



ERNEST W. AUCIELLO, JR.

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Service Areas

Long Term Care; Medical & Pharmaceutical Liability

Bar Admissions

Ohio, 1985
United States Court of Appeals, Sixth Circuit
United States District Court, Northern District of Ohio
United States District Court, Southern District of Ohio

Education

University of Toledo College of Law (J.D., *cum laude*, 1985)
Order of the Coif
Law Review, The University of Toledo College of Law
American Jurisprudence Awards:
Constitutional Law I and II
Conflicts of Law
Criminal Law
Bowling Green State University (B.S., *cum laude*, 1982)

Bio

Ernest W. Auciello Jr. is a Partner in the Cleveland office of Tucker Ellis. Ernie is a trial lawyer who focuses on pharmaceutical litigation, medical malpractice, and long term care litigation with an emphasis on the defense of medical professionals, hospitals, and other medical institutions and product manufacturers. Throughout the past twenty years, he has tried over 50 civil jury trials as first-chair counsel. He has successfully managed a variety of litigation against product managers, employers and health care providers and has represented his clients before courts of all levels, administrative agencies and in private arbitration.

After law school, Ernie served a two year clerkship for U.S. District Judge Churchill in the Northern Division of the Eastern District in Bay City, Michigan and assisted Judge Churchill during his designation to the United States Court of Appeals for the Sixth Circuit. Ernie has lectured before both national and local organizations on risk management and litigation and the defense of medical malpractice. He is a member of the Ohio State and Cleveland Metropolitan Bar Associations, Ohio Association of Civil Trial Attorneys and a member of the Medical Liability Committee for the Defense Research Institute. Ernie and his wife live in Perry Township, Ohio.

Representative Cases

Hodgemire v. Janssen Pharmaceutica, Inc., Circuit Court for Seminole County, Florida. Wrongful death product liability suit involving a fentanyl pain patch. Jury trial 2008.

Foster v. National Emergency Services, Common Pleas Court for Lorain County, Ohio. Wrongful death medical malpractice suit alleging a failure to diagnose an impending cardiac arrest. Jury trial 2008.

Kirk v. Smith Clinic, Common Pleas Court for Marion County, Ohio. Birth injury causing brain damage claim against doctor and physician dismissed on summary judgment finding that Ohio does not recognize pre-conception

torts (2007).

Smith v. Gill, Common Pleas Court for Cuyahoga County, Ohio. Medical malpractice action against physician dismissed on summary judgment due to technical failure of plaintiff to preserve statute of limitations (2010).

Shull v. Itani, Common Pleas Court for Lake County, Ohio. Medical malpractice action against neurosurgeon for complications from cervical fusion. Jury trial 2002.

MetroHealth Medical Center v. Kaiser Foundation Hospitals, 66 Ohio St. 3d 1203 (1993). Complex hospital contracting case dismissed on motion and upheld on appeal.

Hampton v. St. Michaels Hospital, Court of Common Pleas for Cuyahoga County, Ohio. Wrongful death and medical malpractice suit against hospital for failure to diagnose an impending heart attack. Jury trial 2001.

Armstrong v. Brown, Court of Common Pleas for Trumbull County, Ohio. Suit alleged serious brain injury to a child from an auto collision with a tractor trailer. Jury trial 2000.

Speaking Engagements

2009 DRI Medical Liability and Health Care Seminar, Orlando, Florida

Civic & Professional Involvement

Defense Research Institute, Medical Liability Committee

Ohio Association of Civil Trial Lawyers

Ohio Super Lawyer® (2007, 2009-2010)

Fellow, Litigation Counsel of America Honorary Society