Gerber Ciano Kelly Brady LLP



Roberto, Joanna M.

Position: Partner

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Locations

New York, New York

Garden City, New York

Rocky Hill, Connecticut

Practice Areas

- Insurance Solutions
- Professional Liability
- General Litigation

Admissions

Connecticut, New York, U.S. District Court for the Eastern District of New York, U.S. District Court for the Southern District of New York, U.S. District Court for the Northern District of New York, Pennsylvania, U..S. Court of Appeals, Second Circuit, U.S. Court of Appeals, Tenth Circuit, U.S. District Court for the District of Connecticut , Nebraska; U.S. District Court for the District of Nebraska

Biography

Joanna is the Practice Group Leader for the Insurance Solutions practice. She concentrates her practice in complex insurance coverage, product liability, and commercial litigation. She serves as counsel for multi-national insurance carriers in numerous matters pending throughout the country. Joanna has litigated all phases of declaratory judgment actions and arbitrations. She has counseled large insurers on risk management, underwriting procedures, and policy rewriting and claims practices.

She also focuses her practice on professional liability claims, including errors and omissions; property claims; life, health, and disability; construction liability coverage; Coverage B litigation; and products liability. She recently chaired the Annual Meeting for the Torts Insurance and Compensation Law (TICL) Section of the New York State Bar Association.

Joanna is currently the Chair of DRI's Insurance Law Committee and CLE Chair of the Torts, Insurance and Compensation Section of the New York State Bar Association . She is an active commentator for Law360 and *Mealey's Litigation Report: Insurance Bad Faith*.

Joanna is multi-lingual and has attained a degree in linguistics in Florence, Italy. She has a familiarity with and appreciation for international claims handling practices as a result of her experience handling claims arising in Mexico, Italy, the United Kingdom, Spain and France.

Education

- Pace University School of Law, J.D.
- Diploma di Conoscenza, Centro Linquisto, Florence, Italy
- Hofstra University, B.A.

Honors

- AV Preeminent Peer-Review Rating (Martindale-Hubbell)
- New York Metro *Super Lawyers*, 2013-2016, 2020-2026 (Thomson Reuters)
- Top Women Attorneys in the New York Metro Area, 2013-2016, 2020-2024
- Chairperson of the Year Award, New York State Bar Association, Torts Insurance and Compensation Law Section, 2018

Languages

- Italian
- French

Professional Leadership

- New York State Bar Association
  - Member, Executive Committee Torts, Insurance, and Compensation Law Section
  - Chair, Insurance Coverage Committee, Torts, Insurance, and Compensation Law Section
  - Editor, TICL Insurance eNews
  - Statewide Chair, Law School for the Claims Professional
- Member, Insurance and Reinsurance Legacy Association (IRLA)
- Defense Research Association
  - National Director, Board of Directors, Elected, 2026-Present
  - Chair, Insurance Law Committee, 2024-2026
  - Vice Chair, Insurance Law Committee, 2024
  - Member, Steering Committee, Insurance Law Committee
  - Chair, Directors and Officers Sub-committee, Insurance Law Committee
  - Chair, Expert Witness Database
  - Presenter, multiple seminars
  - Author, multiple publications
- NYC Chapter, National Association of Insurance Women
- Board of Directors, New York Claims Association
- Coalition of Women's Initiatives in Law, New York Chapter
  - President, 2022-2023
  - Treasurer, 2021-2022

- Coalition of Women's Initiatives in Law
  - National Board, 2022-2023

Representative Matters

***Paramount Aviation v. Agusta*, 288 F.3d 67 (3rd Circuit, 2002)**

After multiple motions in District Court, the 3rd Circuit addressed whether economic loss alone is ever recoverable under the strict liability law of New Jersey and, if so, when the causal nexus between the defect and alleged losses is too attenuated to permit recovery in strict liability.

***Zimmerman v. Peerless*, 85 AD3d 1021 (2nd Dept. 2011)**

Dismissal of action and finding of no duty to defend or indemnify insured where notice was provided six months after occurrence. The court rejected any reasonable belief of non-liability as an excuse to the late notice because the insured offered money to pay the claimant.

***Esposito v. Ocean Harbor Ins. Co.*, 2013 U.S. Dist. LEXIS 179262 (EDNY Dec. 19, 2013)**

One of the first matters where the court granted summary judgment to insurer to dismiss the bad faith and extra contractual claims in a Superstorm Sandy matter.

***Western Heritage Ins. Co. v. Jacob Development*, 2014 WL 297792 (E.D.N.Y., 2014)**

Matter was dismissed because there was no obligation for the insurer to defend or indemnify insured because ultimately policy exclusions applied to bar coverage.

***Kung v. Scottsdale Ins Co*., 130 A.D.3d 878 (2nd Dept. 2015)**

Dismissal of a direct action where the claims were based on contractual claims that amounted to improperly performed work by the insured.

Presentations

- DRI Sexual Torts Seminar, Strategies for Evaluation of Damages, Mediation & Settlement, March 2023
- CLM Focus, The Extra-Contractual Year In Review, New York, NY, December 2022
- Additional Insured Endorsements and Their Thorny Issues, Insurance Coverage and Practice Symposium, December 5, 2019

- Statewide Chairperson, “Premises Liability Issues and Considerations,” New York State Bar Association, New York March 2018

- Statewide Chairperson, “Law School for Insurance Professionals,” New York State Bar Association, New York, September 2017

- Chair, “Northeast Regional Claims Conference,” Defense Research Institute, Hartford, CT, November 2017

- Chair, “Annual Fall Meeting” New York State Bar Association, Nashville, TN, November 2017

- Statewide Chairperson, “Labor Law Claims, Coverage and Litigation,” New York State Bar Association, New York, December 2016

- Presenter, “Deep Dive into Defending,” Insurance Coverage and Practice Symposium, Defense Research Institute, New York, NY, December 9, 2016

- Statewide Chairperson, “Handing and Taking Depositions,” New York State Bar Association, New York, October 2016

- Presenter, “Insurance Coverage Update 2016,” New York State Bar Association, June 3, 2016

- Statewide Chairperson, “Insurance Coverage Update 2015: Coverage Disputes and Litigation, “ New York State Bar Association, New York, May 2015

- Statewide Chairperson, Insurance Coverage Update, New York State Bar Association, New York, New York, May 2011

Publications

- Commentator, "Top Property Insurance Decisions So Far In 2025," Law360, August 1, 2025

- Quoted by Kobe University, D1008553.pdf, March 25, 2025

- Quoted by University of Gothenburg, School of Business, Economics and Law, Master Thesis - Ezabella Kwok & Sarah Pramle, 25/03/2023

- Author, “NY Insurance Ruling Reveals Limits Of Contra Proferentem,” Law360, August 5, 2022

- Commentator, “Property Insurance Cases Of Note From The 1st Half of 2022,” Law360, August 5, 2022

- Interviewed in, “Coalition of Women’s Initiative In Law,” Newsletter, Winter 2022

- Commentator, “2nd Cir. Delivers Another Virus Coverage Win For Insurers,” *Law360*, January 4, 2022

- Commentator, “NY Gun Law May Create Opiodlike Litigation For Insurers,” *Law360*, July 16, 2021

- Author, “Til Death Do Us Part:” Coverage and Contractual Obligations, Defense Re-search Institute, *For The Defense*, December 2020

- Author, “In Front and Behind the Scenes with Fronting Insurance Programs,” In-House Defense Quarterly, Fall 2020

- Quoted by La Voce Degli Indipendenti, La voce degli indipendenti, *I programmi as-sicurativi per la protezione dei Directors & Officers in ambito internazionale* published 26/09/2019

- Quoted by La Voce Degli Indipendenti, La voce degli indipendenti, *Disciplina della copertura assicurativa delle spese legali nelle polizze D&O: inquadramento e problem-atiche* published 26/3/2019

- Quoted by University of Buckingham, School of Law, 1301644 PROTECTIONISM AND LIBERALISATION IN THE NIGERIAN INSURANCE SECTOR.pdf, March 2019

- Author, “Estoppel: The Reason Why Coverage Ends or, Really, Begins,” Defense Research Institute, *Covered Events*, December 23, 2016

- Author, “What You Need to Know: The Rise of Global Insurance Policies,” De-fense Research Institute, *For the Defense*, May 2016

- Commentator, “Insurance Companies Not Forced to Defend Malicious Defamation Claims,” The Insurance & Reinsurance Report, March 25, 2015

- Author, “NY Insurers May Benefit From Lower Disclaimer Standard,” *Law360* July 17, 2014

- Author, “Advertising Offenses,” Defense Research Institute, *Coverage B: Personal and Advertising Injury Compendium*, May 2014

- Author, “Professional Liability Insurance: A Compendium of State Law,” Defense Research Institute, December 20, 2012