



REGINA E. ROMAN

PARTNER

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Education: J.D., Harvard Law School (*magna cum laude*), 1979; B.A., Brown University (*magna cum laude*, Phi Beta Kappa), 1976

Practice areas: Insurance and Reinsurance (Co-Chair), Professional Liability (Co-Chair), Business Litigation, Appeals

Regina Roman has been the firm's Managing Partner and a member of its Executive Committee since 1999. Her practice focuses on complex civil litigation matters in the areas of insurance coverage and professional liability, and on business and appellate litigation.

Insurance

For more than thirty years, Regina has been regularly retained by insurance companies to advise and represent them in coverage disputes with insureds and with other carriers and in extra-contractual liability and bad faith actions. She has represented professional liability insurers, excess carriers, commercial and general liability insurers (including carriers covering large and small businesses, contractors, retailers, non-profits, condominium trustees, and landlords), and homeowners carriers. She has drafted and revised insurance policies and endorsements for several carriers, provided advice on internal claims-handling procedures and conducted in-house seminars at insurance companies. She has also advised individuals and businesses on the selection of policies and negotiation of coverage and has acted as personal coverage counsel. Regina presently serves as East Coast coverage counsel for a major insurer of attorneys, as New England regional coverage counsel for a national professional liability carrier, and as primary coverage counsel for one of the largest homeowners' carriers in Massachusetts. In addition to Massachusetts, Regina has handled coverage matters in Connecticut, Delaware, Illinois, Maine, Maryland, Nevada, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, the U.S. Virgin Islands, Vermont, Virginia, and West Virginia. She also handles the defense of high-profile and major exposure cases for several of her insurance clients.

Professional Liability and Business Litigation

Regina frequently advises and represents attorneys in professional liability suits. She has handled such cases for numerous carriers and has acted as personal counsel for insured attorneys and monitoring counsel for insurers in complex cases. A number of her cases have included issues of first impression, such as the assignability of legal malpractice claims and the standard for determining the propriety of business transactions between lawyers and their clients. She has significant experience in cases involving law firm breakups, partnership disputes, fee disputes and disciplinary proceedings. Her litigation and counseling work in this area began in the early 1980s with the case of *Meehan v. Shaughnessy*, one of the first cases in the nation to address the fiduciary duties owed between partners in a law firm. More recent work in this area has included litigation involving fee claims and disputes between counsel arising out of the national tobacco litigation.

Appellate

In addition to her trial work, Regina has extensive experience briefing and arguing matters in state and federal appellate courts. She has handled appeals in diverse areas of the law including insurance



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coverage, professional liability, attorney ethics, product liability, contract disputes, and banking and labor laws.

Significant Reported Cases Include:

- New Hampshire Insurance Company v. McCann, 429 Mass. 202 (1999) (case of first impression in Massachusetts deciding the assignability of legal malpractice).
- Safety Insurance v. Day, 65 Mass. App. Ct. 15 (2005) (successful representation of excess carrier against primary addressing elements of estoppel in coverage cases).
- Lally v. Volkswagen Aktiengesellschaft, 45 Mass. App. Ct. 317 (1998) (issue of first impression in Massachusetts concerning the plaintiff's burden of proof on the cause of injuries and damages in "crashworthiness" cases).
- Worcester Ins. Co. v. Fells Acre Day School, 408 Mass. 393, 558 N.E. 2d 958 (1990) (case of first impression in Massachusetts holding no duty to defend or indemnify for claims of alleged physical or sexual abuse).
- Leavitt v. Meizner, Dershowitz, et al., 404 Mass. 81 533 N.E. 2d 1334 (1989) (successful defense of Harvard professor in an attorney malpractice action).
- Meehan, et al. v. Shaughnessy, et al., 404 Mass. 419, 535 N.E. 2d (1989) (case of first impression nationwide setting forth appropriate standard of conduct of attorneys to each other in connection with the break-up of law firms and disputes over clients and fees).
- Frohberg v. Merrimack Mutual, 34 Mass. App. Ct. 462 (1993) (no coverage under homeowner's policy for bodily injury resulting from exposure to toxic UFFI and for economic loss resulting therefrom).
- Pollack v. Marshall, 391 Mass. 543, 462 N.E. 2d 312 (1984) (successful defense of attorney against claims of unfair dealing establishing standard in Massachusetts for financial dealing with clients).
- Driscoll v. Boston Edison, 25 Mass. App. Ct. 954, 518 N.E. 2d 885 (1988) (addressing preemption and labor law issues).

Regina frequently lectures at continuing legal education programs on insurance coverage, legal malpractice and professional liability, and trial technique and strategy. She has served as an adjunct member of the faculty for the Harvard Law School Trial Advocacy Program, and has been retained as a private arbitrator in a variety of disputes.

Recognition

- *The Best Lawyers in America* (Insurance Law, Legal Malpractice Law), 2007-2012
- *Lawdragon 3000 Leading Lawyers in America*, 2010, 2007
- *Massachusetts Super Lawyers* (Insurance Coverage), *Boston* magazine, 2005-2011; Top 50 Female Lawyers in Massachusetts, 2008-2011; Top 50 Female Lawyers in New England, 2010
- Member, Massachusetts's Supreme Judicial Court's Standing Advisory Committee on the Rules of Professional Conduct (2009-)
- Hearing officer, Board of Bar Overseers (1998-2004)
- Rated AV® Preeminent™ by Martindale-Hubbell



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Memberships

- Boston Bar Association (Co-Chair, Ethics Committee, 2007-2011; former Co-Chair, Professional Liability Committee)
- Women's Bar Association of Massachusetts (former Co-Chair, Senior Practice Group)
- Defense Research Institute

Admissions

- Massachusetts
- U.S. District Court for the District of Massachusetts
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Seventh Circuit

Publications and Presentations

- "The Care and Feeding of Independent Counsel" (ABA Spring 2011 National Legal Malpractice Conference Presentation, April 2011)
- "Who's the Client? Business & Litigation Ethics" (MCLE, May 2010)
- "Duties to Colleagues," *Ethical Lawyering in Massachusetts* (MCLE Inc., 3rd ed. 2009)
- "Coverage, Underwriting & Claims Handling through Muddy Waters" (ABA National Legal Malpractice Conference Presentation, April 2008)
- "Introduction of Evidence - an Overview," *A Practical Guide to Introducing Evidence* (MCLE, Inc., 3rd ed. 2007 & Supp. 2009 & 2011)
- "Ethics Experts in Malpractice Claims Against Lawyers," (MCLE 2005)
- "Personal Liability Insurance – Homeowners Coverage," "Professional Malpractice Policies," and "Overview of Errors and Omissions Insurance," *Fundamentals of Liability Insurance Law in Massachusetts* (Sterling Education Services, LLC 2003)
- "Current and Future Impact of the September 11 Attacks on Insurers and Their Business Insureds" (ABA Business Law Section Presentation, April 2002)
- "Civil Liability of Homeowners as Social Hosts" (MCLE, Inc. 2000)
- "Malpractice: Assignment of Claims," *The National Law Journal* (September 20, 1999)
- "Coverage Issues Under Professional Liability Policies," *Malpractice Claims Against Lawyers and Accountants* (MCLE, Inc. 1997)
- "Settlement Strategies," *Compensatory Damages Desk Book* (PLAC 1995)
- "Coverage Defenses Under Homeowners and Commercial General Liability Policies in Personal Injury Cases," *Insurance Coverage - Issues in Personal Injury Cases* (Massachusetts Bar Association, December 1993)