



Erika L. Amarante

PARTNER

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Erika Amarante is a Partner in the firm's [Litigation Department](#). She represents hospitals, physicians, and other health care providers in cases alleging professional negligence, lack of informed consent, or negligent credentialing. She has extensive experience in defending claims of wrongful death, birth trauma, delayed diagnosis of cancer, and brain injuries, as well as the catastrophic injuries that often arise in such claims. Erika also has served in a claims management position, setting reserves and valuing cases. She regularly counsels health care providers on issues of liability and risk-reduction strategies. Erika has tried cases to verdict, including, most recently, a February 28, 2020 defense verdict after a two-week jury trial in a case alleging battery, lack of informed consent, battery and negligent infliction of emotional distress against a gynecologic oncologist.

Erika is active in the Defense Research Institute's Medical Liability and Health Care Law Committee, and currently serves as that committee's Chair for the 2023-2025 term. Prior to her role as Chair, Erika served as Vice Chair of that committee from 2021-2022. She also previously served as President of the Connecticut Defense Lawyers Association (2020-21). Erika writes and speaks regularly on the defense of medical malpractice claims; most recently she was invited to speak at the Annual New England Regional Healthcare Risk Management Conference; Connecticut Society for Healthcare Risk Management Annual Meeting; the Center for Human Genetics' 36th Annual Conference on Obstetrics, Gynecology, Perinatal Medicine, Neonatology, and the Law on the Big Island of Hawaii; and numerous DRI webinars.

Erika is a former Co-Chair of the Women of Wiggin (WOW) and is actively involved in programming and mentoring directed toward the hiring, retention and inclusion of female professionals.

Before joining Wiggin and Dana, Erika served as law clerk to Justice Richard N. Palmer and Justice Francis M. McDonald on the Connecticut Supreme Court and later served as Executive Assistant to Chief Justice Francis M. McDonald on the Connecticut Supreme Court.

Education

- New York University School of Law (J.D., 1998)

- cum laude
- Cornell University (B.A., 1995)
 - with distinction

Bar Admissions

- Connecticut
- New York

Court Admissions

- US Supreme Court
- US Court of Appeals for the Second Circuit
- US District Court (District of Connecticut)
- US Court of Appeals for the District of Columbia Circuit

Memberships and Affiliations

- New Haven Inn of Court
- Connecticut Bar Association
 - Litigation Section (Executive Committee)
 - Women in the Law Section
- Connecticut Bar Journal
 - Editor-in-Chief (2010-2013)
 - Technical Editor (2007-2010)
 - Editor-at-Large
- Connecticut Bar Foundation
 - James W. Cooper Fellow
- American Bar Foundation
 - Fellow
- Connecticut Defense Lawyers Association
 - Past President (2021-2022)
 - President (2020-2021)
 - Vice President (2019-2020)
 - Second Vice President (2018-2019)
 - Secretary (2017-2018)
 - Treasurer (2016-2017)
 - Board of Directors since 2014

- Connecticut Society for Healthcare Risk Management
 - Board of Directors (2018-2020)
- Defense Research Institute
 - Medical Liability and Health Care Law Committee
 - Chair (2023-Current)
 - Vice Chair (2021-2023)
 - Chair, Diversity & Inclusion Subcommittee (2019-2021)
 - Program Chair, 2019 Medical Liability and Health Care Law Seminar (Nashville)
 - Program Vice-Chair, 2018 Medical Liability and Health Care Law Seminar (San Diego)
 - Marketing Chair, 2017 Medical Liability and Health Care Law Seminar (Las Vegas)
 - Marketing Chair, 2016 Medical Liability and Health Care Law Seminar (New Orleans)
 - Sponsorship Chair, 2014 Complex Medicine Seminar (San Diego)
 - Sponsorship Chair, Complex Medicine Seminar (November 12-14, 2014)

Publications

May 20, 2019

Wrongful Death Before Birth

For the Defense, a DRI publication

January 23, 2018

The Connecticut Supreme Court Recognizes a New Cause of Action for the Breach of a Health Care Provider's Duty of Confidentiality

June 27, 2017

Unretained Health Care Providers May Not Be Compelled to Render Opinion Testimony

April 27, 2017

Connecticut Appellate Court Upholds the Preclusion of Plaintiff's Nursing Standard of Care Expert

June 15, 2016

Connecticut Supreme Court Permits Tort Liability for the Acts of an Apparent (Not Actual) Agent

February 23, 2016

New FDA Draft Guidance on Medical Devices Would Notify Public of Risk Before Analysis or Confirmation

February 1, 2016

Corporate Liability for Hospitals

For the Defense, February 2016 Issue

December 28, 2015

Apparent Agency for Torts: A Viable Claim in CT?

Connecticut Defense Lawyers Association

November 16, 2015

Double Trouble: The Dilemma of Duplicative Damages

Connecticut Law Tribune

July 24, 2015

Unilateral Price Policies in the Contact Lens Industry: Can Manufacturers Be Forced to Sell to Every Retailer?

Bloomberg BNA Antitrust & Trade Regulation Report

July 23, 2015

Appellate Court Restricts Vicarious Liability of Hospitals

June 4, 2015

Competition News, June 2015

March 6, 2015

Wiggin and Dana's Medical Malpractice Update

February 3, 2015

FTC Announces New Premerger-Notification and Interlocking-Directorate Thresholds

October 7, 2014

FTC Publishes Revised Guides for Advertising Allowances and Other Merchandising Payments

November 14, 2013

Medical Malpractice Law: Apparent Agency Not A Viable Ground in Tort Cases

Connecticut Law Tribune

October 1, 2013

A Roadmap to Minimum Advertised Price Policies

The Franchise Lawyer, Vol. 16, No. 4, Fall 2013

November 2, 2012

The FTC's Revised Green Guides

July 16, 2012

Connecticut Appellate Court Holds that Franchisor Is Not Vicariously Liable for Torts of Its Franchisee

November 14, 2011

Bifurcation Can Reduce Costs In Malpractice Trials

Connecticut Law Tribune, Vol. 37, No. 46

January 14, 2011

Antitrust and Consumer Protection Newsletter

December 30, 2010

So You Still Think You're Safe Under the Antitrust Laws? Another Word of Advice To Those Who Would Ignore The States

Antitrust Report, Issue 4, 2010

December 1, 2010

Chapter 10: Retailing

ABA Section of Antitrust Law, Market Definition in Antitrust: Theory and Case Studies (forthcoming 2010)

December 1, 2010

Chapter 8: Antitrust Claims Arising Out of Franchise or Dealership Termination

ABA Section of Antitrust Law, Franchise and Dealership Termination Handbook (2nd ed, forthcoming 2010)

March 1, 2010

The Top Nine of 2009

Connecticut Lawyer

September 30, 2009

New Pleading Standards in Federal Court: Will They Impact Franchise Cases?

Franchise Law Journal, Fall 2009, Vol. 29, No. 2

June 30, 2009

Chapter 20: Commonwealth of Kentucky

ABA Section of Antitrust Law, State antitrust Practice and Statutes (4th ed. 2009)

June 30, 2009

Chapter 8: Connecticut

ABA Section of Antitrust Law, Antitrust Practice and Statutes (4th ed. 2009)

June 12, 2009

Amicus Curiae Brief of the International Franchise Association in Support of Petitioners in regard to The Coffee Beanery Ltd., et al. v. WW, LLC; Richard Welshans; and Deborah Williams (08-1396)

May 26, 2009

Significant Developments in Clinical Integration: Federal Trade Commission Advisory Opinion Approves of Physician-Hospital Organization Proposal to Negotiate Jointly with Payers

November 9, 2007

Key Differences Between Appeals in the Second Circuit and Connecticut's Appellate Courts

July 18, 2007

DAI v. Downey: Associational Standing and Arbitration

Franchise Law Journal, Volume 27, Number 1, Summer 2007 by the American Bar Association

June 30, 2007

Chapter 10: Private Antitrust Suits

ABA Section of Antitrust Law, Antitrust Law Developments (6th ed. 2007)

July 1, 2006

Independent Ink: Supreme Court Abandons Market Power Presumption of Patents

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June 30, 2004

Developments in the Second Circuit: 2002-2003

36 Conn. L. Rev. 1187

January 21, 2004

Key Differences Between Civil Appeals In The Second Circuit And Connecticut's Appellate Courts

Connecticut Bar Journal, September 2002

August 15, 2003

Antitrust and Franchising: Conspiracies Between Franchisors and Franchisees Under Section 1

Reprinted with permission from the Franchise Law Journal (American Bar Association), Volume 23, Number 1, Summer 2003

November 6, 2002

So You Think You're Safe Under the Antitrust Laws? A Word of Advice to Those Who Would Ignore the States

Matthew Bender *Antitrust Report*, Fall 2002