

Robert E. Smith

Shareholder

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Philadelphia – 570.496.4611

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Robert has significant experience handling a wide variety of casualty matters, many of which focus on the areas of uninsured/underinsured motorist claims and motor vehicle litigation. Particularly in Pennsylvania, Robert is highly knowledgeable about UM/UIM law, and intimately familiar with the protocols and nuances of each county's local procedures and practices, factors that can have a substantial impact on the final result of a claim. Robert's law practice also focuses on the representation and defense of insurance carriers, particularly when alleged bad faith claims are brought against them.

Throughout his career, Robert has resolved many hundreds of uninsured/ underinsured motorist claims before arbitration and mediation panels, and he has tried many of these same cases in both State and Federal Courts. Clients and professional organizations alike have asked Robert to lecture on a variety of topics regarding the handling of uninsured and underinsured motorist claims.

Robert is admitted to practice in all courts in Pennsylvania as well as the Third Circuit Court of Appeals and the U.S. District Court for the Eastern and Middle District of Pennsylvania. He is a member of the American Bar Association, Pennsylvania Bar Association and Luzerne County Bar Association. While primarily in Philadelphia, Robert maintains an office in Scranton to service northeastern Pennsylvania clients.

Robert has received a BV® Distinguished™ rating by the Martindale Hubbell.

Education

- Penn State Dickinson Law (J.D., 1993)
- King's College (B.A., *magna cum laude*, 1989)

Admissions

- Pennsylvania, 1993

Practices

- Automobile Liability
- Insurance Services – Coverage & Bad Faith Litigation

- U.S. District Court Eastern District of Pennsylvania
- U.S. District Court Middle District of Pennsylvania

Honors & Awards

- The Best Lawyers in America®, Insurance Law (2027)

Associations & Memberships

- American Bar Association
- Luzerne County Bar Association
- Pennsylvania Bar Association

Classes/Seminars Taught

- *Good Faith Claims Handling in Pennsylvania*, Marshall Dennehey Client Seminar, July 20, 2022
- *All things UM/UIM & Bad Faith in PA*, Marshall Dennehey Virtual Client Presentation, February, 2021
- *Regular Use Exclusions in Pennsylvania -- Coverage Issues and Practical Applications*, Marshall Dennehey Client Seminar, June 2015
- *Pennsylvania UM/UIM Law: 2014 Updates*, Marshall Dennehey Client Seminar, December 2014

Publications

- "Should the Underinsured Motorist Carrier Be Identified at the Time of Trial?", *Defense Digest*, Vol. 22, No. 3, September 2016
- "Insurer's Conduct when No Bad Faith Is Pleaded," *The Legal Intelligencer*, Auto Law Supplement, June 17, 2014

Significant Representative Matters

- Identified a conflict of law issue in a UIM claim which significantly reduced the amount of damages recoverable in a death action resulting in settlement for substantially less than the policy limit demand.
- Successfully defended an uninsured motorist claim by arguing that the Claimant failed to prove that the accident was caused by a "phantom vehicle" and/or that late notice of the claim prejudiced the insurer's ability to conduct a timely and proper investigation.
- Successfully defended an uninsured motorist claim by arguing that even though the Claimant was a "driver listed" on the applicable declarations page, she did not qualify as an "insured person" for purposes of UM coverage.
- Successfully argued that a Claimant was required to pay back underinsured motorist benefits after additional liability coverage was subsequently located.
- Handled and settled many uninsured or underinsured motorist claims where the boardable economic damages exceeded \$1,000,000.
- Successfully defended automobile accident cases where liability was admitted and jury found Defendant's negligence was not a substantial factor in causing Plaintiff's alleged damages.
- Defended a paving company in a trip and fall claim involving catastrophic injuries. Our client was initially the target Defendant. After extensive discovery and exchange

of expert reports, the claim against the Co-Defendant/property owner settled for \$3,000,000 and the claim against our client settled for \$50,000.