

KEVIN C. GIORDANO
KEYES AND DONNELLAN, P.C.

PROFESSIONAL PROFILE:

Mr. Giordano is a certified mediator having completed mediation training through Pepperdine University's Straus Institute for Dispute Resolution. He has been a practicing litigator for over 28 years specializing in general and professional liability matters including medical malpractice, legal malpractice, personal injury, premises liability, fire loss, and products liability. He has also represented both employees and employers in employment related matters. Practice emphasis has been in litigating complex personal injury matters, with specific emphasis on medical negligence cases. He has been the lead counsel in over 60 state and federal civil jury trials and has represented both defendants and plaintiffs in litigated matters including in Alternative Dispute Resolution proceedings. Mr. Giordano has effective communication skills and has been engaged to lecture to health care providers at accredited continuing education seminars in Massachusetts and around the country. He has also lectured to attorneys and insurance companies on trial related matters, civil procedure and electronic discovery; he has also served as Moderator of a panel discussion on Electronic Discovery in Massachusetts.

Attorney Giordano is the Legal Editor and contributor of legal analysis for an obstetrical textbook, *Operative Obstetrics*, Cambridge Publishing, 2008 and has also published articles in areas related to breast cancer litigation, legal implications regarding prenatal genetic testing, ERISA preemption for utilization review, apology and disclosure, and attorney liability to non-parties.

In addition to practicing in Massachusetts state and federal courts, Mr. Giordano has practiced before administrative agencies and judges including the Industrial Accident Board, Massachusetts Commission Against Discrimination, Massachusetts Board of Registration of Medicine, and the Board of Registration of Nursing.

PRESENT EMPLOYMENT:

Keyes and Donnellan, P.C., Springfield, Massachusetts, (May 1989 to present), Partner

EDUCATION:

Loyola University School of Law, New Orleans, Louisiana
Juris Doctor, May 1985

Saint Michael's College, Winooski, Vermont
Bachelor of Arts, English and Economics, May 1982

MEDIATION TRAINING

"Mediating the Litigated Case", Straus Institute for Alternative Dispute Resolution at Pepperdine University (September 2013, Washington, DC)

PUBLICATIONS:

Operative Obstetrics (Textbook) Cambridge University Press 2nd ed. 2008, editors: O'Grady JP, Gimovsky, M, Bayer-Zwirello, L and Giordano, K.

"Examining Nursing Malpractice: A Defense Counsel's Perspective" Critical Care Nurse, 2003; 21:3

"Attorney Liability to Non-Parties." Giordano, K. Massachusetts School of Law Review, Volume 1, Number 1 (Spring 2000)

"Obstetric Risk Management". O'Grady J.P, MD, with Giordano K, and Heller J., MD. Ob/Gyn Interaction, Publisher: Decker Electronic Publishing in conjunction with the UCLA School of Medicine, Vol. 2 No. 4 (1999)

"Liability for Cost Containment Decisions and the Impact of ERISA". Giordano, K. The Hampden Hippocrat" (Winter 1997).

"Liability Risks for the Subacute Provider", Giordano, K. ASCA Quarterly, Vol. 3, No. 3, (1996-97)

"Prenatal Genetic Assessment" Cohn G.K. MD, and Giordano, K. Operative Obstetrics Publisher: Williams & Wilkins, Baltimore, March 1995. Editor: J.P. O'Grady, M.D., M.L. Gimovsky, M.D.

"A Statistical Model for Predicting the Outcome in Breast Cancer Malpractice Lawsuits." Zylstra S, Bors-Koefoed R, Mondor M, Anti D, Giordano K, Rosseguie L. Obstetrics and Gynecology, 1994; 84:3.

LECTURES AND PRESENTATIONS:

"The Electronic Medical Record and Issues in E-Discovery". Connecticut Mutual Insurance Company (Glastonbury, CT 6/22/11)

Moderator: The Legal Implications of E-Discovery. Hampden County Bar Association (Springfield, Ma 3/22/11)

Legal Update: Electronic Medical Records Mercy Hospital Open Physicians Conference (1/20/11 Springfield, Ma)

The Trials of Medical Malpractice" Mercy Hospital, Department of Obstetrics and Gynecology, Grand Rounds Presentation (Springfield, Ma 3/10/10)

"Case Studies in Medical Malpractice" Cooley Dickinson Hospital, Department of Continuing Medical Education (Northampton, Ma 2/3/10)

Update 2009: Developing Legal Issues" Mercy Hospital Ob/Gyn Grand Rounds (Springfield, Ma (10/17/09)

"Legal Issues for Case Managers" Massachusetts Mutual Insurance Company Case Management Conference (Chicopee, Ma. 5/13.09)

"Legal Issues in Obstetrics and Gynecology" St. Elizabeth's Hospital, Obstetrical Symposium (Boston, Ma. 10/23/08)

On Being a Good Witness, A Defense Attorney's Witness Protection Program" New Jersey ENA Annual Conference (Atlantic City, NJ 3/06) and Southeastern Seaboard Emergency Nursing Symposium ('Savannah, GA. 4/06)

"Avoiding Nursing Malpractice" New Jersey ENA Annual Conference (Atlantic City, NJ 3/06) and Southeastern Seaboard Emergency Nursing Symposium ('Savannah, Georgia 4/06)

“A Defense Attorney’s Witness Protection Program” 2005 National Teaching Institute and Critical Care Exposition (New Orleans, La 5/12/05)

“Avoiding Your Day in Court: Preventative Measures to Limit Malpractice Exposure” 2005 National Teaching Institute and Critical Care Exposition (New Orleans, La (5/11/05)

“What you Don’t Know Can Hurt You: Avoiding Nursing Malpractice” 2005 National Teaching Institute and Critical Care Exposition (New Orleans, La (5/12/05)

“Avoiding Your Day in Court: Legal Considerations in Pediatrics” Baystate Medical Center, Pediatric Grand Rounds (4/6/04)

“Medical Legal Concerns Relating to Shoulder Dystocia” American College of Obstetricians and Gynecologists, Massachusetts Section in conjunction with the Massachusetts Medical Society’ Committee on Maternal and Perinatal Welfare (Burlington, Massachusetts, 7/10/02)

“Avoiding Your Day in Court: Preventative Measures to Limit Malpractice Exposure” 2002 National Teaching Institute and Critical Care Exposition (Atlanta, Georgia 5/09/2)

“What you Don’t Know Can Hurt You: Avoiding Nursing Malpractice” 2002 National Teaching Institute and Critical Care Exposition (Atlanta, Georgia (5/06/02)

"Risk Management Update", sponsored by Wing Memorial Hospital in conjunction with the Massachusetts Medical Professional Insurance Company, (Palmer, Massachusetts; 10/12/01)

"Anatomy of the American Legal System: A Case Study (4 Part series)" - OB/GYN Grand Rounds, Baystate Medical Center (Springfield, Massachusetts, Fall 1998 - Winter 1999)

“Legal Liability Issues in Emergency Medicine”. Cooley Dickinson Hospital (Northampton, Massachusetts, 2/10/99; 2/11/99)

"Anatomy of a Lawsuit" North Adams Regional Hospital, sponsored by The North Adams Regional Hospital in conjunction with The ProMutual Insurance Company (North Adams, Massachusetts, 6/16/98)

OB/GYN Grand Rounds, Baystate Medical Center, (Springfield, Massachusetts, 5/28/98)

“Legal Issues in Clinical Practice”, Maternal Fetal Teaching Rounds, Baystate Medical Center, (Springfield, Massachusetts, 5/28/98)

In-Service Seminar: "Medical Malpractice in Massachusetts/Premises Liability in Massachusetts" St. Paul Insurance Companies (Holyoke, Massachusetts 4/22/98)

“Medical Documentation for the Critical Care Nurse”, Baystate Medical Center (Springfield, Massachusetts, 3/31/98)

"Failure to Warn of Genetic Risks", 7th Annual Mid-Winter Continuing Medical Education Meeting sponsored by Baystate Medical Center (Stowe, Vermont, 1/24/98)

OB/GYN Grand Rounds, Baystate Medical Center, (Springfield, Massachusetts, 11/12/97)

"Legal Aspects in EMS" Wilbraham Fire Department, (Wilbraham, Massachusetts, 10/28/97)

"Cesarean Delivery: Past, Present and Future" sponsored by the Baystate Medical Center, (Springfield, Massachusetts, 3/12/97)

"Courtroom Behavior For Physicians Presenting Clinical Information", Sponsored by the North Adams Regional Hospital in conjunction with the ProMutual Insurance Company (No. Adams, MA, 03/11/97)

"Medical-Legal Issues in Genetics", OB/GYN Grand Rounds, Baystate Medical Center, (Springfield, Massachusetts, 01/23/97)

"Managed Care and Conflicting Allegiances", Cooley Dickinson Hospital, (Northampton, Massachusetts, 01/06/97)

"Legal and Ethical Considerations in Managed Care", sponsored by Baystate Medical Center, (Springfield, Massachusetts, 12/12/96)

"Legal Issues in Long Term Care", Keyes and Donnellan, P.C., (Springfield, Massachusetts, 12/03/96)

"Shoulder Dystocia: Medical Malpractice Liability", OB/GYN Grand Rounds, Baystate Medical Center, (Springfield, Massachusetts, 09/19/96)

"How Subacute Professionals Can Reduce Legal Risks", sponsored by the American Subacute Care Association (Bethesda, Maryland; 04/25-26/96)

"Failure to Diagnose Breast Cancer" OB/GYN Grand Rounds, Baystate Medical Center, (Springfield, Massachusetts; 12/07/95)

"Does Communication Make a Difference: management Issues Related to Problem Patients and Victims of Domestic Violence", sponsored by Pro-Mutual Insurance Company and Wing Memorial Hospital, (Palmer, Massachusetts; 11/04/95)

"The Physician's Responsibility in a Sub-acute Care Setting" sponsored by Sunrise Healthcare Corporation and ProMutual in cooperation with Boston University School of Medicine, (East Longmeadow, Massachusetts; 10/26/95)

"Issues Associated With Refusal of Medical Treatment", sponsored by Cooley Dickinson Hospital, (Northampton, Massachusetts; 10/02/95)

"Legal Issues for Drug Rehabilitation and Treatment Programs", sponsored by Dickinson Programs and The Cooley Dickinson Hospital, (Northampton, Massachusetts; 09/18/95)

"Office Practices, Medical Releases, Informed Consent", sponsored by The Massachusetts Medical Professional Insurance Company and The Providence Hospital, (Holyoke, Massachusetts; 12/12/94)

"Law and Ethics Seminar, AIDS Conference", sponsored by Baystate Medical Center, (Springfield, Massachusetts; 12/01/94)

"Issues in Clinical Nursing", University of Massachusetts, Graduate School of Nursing, Amherst,

Massachusetts; (11/29/94)

"Risk Management Update", sponsored by Wing Memorial Hospital in conjunction with the
Massachusetts Medical Professional Insurance Company, (Palmer, Massachusetts; 11/19/94)

"Breast Cancer: A Study of MMPIA Claims", sponsored by Massachusetts Medical Professional Insurance
Company, (Sturbridge, Massachusetts; 11/29/94)

"Breast Cancer: A Study of MMPIA Claims", sponsored by
Massachusetts Medical Professional Insurance Company, (Westport, Massachusetts; 10/29/94)

"Ethics & Managed Care", sponsored by Berkshire AHEC & Massachusetts Medical Professional Insurance
Association, (West Springfield, Massachusetts; 10/03/94)

"Medical Negligence - Case Presentation Seminar", sponsored by Cooley Dickinson Hospital;
(Northampton, Massachusetts; 10/03/94)

"Medical-Legal Issues", sponsored by Family Planning Council of Western Massachusetts; (Northampton,
Massachusetts; 6/17/94)

"Nursing Liability and Malpractice", sponsored by Baystate Medical Center, (Springfield, Massachusetts;
04/27/94)

"Anatomy of a Medical Malpractice Case", sponsored by Cooley Dickinson Hospital, (Northampton,
Massachusetts; 01/11/94)

"The Generics of Risk Management (An Approach to Malpractice Risk Management Applicable to all
Physicians and Specialties)", sponsored by CORE Curriculum Committee, Boston University School of
Medicine, (Wellesley, Massachusetts; 11/06/93)

"Legal Aspects of Breast Cancer", OB/GYN Grand Rounds, Baystate Medical Center, (Springfield,
Massachusetts; 10/21/93)

"The Generics of Risk Management", sponsored by Massachusetts Medical Malpractice Joint Underwriters
Association; 10/14/93)

"Candor and Compassion: Communication Issues for the Hospital Risk Managers", sponsored by
Massachusetts Medical Malpractice Joint Underwriters Association, and Mercy Hospital, (Springfield,
Massachusetts; 10/07/93)

"Focus on Psychiatry", sponsored by Massachusetts Medical Malpractice Joint Underwriters Association,
(Springfield, Massachusetts; 05/12/93)

"Standards of Care", sponsored by Berkshire AHEC and the Massachusetts Medical Malpractice Joint
Underwriters Association, (Holyoke, Massachusetts; 04/24/93)

"Focus on Pediatrics", sponsored by Massachusetts Medical Malpractice Joint Underwriters Association,
(Springfield, Massachusetts; 03/10/93)

"Failure to Diagnose (Standard of Care in Malpractice Cases)", sponsored by the Massachusetts Medical Malpractice Joint Underwriters Association, and Berkshire AHEC Consortium (Pittsfield, Massachusetts; 05/09/92)

"Does Communication Make a Difference?" Sponsored by the Massachusetts Medical Malpractice Joint Underwriters Association, (Holyoke, Massachusetts; 03/21/92)

"Does Communication Make a Difference?" Sponsored by the Massachusetts Medical Malpractice Joint Underwriters Association, in conjunction with Beverly Hospital and Salem Hospital, (Danvers, Massachusetts; 10/30/91)

"Does Communication Make a Difference?" Sponsored by the Massachusetts Medical Malpractice Joint Underwriters Association, and Emerson Hospital, (Leominster, Massachusetts; 10/21/91)

"Does Communication Make a Difference?" Sponsored by the Massachusetts Medical Malpractice Joint Underwriters Association, and Medical Center of Central Massachusetts, (Worcester, Massachusetts; 10/09/91)

"Does Communication Make a Difference?" Sponsored by the Massachusetts Medical Malpractice Joint Underwriters Association in conjunction with The Holy Family Hospital Medical Center and Lawrence General Hospital, (Andover, Massachusetts; 10/02/91)

"Legal and Ethical Considerations in Medicine", sponsored by the Berkshire AHEC and the Massachusetts Medical Malpractice Joint Underwriters Association, (Holyoke, Massachusetts; 05/11/91)

TEACHING EXPERIENCE:

Western New England College School of Business, Springfield, Massachusetts, Adjunct Professor (Spring 1990 to 1994).

Courses: Business Law; Governmental Regulation of Business; Legal Aspects of Marketing and Computer Information Systems.

Springfield College, Springfield, Massachusetts, Adjunct Professor of Business Law (Fall 1989, Spring 1990).

Our Lady of the Elms College, Adjunct Professor of Business and Government (Weekend College, Summer 1990).