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Dennis J. Ward joined the firm in May 1979, and is currently a partner in the San Jose office. His trial experience includes over 40 jury trials to verdict in the areas of professional liability, products liability, premises liability, general personal injury litigation, and construction defect litigation, including matters resulting from toxic mold claims. He has also significant experience in employment, civil rights and public entities matters. He is a member of the American Board of Trial Advocates (ABOTA).

Born and raised in Redwood City, California, Mr. Ward received his Bachelor of Arts degree from the University of California at Santa Barbara in 1971. He graduated from Golden Gate University School of Law in 1977, *cum laude*, and was admitted to practice before the California Bar in December 1977. Mr. Ward is a member of the Santa Clara County Bar Association and is regularly called upon to serve as a judge pro tem for the Santa Clara County Superior Court.

He has lectured on numerous topics, ranging from "*Handling Major Head Injury Cases*" to "*Handling Civil Litigation Cost-Effectively/Efficiently.*"

Mr. Ward is involved in numerous local civic activities, and has been appointed by the Mayor of San Jose to the Parking Advisory Commission. He is also currently the President of the San Jose Shelter Foundation, a non-profit organization.

Practice Areas

- ▣ Catastrophic/Personal Injury
- ▣ Civil Rights
- ▣ Elder Abuse/Rights
- ▣ Employment Litigation and Dispute Resolution
- ▣ Insurance Services
- ▣ Product Liability
- ▣ Toxic Tort

Education

- ▣ University of California, Santa Barbara, 1971 B.A.
- ▣ Golden Gate University School of Law, 1977 J.D.
cum laude

Court Admission

- California

Memberships & Associations

- Santa Clara County Bar Association

Representative Experience

Practice Area: Catastrophic/Personal Injury

Key Issues: Catastrophic Injury; Negligence

Client Type: Individual

The plaintiff, a 34 year old, fell over 25 feet striking, in part, his head. The fall was through a roof that had deteriorated because of lack of maintenance. There were four (4) defendants and each defendant blamed each and every other defendant. Medical evidence indicated brain damage, and plaintiff could no longer work in any position of significance.

Result:

Case settled eight (8) days into trial. Our client did not pay any monies towards settlement of \$5 million. We obtained indemnity through a contract and an additional insured endorsement. In addition, we obtained reimbursement for our client of in excess of \$250,000 in attorney fees and costs.

Practice Area: Elder Abuse/Rights

Key Issues: Fraud

Client Type: Defendant Individual

Plaintiff, who was defendant's grandmother, alleged that significant sums of money, amounting to more than \$6 to \$7 million, had been obtained by fraud and undue influence. The strategy conceived and implemented was to complete significant discovery and attempt to convince plaintiff and her attorney to submit the matter to a mediator.

Result:

The matter settled during mediation very favorably for the defendant. Since we were able to convince plaintiff to mediate prior to significant discovery, we saved the client approximately \$125,000 to \$150,000 in attorney fees/costs.

Practice Area: Elder Abuse/Rights

Key Issues: Elder Abuse; Second Deed of Trust

Venue: Santa Clara County Superior Court

Client Type: Plaintiff Elder Individual

We represented the plaintiff in this elder abuse matter. She was in her late 70's when she and her late husband sold their only significant asset, a multi-unit apartment complex. The equity they received was in the area of \$500,000. Defendant, their broker, convinced the plaintiffs to allow him to invest their proceeds. He then undertook to begin investing the proceeds in Second Deeds of Trust. This was in the early 90's, when real estate was very "soft".

Result:

Defendant had no E&O coverage, but nonetheless, were able to settle with him for \$350,000.

Practice Area: Catastrophic/Personal Injury

Key Issues: Wrongful Death

Venue: San Mateo County Superior Court

Client Type: Defendant Commuter Rail Line

The decedent was struck by a commuter rail line at a crossing. Parents sued for wrongful death, alleging among other things that the crossing was dangerous and improperly protected. After limited discovery, we were able to convince the plaintiffs' attorney that (1) the case was not one of liability and (2) client would not pay anything but a nominal amount to resolve.

Result:

Clients were dismissed in exchange for payment of \$3,750.00. Had case not resolved, litigation cost would have been over \$125,000 to \$150,000.

Practice Area: Catastrophic/Personal Injury

Venue: Santa Clara County Superior Court

Client Type: Individual

Interesting Trial Result: The plaintiff claimed multiple fractures to her spine (compression fractures), resulting from an automobile accident. Diagnostic studies confirmed the compression fractures, but the issue was whether the subject accident was the cause. Trial testimony included significant medical evidence.

Result:

Jury returned a verdict in the amount of \$30,000. The settlement offer prior to trial was \$150,000 against a demand of \$800,000.

Practice Area: Catastrophic/Personal Injury, Mold, Toxic Tort

Key Issues: Personal Injury; Mold

Client Type: Defendant Apartment Complex Owner

Twenty-seven (27) tenants of defendant's apartment complex sued for personal injury and other damages resulting from exposure to mold. The medical claims ranged from transitory respiratory problems to allegations that the mold exposure caused asthma and other permanent respiratory conditions. We were able to convince the plaintiffs' attorneys to submit the matter to binding arbitration and to obtain a stipulation waiving punitive damages.

Result:

The arbitration began and over 7 weeks of evidence was taken at which time we were able to enter into settlement discussions. This resulted in the case settling for less than the authority given. The client did not pay any money out of pocket toward the settlement.

Practice Area: Catastrophic/Personal Injury, Premises Liability

Key Issues: Improper Management

Venue: Santa Clara County Superior Court

Client Type: Defendant Health Organization

The plaintiffs, parents of a 28 year old male, sued a federated organization made up of local and national organizations in voluntary association claiming that improper management of its premises resulted in the drowning of their son. Their son drowned in a Jacuzzi/spa, which had deficient warnings.

Result:

The case tried for 14 days, resulting in a defense verdict.

Practice Area: Employment

Key Issues: Wrongful Termination

Venue: Alameda County Superior Court

The plaintiff, a regional sales manager, claimed he had been wrongfully terminated from his employment, in violation of an implied contractual agreement. He had been employed for about 15 years.

Result:

Defense verdict.

Practice Area: Appellate

Key Issues: Wrongful Death

Venue: Santa Clara County Superior Court California Court of Appeal, Sixth Appellate District 64 Cal.App.4th 85

Client Type: Defendant Non-profit Athletic Association

Defended non-profit athletic association in appeal of judgment on jury defense verdict in suit by family of man who drowned in health club hot tub.

Result:

Published decision affirming judgment addressed detailed statutory and regulatory issues as well as causation in context of stipulated negligence per se.