Tucker Ellis LLP

Medical Malpractice Litigation

Overview

Our Medical Malpractice Litigation Group offers practical and personal clinical experience combined with extensive 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, pharmacies, behavioral health organizations, and insurers.

Our trial attorneys recognize that the defense to every case requires a thorough understanding of the medicine at issue. For that reason, we identify and retain highly credentialed medical experts early on in each case, consulting with them to shape an effective and medically precise defense. We also rely on our experienced nurse paralegals for critical insight in reviewing and analyzing the relevant medical records. In addition, we meet with the involved healthcare providers not only to learn the nuances of the care and treatment at issue, but also to educate them on the legal process. This approach gives our clients a distinct advantage in resolving high-stake cases both in and outside of the courtroom.

Our attorneys include former in-house counsel at leading academic medical centers and a nursing professional. This first-hand understanding of the healthcare delivery system allows us to offer knowledgeable and practical counsel on regulatory compliance, quality assurance, and risk management issues. We are also well positioned to advocate for our clients before boards, regulators, and legislators at the local, state, and federal levels.

AREAS OF EMPHASIS

- Medical malpractice defense, both at trial and on appeal
- State and federal medical privacy laws
- Assisted reproductive technology, including in vitro fertilization (IVF), liquid nitrogen freezers, and laboratory accidents, and fertility center representation
- Risk management and quality assurance
- Evaluation and revision of hospital bylaws, policies, and procedures
- Peer review proceedings and litigation
- Pre-suit investigation and evaluation of potential claims
- Post-resolution analysis of cases
- Rights and duties under professional liability insurance policies
- Regulatory board representation
- Uninsured interests of professionals in litigation

- Educational programs and workshops

VALUE-ADDED TRIAL SERVICES

Supported by our Information Technology team, Tucker Ellis provides a range of value-added technical services for trials that are typically outsourced by other firms, resulting in savings for our clients. These services include:

- Graphic design
- 2D and 3D animations
- Interactive timelines
- Video editing
- Courtroom hot-seat operator
- Equipment setup in court
- War room setup for coordination of out-of-town trials

Experience

- Obtained defense verdict on behalf of hospital system and resident physician in case alleging post-operative sudden death (jury trial 2023)
- Defended hospital systems in multiple cases alleging employees' improper access to and disclosure of patients' protected health information (summary judgment 2023)
- Obtained defense verdict on behalf of hospital system and surgeon in case alleging injury from a TURP procedure (jury trial 2022 affirmed on appeal 2023)
- Defended nursing home group in case alleging personal injuries and wrongful death of resident with Stage 4 ulcer (jury trial 2022)
- Obtained defense verdict on behalf of a hospital alleging compartment syndrome from a dislodged arterial line (jury trial 2022)
- Served as lead counsel defending hospital system against claims of hundreds of patients, including putative class actions, stemming from failure of a liquid nitrogen tank in an IVF laboratory (2018-2022)
- Obtained defense verdict on behalf of hospital in case alleging improper labor and delivery management caused minor's permanent brachial plexus injury (jury trial 2019)
- Defended hospital system in case alleging delay in diagnosing spinal epidural abscess leading to paraplegia (jury trial 2018)
- Obtained defense verdict on behalf of an ob/gyn in case alleging that a negligent preoperative evaluation resulted in the patient's debilitating post-operative stroke (jury trial 2017)
- Obtained defense verdict on behalf of a hospital in case alleging wrongful death arising from a patient's loss of airway during a tracheotomy change (jury trial 2014)

- Obtained defense verdict on behalf of a hospital in case alleging that administration of antibiotic in the ER caused Stevens-Johnson syndrome in minor patient (jury trial 2014)
- Defended internists and family practice physicians in multiple cases alleging that prescription of controlled substances was contrary to standard of care and led to patients' deaths
- Defended orthopedic clinic and its surgeons in cases alleging improper implant selection and surgery
- Defended hospitals, ob/gyns, and resident physicians in cases alleging catastrophic birth injuries