

**Aaron M. Simon**

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***“When you hire me, you get me, from the minute your case comes in until it is done and satisfactorily resolved.”***

A litigator with more than a decade of experience, Aaron has expertise in professional liability, insurance coverage, and complex general liability litigation. Aaron is the Chair of the firm’s Professional Liability Practice Group. He takes a global approach with each case, personally handling every stage of the process to provide highly strategic, efficient, and cost-effective results. With forward thinking, he diligently investigates and gathers facts with a sharp eye to what would be relevant and admissible if the case should go to trial.



As a go-to resource for professional liability litigation and as Minnesota panel counsel for multiple professional liability insurers, Aaron represents:

- insurance agents and agencies
- lawyers
- accountants
- bankers
- property and health care management companies
- homeowner’s associations
- real estate agents
- other various professionals

Respecting the expertise of his clients, Aaron fosters effective relationships and stellar results through collaboration with his clients. Since most professional liability cases involve insurance coverage issues, he brings a competitive advantage with his vast experience and thorough understanding of how to navigate both successfully.

Aaron works closely with claims representatives and managers at leading insurance companies, representing them on coverage issues including:

- premises liability
- products liability
- commercial tort liability
- liquor/dram shop liability
- director and officer liability
- cyber liability
- sexual harassment/sexual abuse litigation
- construction defect litigation
- employment litigation
- subrogation litigation
- complex general liability

Tenacious and results-driven, Aaron has a proven track record of prosecuting and defending multi-million-dollar insurance coverage actions, and of success in the Minnesota appellate courts. He has a comprehensive knowledge of insurance coverage case law, from its development to its defenses. Having critically analyzed countless insurance policies for his insurance company clients over many years, he knows how to expertly evaluate coverage issues and how courts will interpret and construe insurance policies. He continually monitors changes and new developments in insurance coverage litigation.

In addition to trying cases, Aaron is active within the insurance industry at multiple levels: training and writing about how professionals may prevent claims; speaking about developments in key insurance industry issues; working with state and national trade organizations; and serving as a Steering Committee member for the North Central Chapter of the Professional Liability Underwriting Society (PLUS).

Readily available, he sets an extremely high bar for open and effective communication and responsiveness to clients. He takes pride in working relentlessly for his clients, and providing exceptional service to build trusting and lasting relationships.

### Bar Admissions

- Minnesota (2003)
- Wisconsin (2015)
- U.S. District Court, District of Minnesota (2008)
- U.S. District Court, District of North Dakota (2017)
- Eighth Circuit Court of Appeals (2011)

### Education

- J.D., University of Minnesota Law School, Minneapolis, Minnesota (2003)
  - Research Assistant for Professor John Matheson
  - M. Pirsig Moot Court
- B.S., Biology, University of Minnesota, Minneapolis, Minnesota (1999)
  - Sigma Alpha Mu fraternity—President, Vice President

### Military Service

- Minnesota National Guard, 2000–2006, Honorable Discharge
  - Highest Honors: Basic Training and Advanced Individual Training (AIT)

### Memberships

- Minnesota Independent Insurance Agents and Brokers Association (MIIAB)
- Professional Liability Underwriting Society (PLUS), North Central Chapter Steering Committee, North Central Chapter Committee Steering Committee Chair 2017–2018
- Professional Insurance Agents of Minnesota (PIA Minnesota)
- Defense Research Institute (DRI)
  - Professional Liability Section
- Minnesota Defense Lawyers Association (MDLA)
- Twin Cities Claims Association (TCCA)
- Minnesota State Bar Association (MSBA)
  - Civil Litigation Section
  - Civil Appellate Practice Section
  - Computer & Technology Law Section (Section Council Member)
- Wisconsin State Bar Association (WSBA)
- Hennepin County Bar Association (HCBA)
- Ramsey County Bar Association (RCBA)
- University of Minnesota—Lifetime Alumni Member
- Sigma Alpha Mu Fraternity—Active Alumni

## Representative Cases

- *Morgan v. Groveland Condominium Homeowner's Association*: Successfully obtained summary judgment in favor of condominium homeowner's association client regarding no duty owed to prevent neighbor's smoking. Minnesota Court File No. 27-CV-16-12890 (March 2017).
- *Atlantic Casual Insurance Company v. Chazonkhueze LLC, d/b/a Checker Bar, Inc., et al.*: Successful summary judgment motion finding no duty to defend or indemnify bar under assault and battery exclusion in policy. USDC District of Minnesota Court File No. 15-CV-3783 (SRN/FLN) (D. Minn. Oct. 13, 2016).
- *Danielson v. G.P. Agencies*: Successfully obtained summary judgment with a finding of no duty to provide additional insurance not specifically requested by insurance customer. Minnesota Court File No 73-CV-12-8754 (August 2013).
- *Swanny of Hugo v. Corp 4*: Successfully obtained summary judgment for insurance agent and agency with a finding of no duty to provide additional insurance not specifically requested by insurance customer. Minnesota Court File No. 82-CV-12-347 (January 2013).
- *Miller v. Faust*: Successfully obtained summary judgment with findings that the agent reasonably followed the instructions of the insurance customer and acted in good faith; the personal injury liability coverage that the customer wanted would not have provided coverage to the customer for the claims in the underlying lawsuit; and the customer failed to produce any evidence that any insurance company would have sold the customer insurance that would have covered the claims brought against him in the underlying lawsuit. Minnesota Court File No. 86-CV-11-2741 (February 2012).
- *Impact Grp., LLC v. Stanton Grp., LLC*: Prevailed on summary judgment and was affirmed on appeal regarding no duty to provide insurance on undisclosed additional warehouse location. Minnesota Court of Appeals File No. A09-2187, 2010 WL 2733390, (Minn. Ct. App. July 13, 2010).

## Publications

- [2019 Minnesota Insurance Agent E&O and Standard of Care Update](#)
- ["2018 Minnesota Insurance Agent E&O and Standard of Care Update" – MIIAB be Cutting Edge – June 2018.](#)
- [2018 United States 50 State Insurance Agent E&O and Standard of Care Update and Overview](#)
- [2018 Minnesota Insurance Agent E&O and Standard of Care Update](#)
- ["E&O Overview for Minnesota Insurance Agents," September 21, 2016](#)
- ["Mind the Gap: Agent Liability Exposure when Selling Claims made Insurance Policies," September 16, 2016](#)
- [MIIAB Magazine, "The Significance of Underwriting in the Claims Process," May 10, 2016](#)
- [MIIAB Magazine, "The Minnesota News, The Text Revolution: Changing Times Call for Changes in your Communication Practices," December 2015](#)
- [MIIAB Magazine, "The Minnesota News, Cyber Liability Coverage," November 2014](#)
- ["E&O Overview for Minnesota Insurance Agents," March 3, 2014](#)
- [MIIAB Magazine, "The Minnesota News, Document Retention Policies," September 2014](#)
- [MIIAB Magazine, "The Minnesota News, Insurance Agency Marketing and Potential Errors and Omissions Issues," April 2014](#)
- [MIIAB Magazine, "The Minnesota News, Eye of The Storm—The Independent Insurance Agent's Role in the Claims Process," September 2013](#)

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ATTORNEYS AT LAW

- *MIIAB Magazine*, “The Minnesota News, Is the Insurance Policy You Sold to Your Insurance Customer Really Providing Them With the Insurance Coverage They Requested?” February 2012

### **Presentations**

- June 7, 2018 Professional Liability Underwriting Society (“PLUS”) panel discussion and CE/CLE presentation on insurance agent and brokers errors and omissions standard of care and underwriting issues.”
- E&O Overview for Minnesota Insurance Agents at MIIAB Annual Conference, May 11, 2017
- Intersection of Drones and Insurance Presentation at PLUS North Central Chapter Event, March 30, 2017
- E&O Overview for Minnesota Insurance Agents to MIIAB Agent, September 21, 2016
- “Text Messaging Revolution” Presentation at PLUS North Central Chapter Event, March 31, 2016