



Elizabeth A. Germani

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Bio

Elizabeth Germani has more than 30 years of litigation experience in Maine and New Hampshire. She specializes in civil trial work, representing both plaintiffs and defendants in a wide variety of matters, including insurance defense, insurance coverage, products liability, personal injury, attorney malpractice, fire losses, construction litigation, medical malpractice defense, business litigation and contract disputes. She practices in all the state and federal courts in Maine and New Hampshire, and before the state boards in Maine.

Liz also has a busy mediation practice, serving as a mediator and as an arbitrator in more than 700 civil cases.

In addition, Liz has handled a number of appeals before the Supreme Judicial Court of Maine, sitting as the Law Court, the United States Court of Appeals for the First Circuit, and the Supreme Court of New Hampshire. A partial list of the appellate decisions in which Liz was counsel of record includes:

- *Murdock v. Thorne*, 2017 ME 136 (upheld summary judgment for driver who waved plaintiff into traffic because he did not proximately cause plaintiff's accident with third driver in outside traffic lane);
- *Murdock v. Thorne*, 2016 ME 41 (remanding case to superior court from an appeal of a final judgment entered on some claims under M.R.Civ.P. 54(b)(1), for adjudication and final judgment to be entered on all remaining claims);
- *Smith v. Salvesen*, 2016 ME 100 (upheld summary judgment in favor of defendant because of lack of evidence establishing proximate cause in wrongful death claim arising from a fall down

Practice Areas

Litigation
Business & Commercial
Litigation
Civil Rights Litigation
Construction Litigation
Insurance Defense
Medical Malpractice &
Professional Liability
Mediation & Arbitration

Admissions

Maine
New Hampshire
U.S. Court of Appeals for the
First Circuit
U.S. District Court for the
District of Maine
U.S. District Court for the
District of New Hampshire

- stairs);
- Estate of Kay v. Estate of Wiggins, 2016 ME 108 (wrongful death claim arising from motor vehicle accident barred by worker's compensation immunity and exclusivity);
 - Thurston v. W.C. Weatherbee and Sons, Inc., 2014 Me.Unpub.LEXIS 156 (affirmed trial verdict and judgment for electrician and property owner in a claim alleging negligence and premises liability).
 - Estate of Kristin Cummings v. Davie, 2012 ME 43 (wrongful death claim arising from a suicide);
 - Samaan v. St. Joseph's Hospital, 670 F.3d 21 (1st Cir. 2012) (concerned the exclusion of an expert for the plaintiff under the Daubert analysis and summary judgment for the defendants);
 - State v. Russo, 2008 ME 31 (a criminal case involving the double jeopardy clause as it applied to a filing agreement);
 - Reid v. Town of Mount Vernon, 2007 ME 125 (negligence action);
 - Koken v. Black & Veatch Construction, Inc., 426 F.3d 39 (1st Cir. 2005) (product liability case where several issues were appealed);
 - Ashe v. Enterprise Rent-a-Car, 2003 ME 147 (reach and apply action);
 - Coffin v. Lariat Associates, 2001 ME 33 (premises liability claims);
 - Martin v. Maine Mutual Fire Insurance Co., 145 NH 498 (2000) (insurance coverage issues arising from an intentional punch);
 - Shaw v. Jendzejec, 1998 ME 208 (wrongful death case involving the death of an unborn fetus);
 - Gasson v. St. Pierre, 1998 ME 41 (appeal of evidentiary rulings at trial);
 - Moulton v. Rival Co., 116 F.3d 22 (1st Cir. 1997) (product liability case addressing several issues);
 - Porn v. National Grange Mutual Insurance Co., 93 F.3d 31 (1st Cir. 1996) (bad faith claims);
 - Butler v. Walker Power, 137 NH 432 (1993) (breach of employment contract);

Liz has been given a Martindale-Hubbell Preeminent Rating of AV, and scored a 5 out of a possible 5 in peer review ratings for litigation, personal injury and alternative dispute resolution, based on ratings given by a number of attorneys and judges who have worked with Liz over the years.

Benchmark Litigation has named Liz one of the top 250 women in litigation in the United States. Liz was 1 of only 4 Maine attorneys so recognized.

Every year since 2007, Liz has been selected for inclusion in the New England Super Lawyers magazine. Super Lawyers is the only legal publisher that uses a multi-step evaluation process that incorporates peer recognition and professional achievement. Through a system of nominations, peer evaluation and internal research the legal publisher

selects only the very best of New England attorneys in a variety of practice areas.

Liz is member of the International Society of Barristers, and the National Association of Distinguished Neutrals. Both of these organizations require nominations from peers, and an evaluation process that includes input from others in the legal community and a review of the member's professional achievements.

Liz is a former Board Member and Officer, and a current member of the Maine Trial Lawyers Association, a member of the Defense Research Institute, and a member of the Tri-State Defense Lawyers Association.

Liz was appointed by the Maine Supreme Judicial Court as Chair of the Advisory Committee on the Maine Rules of Civil Procedure, and served in that role for many years until the end of 2015. Over her years of practice, she has also volunteered her services to the Campaign for Justice, Maine Equal Justice Partners, the Justice Action Group, and a committee formed by the Chief Justice of the Maine Supreme Judicial Court to propose changes to the way in which civil cases proceed through the Maine state court system. Liz has also presented at numerous seminars over the years – primarily those sponsored by the Maine State Bar Association and the Maine Trial Lawyers Association.

Liz is a former adjunct faculty member of the University of Maine School of Law, teaching Trial Practice. In her free time, Liz enjoys spending time with her family, cooking, skiing and boating.

Education

University of Maine School of Law, J.D., *cum laude*, 1988.

Boston College, B.A. *magna cum laude*, 1985

Publications

A Practical Guide to Superior Court Practice in Maine, Chapter 2.
Drafting Pleadings and Motions in Civil Cases (2nd edition, 2022)

Recognition

Chambers and Partners, USA Guide, *Maine, Litigation: General Commercial, Band 4*

Benchmark Litigation, Top 250 women in litigation in the United States

Benchmark Litigation, Litigation Star in the practice areas of
Commercial, Construction, Insurance

New England Super Lawyers, Litigation

Best Lawyers, USA, Litigation – Insurance

Best Lawyers, USA, Mediation

Best Lawyers USA, Arbitration

Memberships

Cumberland County Bar Association

Maine Bar Association

New Hampshire Bar Association

International Society of Barristers;

National Association of Distinguished Neutrals

Maine Trial Lawyers Association

Defense Research Institute

Tri-State Defense Counsel Association

Former Chair, Advisory Committee on the Maine Rules of Civil Procedure