

Philip L. Willman

Principal



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Practice Areas

Health Care Liability
Life Sciences
Professional Liability

Education

Vanderbilt University Law School (J.D., 1978)
University of Illinois (Honors: Research Fellow In
Environmental Law, 1978-1979)
Duke University (B.A., *magna cum laude*, 1975)



Philip L. Willman devotes his trial practice to defending physicians, medical schools, nurses, hospitals, nursing homes, psychologists and other healthcare providers in medical negligence and healthcare lawsuits and medical device manufacturers in medical device litigation. He also provides representation to defendants in environmental litigation.

Mr. Willman obtained his Bachelor's degree, *magna cum laude*, from Duke University in 1975 and his Juris Doctor degree from Vanderbilt University in 1978. From 1978 to 1979, he was a Research Fellow in Environmental Law at the University of Illinois College of Law. From 1979 to 1984, he served as an Assistant Attorney General in the Environmental Control Division for the Illinois Attorney General, handling numerous trials and administrative proceedings involving civil and criminal environmental prosecution to conclusion.

Over the years, Mr. Willman has focused on professional liability defense and risk management for healthcare providers and medical device manufacturers. He has tried more than 100 cases to a conclusion as lead counsel in jury trials in state and federal court, in both Missouri and Illinois. He has also provided representation in environmental lawsuits. He has written and lectured on various topics related to risk management and medical professional liability. He has provided lectures for Washington University, Saint Louis University, St. Luke's Hospital, The Medical Protective, Medical Assurance, ProAssurance, PIC-Wisconsin and Ophthalmic Mutual Insurance Company.

Mr. Willman has been active in professional organizations, dedicated to the support and improvement of the civil justice system. He has been a director for the Missouri Organization of Defense Lawyers and Missouri State Representative for DRI. He has also been active in the education of the defense bar and its clients. He has been program co-chair for the DRI Complex Medicine Seminar and program chair for the DRI Medical Liability Seminar. He also served as the chair and vice-chair of the Medical Liability & Health Care Law Committee from 2007-2011. He served as the DRI mid-region director from 2013-2016. He is currently serving as first vice president of DRI and will become president in 2019.

Recent Achievements

First Vice President, DRI (2017)

* Will become President of DRI in 2019

Best Lawyers - Medical Malpractice Law-Defendants, *The Best Lawyers in America* (2008-2019)

Best Lawyers - Personal Injury Litigation - Defendants, *The Best Lawyers in America* (2019)

Best Lawyers - Product Liability Litigation - Defendants, *The Best Lawyers in America* (2019)

Benchmark Litigation, State Litigation Star - Missouri (2018)

Super Lawyers - Personal Injury Medical Malpractice: Defense, *Missouri & Kansas Super Lawyers* (2010-2017)

Mid-Region Director, DRI (2013-2016)

President, St. Louis Association of Healthcare Risk Managers (2013)

St. Louis' Best Lawyers - Medical Malpractice Law-Defendants, *St. Louis Magazine* (2008-2012)

Top Defense Verdict in the State of Missouri, *Missouri Lawyers Weekly* (2008)

Professional Affiliations

Bar Association of Metropolitan St. Louis
International Association of Defense Counsel - Member
The Missouri Bar
Missouri Organization of Defense Lawyers - Director
DRI - Chair, Medical Liability Committee; State Representative, Missouri; Mid-Region Director; Second Vice President
Federation of Defense & Corporate Counsel - Member
Missouri Society of Health Care Attorneys - Member
St. Louis Association of Health Care Risk Managers - President

Bar Admissions

Missouri
Illinois
U.S. District Court of the Eastern District of Missouri
U.S. District Court of the Western District of Missouri
U.S. District Court of the Northern District of Illinois
U.S. District Court of the Southern District of Illinois

Publications

Author, "The Past is Prologue to the Future," *For The Defense*, DRI, Vol. 60, No. 2 (February 2018)

Co-Author, "Coupling Evidentiary and Procedural Tools: Defending Negligent Credentialing Cases," *For the Defense* (DRI Publication - Medical Liability and Health Care Law) (July 2010)

"Partners in Health Care," Andrea Mongler Section Editor, *St. Louis Business Journal*, Vol. 27 No. 49 pg. 27 (August 2007)

Editor, The MedLaw Update Newsletter, DRI Medical Liability and Health Care Liability Committee (2006)

"Patient Confidentiality and Medical Records: An Overview of the Law in Missouri and Illinois," Confidentiality of Medical Records Seminar, Lorman Business Institute (May 2000)

"Managed Care, Confidentiality and Medical Records," Health Care and the Law Seminar, University of Missouri - Kansas City (March 1999)

"Medical Trusts - New Approaches to Structured Settlements," Medical Defense Associates Attorney Seminar (October 1985)

Speaking Engagements

- | Presenter, "Jury Selection: How to Counter the 'Plugged-In' Plaintiffs' Bar's Formula for Jury Selection," Brown & James General Defense & Insurance Law Symposium (January 2018)
- | Presenter, "Defense Strategies to the Reptile Theory," Brown & James Law Symposium (January 2016)
- | Panel Lecturer, "Defending the Blackboard Damages Case," Brown & James Law Symposium, (January 2014)
- | Lecturer, "Lessons Learned from Ophthalmology Medical Liability Claims" Table Rock Regional Round Up (September 2013)
- | Lecturer, "Do Teachers Make Lousy Defense Jurors?" BAMSL Bench and Bar Conference (2011 and 2013)
- | Panel Lecturer, "What to Expect as a Second Chair at Trial," DRI Medical Liability and Health Seminar (2013)
- | Lecturer, "Breaking Up is Hard to Do - Dealing with the Difficult Patient," Medical Group Management Association (2012 and 2013)
- | Lecturer, "Update of the Law," Washington University/BJC Joint Defense Counsel Seminar (2009-present)
- | Panel Lecturer, "How to Defend the Cancer Case," DRI Medical Liability and Health Seminar (2008)
- | Chair, DRI Medical Liability & Health Care Law Seminar (2008)
- | Vice Chair, DRI Medical Liability & Health Care Law Seminar (2007)
- | Co-Chair, DRI Complex Medicine Seminar (2005)
- | Lecturer, "Top Ten Most Frequently Asked Questions by New Physicians," Saint Louis University School of Medicine Pediatric Residency Program (2000-2010)
- | Lecturer, Various Topics on Risk Management, Ophthalmic Mutual Insurance Company (2001-2003)
- | Lecturer, Various Topics on Risk Management for Physicians, Medical Assurance (2002-2013)
- | Lecturer, Various Topics on Risk Management for Physicians, The Medical Protective (2000-2003)
- | Lecturer, "Managed Care Liability," Washington University Defense Counsel Seminar (2002)
- | Lecturer, "Risk Management Issues for Providers Under Managed Care," St. Louis Association of Healthcare Risk Managers Seminar (1998)
- | Lecturer, "Positioning Injury Cases - Winning Strategies," Washington University Defense Counsel Seminar (1996)
- | Lecturer, "Discovery Tips and Techniques from the Defendant's Perspective," Medical Malpractice Seminar, University of Missouri - Kansas City (1994)

Selected Cases

Koelling v. Mercy Clinic, et. al, Franklin County, Missouri (2017) - unanimous defense verdict on claim of infection and other complications following colorectal surgery.

Nicolson v. Orthopedic Associates, et. al, St. Louis County Circuit Court (2016) - defense verdict in a case involving partial paralysis following spine surgery.

Whitehead v. Washington University, et. al, St. Louis City Circuit Court (2015) - defense verdict on the claim of loss of bowel function following the use of surgical staplers for colorectal surgery.

Tullock v. St. Alexius Hospital, et. al, St. Louis City Circuit Court (2014) - defense verdict on wrongful death claim involving diagnosis and treatment of aortic aneurysm.

Greco v. Orthopedic Sports Medicine, Madison County, Illinois (2013) defense verdict on death claim from pulmonary embolism.

Smith v. St. Alexius Hospital, St. Louis City Circuit Court (2013) defense verdict on wrongful death claim involving emergency room treatment.

Dunn v. St. Alexius Hospital, St. Louis City Circuit Court (2012) defense verdict on wrongful death claim involving the diagnosis of an ischemic bowel.

Will v. Pepose Vision Institute, St. Louis County Circuit Court (2011 and 2015) defense verdict in case tried twice involving loss of vision in one eye from a retinal detachment.

Noldon v. Saint Louis University, St. Louis City Circuit Court, Missouri (2009) Plaintiff claimed a University obstetrician failed to timely deliver a baby by C-section, resulting in cerebral palsy. Plaintiff claimed more than \$17 million in damages. The jury returned a defense verdict. The case showed how effective use of ACOG criteria can support a causation defense.

Parish v. Bond, St. Louis City Circuit Court, Missouri (2008) A patient suffering from high blood pressure asserted her physician failed to manage her hypertension, resulting in a stroke and brain injury. The defense verdict was the result of using evidence of patient non-compliance as a shield against negligence claims.

Hoff v. St. John's Mercy Medical Center, St. Louis County Circuit Court, Missouri (2007) A trauma patient, with a thoracic spine fracture and a seizure disorder, alleged a spine surgeon delayed surgery, resulting in his experiencing seizures and paralysis. The jury verdict for the spine surgeon was based on a medical causation defense.

Schrum, et al., v. Boardwine, St. Louis County Circuit Court, Missouri (2005) One of five medical professional liability cases tried against a surgeon performing spinal surgery using the BAK implantation device. Four of the cases resulted in a verdict for the surgeon, despite adverse testimony from local treating surgeons.

Hertel v. Berkowitz, Madison County, Illinois (2003) Plaintiff claimed she developed avascular necrosis, necessitating a hip replacement, as a result of the physician's improper use of Kenalog steroidal injections. After two days of deliberation, the court declared a mistrial, with the jury 10-2 in favor of the physician. The case was subsequently dismissed.

Lee v. McKee, St. Louis City Circuit Court, Missouri (2002) In this wrongful death case, plaintiffs claimed a dermatologist failed to make the diagnosis of melanoma in a patient, a young mother of two children. The plaintiffs' demand was \$1 million. The jury verdict was for the defendant. Plaintiffs rejected a settlement offer of \$500,000.

Virgin v. Hopewell Center, Missouri Court of Appeals, Eastern District (2002) Decision determined healthcare providers do not owe a duty to warn the general public of the mental health status of a patient and the potential danger the patient presents to the public.

Reelitz v. Washington University, St. Louis City Circuit Court, Missouri (2001) Plaintiff claimed physicians at the University transplanted a liver in a patient that resulted in her contracting hepatitis and causing death. The jury verdict, for the University, recognized how medical knowledge changes over time.

Asaro v. Cardinal Glennon, Missouri Supreme Court (2001) Missouri Supreme Court decision established limitations on emotional injury claims of parents for injuries to children.

Arrington v. Rose, Butler County Circuit Court, Missouri (1998) The family of a patient brought a wrongful death claim, asserting an anesthesiologist should have referred the patient to a vascular surgeon following cancer surgery, resulting in the patient losing both legs and then dying. The defense verdict was based on the defense of a recognized complication.

Douglas v. Saint Louis University, United States District Court, Eastern District of Missouri (1993) A son brought suit for the death of his mother who was treated for a stroke and subsequently died from a pulmonary embolism. The jury brought a unanimous verdict for the healthcare providers.

Prior Legal Experience

Principal, Moser & Marsalek, P.C. (1984-2012)

Assistant Attorney General, Illinois Attorney General's Office, Environmental Control Division (1979-1984)

Research Fellow in Environmental Law, University of Illinois College of Law (1978-1979)

Community Activities

Board of Advisors, Saint Louis Priory School and Abbey

President, Saint Louis Priory Alumni Association

Current Commissioner, Westminster/Lake Special Business District

Chairman and Commissioner, City of St. Louis Heritage and Urban Design Commission

President, Soulard Restoration Group

Finance Commissioner, Sts. Peter and Paul Catholic Church

Director, Missouri Neurofibromatosis Foundation

Founder, Past President, Current Director, Peter and Paul Housing Corporation (non-profit)