



## JOSEPH A. FARCHIONE

### Partner

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### EDUCATION

Case Western Reserve University,  
J.D., 1987

State University of New York at  
Buffalo, B.A., 1984, Political  
Science

### OTHER EXPERIENCE

Sutter O'Connell & Farchione  
Reminger Co., LPA  
Jacobson, Maynard & Tuschman

### ADMISSIONS

Colorado  
New Mexico  
Ohio

**Joseph Farchione has served as “go-to” defense counsel when the chips are down and the stakes are high in more than 45 states. He has tried to verdict more than 100 cases across the country. Joe combines expertise in defending healthcare providers in high-exposure cases, especially birth trauma, with significant experience defending medical product litigation. This experience provides clients with unique insights and strategy.**

### HIGHLIGHTS

- Won summary judgment in a bellwether case for a cardiologist in Utah after more than 1,000 patients claimed our client's treatments were medically unnecessary.
- Won a \$110 million jury defense verdict in Portland, Oregon in a birth injury case.
- Won a \$33 million jury defense verdict for a doctor in a medical malpractice trial.
- Won the first medical malpractice defense verdict in Las Vegas, New Mexico in over 35 years.
- Won a defense jury verdict in a \$120M pediatric medical malpractice case.
- Won a defense jury verdict in Iowa for an obstetrician facing negligence claims.
- Defended a large health system against one of the earliest filed claims in the U.S. involving a COVID-19-related patient death.

### INDUSTRIES

- Healthcare
- Medical Devices & Pharmaceuticals
- Professional Services

### PRACTICE AREAS

- Healthcare Professional Liability
- Professional Liability
- Product Liability
- Catastrophic Injury Defense

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## BIOGRAPHY

Joseph Farchione has served as “go-to” defense counsel in more than 45 states when the chips are down and the stakes are high. He has tried more than 100 cases to verdict nationwide. Joe combines expertise in defending healthcare providers in high-exposure cases, especially birth trauma, with significant experience defending medical product litigation. This joint experience provides healthcare clients with unique insights and strategy. Joe serves on WTO's management committee.

Joe's success, knowledge, and experience have earned him a national reputation as a first-choice trial lawyer for numerous clients and carriers in handling catastrophic cases across the country. His involvement ranges from monitoring counsel to co-counsel to lead trial counsel, sometimes being called in while local counsel is in the process of jury selection. Joe has been appointed to multiple national panels of attorneys who combine their experience and talents to provide the best defense available in catastrophic cases.

## CASES

### Healthcare Professional Liability

- Won a defense verdict in a \$110 million birth injury jury trial in Portland, Oregon.
- Won a jury defense verdict for a tele-neurologist in a \$33 million medical malpractice trial involving a stroke patient.
- Won the first medical malpractice defense verdict in plaintiff-friendly Las Vegas, New Mexico in over 35 years for a hospital in a \$40 million case involving allegations of failure to diagnose and treat a lung disease which resulted in a patient's death. The jury unanimously found for WTO's client.
- Won a defense jury verdict in Washington for a pediatric cardiologist accused of malpractice and facing \$120 million in claimed damages related to an infant's brain damage.
- Won a defense jury verdict, working closely with local counsel, for an Iowa obstetrician accused of negligence during the delivery of a baby born with severe physical and cognitive deficits in 2007.
- Defended a large health system against one of the earliest filed claims in the U.S. involving a COVID-19-related patient death.
- Won a defense verdict in Philadelphia, during the week of Christmas, for a hospital and its physician assistant who diagnosed muscle strain when in fact the plaintiff had an infection that resulted in the amputation of her leg. The jury agreed with WTO's arguments that, given the circumstances, the original diagnosis was reasonable.

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- Won a defense jury verdict in Ohio for two neonatologists facing claims of negligently handling the care of a newborn baby.
- Won a defense jury verdict in a \$31 million medical malpractice lawsuit in Illinois involving a newborn who developed sepsis, meningitis, and catastrophic brain damage. WTO then won the subsequent appeal (3-0 panel decision).
- Won a defense jury verdict in Ohio for an obstetrician facing claims of medical negligence and lack of informed consent, and damages claims in excess of \$15 million, arising from a stroke suffered by a newborn following a difficult delivery. The obstetrician passed away tragically and unexpectedly before trial, making the defense of the care problematic.
- Won a defense jury verdict in Ohio in a two-week trial involving allegations of medical malpractice resulting in birth injuries. The plaintiffs sought over \$18 million in damages, and WTO lawyers were brought in to defend the case just three weeks before trial.
- Won a defense jury verdict in Columbus, Ohio, in a medical malpractice case involving paraplegia allegedly resulting from failure to timely diagnose a spinal epidural abscess.
- Won a complete defense verdict in state court in Minnesota in a case involving allegations that a doctor's spinal epidural injection resulted in paraplegia. Prior to trial, the plaintiffs rejected a \$4 million offer of judgment. Following two weeks of testimony, the jury deliberated 11 hours over two days, returning with a unanimous defense verdict.
- Won a unanimous defense verdict for four psychiatric hospital nurses in a two-week medical malpractice trial in Boston involving the tragic death of a child. Despite the fact that one nurse admitted negligence for herself and implicated the other three, WTO lawyers effectively argued that the nurse's negligence did not cause the patient's death and that the other nurses acted appropriately within the scope of their responsibilities.
- Obtained a favorable outcome in a Florida medical malpractice trial involving the death of a 43-year-old man following out-patient hernia surgery. Brought in just a week before trial, the WTO team effectively argued for our client in court, leading the jury to assign primary liability to the patient's family and a non-party surgeon, not to WTO's client. The resulting jury award was less than what our client had offered during trial to settle the case.

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- Obtained a favorable settlement for a large excess insurance company in a medical malpractice case involving a permanent disability to a young child resulting from surgery conducted by a doctor who was not board certified.

## Product Liability

- Represent a medical device manufacturer in litigation involving fetal monitoring.
- Represent a manufacturer in litigation involving allegations of hypoxic ischemic encephalopathy related to a ventilator in a neonatal ICU.
- Defended a motorized wheelchair manufacturer in a lawsuit involving a fatality allegedly caused by a tip-over.
- Obtained voluntary dismissal of all claims alleging that WTO's client's hospice bed started a fire that killed a palliative care patient and caused his widow to suffer post-traumatic stress disorder.
- Represented a medical device manufacturer against claims that the company's home oxygen unit caused a fire in an apartment building.

## Other Relevant Experience

- Won summary judgment in a bellwether case for a cardiologist in Utah after more than 1,000 patients claimed our client's treatments were medically unnecessary.

## BAR & COURT ADMISSIONS

Colorado

New Mexico

Ohio

U.S. District Court, D. Colorado

U.S. District Court, N.D. Ohio

U.S. District Court, S.D. Ohio

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

American Legal Connections

Healthcare Advisory Committee Member

Martindale-Hubbell AV® Peer Review Rated\*

The Best Lawyers in America

Medical Malpractice Law, 2017-2025

Colorado Super Lawyers

Super Lawyers, Personal Injury Defense - Medical Malpractice, 2013-2025

Ohio Super Lawyers, 2007-2011

Claims & Litigation Management Alliance

Defense Research Institute

Ohio State Bar Association

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Ohio Association of Civil Trial Attorneys  
Cleveland Metropolitan Bar Association

## ARTICLES & PRESENTATIONS

### Articles

- "Some (Minor) Relief In Sight: Secretary Issues 1135 Waiver of EMTALA's Medical Screening and Transfer Requirements," (March 2020).
- "PREP Act: Healthcare Providers, Labs, and Behavioral Facilities May Invoke Immunities Related to Testing and Treatment of Coronavirus Patients," (March 2020).
- "Coronavirus: Inevitable Future Litigation Involving the Healthcare Industry," (March 2020).

### Presentations

- Presenter, "Scorched Earth / Bullying Opposing Counsel: How to respond when they make it personal," the American Legal Connections 4th Annual Symposium, (July 2023).
- Presenter, "Social Inflation: Where we are and where are we going," American Legal Connections 4th Annual Symposium, (July 2023).
- Co-presenter, "Compressive Cranial Ischemic Encephalopathy (CCIE): Medicine or Legal Medicine?" American Legal Connections Webinar, (December 2022).
- "How Long Will the Aura of Good Feelings Last?," American Legal Connections Webinar, (July 2020).
- "Effective Communication with Millennials: Improving Perinatal Patient and Claims Outcomes," Premier AEIX Perinatal Safety Collaborative Webinar, (March 2020).
- Presenter, "The New Severity--A Legal Perspective on Rising Damages," Medical Professional Liability Association, (March 2020).
- Presenter, "Update on CCIE: Medicine or Legal Medicine?," Northeast Region of The Doctors Company, (October 2019).
- Presenter, "Life Care Planning in 20 Minutes," Northeast Region of The Doctors Company, (October 2019).
- Presenter, "National Liability and Verdict Trends," Hospital Insurance Forum, (September 2019).
- Presenter, "National Liability and Verdict Trends," The COPIC Annual Conference, (August 2019).

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- Presenter, "National Trends in Prosecuting Medical Malpractice Lawsuits," The Children's Hospital of Philadelphia Annual Gathering of Risk Managers and Attorneys, (May 13, 2019).
- Presenter, "Making the Plaintiff's Expert Blush: Effective Cross-Examination Strategies," The DRI Medical Liability and Health Care Law Annual Seminar in Nashville, (March 22, 2019).
- Presenter, "Mega Verdicts: Blip or Trend?," The PLUS Annual Conference, (November 2018).
- Presenter, "Trends in Birth Trauma Litigation," The Doctors Company Annual Claims Seminar, (August 2018).
- Presenter, "CCIE: Medicine or Legal Medicine?," The Doctors Company Annual Claims Seminar, (August 2018).
- Presenter, "Populism and Impact on Legal Trends," The Ironshore Annual Conference, (March 2018).
- Presenter, "National Trends, Local Impact," The University of California Risk Summit, (December 2017).
- Presenter, "National Trends in Birth Trauma Litigation," The Endurance Healthcare Summit, (May 2016).
- Presenter, "Claims Trends to Watch," The PLUS Annual Conference, (April 2016).
- Presenter, "Mediation," The University of California Risk Summit, (December 2015).
- Presenter, "National Trends in Birth Trauma Litigation," The Premier AEIX National Claims Meeting, (June 2014).