



## Aaron M. Simon

### Of Counsel

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### Overview

Aaron focuses his litigation practice on professional liability, insurance coverage, and complex general liability matters. For more than a decade, he has been a litigator with first-chair jury trial experience. Aaron has significant experience handling all facets of civil litigation in both state court and federal court, as well as appeals in Minnesota State Courts and the Eighth Circuit Court of Appeals.

In his professional liability practice, Aaron's clients trust him to provide strategic, efficient, and cost-effective results. He regularly counsels and represents insurance companies, insurance agents, directors and officers, lawyers, accountants, financial advisors, bankers, property management companies, homeowners' associations, real estate agents, and other various professionals.

In his insurance coverage practice, Aaron works closely with claims representatives and managers at leading insurance companies, representing them on coverage issues including, commercial tort liability, complex general liability, construction defect litigation, cyber liability, director and officer liability, employment litigation, liquor/dram shop liability, premises liability, products liability, sexual harassment/sexual abuse litigation and subrogation litigation.

Aaron is active within the insurance industry on multiple levels and he continually monitors changes and new developments in insurance coverage litigation. He shares this knowledge through training and writing about how professionals may prevent claims; speaking about developments in key insurance industry issues; and working with state and national trade organizations. Aaron serves as Steering Committee Co-chair for the North Central Chapter of the Professional Liability Underwriting Society (PLUS). He is an engaged member of the Professional Liability Defense Federation (PLDF), and serves on its Insurance Agent/Broker Claims Leadership Committee. Aaron is also a Certified Insurance Agent Continuing Education Instructor for the Minnesota Independent Insurance Agents & Brokers Association (MIIAB) and an approved insurance agency auditor.

### Services

- ◆ Commercial Litigation
- ◆ Professional Liability
- ◆ Insurance
  - ◇ Insurance Coverage

### State Bar Admissions

- ◆ Minnesota, 2003
- ◆ Wisconsin, 2015
- ◆ North Dakota, 2021

### Federal Court Admissions

- ◆ United States Court of Appeals, Eighth Circuit, 2011
- ◆ United States District Court, District of Minnesota, 2008
- ◆ United States District Court, District of North Dakota, 2017
- ◆ United States District Court, Eastern District of Wisconsin, 2019
- ◆ United States District Court, Western District of Wisconsin, 2019

Aaron also handles various transactional matters, such as legal entity formation and contract drafting, for insurance agencies and other small business owners.

Aaron was an Imagery Analyst in the Minnesota Army National Guard from 1997 to 2003. He is a Lifetime Member of the University of Minnesota Alumni Association and an alumni of Sigma Alpha Mu Fraternity.

Outside of the office Aaron enjoys spending time with his family, hunting, and fishing.

Education

- ◆ University of Minnesota Law School, J.D., 2003
- ◆ University of Minnesota, B.S., 1999

Judicial Clerkships

- ◆ Law Clerk, Honorable Gary Larson, Hennepin County State Court District Court Judge, 2004-2006
- ◆ Judicial Extern, Honorable Michael J. Davis, United States District Court, 2001

Experience

Significant Cases

- ◆ *Ma Amba Minnesota, Inc. v. Auto-Owners Insurance Company et al.*, (summary judgment in favor of insurance agency client), May 2019
- ◆ *Morgan v. Groveland Condominium Homeowner’s Association*, (summary judgment in favor of condominium homeowner’s association client, no duty owed to prevent neighbor’s smoking), March 2017
- ◆ *Atlantic Casual Insurance Company v. Chazonkhueze LLC, d/b/a Checker Bar, Inc., et al.*, (summary judgment motion finding no duty to defend or indemnify bar under assault and battery exclusion in policy), October 2016
- ◆ *Danielson v. G.P. Agencies*, (summary judgment with a finding of no duty to provide additional insurance not specifically requested by insurance customer), August 2013
- ◆ *Swanny of Hugo v. Corp 4*, (summary judgment for insurance agent and agency with a finding of no duty to provide additional insurance not specifically requested by insurance customer), January 2013
- ◆ *Miller v. Faust*, (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), February 2012
- ◆ *Impact Grp., LLC v. Stanton Grp., LLC*, (summary judgment and was affirmed on appeal regarding no duty to provide insurance on undisclosed additional warehouse location)

Professional Affiliations

- ◇ Minnesota State Bar Association
- ◇ Hennepin County Bar Association
- ◇ Professional Liability Underwriting Society (PLUS)
- ◇ Minnesota Independent Insurance Agents and Brokers Association (MIIAB)

- ◇ Professional Liability Defense Federation (PLDF)
- ◇ Claims & Litigation Management (CLM) Alliance
- ◇ Minnesota Defense Lawyers Association (MDLA)
- ◇ Twin Cities Claims Association (TCCA)

## Notable

### Professional Certifications

- ◆ Certified Insurance Agent Continuing Education Instructor, Minnesota Independent Insurance Agents & Brokers Association

### Military Service

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

### Speaking Engagements & Publications

- ◆ Author, ["2021 Insurance Agent Case Law Year-End Review - Insurance Agent Standard of Care and Duty Case Law Review"](#), January 2022
- ◆ Author, ["Cybercrime Awareness for Agencies"](#) *The Minnesota News*, published by Minnesota Independent Insurance Agents and Brokers Association (MIIAB), Fall 2021
- ◆ Faculty, E&O Roadmap to Policy Analysis, a 3 hour CE presented at Hazeltine Golf Course, National Big I and Minnesota Independent Insurance Agents and Brokers Association (MIIAB), Chaska, MN, August 2021
- ◆ Presenter, Robust Policies and Procedures = Top E&O Preventions, webinar presentation, Cutting Edge Lunch + Learn, webinar series hosted by Minnesota Independent Insurance Agents and Brokers Association (MIIAB), July 2021
- ◆ Author, ["Agency Litigation Update and Agency Planning for Preparing to Exit COVID-19 Pandemic"](#) *The Minnesota News*, published by Minnesota Independent Insurance Agents and Brokers Association (MIIAB), June 2021
- ◆ Author, ["Challenges and Opportunities for Agents and Agencies as we enter into 2021"](#) *The Minnesota News*, published by Minnesota Independent Insurance Agents and Brokers Association (MIIAB), March 2021
- ◆ Author, ["Robust Policies and Procedures = Top E&O Preventions"](#) Cutting Edge e-newsletter, published by Minnesota Independent Insurance Agents and Brokers Association (MIIAB), January 2021
- ◆ Author, ["2020 Insurance Agent Case Law Year-End Review - Special Section on COVID-19"](#), December 2020
- ◆ Author, ["2020 Directors and Officers Law Update - Special Section on COVID-19"](#), August 2020
- ◆ Presenter, [COVID-19's Impact on Litigation and Claims](#), webinar presentation to The Society of Chartered Property and Casualty Underwriters (CPCU) Minnesota Chapter, July 2020
- ◆ Author, ["Insurance Agent E&O COVID-19 Update"](#) Minnesota Independent Insurance Agents and Brokers Association (MIIAB) Cutting Edge e-newsletter, June 2020
- ◆ Moderator, Emerging Leaders Business Income Coverage and Claims Panel Discussion, Professional Liability Underwriting Society (PLUS) and Minnesota Independent Insurance Agents and Brokers Association (MIIAB), Minneapolis, MN October 2019 and Maple Grove, MN, September 2019

- ◆ Faculty, E&O Roadmap to Policy Analysis, a 6 hour CE, Minnesota Independent Insurance Agents and Brokers Association (MIIAB), Duluth, MN, October 2019
- ◆ Panelist, Certificates of Insurance, West Metro Region of the Minnesota Independent Insurance Agents and Brokers (MIIAB), Maple Grove, MN, September 2019
- ◆ Faculty, E&O Roadmap to Policy Analysis, a 6 hour CE presented at Horizon Agency, Minnesota Independent Insurance Agents and Brokers Association (MIIAB), Eden Prairie, MN, July 2019
- ◆ Faculty, Errors & Omissions for Insurance Agents, CE/CLE, Professional Liability Underwriting Society (PLUS), June 2018
- ◆ Faculty, Text Messaging Revolution, a CE course, Professional Liability Underwriting Society (PLUS) North Central Chapter, March 2018
- ◆ Faculty, E&O Overview for Minnesota Insurance Agents, Minnesota Independent Insurance Agents and Brokers Association (MIIAB) Annual Conference, May 2017
- ◆ Faculty, The Intersection of Drones and Insurance, a CE course, Professional Liability Underwriting Society (PLUS) North Central Chapter Event, March 2017
- ◆ Author, “2019 Minnesota Insurance Agent Standard of Care Update and Review” 2019
- ◆ Author, “2018 Minnesota Insurance Agent E&O and Standard of Care Update” 2018
- ◆ Author, “Illinois Insurance Agent Case Law Update” Review and thoughts on new Illinois State Supreme Court case of Am. Family Mut. Ins. Co. v. Krop, 2018 IL 122556. In this case the Court ruled that a two year statute of limitations for negligence claims begins to run on the date the policy is received by the insured, not when there is a loss and coverage issues arise., 2018
- ◆ Author, “Mind the Gap: Agent Liability Exposure when Selling Claims made Insurance Policies” *The Minnesota News*, published by Minnesota Independent Insurance Agents and Brokers (MIIAB), September 2016
- ◆ Author, “The Significance of Underwriting in the Claims Process” *The Minnesota News*, published by Minnesota Independent Insurance Agents and Brokers (MIIAB), May 2016
- ◆ Author, “The Text Revolution: Changing Times Call for Changes in your Communication Practices” *The Minnesota News*, published by Minnesota Independent Insurance Agents and Brokers (MIIAB), December 2015
- ◆ Author, “Document Retention Policies” *The Minnesota News*, published by Minnesota Independent Insurance Agents and Brokers (MIIAB), September 2014
- ◆ Author, “Eye of The Storm-The Independent Insurance Agent’s Role in the Claims Process” *The Minnesota News*, published by Minnesota Independent Insurance Agents and Brokers (MIIAB), September 2013
- ◆ Author, “Is the Insurance Policy You Sold to Your Insurance Customer Really Providing Them With the Insurance Coverage They Requested?” Minnesota Independent Insurance Agents and Brokers (MIIAB), 2012