



## Robert A. Berns

### Overview

*Partner Robert A. Berns concentrates his practice in professional liability defense and ethics violation claims on behalf of attorneys, accountants, insurance producers, real estate, architects, and other professionals, directors' and officers' (D&O).*

*He handles employment practices liability defense, commercial disputes cases, environmental matters, and insurance coverage and declaratory judgment actions.*

*Mr. Berns also defends clients in matters under the Fair Debt Collection Practices Act (FDCPA), fidelity and surety, and construction claims. He has represented clients in lawsuits where independent contractor status was the subject of vicarious liability and comparative fault claims. In addition to litigation, he advises clients on developing and implementing risk management, regulatory compliance and best practices policies and protocols.*

*Prior to Kaufman Dolowich, Mr. Berns handled general liability defense matters including motorcycle crashworthiness cases, seat belt defects, crane collapse and metallurgy defects, soda machine defect claims, and products cases.*

### Admissions

- New Jersey
- U.S. District Court
  - District of New Jersey
- U.S. Court of Appeals
  - Third Circuit
- United States Supreme Court

### Education

- Whittier Law School – J.D. Whittier Law Review, Executive Editor
- Brandeis University – B.A.
- Delbarton School

### Professional Memberships



*Partner*

### Contact Information

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### Related Practices

- Professional Liability/Errors and Omissions - Defense
- Directors and Officers (D&O)
- Lawyers
- Accountants and Actuaries
- Insurance Agents and Brokers
- Real Estate Professionals
- Commercial Litigation
- Employment Practices Defense Litigation
- General Liability Defense
- Mass Tort and Environmental
- Insurance Coverage & Litigation
- Consumer Financial Services
- Cannabis Law
- Products Liability

- New Jersey Bar Association
- Bergen County Bar Association
- American Bar Association
- Claims & Litigation Management Alliance (CLM)
- Professional Liability Underwriting Association (PLUS)

## Experience

## Reported Decisions

- *Hollywood Café Diner, Inc. v Jaffee*, 473 N.J. Super. 210 (App. Div. 2022) – clarified the standard of review – good cause shown versus exceptional circumstances – to be applied for motions to extend the discovery end date.
- *Estate of Arthur M. Picon, et al. v. FBR Group, et al.*, No. A-2305-12T3, N.J. Super. App. Div.; 2013 WL 5610862 - Obtained summary judgment in New Jersey state court on behalf of insurance producer client in a \$5 million professional negligence claim arising out of the plaintiffs' sale of two insurance policies on the life settlement market. Successfully argued to the court that the plaintiffs' execution of a release at the time of the sale for "amounts arising out of the sale of the policies" applied to the plaintiffs' allegations that the insurance producer negligently advised the plaintiffs to sell the subject policies. Subsequently, successfully briefed the matter before the Appellate Division, which affirmed the dismissal of the case.
- *Triarsi v. BSC Group Services, LLC*, 422 N.J. Super. 104 (App. Div. 2011) - Clarified that the duty of care owed by an insurance producer sounds in negligence, not breach of fiduciary duty.
- *Connell Foley & Geiser LLP v. Israel Travel Advisory Service, Inc.*, 377 N.J. Super. 350 (App. Div. 2005) - Confirmed a contribution claim against co-counsel is cognizable under New Jersey's Joint Tortfeasor Contribution Law.
- *T.W.B.C. v. Underwriters at Lloyds*, 323 N.J. Super. 60 (App. Div. 1999) - Appellate Division confirmed the scope of surplus lines agent's notice obligation.
- Claims & Litigation Management Alliance, North Jersey Chapter, Vice President, 2013 - 2015
- Morristown Jewish Center, Past President
- Supreme Court of New Jersey: District V-A Fee Arbitration Committee, Secretary, 1993 - 2011

## Community Service

- Vice- Chair, Morris Township Economic Development Advisory Committee, 2024, 2023
- Claims & Litigation Management Alliance, North Jersey Chapter, Vice President, 2013 - 2015
- Morristown Jewish Center, Past President
- Supreme Court of New Jersey: District V-A Fee Arbitration Committee, Secretary, 1993 - 2011

## Awards

## Recognition

- 2024 - 2016, Named to "Best Lawyers in America", for Professional Malpractice Law, Defendants
- 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015: Selected to the "New Jersey Super Lawyers List," for Professional Liability
- 2021 "Top Lawyers," Bergen Magazine, Bergen County, New Jersey (November 2021)
- 2018: Recognized in "Bergen County's Top Lawyers" for Professional Malpractice (Non-Medical) Defense

## Publications

- NJ's Legalization Legislation: The First 180 Days, New Jersey Law Journal, by Robert Berns, & Charles Kellett
- Professional Negligence vs. Breach of Fiduciary Duty in Insurance Broker Malpractice Actions, New Jersey Law Journal
- Overriding the Attorney-Client Privilege in Nonlegal Malpractice Cases, Westlaw
- Your Client Said Goodbye, New Jersey Law Journal
- To Text, or Not To Text, That Is the Question!, New Jersey Law Journal

## Publications

- "To Text, or Not To Text, That Is the Question?" New Jersey Law Journal, October 2013

## Presentations

- "Everyday Ethics and Why It Matters," Lorman Educational Services, June 2016

## News

- Your Client Said Goodbye, New Jersey Law Journal
- PRESS RELEASE: Six attorneys selected to the 2015 New Jersey Super Lawyers and Rising Stars lists, March 2015

## Speaking Engagements

- Ethics Presentation - Joseph Halpern-David Furman American Inn of Court: Ethics Presentation - Joseph Halpern-David Furman American Inn of Court