



ROBERT P. LANDAU

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#### PRACTICE SUMMARY

Bob was the co-leader of the firm's Healthcare Group from 2012 through 2016. Bob was selected for inclusion on the 2019, 2018, 2017, 2016, 2015 and 2012 Rhode Island Super Lawyers list. He is a seasoned litigator who focuses his practice on defending hospitals, physicians, nurses, dentists, social workers, psychologists and other health care providers in malpractice lawsuits and disciplinary proceedings. He has successfully represented clients in the state and federal courts of Rhode Island and Massachusetts.

Bob has had numerous jury trials with a significant number of defense verdicts. In addition to trying cases to juries, Bob handles any appellate issues that arise from his matters. He has appeared regularly before the Rhode Island Supreme Court and has a number of reported decisions. In those instances where a trial is not the best course of action, Bob has extensive experience in alternative dispute resolution. His presentations to mediators and arbitrators help clients resolve cases on favorable terms.

In addition to health care matters, Bob represents clients in general insurance defense litigation and has had significant commercial litigation experience.

#### PRACTICES

Professional Malpractice Defense  
Commercial Litigation  
Insurance Defense

#### EDUCATION

Boston University School of Law, J.D., *cum laude* (1983)  
Duke University, B.S., *magna cum laude* and with distinction (1979)

#### BAR ADMISSIONS

Rhode Island, 1983  
Massachusetts, 1985

#### PROFESSIONAL & COMMUNITY INVOLVEMENT

Jewish Alliance of Greater Rhode Island, Vice-President, Governance  
Jewish Community Day School of Rhode Island, Board Member  
Temple Emanu-El, President 2004-2007  
Bureau of Jewish Education, President 1997-2000  
Jewish Seniors Agency of Rhode Island, Board Member  
Served on Boards of Alperin Schechter Day School,  
Jewish Federation of Rhode Island and Tamarisk, Inc.  
Duke University Alumni Admissions Advisory Committee  
Merrill L. Hassenfeld Leadership In Community Service Award, 1996

## REPRESENTATIVE MATTERS

- Appeared as defense trial counsel in jury trials representing a number of medical practitioners and health care institutions in the Rhode Island Superior Court.
- Advised hospital chain in Rhode Island regarding implementation of the federal Patient Safety and Quality Improvement Act of 2005 and the Rhode Island Patient Safety Act.
- Advised hospital chain in Rhode Island regarding so-called never events and strategies in communicating with patients when serious reportable adverse events occur.
- During his career, Bob has been involved in appellate briefing and oral arguments in Rhode Island and Massachusetts, including many reported Rhode Island Supreme Court opinions. Some of the more recent cases include:
  - *Dawkins v. Siwicki*, 22 A.3d 1142 (R.I. 2011)  
Obtained defense verdict on behalf of a physician working in a community hospital emergency room who diagnosed a sprained wrist in patient whose x-rays were negative, but who subsequently was diagnosed as having a fractured wrist requiring seven operations. On appeal, Bob persuaded the court to reject Plaintiff's numerous arguments, including complex legal issues involving comparative negligence, smoking and use of medical literature.
  - *Mandros v. Prescod*, 948 A.2d 304 (R.I. 2008)  
Obtained defense verdict on behalf of an ophthalmologist who performed retinal surgery on a patient who developed bleeding complications. On appeal, Bob persuaded the court not to adopt a new theory of recovery known as the loss of chance doctrine.
  - *Hanson v. Singsen*, 898 A.2d 1244 (R.I. 2006)  
Obtained judgment as a matter of law after over four weeks of trial on behalf of an orthopedic surgeon who performed knee reconstruction surgery with a graft to repair a torn ACL. On appeal, the court affirmed judgment based on the statute of limitations rejecting Plaintiff's claim that the discovery rule applied.

## SPEAKING ENGAGEMENTS OR PUBLICATIONS

- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI, Inc. webinar for licensed mental health providers, 8/18/22
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI, Inc. webinar for licensed mental health providers, 7/29/22
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI, Inc. webinar for licensed mental health providers, 6/8/22

- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI, Inc. webinar for licensed mental health providers, 5/11/22
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI, Inc. webinar for licensed mental health providers, 4/20/22
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI, Inc. webinar for licensed mental health providers, 3/30/22
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI, Inc. webinar for licensed mental health providers, 2/24/22
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI, Inc. webinar for licensed mental health providers, 1/13/22
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI, Inc. webinar for licensed mental health providers, 12/15/21
- *Risk Management in Behavioral Health: Legal Perspectives*, Codac, Inc., webinar for licensed mental health providers and non-licensed staff, 11/17/21
- *The Shifting Sands of the COVID-19 Pandemic: Ethical and Legal Implications*, University of Chicago Crown Family School of Social Work, Policy, and Practice webinar for licensed mental health providers, 10/22/21
- *Ethical, Legal, and Risk-management Challenges in Behavioral Health: Cutting-Edge Issues*, CE Learning Systems, Make An Impact webinar for licensed mental health providers, 10/8/21
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI, Inc. webinar for licensed mental health providers, 9/24/21.
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI, Inc. webinar for licensed mental health providers, 8/19/21.
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI Inc. webinar for licensed mental health providers, 7/8/21
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI Inc. webinar for licensed mental health providers, 6/10/21
- *Risk Management in Behavioral Health: Legal Perspectives*. New England School of Addiction and Prevention Studies, AdCare Educational Institute webinar for licensed mental health providers and non-licensed staff, 6/8/2021
- *Ask Now or Regret Later: Navigating RI's Mental Health Rules and Regulations*, Rhode Island Psychological Association webinar for mental health providers, 5/21/21
- *Pain Management Regulations: Loss Prevention Strategies*, Lifespan Risk Services webinar for physicians and other prescribing providers of controlled substances, 5/19/21
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI Inc. webinar for social workers and other mental health providers, 5/5/21

- *Ethics and Risk Management in Telehealth, Standards for Social Work*, Telehealth Certification Institute national webinar for social workers and other mental health providers, 2/5/2021
- *Ethics and Risk Management in Behavioral Health: What Every Clinician Needs to Know About Mental Health and the Law*, PESI Inc. webinar for practicing mental health providers, 1/14/21
- *Rhode Island Mental Health & the Law 2020*, PESI Inc. webinar for practicing mental health providers, 9/23/20
- *Risk Management in Behavioral Health: Legal Perspectives*, New England School of Addiction and Prevention Studies, AdCare Educational Institute Best Practices School webinar for licensed mental health providers and non-licensed staff, 8/24/2020
- *Risk Management in Behavioral Health: Legal Perspectives*, CODAC, Inc. webinars for licensed mental health providers and non-licensed staff, 6/15/20, 6/18/20
- *Risk Management in Behavioral Health: Legal Perspectives*, New England School of Addiction and Prevention Studies, AdCare Educational Institute, webinar for licensed mental health providers and non-licensed staff, 6/1/2020
- *Ethical Challenges Facing Administrators and Leaders In Behavioral Health: Moral And Risk Management Implications*, The Substance Use Mental Health Leadership Council of RI, Warwick, RI, Seminar for Practicing Mental Health Providers, Supervisors and Administrators, 3/6/20
- *Massachusetts Mental Health & the Law 2019*, Hilton Garden Inn, Worcester, MA, PESI, Inc. Seminar for Practicing Mental Health Providers, 11/14/19
- *Massachusetts Mental Health & the Law 2019*, Hilton at Dedham Place, Dedham, MA, PESI, Inc. Seminar for Practicing Mental Health Providers, 11/13/19
- *Risk Management in Behavioral Health: Legal Perspectives*, Worcester, MA, New England School of Addiction and Prevention Studies, AdCare, seminar for licensed mental health providers and non-licensed staff, 6/5/19
- *Risk Management in Behavioral Health: Legal Perspectives*, Cranston, RI, CODAC, Inc., seminar for licensed mental health providers and non-licensed staff, 5/9/19
- *Documentation & Tele-Mental Health: What you Need to Know about Ethics and R.I. Laws*, Warwick, RI, Rhode Island Psychological Association Seminar for Practicing Mental Health Providers, 4/26/19
- *Mental Health Rights, Laws, and Important Court Decisions*, Television interview, State of the State, PEG RI-TV (RI Public, Education & Government access television), 4/22/19
- *Rhode Island Mental Health & the Law 2019*, Hilton Garden Inn, Warwick, RI, PESI, Inc. Seminar for Practicing Mental Health Providers, 4/5/19
- *Pharmacist Liability: Trends and Guidelines*, Seminar by the Sea Northeast Regional Continuing Education Conference, Newport, RI, seminar for pharmacists, 3/15/19
- *Risk Management in Behavioral Health: Legal Perspectives*, The Substance Use Mental Health Leadership Council of RI, Warwick, RI, Seminar for Practicing Mental Health Providers, Supervisors and Administrators, 12/5/18
- *Massachusetts Mental Health & the Law 2018*, Holiday Inn Hotel, Dedham, MA, PESI, Inc. Seminar for Practicing Mental Health Providers, 11/9/18

- *Ethics and Risk Management from the Legal and Mental Health Perspective*, Massachusetts Mental Health Center, Seminar for Practicing Mental Health Providers, Boston, 6/5/18
- *Rhode Island Mental Health & the Law 2018*, Crowne Plaza Hotel, Warwick, RI, PESI, Inc. Seminar for Practicing Mental Health Providers, 4/27/18
- *Ethics and Risk Management from the Legal and Mental Health Perspective*, Massachusetts Mental Health Center, Seminar for Practicing Mental Health Providers, Boston, 4/19/18
- *Lifespan Risk Services Legal Defense Boot Camp Seminar, The Opioid Crisis*, Providence, 4/17/18
- *Risk Management in Behavioral Health: Legal Perspectives*, The Substance Use Mental Health Leadership Council of RI, Warwick, RI, Seminar for Practicing Mental Health Providers, 2/2/18
- *Massachusetts Mental Health & the Law 2017*, Hilton Boston/Dedham Hotel, Dedham, MA, PESI, Inc. Seminar for Practicing Mental Health Providers, 11/9/17
- *Lifespan Risk Services Legal Defense Boot Camp Seminar, Electronic Fetal Monitoring: Strip Interpretation and Legal Strategies*, Rhode Island Hospital, 8/15/17
- *When Medicine and Religion Collide: Treating Jehovah's Witness Patients*, Care New England, Kent Hospital, 3/28/17
- *Advance Directives & Opioid Management*, Westerly Hospital, MRM Group, Seminar for Westerly Hospital providers, 2/17/17
- *Rhode Island Mental Health & the Law 2017*, Sheraton Providence Airport Hotel, Providence, PESI, Inc. Seminar for Practicing Mental Health Providers, 1/27/17
- *Addressing Confidentiality and Disclosure Issues: Behavioral Health Professionals in Primary Care*, The Rhode Island Quality Institute, Care Transformation Collaborative-Rhode Island Seminar, 10/13/16
- *Rhode Island Mental Health & the Law 2016*, Providence Hilton Hotel, Providence, PESI, Inc. Seminar for Practicing Mental Health Providers, 2/12/16
- Lifespan Risk Services Seminar, "*The Last Place I Want to Be...* ": A Mock Deposition Experience, Rhode Island Hospital, 11/20/2015
- Lifespan Risk Services Seminar, "*The Last Place I Want to Be...* ": A Mock Deposition Experience, Rhode Island Hospital, 11/4/2015
- *Lifespan Risk Rounds Seminar*, Lifespan Outpatient Medicine providers, Rhode Island Hospital, 8/4/2015
- *Lifespan Risk Rounds Seminar*, Lifespan Department of Surgery/Neurosurgery providers, Rhode Island Hospital, 7/29/2015
- *Lifespan Risk Rounds Seminar*, Lifespan Outpatient Medicine providers, Rhode Island Hospital, 7/16/2015
- *Death Certificate Seminar*, Care New England, Kent Hospital, 2/12/15
- *Panel Discussion relating to Health Privacy Laws in Rhode Island*, Rhode Island Executive Office of Health and Human Services/Healthcentric Advisors Seminar, 11/13/14
- *Rhode Island Mental Health & the Law 2014*, Marriott Hotel, Providence, PESI, Inc. Seminar for Practicing Mental Health Providers, 10/16/14
- *Ethics & Risk Management: The Legal Perspective for Health Ed*, Radisson Hotel Warwick, Practicing Mental Health Providers, 11/14/13
- *Risk Management in Social Work: Legal and Ethical Issues and Strategies*, Rhode Island College,

Practicing Social Worker Seminar, 9/27/13

- *Best Practices: Avoiding and Defending Malpractice Suits and Claims*, Rhode Island College, 2<sup>nd</sup> Year MSW Student Seminar, 4/2/13
- *Best Practices: Avoiding and Defending Malpractice Suits and Claims*, Care New England Risk Management, Risk Management Pediatric Conference, 11/5/11
- *Your Practice and Rhode Island Mental Health Law: Navigating the Waters*, Rhode Island Psychological Association, 4/8/11
- *Tips on Testifying as an Expert Witness*, Butler Hospital Psychiatry Residents Seminar, annually since 2007
- *Never Say Never Events*, South County Hospital, 6/12/09
- *Never Say Never Events*, Care New England, Kent Hospital, 4/21/09
- *Never Say Never Events*, Women & Infants Indemnity Ltd annual meeting, St. Thomas, 2/2/09
- *Death Certificate Seminar*, Care New England, Kent Hospital, 10/1/08
- *Reporting Abuse In Rhode Island*, Care New England Conference, 4/10/08
- *Valuation of Cases*, Care New England Conference, 3/08
- *Everything You Wanted to Know About the Litigation Process But Were Afraid to Ask*, Care New England Conference, Perinatal Management Conference, 1/9/08