed judicial internships with the Honorable Petrese B. Tucker in U.S. District Court for the Eastern District of Pennsylvania; the Honorable C. Darnell Jones in U.S. District Court for the Eastern District of Pennsylvania; and the Honorable Arnold L. New, Coordinating Judge, Philadelphia Court of Common Pleas Complex Litigation Program.

EXPERIENCE

Judgment on Appeal Affirmed by U.S. Supreme Court

The U.S. Supreme Court affirmed a decision by the U.S. Court of Appeals for the Third Circuit in favor of the owners of a tanker vessel involved in a major oil spill in the Port of Philadelphia. In a 7-2 majority decision, the Supreme Court upheld a \$143 million

damage award (primarily oil spill cleanup costs) to the vessel owner interests against the defendant petroleum terminal. \$88 million of the award was allocated to the United States, which had earlier reimbursed the vessel owner interests that amount under provisions of the Oil Pollution Act of 1990.

Represented Not-For-Profit in Settlement Dispute

Represented a not-for-profit client in a complaint brought in Pennsylvania Commonwealth Court regarding funds paid to the client as part of an earlier settlement. The client and its board of directors were sued by a Pennsylvania state agency alleging the funds had not been spent or loaned out in accordance with the terms of the settlement agreement. On initial motions, the Court determined that the matter should be treated as an original jurisdiction complaint as opposed to an action to enforce the agency's earlier decision, resulting in a more favorable evidentiary standard for the client.

Multiple Defense Verdicts, Favorable Settlements for Global Software Company

Litigated multiple AAA consumer arbitrations on behalf of global software company resulting in multiple defense verdicts or favorable settlement terms.

Representation in Connection with Professional Athletic League and Related Sports Injuries Class Action

Represented companies offering claims services and non-recourse loans to class members against allegations of impropriety by nationwide class counsel in connection with a professional athletic league and related sports injuries class action.

Representation in Putative Class Action Alleging RICO Violations

Represented corporate executives in putative class action cases across the country alleging violations of RICO statute in connection with fintech servicing relationships with banks and non-bank lenders.

Successfully Resolved Alleged UDAAP Violations for Executives Following Investigation

Successfully resolved investigations and potential claims against individual executives and corporations brought by the Consumer Financial Protection Bureau for alleged UDAAP violations in areas of telemarketing, online lending, and fintech partnerships.