

# McElroy Deutsch

## Karen L. Dowd



### Partner

[kdowd@mdmc-law.com](mailto:kdowd@mdmc-law.com)

Hartford, CT

P: [860-241-2635](tel:860-241-2635)

F: [860-522-2796](tel:860-522-2796)

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### Overview

#### Curriculum Vitae

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**KAREN L. DOWD** is a Partner in the Firm's Hartford, Connecticut office. She is admitted to practice in Connecticut state courts as well as in the United States District Court for the District of Connecticut, the United States Court of Appeals for the Second Circuit, and the United States Supreme Court. Her practice includes trial and appellate litigation in Connecticut state and federal courts. She consults with trial counsel on presenting legal issues and in preparing cases for appeal.

Ms. Dowd represents attorneys before local grievance panels and the Statewide Grievance Committee. She also counsels candidates for bar admission before the Connecticut Bar Examining Committee. Ms. Dowd consults with attorneys and firms on the day to day issues which arise under the Rules of Professional Conduct.

Ms. Dowd co-authors the annual *Connecticut Practice Book Annotated, Vol. 1*. She provides author's comments to chapters on pleadings and motions. She also co-authored *Connecticut Insurance Law*. She has co-presented the "Annual Review of Connecticut Supreme and Appellate Court Cases" at the CBA Connecticut Legal Conference since 2011 and often speaks on appellate practice and ethics.

Ms. Dowd served as Chair of the Connecticut Bar Association Litigation Section from 2005 to 2007 after serving as an officer for the prior four years. She continues to serve on the Litigation Section Executive Committee as an Honorary Member. Ms. Dowd taught written and oral advocacy in the Moot Court interterm at the University of Connecticut School of Law.

## Awards

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- Martindale-Hubbell awarded Ms. Dowd with its AV Peer Review Rating, its highest level of professional excellence and she was designated as a Preeminent Lawyer for 2022.
- Listed in Best Lawyers® (2011-2023), a Woodward/White, Inc. business, and partners with *U.S. News & World Report*, in the areas of Appellate Practice (2020-2023) and Ethics and Professional Responsibility Law (2011-2023). She was recognized as the 2022 "Lawyer of the Year" for Appellate Practice in the Hartford area. A description of the standard or methodology on which the accolade is based can be found [HERE](#) (No aspect of the advertisement has been approved by the Supreme Court).
- Listed in Super Lawyers® (2007, 2011-2022), a Thomson Reuters business, in the areas of Appellate, Personal Injury - General: Defense, and Professional Liability: Defense in Connecticut. A description of the standard or methodology on which the accolade is based can be found [HERE](#) (No aspect of the advertisement has been approved by the Supreme Court).

## Representative cases

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Attorney Dowd has been handling appeals in the Connecticut Supreme and Appellate Courts for over 30 years. She has also counselled attorneys on appeals at the trial court level.

Appeals Attorney Dowd argued or she was substantially involved in include:

- *O.A. v. J.A.*, 342 Conn. 45 (2022) (holding that the trial court was not required to determine the enforceability of a post-nuptial agreement prior to ordering temporary alimony and counsel fees).
- *Hamann v. Carl*, 196 Conn. App. 583, cert. denied, 335 Conn. 949 (2020) (failure to file memorandum in support of motion to dismiss rendered challenge to personal jurisdiction untimely; civil theft does not apply to claim for unspecified money)
- *HSBC Bank USA, N.A. v. Nathan*, 195 Conn. App. 179 (2020) (striking defendant's special defenses to foreclosure was error as claims could be based on post-origination conduct by bank)
- *Demond v. Project Services, LLC*, 331 Conn. 816 (2019) (service plaza operator had no duty to protect off-premises drivers from individual drinking in the plaza parking lot)
- *Kuchta v. Arisian*, 329 Conn. 530 (2018) (signs on homeowner's property sharing derogatory claims as to contractor were not "advertising signs" for purposes of zoning officer's statutory authority)
- *Doctor's Assoc. v. Searl*, 179 Conn. App. 577 (2018) (trial court erred in applying state law instead of federal law in denying motion to vacate arbitration award)
- *Munn v. Hotchkiss School*, 724 Fed. App'x. 25 (2d. Cir. 2018) (admission of standard of care expert was not manifestly erroneous)
- *Munn v. Hotchkiss School*, 326 Conn. 540 (2017) (public policy supported finding a duty to protect against serious foreseeable dangers on an overseas school field trip)
- *Cusano v. Lajoie*, 178 Conn. App. 605 (2017) (award of zero noneconomic damages was within parameters of fair compensation; trial court abused its discretion in awarding an additur)
- *Marciano v. Jimenez*, 324 Conn. 70 (2016) (where a right of subrogation exists for health insurance plan, trial court erred in granting a collateral source reduction to economic damages award)
- *Cunniffe v. Cunniffe*, 150 Conn. App. 419 (2014) (there was no enforceable appellate stay based on appeal of contempt orders)

- *Greenan v. Greenan*, 150 Conn. App. 289 (2014) (order to maintain college savings plans was not an educational support order under CGS 46b-56c)
- *DiPietro v. Farmington Sports Arena*, 306 Conn. 107 (2012) (defendants lacked actual or constructive notice of dangerous nature of carpet in an indoor sports arena)
- *Mills v. Solution, LLC*, 138 Conn. App. 40 (2012) (summary judgment was proper for municipal entities; statute did not create ministerial duty to provide police protection)
- *Yeager v. Alvarez*, 134 Conn. App. 112 (2012) (reasonable expenditures recoverable under Workers Comp are different than those recoverable under P.B. 18-5)
- *Yeager v. Alvarez*, 302 Conn. 772 (2011) (trial court abused its discretion in striking offer of compromise based on failure to update discovery responses which was not deliberate)
- *Culver v. Culver*, 127 Conn. App. 236, cert. denied, 301 Conn. 929 (2011) (oral agreement to modify monthly child support was not effective to modify written stipulation incorporated into judgment)
- *Gambardella v. Apple Health Care, Inc.*, 291 Conn. 620 (2009) (trial court properly applied actual malice standard)
- *Kerrigan v. Commissioner of Public Health*, 289 Conn. 135 (2008) (served as cooperating counsel on case establishing marriage equality under the Connecticut Constitution)
- *Lindholm v. Brant*, 283 Conn. 65 (2007) (trial court properly found defendant was a buyer in due course of Andy Warhol painting)
- *Kerrigan v. Commissioner of Public Health*, 279 Conn. 447 (2006) (affirming denial of a motion to intervene in case challenging the exclusion of same-sex couples from marriage)
- *Gurguis v. Frankel*, 93 Conn. App. 162 (2006) (evidence was insufficient to show failure to warn was proximate cause of injuries)
- *Zanoni v. Hudon (Estate of Benny)*, 48 Conn. App. 32, cert. denied, 244 Conn. 928 (1998) (conservator of estate could not be held liable personally or as conservator for claims based on sale of house approved by probate court)
- *Wrinn v. State*, 234 Conn. 401 (1995) (plaintiff was not entitled to jury instruction on following too closely where there was no evidence of following prior to the accident)
- *Woodcock v. Journal Publishing Co.*, 230 Conn. 525 (1994) (defamation judgment against newspaper was unsupported by the evidence: no clear and convincing evidence of actual malice)
- *Ezikovitch v. Linden*, 30 Conn. App. 1, cert. denied, 225 Conn. 913 (1993) (construction of a boat storage rack was not permitted under an easement for "boating and other waterfront purposes")

## Practices

Appellate Practice

## Education

University of Virginia (B.A. 1988)

University of Connecticut School of Law (J.D. 1991)

## Admissions

State of Connecticut

U.S. Court of Appeals, 2nd Circuit

Supreme Court of the United States

U.S. District Court, District of Connecticut