MEAGHER+GEER®

Paula Weseman Theisen

Partner

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Minneapolis

Overview

Paula Weseman Theisen has more than 25 years of experience in complex litigation. She is a member of the firm's Insurance Coverage practice group and is the head of its Electronic Litigation group. Prior to joining Meagher + Geer, Paula was General Counsel of a financial services company and an attorney with an AmLaw 100 firm.

Paula recently was admitted to the United States Supreme Court, where she filed a brief in opposition to a petition for certiorari in *Mumid v. Abraham Lincoln High School*, 618 F.3d 789 (8th Cir. 2010), cert. denied 131 S. Ct. 1478 (2011).

Education

- Hamline University School of Law, J.D., cum laude, 1986
- Carleton College, B.A., 1983

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Experience

Reported Opinions/Recent Cases

- Auto Club Ins. Ass'n v. Sentry Ins., 683 F.3d 889 (8th Cir. 2012)
- Mumid v. Abraham Lincoln High School, 618 F.3d 789 (8th Cir. 2010), cert. denied 131 S. Ct. 1478 (2011)
- FACE v. Scottsdale Ins. Co., 632 F.3d 417 (8th Cir. 2011)
- Hillstrom v. Kenefick, 484 F.3d 519 (8th Cir. 2007)
- Johnson v. Bert Bell/Pete Rozelle NFL Player Retirement Plan, 468 F.3d 1082 (8th Cir. 2006)

Services

- Electronic Litigation
- Appellate
- Insurance
  - Insurance - Bad Faith
  - Insurance Coverage
  - Insurance - Reinsurance

State Bar Admissions

- Minnesota, 1986

Federal Court Admissions

- United States Supreme Court, 2011
- Supreme Court of Minnesota, 1986
- United States Court of Appeals, Seventh Circuit, 1996
- United States Court of Appeals, Eighth Circuit, 1996
- United States District Court, District of Minnesota, 1986
- United States District Court, District of North Dakota, 1997
- United States District Court, Western District of Wisconsin, 1995

- Scottsdale Ins. Co. v. Wohlsol, Inc., 2005 U.S. Dist. LEXIS 26992 (D. Minn. 2005)
- Coonley v. Fortis Benefits Ins. Co., 956 F. Supp. 841 (N.D. Ia. 1997), aff'd, 128 F.3d 675 (8th Cir. 1997)
- Diocese of Winona v. Interstate Fire & Cas. Co., 89 F.3d 1386 (8th Cir. 1996)
- Ince v. Aetna Health Mgmt., 173 F.3d 672 (8th Cir. 1999)
- Kittel v. Dayton Hudson Corp., 108 F.3d 1382 (8th Cir. 1997)
- Rader v. Transamerica Assur. Co., 1997 U.S. App. LEXIS 888 (7th Cir. 1997)
- Udoni v. Department Store Div. of Dayton Hudson Corp., 1996 U.S. Dist. LEXIS 8282 (N.D. Ill. 1996)
- Erickson v. Aetna Ins. Co., 777 F. Supp. 1464 (D. Minn. 1991)
- Mercy Hosp. & Med. Ctr. v. Meyer Steel & Drum Benefit Plan, 1996 U.S. Dist. LEXIS 2240 (N.D. Ill. 1996)
- Weisenhorn v. Transamerica Occidental Life Ins. Co., 769 F. Supp. 302 (D. Minn. 1991)
- Raye v. Medtronic Corp., 696 F. Supp. 1273 (D. Minn. 1988)

Professional Affiliations

- Minnesota State Bar Association
- Hennepin County Bar Association
- Minnesota Women Lawyers
- DRI (member of Insurance Coverage and Electronic Discovery Committees)

Insurance coverage litigation

Paula has handled all types of insurance coverage litigation, including disputes arising under:

- General liability policies;
- D&O and E&O policies;
- Umbrella and/or excess policies;
- Property damage and fire policies;
- Specialty lines;
- TPA agreements;
- Reinsurance;
- Stop-gap medical insurance policies; and
- Life, disability and medical insurance policies.

Her coverage practice includes handling bad-faith cases and providing coverage opinions on complex insurance issues, as well as disputes involving agents and brokers. Paula also does appellate work and has handled a number of appeals before the 7th Circuit and 8th Circuit Courts of Appeals.

While Paula's practice focuses on insurance coverage litigation, she also advises clients on insurance-related business matters, such as drafting policy language and she has negotiated a complex Claim Service Agreement for a Fortune 100 company that carried a $1 million deductible on its liability coverage.

Electronic litigation, group head

Paula is the head of the firm's Electronic Litigation practice group and holds an Advanced E- Discovery Certification from Kroll Ontrack. She provides a wide variety of services involving Circuit, 1996 electronic case management, e-discovery and trial presentation, including:

- Development of policies for implementing electronic litigation holds;
- Analysis of electronic evidence preservation requirements, including investigation and analysis of client systems, software, hardware and storage procedures and cost-effective options for preserving relevant data;
- Identification and retrieval of potentially-relevant electronic evidence, including cost-benefit analyses of various methods and tools for identifying and retrieving e-data;
- Oversight of competitive bidding and negotiations with third-party vendors providing electronic evidence services to ensure optimal quality and price;
- Analysis and implementation of cost-effective e-document review tools, including the development and use of searchable databases, the formulation of search terms to identify relevant and privileged data and the use of culling and de-duplication protocols for processing electronic data;
- Electronic production of evidence, including analysis of the format for production (e.g., native, .tiff or other formats);
- Legal representation in litigation involving electronic evidence, including depositions of IT personnel and third-party e-discovery vendors and discovery motions involving e-discovery and technology issues.

Paula also supervises the firm's Litigation Technology Support Manager, who manages internal and vendor-provided services requiring litigation technology.

Regulatory and legislative activities

- While she focuses her practice on litigation, Paula also has represented clients in market conduct examinations by the Minnesota and Florida Departments of Insurance and has testified on proposed insurance regulations in Texas and California and on NAIC model acts.

Notable

Accolades

- Awarded the highest possible Martindale-Hubbell Peer Review Rating, AV® Preeminent ™ (AV is a registered certification mark of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies)

Speaking Engagements & Publications

- Presenter, The Scope of Cyber-insurance and CGL Insurance for Data Breaches, Hennepin County Bar Association CLE Seminar, CGL Insurance, February 2015
- Author, Did you Read the Policy?: The Known-Loss Amendment to the CGL Insuring Provision, Minnesota Defense, Spring 2014
- Presenter, Effectively Presenting Electronic Evidence, National Business Institute Seminar, E-Discovery for Paralegals, June 2008
- Co-author with Marshall S. Lichty, Catching the Wave, Cost-Effective Electronic Discovery for Small to Midsize Companies, Hennepin Lawyer, Volume 77, No. 3, March 2008
- Presenter, Preserving Date Under the New Rules and Producing Electronic Evidence, National Business Institute Seminar, E-Discovery: Applying the New FRCP Changes, November 2007
- Presenter, What You Don't Know Can Hurt You: Electronic Discovery and the Proposed Changes to the Federal Rules,

MNCLE Seminar, Electronic Discovery, February 2005

- Presenter, Self-Insurance and Claim Service Agreements: Pitfalls for the Unwary, MILE Seminar, CGL Insurance, June 1998
- Presenter, Deductibles, Self-Insured Retentions and Claim Service Agreements: Who’s Minding the Store?, MILE Seminar, CGL Insurance, April 1996
- Presenter, Excess and Umbrella Coverages: Putting the Puzzle Together, MILE Seminar, CGL Insurance, February 1995
- P. Weseman, ERISA Procedure, MILE Seminar, ERISA Benefit Claims Litigation, seminar co-chair, April 1992