



DEBORAH A. KAPITAN

SHAREHOLDER

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Practice Areas

- Appellate Work
- Automobile Accident Defense
- Bad Faith
- Commercial Lines (Premises Liability)
- Coverage Litigation
- Discrimination Defense
- Dram Shop Litigation
- Legal Malpractice (E&O)
- Medical Malpractice
- Personal Lines (Premises Liability)
- Products Liability
- Professional Liability
- Retail and Restaurant (Premises Liability)
- Transportation Defense
- Trusts, Wills, and Estates
- UM/UIM
- Wrongful Death Defense

Deborah A. Kapitan has been in practice for more than twenty years participating in over one hundred jury trials either as defense counsel, deputy prosecutor, or the Magistrate Judge presiding over the trial. Deb has experience representing insurance companies and their insureds, third-party administrators and businesses including retail, restaurants, trucking and construction companies. She has experience defending insurance agents, real estate agents, paraprofessionals, and medical professionals in E&O and malpractice claims for clients. Deb has handled all stages of litigation in auto, transportation, environmental claims, dram shop, premises liability, professional liability, products liability, and commercial insurance claims.

Since joining our firm, she has tried nineteen civil cases in various jurisdictions throughout Indiana. Three of the trials involved defending businesses with insurance policies of one million dollars or more. Deb also serves as a mediator and has handled an array of complex cases of all types including legal malpractice, medical malpractice, product liability, dram shop liability, and coverage issues.

Deb's experience extends to her time with the prosecutor's office, where she was involved in the prosecution of sexual abuse cases and victim interviews. She worked closely with law enforcement, victims, and families of victims in prosecuting these sensitive and emotional claims.

During Deb's time as Magistrate Judge, she learned how to effectively explain legal concepts to lay people, so they better understood the laws affecting the outcome of their case. This skill has translated into great success in defending clients in civil jury trials in private practice. She has a unique understanding of a variety of legal disciplines.

Trial and Case Highlights

- *Person v. Shipley*, 962 N.E.2d 1192 (Ind. 2012) The Indiana Supreme Court issued a unanimous decision in favor of our client in a case in which Deb obtained a defense verdict at trial and then briefed and argued the appeals. The issue was whether the trial court, in exercising its gatekeeping function, abused its discretion by allowing the defense experts to testify during the trial. The Indiana Supreme Court ruled that the trial court was within its discretion in permitting a defense expert, a biomedical engineer, to testify as to the minimal nature of the impact and that the impact was unlikely to have caused the claimed low back injury. At the oral argument before the Indiana Supreme Court, Deb cited the Court's recent opinion on a similar Rule 702 issue, in a criminal case with an opinion written by Justice Rucker. Justice Sullivan commented on Deb's argument by stating, "It is refreshing and reassuring to see counsel, in a civil case, looking at the criminal decisions and evidentiary rulings so I commend you for that."
- *Carlson v. Estate of Ludwig* – Defendant's vehicle struck Plaintiff's vehicle. No liability defense was presented. Plaintiff claimed damages including medical care, lost opportunity to play college football, lost scholarship opportunity and permanent injuries. The last demand as we approached trial was \$145,000. The last offer was \$30,500. The jury awarded the Plaintiff \$30,000.

Admissions

- Indiana
- U.S. District Court for the Northern District of Indiana
- U.S. District Court for the Southern District of Indiana
- U.S. Seventh Circuit Court of Appeals

Education

- Valparaiso University School of Law, J.D.
- Viterbo University, B.S.