Roberts and Carroll Achieve Important Win On Behalf of Physician in Insurance Dispute

Brach Eichler Member Keith J. Roberts obtained a successful summary judgment in a complex insurance coverage dispute on behalf of an anesthesiologist against a professional liability carrier. The decision was an important win for the physician, and could potentially impact all physicians with privileges performing procedures in ambulatory surgery centers.

The insurance carrier sued to disclaim coverage of a $1 million insurance policy based on the status of the physician's anesthesia privileges at an unlicensed ambulatory surgery center. In sum, the physician would have been forced to defend herself in a malpractice case without any insurance.

In deciding in favor of the physician, the Court reviewed exclusionary language in the insurance policy and held that it was not sufficiently clear to deny coverage. The carrier broadly interpreted a policy exclusion frustrating the reasonable expectations of the physician that she would be covered, which is against public policy.

The Court's decision required the carrier to provide a defense in accordance with the $1 million policy limits.

Counsel Shannon Carroll assisted Mr. Roberts throughout the litigation.