

Paul D. Krepps

Senior Counsel

PKrepps@mdwgc.com

Pittsburgh – 412.803.1149



A significant amount of Paul’s practice is concentrated in the area of civil rights litigation. He defends police officers, public officials, corrections officers and administrators, teachers and school district administrators, children and youth case workers, as well as their respective municipal entities, in state and federal court in Pennsylvania and West Virginia. These areas of practice include representing clients before inquest and grand jury proceedings and before administrative proceedings.

Paul has been utilized to perform audits of municipal departments, such as police departments and 911 call centers, and has conducted internal investigations. He has also provided consultation to numerous municipalities regarding the operational aspects of their police departments. His nearly 10 years of experience in law enforcement provide him with a unique perspective, particularly in the numerous matters he has litigated involving the use of Tasers.

Additionally, Paul has litigated a wide array of professional liability and product liability cases in West Virginia, including the defense of real estate agents, insurance brokers, logging cases, correctional facilities and civil rights matters. Among his West Virginia cases was the defense of Weirton Steel Corporation and Wheeling Downs and the City of Huntington. Paul has also represented a number of private and public employers in employment matters.

Paul was designated as lead defense counsel for all suits arising out of the Pittsburgh “G-20.” In this role he successfully completed training provided by the Department of Homeland Security in both the Basic and Command courses in Managing Civil Actions and Threat Incidents (MCATI).

In 2015, Paul was commissioned by the Pittsburgh Bureau of Police to assist in developing a policy and training program on the use of Body Worn Cameras (BWC). As a member of the BWC Committee, Paul provides recommendations to members of the

Practices

- Public Entity & Civil Rights Litigation
- Miscellaneous Professional Liability
- Employment Law

Pennsylvania legislature in drafting legislation to govern the use of BWCs by police officers.

In 1979 Paul earned his Bachelor of Science degree in Administration of Justice from the Pennsylvania State University. For nearly 12 years before attending the Duquesne University School of Law, in Pittsburgh, Pennsylvania, Paul was a police officer. He served in Elizabeth Township, Pennsylvania, and then in the cities of West Palm Beach and Palm Beach, Florida. He served as a uniform police officer and field training officer, became certified as a crime scene analyst, and was part of the Major Crimes Unit. Paul was recognized as an expert in crime scene reconstruction and the science of fingerprints in both state and federal courts in Florida.

Education

- Thomas R. Kline School of Law of Duquesne University (J.D., 1994)
- The Pennsylvania State University (B.S., 1979)

Admissions

- Pennsylvania, 1994
- West Virginia, 1995
- U.S. District Court Southern District of West Virginia, 1998
- U.S. District Court Northern District of Ohio, 2016
- U.S. District Court Northern District of West Virginia, 2017

Associations & Memberships

- Academy of Trial Lawyers of Allegheny County
- Allegheny County Bar Association
- Municipal Police Officer Education and Training Commission (MPOETC)
- Pennsylvania State Bar Association
- West Virginia State Bar Association

Classes/Seminars Taught

- *Qualified Immunity and Its Significance in Civil Rights Cases*, Pennsylvania Defense Institute 2022 Annual Conference & CLE Program, Bedford, Pennsylvania, July 14, 2022
- *Impact of Protection from Abuse Orders: A Case Study*, Law Against Violence Continuing Legal Education Program, Allegheny County Bar Association, June 27, 2022
- *Litigation & Trial Considerations When Representing/Defending Law Enforcement*, NAPO's Annual 2021 Legal Seminar, West Palm Beach, FL, October 4, 2021
- *Hot Topics in 2020 Law Enforcement Liability*, Client Webinar, December 2020
- *Mass Disturbances: Law and Litigation*, Allegheny County Law Enforcement, March 2019
- *The Wrong Side of the Caption, 42 USC 1983 Turns the Tables on Prosecutors*, Pennsylvania District Attorneys Association/Institute, July 2015
- *Hot Topics for Local Law Enforcement*, Washington County Chiefs of Police Association, May 2015

- *Beyond Asking Questions at a Deposition*, November 2014
- *Challenging §8553 - Tort Claims Act Damages Cap and Damages Recoverable Under the Political Subdivision Tort Claims Act*, September 2013
- *Employment Liability in the Cyber Age*, Marshall Dennehey / AIG Employment Seminar, Pittsburgh, PA, May 2, 2013
- *Leadership Course for Law Enforcement Executives*, Pennsylvania Chiefs of Police Association, December 2011
- *Reasonable Expectation of Privacy, the Danger in Enforcing the Wiretap Act*, Police Departments from Beaver, Allegheny and Butler Counties, August 2011
- *Liability Issues for Municipalities Hosting National Events: Including the Development of Security Plans, Training and Equipping Police Officers, and Executing Law Enforcement and Security Functions During These Complex Events*, City of Honolulu, Hawaii, January 2010
- *Exposure in Education Cases Related to Due Process and Bullying*, Client Seminar, August 2010
- Assisted the Municipal Police Officers Education and Training Commission, Pennsylvania State Police - preparation and training to training officers (2006, 2008)
- *Constitutional Litigation in the Current Political Climate*, Pennsylvania Bar Institute, June 2008
- *Section 1983 Civil Rights*, Continuing Legal Education, Pennsylvania Bar Association
- *Law Enforcement Issues and Liability*, Pennsylvania State Association of Township Supervisors & Delaware Valley Insurance Trust, October 2008
- *Implications of Scott v. Harris on Police Pursuits and Beyond*, Lorman Education Services
- *Development of a Critical Incident Protocol - City of Pittsburgh, Allegheny County*, City of Pittsburgh Law Department, various Chiefs of Police Organizations
- *Effective Law Enforcement Through Police Accountability* - City of Pittsburgh and various municipal law enforcement agencies
- *Police Rights and Liabilities* - Various Chiefs of Police Organizations
- *Police Accountability* - Pennsylvania State Association of Township Supervisors and various police departments
- *Effective Witness Preparation* - Continuing Legal Education for in-house lawyer training
- *Terrorism and An Analysis of the Events of 9/11* - American Inns of Court and University of Pittsburgh
- *Workplace Violence* - Housing Authority of the City of Pittsburgh
- *Disability of Dereliction?* - Claims Management Advisory Board Seminar for a major municipal insurance carrier
- *Litigating an Uninsured Auto Case in West Virginia* - Maryland Auto Insurance Fund
- *Civil / Criminal Forfeiture and RICO* - University of Pittsburgh
- *Police and Drug Enforcement* - University of Pittsburgh
- *Immigration and Law Enforcement* - University of Pittsburgh
- *Crime Scene Investigation* - University of Pittsburgh and various law enforcement agencies
- *Property Crimes* - University of Pittsburgh
- *Organized Crime; Asian and African American* - University of Pittsburgh
- *Organized Crime; Russia* - University of Pittsburgh
- *Community Consideration of Policing Immigrant Populations* - University of Pittsburgh
- *Probation and Parole* - St. Vincent College

- *Crime Prevention and Property Crimes* - St. Vincent College
- *Introduction to Criminology* - Beaver County Community College

Published Works

- "Close Judicial Scrutiny of Qualified Immunity And Municipal Liability In An Excess Use-Of-Force Death Case," *Defense Digest*, Vol. 10, No. 4, December 2012
- "Palsgraf Revisited - *Brisbine v. Outside Inn School of Experiential Education*," *Defense Digest*, Vol. 8, No. 3, September 2002 and *Lawyer's Journal*, Vol. 5 No. 3, February 7, 2003

Significant Representative Matters

- Selected as lead defense counsel for all litigation arising out of the Group of 20 Finance Ministers and Central Bank Governors' Conference (G20), which occurred in Pittsburgh on September 24 and 25, 2009. In this capacity, Paul represented literally hundreds of police officers from police departments in Pittsburgh and numerous other cities throughout the United States in this litigation. Cases filed include numerous First, Fourth and Fourteenth Amendment claims.
- Successfully defended a case in which two police officers Tasered a suicidal man a total of seven times before he could be disarmed. Summary judgment was granted as to the entire case.
- Successfully defended two separate death cases brought under the State Created Danger Theory. In one case, brought in state court, the decedent left the scene of a minor traffic accident and, upon arriving home, committed suicide. In the other, filed in federal court, a police officer stopped a suspect leaving the scene of a domestic incident. Twenty minutes after leaving the scene of the traffic stop, the suspect died in a one-car accident. His blood alcohol level was three times the legal limit. Both suits were dismissed by way of summary judgment.
- A jury returned a defense verdict in a case in which a corrections officer was accused of using excessive force to break up a fight between inmates.
- A jury returned a defense verdict in a case in which a logger was accused of unlawful timbering practices.
- Successful defense of a mandamus action against a sewer authority in which the authority was accused of imposing arbitrary standards for sewer hook-up in a case that had the potential of effecting 28,000 customers.
- A jury returned a defense verdict in a case in which a dog track was accused of negligence in the deaths of racing dogs and in which the dog owners were permitted to present damages in the amount of \$3.6 million.
- A jury returned a defense verdict in a case in which a police officer was involved in a police pursuit which ended with the death of the individual being pursued and where the plaintiff, an innocent third party, suffered the loss of a leg and catastrophic brain injuries. This was the second defense verdict in this case, the first verdict rendered at the close of a summary jury trial.
- A district court judge granted the defendants' motion to dismiss at the close of plaintiff's case in a matter in which a police officer accidentally shot and killed the plaintiff's decedent. The appeal of the dismissal was upheld by the Third Circuit Court of Appeals in which the court focused on whether a *prima facie* case existed against the municipality for failing to require its officers to carry less than lethal weapons.

Representative Cases

- *Tonya L. Carswell, et ux. v. Borough of Homestead, et al*, 381 F.3d 235 (3rd. Cir.

2004)

Certifications

- Certified I.A.I. Crime Scene Analyst
- Florida State Certified Police Field Training Officer