



# Medical Malpractice Litigation

## Overview

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Our Medical Malpractice Litigation Group offers deep trial and appellate experience across the healthcare continuum, representing hospitals and health systems, physicians and nurses, long-term care providers, assisted living facilities, acute care facilities, dialysis providers, developmental disability facilities, insurers, and managed care organizations.

Our trial attorneys include experienced in-house counsel at leading academic medical centers and nursing professionals and a board-certified physician who have provided hands-on patient care in a range of clinical environments. This first-hand understanding of all facets of the healthcare delivery system allows us to provide our clients with insight and invaluable experience both at the bedside and in the boardroom. Our attorneys offer knowledgeable and practical counsel on compliance, quality assurance, and risk management issues, and we are well positioned to offer our clients an advocacy voice before boards, regulators, and legislators at the local, state, and federal levels.

We have been admitted to try cases in virtually every jurisdiction in the United States and have tried to jury verdict cases in Ohio, California, Arizona, Delaware, District of Columbia, Florida, Illinois, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin.

### AREAS OF EMPHASIS

- Represent healthcare providers, hospitals, HMOs, nursing homes, emergency care facilities, dialysis providers, dental care facilities, physicians, nurses, and ancillary healthcare providers in malpractice actions
- Counsel healthcare administrators, physicians, and nurses on risk management and quality assurance matters
- Conduct quarterly or semi-annual meetings with hospital clients to review status of pending claims
- Advise hospitals, administrators, physicians, dentists, and nurses on various medical/legal issues, including consent to treat, medical records, incident reports, peer review, and termination of life support
- Conduct pre-suit investigation and evaluation of potential claims and, when appropriate, negotiate pre-suit settlements
- Advise insurance companies and professionals on their respective rights and duties under professional liability insurance policies
- Conduct legal audits of professionals and their practices

- Protect the uninsured interests of professionals in litigation
- Conduct educational programs and workshops for professionals dealing with legal issues

## Experience

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- Obtained a defense verdict on behalf of a hospital and its nursing staff in a birth injury case where the plaintiff alleged improper management of labor and delivery resulting in a permanent brachial plexus injury (2019)
- Obtained a defense verdict on behalf of an ob/gyn in a medical malpractice case where the plaintiff alleged that the doctor's negligence in conducting a preoperative evaluation resulted in the patient's debilitating post-operative stroke (2017)
- Obtained a defense verdict for a hospital in a wrongful death case arising from a patient's loss of airway from a tracheotomy change; jury trial 2014
- Obtained a defense verdict for a hospital in a wrongful death case where the plaintiff alleged that the improper placement of a nasogastric feeding tube caused the patient's death; jury trial 2013
- Obtained a defense verdict for a nursing home in a wrongful death claim alleging death and injuries from a severe decubitus ulcer; jury trial 2012
- Obtained a defense verdict for a family practice physician in a medical malpractice case where the plaintiff alleged that improper treatment of a diabetic foot ulcer resulted in a below-the-knee amputation; jury trial 2012
- Obtained a defense verdict for a nursing home in a wrongful death case where the plaintiff alleged that improper respiratory treatment by the nursing home's employees resulted in the death of the nursing home resident; jury trial 2012
- Defended an emergency room doctor in a medical malpractice action dismissed on summary judgment due to technical failure of plaintiff to preserve statute of limitations (2010) later upheld by the Ohio Supreme Court
- Obtained a defense verdict for a nursing home in a wrongful death case where the plaintiff alleged that improper turning by the nursing home's aides resulted in a hip fracture and the nursing home resident's subsequent death; jury trial 2008
- Represented an emergency room doctor in a wrongful death medical malpractice suit alleging a failure to diagnose an impending cardiac arrest; jury trial 2008
- Argued in favor of a broader interpretation of "medical claim" under the tort reform statute (2008)
- Defended a physician and clinic in a birth injury causing brain damage claim, winning a judgment finding that Ohio does not recognize pre-conception torts (2007)
- Obtained a dismissal of cause of action due to plaintiff's failure to file an affidavit of merit in a refiled cause of action for medical malpractice (2007)
- Successfully defended neurosurgeons in multiple medical malpractice trials alleging complications from cervical fusions and discectomies; jury trials 2002 and 2004

- Defended a hospital in a complex contracting case dismissed on motion and upheld on appeal; defended hospital and staff in wrongful death and medical malpractice suit alleging failure to diagnose an impending heart attack and alteration of medical records; jury trial 2001