



## Wendy D. Testa

Partner

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Wendy Testa is a partner and cochair of Wilson Elser's national Complex Tort & General Casualty and Design Professional practices. She focuses her legal practice on risk management services, and defense and insurance coverage litigation in the areas of professional liability, including architects/engineers as well as other construction professionals; real estate and insurance brokers/agents; construction/construction defect liability; product liability; and contract drafting, negotiating and risk transfer disputes on behalf of developers and contractors. Wendy handles defense and coverage matters for the U.S. and London insurance markets. Her understanding of these markets and varied underwriting practices as well as her experience in drafting and interpreting policy language contributes to her effectiveness with coverage analysis and as a litigator in her areas of practice.

In addition, Wendy has a breadth of real estate E&O defense experience managing and resolving claims on behalf of large national property management and brokerage firms as well as litigating disputes throughout the United States on behalf of real estate brokers, appraisers, title abstractors, home inspectors, insurance brokers, managing agents and broker-dealers. In addition to efficiently managing claims, she assists our real estate professionals in licensing and regulatory matters as well as navigating complex contractual issues, leases and agency agreements; performing due diligence related to acquisitions; helping to ensure fair housing and other applicable statutory and/or local code and regulatory compliance. Wendy's experience in the insurance and real estate industries results in spot-on analysis of liability and exposure and effective resolution strategies.

First and foremost, Wendy is an aggressive advocate for her clients. She develops strong client relationships through trust, responsiveness, reliability and attention to detail. From inception to the successful conclusion of a case, her skills, experience and focus are all directed toward achieving a cost-effective resolution strategy in anticipation of her clients'

### Services

- Design Professionals
- Commercial Contracts & Agreements
- Commercial Litigation
- Complex Tort & General Casualty
- Construction
- Employment & Labor
- Health Care Law
- Insurance & Reinsurance Coverage
- Specialty Professional Risks
- Product Liability, Prevention & Government Compliance
- Professional Liability & Services
- Transportation
- Canada

needs. Wendy is an efficient and effective litigator as a result of her responsiveness and attention to detail and the key issues of each case.

### **Professional Liability**

Wendy defends professional clients, with an emphasis on architects, engineers, brokers and real estate professionals. Working closely with nationwide clients, she provides pre-claim added value risk management services, including contract review and drafting, seminars, webinars and continuing education programs. Her primary focus when formulating a defense is to cost-effectively resolve presuit and litigated matters or those pending before administrative agencies and licensing boards.

### **Architects & Engineers**

Wendy is experienced in the defense of architects, engineers, construction managers, design builders and surveyors and is proud to cochair the firm's Design Professional practice team. She regularly engages in nationwide client risk management services for design professionals including contract review, drafting and negotiating and providing seminars and continuing education programs on risk management tools, risk transfer, trending claims and hot topics in the construction industry. Wendy is barred and has extensive experience in defending architects and engineers in Pennsylvania and New Jersey.

### **Agents & Brokers**

As part of her professional liability practice, Wendy represents wholesale and retail insurance agents and real estate professionals, including title agents. The scope of services she provides is inclusive of those she provides for construction professionals.

### **Construction / Construction Defect**

Wendy's practice in this area goes hand in hand with her significant experience defending design professionals. She has defended contractors, commercial and residential construction firms, construction managers and project owners in primarily in Pennsylvania and New Jersey, including disputes related to contractual defense, indemnification and insurance coverage issues as well as multi-party, high exposure bodily injury and construction defect claims. Wendy is the co-editor and contributor to the Wilson Elser Artisan/Construction Defect Law 50 State Review.

### **General Liability**

As a cochair for the firm's Complex Tort and General Casualty practice team, Wendy has built a diverse civil litigation practice handling premises, auto and liquor liability matters on a national basis for several Fortune 500 companies and other large self-insured clients. Wendy provides her clients with a high level of responsiveness and personalized attention to assist in risk and crisis management at the pre-litigation phase of potential claims and when preparing a defense in litigated matters. Representative clients include construction firms, commercial and residential property owners and management companies, restaurants, and food and beverage manufacturers, suppliers and distributors. In addition, Wendy has co-authored Wilson Elser's 50-state Liquor Liability Law Review for the past several years.

### **Insurance Coverage**

Wendy's experience includes both coverage litigation and drafting coverage opinions for insurers related to commercial general liability as well as professional liability policies. She has obtained very favorable results through motion and appellate practice of coverage disputes for her clients.

### **Product Liability**

A large portion of Wendy's practice involves the defense of product liability claims against domestic and foreign manufacturers and suppliers of construction equipment, industrial machinery; and food and beverage products. She advises clients and aggressively defends their products in complex cases arising out of a product's design, manufacture or marketing. These cases often involve wrongful death and catastrophic injuries, including brain damage, amputation and paralysis, as well as substantial economic claims.

### **Commercial Litigation**

Wendy's practice includes commercial and breach of contract lawsuits as well as a background in corporate transactional matters, and reviewing, drafting and negotiating contracts, leases and credit and security agreements.

### **Education**

- Widener University School of Law (J.D., 1997)
- The Pennsylvania State University (B.A., 1992)

### **Bar Admissions**

- Pennsylvania
- New Jersey

### **Court Admissions**

- Supreme Court of the United States
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, Middle District of Pennsylvania

### **Professional Affiliations**

- Philadelphia Bar Association
- Camden County Bar Association
- National Association of Women in Construction
- RIMS: The Risk Management Society
- Professional Liability Underwriting Society
- PLUS Mid-Atlantic Chapter Steering Committee, Mid-Atlantic Chapter Chair 2011-2012,

2016-2017

- Claims Litigation Management Alliance (CLM); member Construction Claims Community; member Claims College Committee; member Conference Committee

### **Awards & Honors**

- Selected for inclusion in *Pennsylvania Super Lawyers*, for Professional Liability: Defense Litigation, 2016 - 2018