

Mark A. Romance

Partner

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Overview

Mark Romance, a seasoned trial and appellate attorney, represents diverse clients in complex civil litigation. Mark has extensive experience representing clients in cases involving multimillion-dollar claims in high-stakes litigation on behalf of high-net-worth individuals, corporations and fiduciaries. He has obtained numerous judgments for clients in complex litigation cases, including trial and pre-trial victories, in arbitration and state and federal trial and appellate courts.

Mark has handled a diverse range of litigation matters. For example, he has successfully represented companies and tried cases to verdict in intellectual property, theft of trade secrets, real estate, fraud, product liability, non-compete and employment cases.

In addition, Mark handles sophisticated estate and trust litigation in Florida, including representation of competing beneficiaries in will and trust disputes, personal representatives, trustees and curators in cases involving alleged breaches of fiduciary duty, protecting an estate during will and trust disputes and disputes over admission of wills and nomination of competing putative personal representatives.

Firm Leadership:

- Deputy General Counsel
- Co-Leader, Fiduciary & Probate Litigation Practice

Practices & Industries

Complex Commercial Litigation

Construction

Consumer Finance & Creditors' Rights

Fiduciary and Probate Litigation

Intellectual Property Litigation

Litigation

Mass Tort Litigation

Product Liability & Torts Litigation

Real Estate Litigation

Restrictive Covenants & Trade Secrets

Experience

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.

Successfully obtained dismissal of class action claims filed in the Northern District of California, where plaintiffs sought to hold client liable for calls and messages allegedly delivered by its independent realtor customers in violation of the Telephone Consumer Protection Act (TCPA) and sought over $250 million in damages for more than 150,000 potential class members after securing order denying plaintiffs' Motion for Class Certification after more than two years of litigation

Served as lead trial counsel in Miami federal court trademark infringement case where a mass market manufacturer of makeup sold exclusively at Walmart and the manufacturer's online store, sued our client, a high-end

international manufacturer of cosmetics products sold in exclusive beauty stores and upscale department stores, for trademark infringement seeking over $7 million in damages representing disgorgement of profits; successfully secured a defense verdict after a non-jury trial and represented client in the affirmance on appeal

Served as trial counsel for Fortune 100 product manufacturer in Massachusetts state court in wrongful death lawsuit alleging product liability claims, where jury returned a verdict for client after a four-week trial; similarly, defended same Fortune 100 company in numerous asbestos product liability claims filed throughout Florida's state courts

Represented international insurance brokerage firm in multi-day non-jury injunction hearing in defense of claims of violation of non-compete agreements by 25 individuals hired from a competitorRetained by Ohio-based bank to prosecute 65 complicated residential foreclosure cases in four counties in Florida, involving mortgages the bank acquired from original lenders through the FDIC and involving numerous procedural defenses in order to ensure judgments were obtained with clear title; took over the cases from prior counsel and obtained final judgments of foreclosure through summary judgment or non-jury trial and handled the sale

Defended a Fortune 100 company in defense of numerous product liability claims filed throughout Florida's state courts arising out of use of client's safety products during alleged exposure to asbestos

Defended a Fortune 100 Company in a significant product liability lawsuit, where a condominium building in Miami Beach, Florida, was constructed using a fire safety product that allegedly caused leaks in the building's fire sprinkler system and the condominium association sought damages to replace the entire fire sprinkler system and for costs associated with repairs previously made to the building.

Defended seven former employees of international investment firm against claims of misappropriation of trade secret, breach of non-solicitation agreements and breach of fiduciary duty; served as co-counsel in temporary injunction hearing held in local court in San Juan, Puerto Rico, where court denied firm's request for a temporary injunction, and ultimately settled similar claims in FINRA arbitration proceeding for nuisance value; Successfully represented more than one hundred other financial advisors in separate cases with respect to alleged violations of non-compete, non-solicitation and trade secret violations with alleged damages in the multimillion dollar range; resolved some cases before lawsuits were filed, while others involved defending claims seeking injunctions and monetary damages in court and arbitration proceedings

Represented plaintiff in a claim for breach of an employment contract, where the client entered into an employment agreement where a portion of her compensation was based on the net profits on the sale of any portion of a 19-acre multitract parcel of land in Miami; Employer subsequently transferred title to 11 of the 19 acres to a developer in a joint venture and claimed no sale occurred and there were no net profits; court in a non-jury trial entered judgment in favor of employee finding that the transaction was a sale and that the sale resulted in $1.6 million in profits, as well as awarding the employee her attorney fees and costs

Defended trustee owner of property against claims arising out of an alleged promise to sell a 120-acre tract of land, where claimant tried to block trustee's sale to another purchaser, alleging specific performance, breach of contract, fraud and civil RICO; trial court granted summary judgment for trustee on all counts, affirmed on appeal, and determined that the lawsuit was filed in bad faith, awarding trustee his attorney fees

Represented the owner of undeveloped oceanfront property in Juno Beach, Florida, in defense of a claim of specific performance of a real estate contract, where the significant issue was whether the seller waived its right to enforce a "time is of the essence" clause after purchaser failed to pay a required deposit; successfully obtained a verdict in favor of owner after non-jury trial

Represented brother and sister who challenged their father's last will and testament against step-mother, siblings, and corporate trustee in a will contest involving multiple millions of dollars on grounds that the will was procured by undue influence; settled at mediation on the eve of trial

Represented charity defendant in claim involving an attempt to enforce a lost or destroyed will, where the personal representative located a copy of a subsequent will, which substituted one charity beneficiary for another, that they attempted to enforce by reestablishing a lost instrument under Florida law after the decedent died; after discovery, and on the eve of trial, the case resolved with the charities dividing the bequest

Defended Fortune 100 company in federal court against claims of trademark infringement and violation of the Anti-Cybersquatting Protection Act, arising out of company's ownership, but not use, of a website domain name that included plaintiff's trademark; trial court granted summary judgment in favor of company holding that company did not use the trademark in commerce, there was no likelihood of confusion and that the claims were barred by laches, and the judgment was affirmed on appeal

Represented a technology company in state court to prosecute claims for specific performance of an internet marketing agreement, breach of contract and declaratory judgment arising out of a marketing services contract concerning website traffic; after non-jury trial, the trial court granted our client's request for specific performance, ordered the defendant to deliver electronic information located on its computer servers, determined that the defendant had breached the contract and entered judgment in favor of our client

Represented respondent in arbitration action in damages phase in claim, where claimant sought over $5 million in damages, for breach of distribution agreement involving Russian language television programming; arbitrator awarded damages to the claimant in an amount less than ten percent of its claim to our client's satisfaction

Successfully defended commercial tenant as to landlord's claim for alleged unpaid common area expenses in excess of $8 million; judgment entered in tenant's favor after trial on the merits and affirmed on appeal

Defended lender in state court action involving civil conspiracy claims arising out of lender's termination of revolving line of credit; trial court granted summary judgment for lender and judgment was affirmed on appeal in per curium decision

Education and Credentials

Education

St. Thomas University School of Law, J.D., with High Honors; *The St. Thomas Law Review*, Editor-in-Chief

The George Washington University, B.A.

Admissions

State of Florida

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. Court of Appeals for the Eleventh Circuit

U.S. Supreme Court

Affiliations

American Bar Association, Litigation Section, Pretrial Practice and Discovery Committee, Co-Chair; Commercial and Business Litigation Committee, Former Co-Chair

International Trademark Association (INTA), 2026 Annual Meeting Project Team, Law Firm Committee

Florida's Eleventh Circuit Judicial Nominating Commission, Former Chair

The Florida Bar, Young Lawyers Division, Board of Governors, Former President; Board of Governors; Civil Procedure Rules Committee, Former Chair

Florida Supreme Court Professionalism Commission, Former Member

Dade County Bar Association, Young Lawyers Section, Board of Directors, Former Member

Recognition and Community

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome. See Awards Methodology.

Recognitions

Chosen for inclusion in the *Chambers USA Legal Directory* (Chambers & Partners) of recognized practitioners for Litigation: General Commercial in Florida, 2023-2026

Chosen for inclusion in *The Best Lawyers in America* (Woodward/White, Inc.), Bet-the-Company Litigation, 2010-2018, 2020-2027, Commercial Litigation, 2010-2018, 2020-2027

Selected to the list of Florida *Super Lawyers*®, Business Litigation, 2009-2016, 2019-2020, 2023-2026

Selected to list of *South Florida's Top Lawyers* by the *South Florida Legal Guide*, 2020

Recipient of Key Partners Award from the *South Florida Business Journal* (American City Business Journals), 2012

Recipient of the Most Effective Lawyer Award in the Regulatory Law from the *Daily Business Review* (ALM Media Properties, LLC), 2008

Graduated valedictorian of his class at St. Thomas University School of Law, 1994

AV Preeminent rated by Martindale-Hubbell (LexisNexis)

Insights

When Paradise Becomes a Probate Battle
WealthManagement.com, November 13, 2025

Ten Trial-Tested Tips for Young Litigators
Daily Business Review , September 24, 2025

Employer Best Practices for Navigating Worker Separations
Law360, June 30, 2025

Everything You Need to Know about AI in Discovery and Motion Practice
April 14, 2025

Annual Judicial Reception, Miami-Dade Chapter of the Florida Association of Women Lawyers
December 5, 2024

Tradition vs. Technology: Original Paper Wills Are Still Required
November 7, 2024

Tips for Navigating First-Time Trial Preparation
October 18, 2024

Texas Court Invalidates FTC Noncompete Rule Nationwide
August 21, 2024

Texas Ruling Puts Future of FTC Noncompete Rule in Doubt
July 10, 2024

FTC's New Rule Usurps Florida's Public Policy on Noncompete Agreements
May 14, 2024

Five Tips About Local Counsel Handling Out-of-State Cases
April 30, 2024

FTC Adopts Near-Total Ban on Noncompete Agreements
April 24, 2024

Insights Into Florida Trust and Estate Litigation Trends
April 3, 2024

New FCC Rules for Revocation of Consent under the TCPA
March 28, 2024

"Oro De Ley," 50th CABA Gala
January 27, 2024

New FCC Rules for Marketing Using Text Messages and Obtaining Marketing Leads
January 9, 2024

"Judicial Reception," Florida Association for Women Lawyers – Miami Dade Chapter
December 6, 2023

What Partners Can Learn From Associates: Top Five Insights
November 2, 2023

The 11th Circuit Finds a Single Text Message Sufficient Injury for Article III Standing
July 26, 2023

Florida Legislature Passes Amendments to the FTSA
May 11, 2023

FTC Takes Historic Action Against the Enforcement of Non-Compete Agreements
January 17, 2023

TCPA: Revisions to FCC Regulations Regarding Prerecorded Voice Message Calling
January 12, 2023

FCC Concludes Ringless Voicemails Are 'Calls' Subject to the TCPA
November 28, 2022

Day Pitney Intellectual Property and Litigation Partners Host Cocktail Reception in Miami
November 16, 2022

The "STOP WOKE Act" – Florida's Attempt to Prohibit Mandatory Employee Diversity Training Put on Hold for Now
October 21, 2022

Five Important but Often Overlooked Aspects of Consumer Class Actions
September 29, 2022

The Delaware Supreme Court Adopts a Universal Demand-Futility Test in Facebook Investors' Derivative Suit
September 27, 2021

UNITED STATES: Major League Soccer Trademark Challenge Denied
February 17, 2021

UNITED STATES: GOD BLESS THE USA Trademark Denied
January 25, 2021

Florida Votes to Increase Minimum Wage to $15 per Hour Over Six Years
November 30, 2020

U.S. Trademark Trial and Appeal Board Clarifies Rules of Admissibility of Evidence
October 15, 2020

COVID-19 Impact on Florida Real Estate - Limited Extension of Mortgage Foreclosure and Eviction Relief Until October 1, 2020
September 18, 2020

COVID-19 Impact on Florida Real Estate - Limited Extension of Mortgage Foreclosure and Eviction Relief Until September 1, 2020
August 4, 2020

COVID-19 Impact on Florida Real Estate - Suspending Foreclosures and Residential Evictions Until August 1, 2020
July 8, 2020

Supreme Court Declines to Invalidate the TCPA Cell Phone Calling Restrictions
July 7, 2020

Florida Governor Issues Stay-at-Home Order, Designates Essential Services During COVID-19 Pandemic
April 7, 2020

COVID-19 Impact on Florida Real Estate - Suspending Foreclosures and Residential Evictions for 45 Days
April 6, 2020

COVID-19 Impact on Florida Commercial Real Estate, Tenant Resources
April 2, 2020

Five Tips for Representing a Non-Party Served with a Document Subpoena: Welcome to the Party?
November 29, 2019

Five Tips for an Effective Mediation Statement
September 19, 2019

New Florida Law Affects the Enforcement of Physician Non-Compete Agreements
September 11, 2019

News

Day Pitney Named a Finalist in the MDFAWL's 2025 Law Firm Champion of Women Award
May 9, 2025

Day Pitney Names New Chairs of Fiduciary and Probate Litigation Practice Group
November 21, 2024

Mark Romance Appointed Co-Chair of Pretrial Practice And Discovery Committee of ABA Litigation Section
September 3, 2024

Day Pitney's Florida Offices Pack School Supplies for Chapman Partnership
August 2, 2024

Chambers Recognizes Day Pitney with Elevated Rankings Across Practices and Attorneys
June 6, 2024

Day Pitney Named a Finalist in the MDFAWL's Law Firm Champion of Women Award
May 20, 2024

Chambers USA 2023 Ranks 35 Day Pitney Attorneys and 13 Practices
June 1, 2023

Mark Romance Reappointed Co-Chair for the Commercial & Business Litigation Committee for the ABA Litigation Section
August 1, 2022

Court Rules that Platform Provider Not Proper Defendant in TCPA Class Action
March 31, 2022

Day Pitney Partner Mark A. Romance Appointed to Serve as Co-Chair for the Commercial & Business Litigation Committee for the American Bar Association Litigation Section
August 9, 2021

Mark A. Romance Appointed To The Florida Bar Special Presidential Committee
May 7, 2014

In The Media

January 1, 2026, News and Notes
Florida Bar News, January 1, 2026

To Compete or Not To Compete
Politico, July 14, 2024

"Litigation Radio, American Bar Association"
Litigation Radio, American Bar Association, March 20, 2025

Top Ten Tips for New Litigators
Litigation Section of the American Bar Association, February 4, 2025

On the Move - Florida | January 2025
Florida Bar News, January 31, 2025

On the Move - Florida | December 2024
Florida Bar News, December 23, 2024

Day Pitney Names Mark Romance and Ann Hetherwick Cahill Chairs of Fiduciary and Probate Litigation Practice Group
November 21, 2024

Companies Face New Penalties for Improper Data Collection
American Bar Association's Litigation News , June 25, 2023

The FTC's Proposed Regulation to Ban Noncompetes: What, Why, How
American Bar Association, January 23, 2023

Listing Former Lawyer As Witness Waives Privilege
American Bar Association's Litigation News, January 26, 2023

Business Begins Angling To Scale Back FTC's Proposed Limits on Noncompete Agreements
Inside Radio, January 18, 2023

How to Handle the Unexpected in Court
Litigation Radio, May 17, 2022

"What To Do When It All Goes Wrong," Litigation Section of the American Bar Association
May 9, 2022

Law School To Career: My Job as a Partner at Day Pitney
St. Thomas University, January 12, 2022

Mark Romance Appointed ABA's Business Litigation Committee Co-chair
American Bar Association (ABA), September 3, 2021

Civil Theft Claims Not Barred by Economic Loss Rule
American Bar Association, February 12, 2020

New Rule Requires Foreign Applicants to Be Represented by U.S. Lawyer
INTA Bulletin, August 1, 2019

No Jury For TM Claims Over Disgorged Profits, Says 11th Circ.
Day Pitney Press Release, April 24, 2019

Day Pitney and Richman Greer Complete Merger, Further Expanding Presence in Florida
Day Pitney Press Release, January 1, 2019

United States: Trademark Trial and Appeal Board Cancels Trademark on Scant Evidence of Prior Use
International Trademark Association, INTABulletin, September 15, 2018

Guide for Young Lawyers Going to Trial in Civil Cases
American Bar Association, Litigation News, September 9, 2018

Plaintiff's Testimony Too Incredible to Defeat Summary Judgment
American Bar Association, Litigation News, May 25, 2018

United States: Trademark Trial and Appeal Board Accepts Misfiled Expert Disclosures as Timely Filed
International Trademark Association, INTABulletin, May 1, 2018

Key Strategies to Protect Your Client From a Former Employee
American Bar Association, Litigation News, March 16, 2018

Miami Lawyers Crunch Hard Candy Cosmetics Infringement Claims
Daily Business Review, February 16, 2018

Five Tips to Reducing the Risk of Litigation
Small Business Digest, September 30, 2016

Trial Preparation: 3 Tips for Starting with the End in Mind
American Bar Association, Litigation News, September 21, 2016

How non-compete agreements protect business assets
Smart Business, February 28, 2016

Tips for Businesses to Avoid Litigation
Smart Business, February 25, 2016

Add Discrimination Claims to Chipotle's List of Problems
The Corporate Counsel, January 28, 2016

Eleventh Circuit Finds Users of Free Apps Not Protected under Video Privacy Protection Act
American Bar Association, Litigation News, October 30, 2015