

Woman Settles for \$1.8 Mil. in Lehigh Co. Over Sexual Relationship with Therapist

A 23-year-old woman reached a \$1.8 million settlement in Lehigh Common Pleas Court this week over the sexual contact she had with her unlicensed psychotherapist and the allegedly negligent oversight the psychotherapist's supervisors provided over the therapeutic relationship.

Plaintiff Alyssa Thatcher's attorneys said that she may be able to recover up to another \$2 million because two of the defendants assigned their rights they have against their insurers in the accords Thatcher struck, respectively, with her former therapist, as well as with one of the therapist's alleged supervisors.

The case of *Thatcher v. Smith* settled Jan. 31. Lehigh County Common Pleas President Judge Carol K. McGinley was the presiding judge.

Thatcher's damages were entirely noneconomic damages, said plaintiff's attorney Tom Kline of Kline & Specter in Philadelphia. Thatcher's damages included the fact that she did not have the opportunity to receive beneficial treatment for her adolescent psychological disorders and she has post-traumatic stress disorder, as well as a deepening of her depression and anxiety, because of the sexual relationship, the plaintiff's papers said. Plaintiff's co-counsel was David K. Inscho of Kline & Specter.

Thatcher's former therapist, Andrew Smith, agreed to enter a \$1 million judgment against himself, and Smith assigned his right of recovery against his insurers, Executive Risk Indemnity and Chubb Health Care Insurance, to the plaintiff, Kline said.

Thatcher will argue that the exclusion in Smith's Executive Risk policy for sexual contact between Smith and a client is an exclusion that is against public policy, Kline said. Thatcher now owns the claim Smith would have had against his insurer if there had been a large verdict against him, Kline said.

And one of the therapist's supervisors, neurologist and psychiatrist Adnan Zawawi, agreed to enter a \$2 million judgment against himself; Thatcher agreed to limit her right of recovery to Zawawi's \$500,000 medical malpractice policy with Physician Insurance Exchange and to Zawawi's \$500,000 coverage with the Medical Care Availability and Reduction of Error Fund, Kline said.

Zawawi also agreed to pay \$800,000 through his general insurance carrier, Erie Insurance Exchange, Kline said.