

Jay S. Rothman

General Counsel

Chair, Commercial Litigation Practice Group

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Jay Rothman serves as the general counsel for Marshall Dennehey. He brings a unique understanding of business issues to his duties as general counsel as well as to his law practice, where he concentrates largely on commercial litigation matters in the defense of virtually all non-medical professionals. Jay's clients include accountants, appraisers, abstractors, consultants, mortgage brokers, real estate professionals and lawyers. Jay also defends director and officer claims, FDCPA/FCRA claims, class actions, defamation/disparagement and RICO actions.

Jay is a frequent lecturer in the fields of professional liability and risk management. As well, he is actively involved in designing and implementing internal risk management protocols for client implementation.

Since 1987 Jay has practiced at Marshall Dennehey, when he began his legal career. He was elected as a shareholder in 1994, served as the vice chair of the firm's Transactional Litigation Practice Group within the Professional Liability Department, and in 2009 was appointed as general counsel.

In 1984 Jay graduated from the University of Michigan where he received his bachelor of arts degree. He is a 1987 graduate of Washington College of Law at American University where he earned his *juris doctor* degree. While in law school, Jay served as a legal intern at the Securities and Exchange Commission's Enforcement Division.

Education

- American University Washington College of Law (J.D., 1987)
- University of Michigan (B.A., 1984)

Admissions

- Pennsylvania, 1987

Practices

- Miscellaneous Professional Liability
- Commercial Litigation
- Consumer Financial Services Litigation
- Lawyers' Professional Liability
- Disciplinary Board Representation

- U.S. Court of Appeals 3rd Circuit, 1987
- U.S. District Court Eastern District of Pennsylvania, 1987

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
- Pennsylvania Super Lawyer (2011-2012)

Associations & Memberships

- Philadelphia Bar Association
- Professional Liability Underwriters Society (PLUS)

Classes/Seminars Taught

- *Understanding the Subprime Credit and Housing Crisis*, Insurance Society of Philadelphia, June 2008
- *Analyzing the Corporate Structure and Its Implications with Respect to Liability and Damages*, Insurance Society of Philadelphia, June 2008
- *Risk Management Techniques and Ethical Obligations In Litigating Eminent Domain Proceedings*, National Conference of Eminent Domain, November 21, 2002
- *Malpractice Avoidance for Lawyers*, Pennsylvania Bar Association, April 16, 2002
- *The Legal Malpractice Explosion - Risk Management Techniques*, Delaware County Bar Association Sponsored by The Young Lawyers Division, May 11, 2001
- *Risk Management Techniques for Realtors*, National Association of Realtors Annual Conference, Spring, 2000
- *Discharging Your Ethical Obligations to Communicate with Your Client*, Pennsylvania Continuing Legal Education, January 26, 1999
- *Risk Management Techniques for Accountants*, PICPA Annual Accounting and Auditing Conference, December, 1998
- *Private Securities Litigation Reform Act - New Developments*
- In-House Seminars for Various Insurance Companies - *Risk Associated with Claims in the Real Estate Profession*
- In-House Seminars for Various Accounting Firms - *Risk Management Techniques*
- In-House Seminars for Various Insurance Companies - *Developing Case Law in the Legal Malpractice Arena*

Published Works

- "Liability Survival Is in the Limits," *Pennsylvania CPA Journal*, Volume 77, No. 4, Winter 2006
- "Client Referrals Are Not Without Risk," *Pennsylvania CPA Journal*, Volume 77, No. 1, Spring 2006
- "Subpoenaed? Call Your Attorney," *Pennsylvania CPA Journal*, Volume 76, No. 3, Fall 2005
- "Consider Protective Clauses," *Pennsylvania CPA Journal*, Volume 76, No. 1, Spring 2005
- "Engagement Creep," *Pennsylvania CPA Journal*, Volume 75, No. 3, Fall 2004
- "Envisioning Real Estate Practice without Boundaries," *Real Estate: A Supplement to the Legal Intelligencer and Pennsylvania Law Weekly*, July 2004
- "Tort v. Contract Claims in the Defense of Professionals - What's In a Name The

Pennsylvania Superior Court Affirms Application of the Contributory Negligence Doctrine," *Defense Digest*, Vol. 10, No. 1, March 2004

- "The Pariah Cometh - Take a Look at Your Accountant," *PLUS Journal*, April 2002
- "*Pantuso Motors v. CoreStates Bank*: Lenders Beware," *Defense Digest*, Vol. 8, No. 4, December 2002
- "Law Safeguards Parties against Bad Inspections," *Lawyers Journal* and *the Philadelphia Legal Intelligencer, Real Estate Quarterly*, March 9, 2001
- "Reliance on Home Inspection May Eliminate Liability of Seller," *Defense Digest*, Vol. 7, No. 2, April 2001
- "Professionals Beware: Further Relaxation of the Privity Requirement Under Pennsylvania Law," *Defense Digest*, Vol. 6, No. 4, July 2000
- "The Y2K Act: Defining the Coverage Battleground," *Defense Digest*, Vol. 5, No. 5, 1999
- "Litigation without Damages: A New Twist to the Damage Element of Tort Actions," *Defense Digest*, Vol. 2, No. 5, 1996
- "Third Party Subpoena of Accountants - Your Right to Your Work Papers," *The Asset Column, Practical Protection Tips for Accountants*, Vol. 6, No. 3

Thought Leadership

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On the Pulse...Our Real Estate E&O Liability Practice Group