WIGGIN
WIGGIN AND DANA



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 numerous cases to verdict.

Erika is active in the Defense Research Institute's Medical Liability and Health Care Law Committee, serving 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. Erika is currently the DRI State Representative for Connecticut. 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; and has presented 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; 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
  - Connecticut State Representative (2025-current)
  - Medical Liability and Health Care Law Committee Chair (2023-2025)
  - Medical Liability and Health Care Law Committee Vice Chair (2021-2023)
  - 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