



Duane L. Coleman

Member

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St. Louis, MO / (314) 444-7632

Duane Coleman is a litigator with extensive experience in complex business disputes, providing strategic advocacy in trial and appellate courts and trusted counsel in high-stakes commercial and bankruptcy matters.

Duane concentrates his litigation practice on complex business disputes in both federal and state courts, as well as in arbitration. He has substantial experience representing lenders and frequently defends creditors in adversary proceedings in bankruptcy court. His litigation work spans a wide range of subject areas, including intellectual property licenses, information technology contracts, supply agreements, insurance claims, and Civil RICO. Notably, Duane recently secured a judgment exceeding \$18 million for a client in the global air-supported structures industry.

In addition to his trial work, Duane regularly appears in state and federal appellate courts. He has successfully handled appeals before the Supreme Court of Missouri, including *Garr v. Countrywide Home Loans, Inc.*, a case of significance to secured lenders throughout the state.

Duane is also active in the political and civic spheres. He has supported numerous candidates for public office and served on a political action committee for former Congressman and U.S. Senator Jim Talent. He is a committed supporter of several organizations and charities, including the American Parkinson Disease Association and the University of Iowa Alumni Association.

Duane holds an AV® Preeminent™ Peer Review Rating from Martindale-Hubbell, reflecting his reputation for excellence in legal practice.

Education

- University of Iowa College of Law (J.D., *with distinction*, 1986)
 - Appellate Advocacy Program
 - Christian Legal Society
- Loras College (B.A., 1983)
 - Political Science

Services

- Appellate Litigation
- Bankruptcy & Insolvency
- Environmental, Chemical & Toxic Tort
- Transportation
- Title Insurance Litigation

- National Dean's List (1982-1983)
- Loras College Dean's List (eight semesters)

Professional Affiliations

- American Bar Association
- Association of Trial Lawyers of America
- Illinois State Bar Association
- Bar Association of Metropolitan St. Louis

Admissions

- Eastern District of Missouri, U.S. District Court
 - Missouri Bar
 - Illinois Bar
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Title Insurance Litigation

Duane Coleman has more than 30 years' experience working with title insurers. Duane handles everything from lien priority disputes to suits against title insurers for alleged vexatious refusal to pay. He understands the need for efficient and straightforward means of resolving the wide variety of title issues that arise, such as:

- Prior liens;
- Boundary disputes;
- Legal description errors;
- Vesting problems/missing interests;
- Missed easements; and
- Mechanic's liens.

Case Studies

Lewis Rice Successfully Defends Appeal on Behalf of Nation's Largest Title Insurance Company

On August 9, 2018, a panel of the Missouri Court of Appeals for the Eastern District ruled unanimously in favor of a Lewis Rice client, the nation's largest title insurance company, in an action alleging breach of insurance contract, vexatious refusal to pay, and unjust enrichment. Lewis Rice attorneys William R. Wurm, Duane L. Coleman, and Michael L. Jente successfully represented the Title Company before the trial court and on appeal. Will argued the matter before the Missouri Court of Appeals.

The plaintiff sued the Title Company, attempting to hold it responsible for attorneys' fees the plaintiff incurred in connection with two litigations he initiated against his neighbor regarding a fence. The trial court concluded that the plaintiff's failure to provide the Title Company prompt notice of his claim and the policy's exclusion for coverage of attorneys' fees beyond those approved by the company combined to prejudice the Title Company, thus barring the plaintiff's claims. On appeal, the Missouri Court of Appeals affirmed, holding that the Title Company did not breach the policy because the plaintiff failed to

provide prompt notice and because the Title Company was prejudiced thereby, given that the attorneys' fees at issue that were not covered under the policy. A copy of the Missouri Court of Appeals' decision can be accessed below.

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Lewis Rice Obtains Summary Judgment for Title Company

The Lewis Rice Real Estate Litigation team obtained another victory for one of the country's largest title companies in St. Louis County. The team, including Duane L. Coleman and William R. Wurm, won a rarely granted full summary judgment order, ending a lawsuit against the title company. The lawsuit, in which the Insured sought coverage for years' worth of litigation expenses relating to an allegedly encroaching fence, asserted claims for breach of contract, unjust enrichment, and vexatious refusal to pay. Working closely with the client's in-house counsel, Duane and Will were able to devise a persuasive summary judgement strategy, simplifying the technical body of title insurance law. After a hard-fought oral argument, the St. Louis County Circuit Court granted the title insurer summary judgment on all three counts in a nine page order, which can be accessed below.