

ATTORNEY BIOGRAPHY



Joan O. Vorster

Partner

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Legal Administrative Assistant

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Practice Groups and Specialty Areas

Litigation
 Life, Health, Disability and ERISA Litigation
 Medical Liability and Healthcare
 Business and General Litigation

Joan is a partner in the firm's Litigation Group and member of the firm's Management Committee. She concentrates her practice in litigation involving medical malpractice and in business and insurance disputes.

Joan defends physicians, hospitals and health care providers in medical malpractice and business disputes. She also represents physicians and other professionals before their professional licensing boards. Joan defends insurance companies and employers on life, health and disability claims brought under state law and under ERISA.

Joan was appointed to the Judicial Nominating Commission in 2010 by Governor Deval L. Patrick and served until 2014.

Joan has been named a Massachusetts "Super Lawyer" by *Boston* magazine and *Law & Politics* every year since 2008. She has been repeatedly named as one of the Top 50 Women Lawyers in Massachusetts and one of the Top 50 Women Lawyers in New England. Joan was selected by her peers for inclusion in *The Best Lawyers in America*® 2021 in the field of Medical Malpractice Law – Defendants. Joan was also named the *Best Lawyers*® Worcester Medical Malpractice Law - Defendants "Lawyer of the Year" in 2021.

Joan is the former chair of the American Bar Association's TIPS Life Insurance Law Committee. She is a frequent contributor to the Defense Research Institute's *Life, Health and Disability Newsletter* and the co-editor of the *Mirick O'Connell Life, Health and Disability Newsletter*.

In 2000, Joan was selected by the *Worcester Business Journal* as one of the "40 under Forty" professionals honored for their professional excellence and community service.

Representative Matters

- Successfully defended numerous physicians, hospitals and other health care professionals in medical liability cases at trial
- Represented physicians, hospitals and health care providers in business and contract disputes with providers, vendors, suppliers and corporate shareholders
- Successfully defended employers and insurers on claims for life, health and disability insurance benefits under both state law and ERISA in cases pending in Massachusetts, Rhode Island and Connecticut, and obtained precedent-setting decisions from the U.S. Court of Appeals for the First Circuit
- Handled all Massachusetts cases involving products and premises liability for a national retail chain

Education

JD, Boston College Law School (1987)

BS, Skidmore College (1984)

Bar and Court Admissions

Massachusetts

Rhode Island

U.S. District Court for Massachusetts

U.S. District Court for Rhode Island

U.S. District Court for Connecticut

U.S. Court of Appeals for the First Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Supreme Court

Professional/Community Affiliations

Worcester Historical Museum, past president, past member, Board of Trustees

American Bar Association, TIPS Life Insurance Law Committee, past chair

Defense Research Institute, Employee Benefits; and Life, Health and Disability Committee

New England Claims Association

Massachusetts Bar Association

Rhode Island Bar Association

Worcester County Bar Association, former chair, Young Lawyers Committee and Trial Practice Section

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Trials/Arbitrations

- Medical malpractice. Defense of podiatrist for failure to diagnose critical limb ischemia. Defense verdict. November 2018
- Medical malpractice. Defense of vascular surgeon on informed consent claim. Jury verdict for defendant. February 2018
- Medical malpractice. Defense of anesthesiologist on informed consent claim. Jury verdict for defendant. December 2017.
- Medical malpractice. Defense of emergency medicine physicians for failure to diagnose epidural abscess. Jury verdict for defendants. November 2017.
- Medical malpractice. Defense of cardiac technician. Jury verdict for defendant. April 2017
- Medical malpractice. Defense of cardiologist for failure to diagnose and treat rejection. Jury verdict for defendant. February 2017
- Medical malpractice. Defense of hospitalist for failure to properly treat heart failure. Jury verdict for defendant. December 2016
- Medical malpractice. Defense of radiologist for failure to diagnose diverticular abscess. Jury verdict for defendant. October 2016
- Medical malpractice. Defense of nephrologist for failure to diagnose a utero pelvic junction obstruction. Jury verdict for defendant. July 2015
- Medical malpractice. Defense of pediatric residents for failure to diagnose pneumonia in infant. Directed verdict for defendants. September 2014
- Medical malpractice. Defense of podiatry professional corporation. Jury verdict for defendant. January 2014
- Medical malpractice. Defense of OB/GYN nurse practitioner for uterine perforation following IUD insertion. Jury verdict for defendant. August 2013
- Medical malpractice. Defense of surgeon and physician assistant for failure to diagnose and treat knee infection. Directed verdict for clients. June 2013
- Medical malpractice. Defense of orthopedic surgeon in battery claim. Jury verdict for defendant. February 2013
- Medical malpractice. Defense of physician assistant for failure to diagnose nerve sheath tumor. Directed verdict for client. January 2010
- Medical malpractice. Defense of primary care physician for failure to diagnose stroke. Jury verdict for defendant. December 2008
- Medical malpractice. Defense of primary care physician for failure to diagnose pneumonia. Arbitration. Decision for defendant. September 2008
- Medical malpractice. Defense of kidney transplant surgeon for failure to properly perform transplant surgery. Jury verdict for defendant. September 2008
- Medical malpractice. Defense of primary care physician for failure to diagnose prostate cancer. Jury verdict for defendant. July 2008
- Medical malpractice. Defense of obstetrician in shoulder dystocia case. Jury verdict for defendant. February 2007
- Medical malpractice. Defense of obstetrician in shoulder dystocia case. Jury verdict for defendant. January 2007
- Medical malpractice. Defense of orthopedic surgeon. Jury verdict for defendant. October 2006
- Defense of disability insurer on claim for benefits under disability policy. Jury verdict in part for plaintiff. Contract claim and Chapter 93 A claim settled after verdict. September 2005
- Medical malpractice. Defense of cardiothoracic surgeon. Jury verdict for defendant. January 2005
- Defense of disability insurer on claim for benefits under disability policy. Jury verdict for plaintiff. Bad faith claim settled after verdict. April 2004
- Medical malpractice. Defense of psychiatrist for failure to admit patient who subsequently committed suicide. Jury verdict for defendant. November 2003
- Medical malpractice. Defense of primary care physician for failure to diagnose pneumonia in quadriplegic. Jury for defendant. October 2003
- Defense of disability insurer on claim for benefits under disability policy. Bench trial. Settled before Court's decision. May 2003
- Defense of disability insurer on claim for benefits under disability policy. Jury trial. Settled before closing arguments. August 2002
- Medical malpractice. Defense of primary care physician for failure to diagnose bowel obstruction. Jury verdict for defendant. June 2002
- Medical malpractice. Defense of primary care physician for failure to properly treat patient with delirium tremens. Jury verdict for defendant. January 2002
- Defense of disability insurer on claim for benefits under disability policy. Jury verdict for defendant. September 2000
- Defense of healthcare insurer in contract dispute with provider. Arbitration. Decision for plaintiff. December 1999
- Defense of general liability claim for national retail store. Jury verdict for plaintiff. April 1999
- Defense of general liability claim for national retail store. Jury verdict for plaintiff. March 1999
- Medical malpractice. Defense of primary care physician for failure to diagnose colon cancer. Jury verdict for defendant. December 1998
- Defense of general liability claim against hospital. Jury verdict for defendant. August 1998
- Defense of breach of contract claim against national recording company. Bench trial. Verdict for defendant. July 1998
- Defense of general liability claim against hospital. Jury verdict for defendant. December 1997

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- Medical malpractice. Defense of orthopedic surgeon. Jury verdict for defendant. November 1997
- Defense of disability insurer for claim for disability benefits under ERISA-governed plan. Bench trial. Verdict for defendant. October 1994
- Defense of general liability claim against hospital. Jury verdict for defendant. December 1993
- Defense of breach of contract claim. Bench trial. Verdict for plaintiff. August 1993
- Medical malpractice. Defense of claim for improper nursing care. Jury verdict for defendant. June 1991

Reported Cases

- Doe v. Unum Life Ins. Co. of America, 2014-WL-3893096 (D.Mass 2014)
- Prouty v. Hartford Life and Acc. Ins. Co., 2014-WL-554556 (D.Mass 2014)
- Humphrey v. Paul Revere Life Ins. Co., 2012-WL-928432 (D.Mass 2012)
- Drake v. Town of Mansfield v. Sun Life Assurance Co. of Canada, 2009-WL-2883405 (D.Conn. 2009)
- Sun Life Assurance Company of Canada v. Sampson, 556 F.3d 6 (1st Cir. 2009)
- Schad v. Sun Life Assurance Co. of Canada, 2008-WL-4793692 (D.Conn. 2008); 2009-WL-4981271 (2nd Cir. 2009)
- Thiffault v. Sun Life Assurance Company of Canada, 2007 WL 465182 (D..Mass. 2007)
- Reeder v. Sun Life Assurance Company of Canada Inc., F.Supp.2d 125 (D..Mass. 2007)
- Sun Life Assurance Co. of Canada v. Conroy, 431 F.Supp.2d 220 (D. R.I. 2006)
- Orndorf v. Paul Revere Life Ins. Co., 404 F.3d. 510 (1st Cir. 2005)
- DePardo v. MFS/Sun Life Financial Distributors, Inc., (2005 U.S. Dist. LEXIS 9777 (D.Mass. 2005)
- Andrews-Clarke v. Travelers Ins. Co., 157 F. Supp.2d 93 (D..Mass. 2001)
- Thompkins v. United Healthcare of New England, 202 F.3d 90 (1st Cir. 2000)
- Doe v. Travelers, 167 F.3d 53 (1st Cir. 1999)
- Sotiropoulos v. Travelers Indemnity Co., 971 F. Supp. 52 (1997)
- Golas v. Paul Revere Insurance Group, 106 F.3.d 1 (1st Cir. 1997)
- Finne v. Paul Revere Life Ins. Co., 981 F. Supp. 58 (D. Mass. 1997)
- Andrews-Clarke v. Travelers Ins. Co., 984 F. Supp. 49 (D. Mass. 1997)
- Blank v. Chelmsford OB/GYN, P.C., 420 Mass. 404 (1995)
- Thomas v. Webster Spring Co., 37 Mass App. Ct. 180 (1994)
- Kiley v. Travelers Indemnity Co., 853 F. Supp. 6 (1994)
- Mechanics Bank v. Friedberg, 1992 Mass. App. Div. 259 (1992)
- Lawrence v. Lawrence, 1990 Mass. App. Div. 43 (1990)

Publications/Presentations

- “Voir Dire: Watch and Learn,” MCLE, February 2017
- “Voir Dire: Watch and Learn,” MCLE, February 2016
- “Hot Topics in ERISA and the Management of Life and Disability Claims,” New England Claims Association, February 2015
- “Litigation Update for Emerging Issues in Life, Health, Disability, ERISA and Insurance Regulation,” ABA TIPS Mid Winter Symposium on Issues and Litigation Relating to Life, Health and Disability Insurance, Insurance Regulation and Employee Benefits, January 2015
- “Hot Topics in ERISA and the Management of Life and Disability Claims,” New England Claims Association, February 2014
- “Direct and Cross Examination of a Medical Witness,” Worcester County Bar Association First Monday Seminar Series, February 2014
- “Distribution of ERISA-Governed Life Insurance Benefits after Divorce, QDORs v. DROs,” The Brief, American Bar Association Tort Trial & Insurance Practice Section, Summer 2013 (Vol. 42, No. 4)

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Publications/Presentations

- “Hot Topics in ERISA and the Management of Life and Disability Claims,” New England Claims Association, April 2013
- “Life Insurance Law Update 2012,” Life, Health, Disability and ERISA Claims Seminar, Defense Research Institute, April 2013
- “Modern Family: QDOs, DROs and Life Insurance,” ABA TIPS Mid Winter Symposium on Issues and Litigation Relating to Life, Health and Disability Insurance, January 2012
- “Hot Topics in ERISA and the Management of Life and Disability Claims,” New England Claims Association, February 2011
- “Medical Malpractice 101,” Teleconference, Young Lawyers Division of ABA Health Law Section, November 2010
- “Hot Topics in ERISA and the Management of Life and Disability Claims,” New England Claims Association, April 2010
- Program Chair, 36th Annual ABA TIPS Mid Winter Symposium on Issues and Litigation Relating to Life, Health and Disability Insurance, Insurance Regulation, Employee Benefits and Re-Insurance, January 2010
- “Misrepresentations in the Life, Health, and Disability Application: A National Survey,” ABA, 2009 (contributing author)
- “Hot Topics in ERISA and the Management of Life and Disability Claims,” New England Claims Association, April 2009
- "Legal Update," JHA Risk Forum, August 2008
- "Advanced Litigation: The Paralegal Role during Trial," MCLE Paralegal Conference, June 2008
- "Taking Depositions of Experts," MCLE Civil Deposition Practice Seminar, April 2008
- “Current Topics in Life, Health and Disability Claims,” New England Claims Association, February 2008
- "Complexities of an Interpleader Action," Life, Health, Disability and ERISA Claims Seminar, Defense Research Institute, March 2007
- "Emerging Trends in Handling Claims," New England Claims Association, February 2006
- "Hit the Books: Statutory Defenses to Contract," *Legal Ways to Get Out of a Contract* (MCLE 2001)(co-author)
- "Understanding ERISA Preemptions of Claims for Medical Benefits," *Massachusetts Bar Institute Section Review* (co-author)