



JOSEPH A. FARCHIONE

Partner

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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.

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
Ohio

HIGHLIGHTS

- Won a defense verdict in Philadelphia the week of Christmas against allegations that a missed diagnosis led to a patient's leg amputation.
- Represent a medical device manufacturer in litigation involving fetal monitoring.
- Won defense verdict for two neonatologists against negligence claims in Ohio.
- Represent a manufacturer in litigation involving allegations of hypoxic ischemic encephalopathy related to a ventilator in a neonatal ICU.
- 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.
- Defended a motorized wheelchair manufacturer in a lawsuit involving a fatality allegedly caused by a tip-over.
- Won a defense verdict in a \$15 million Ohio obstetric malpractice trial.

INDUSTRIES

- Healthcare
- Medical Devices & Pharmaceuticals
- Professional Services

PRACTICE AREAS

- Healthcare Professional Liability
- Commercial Litigation
- Professional Liability
- Product Liability
- Personal 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'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

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.

Healthcare Professional Liability

- 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.
- 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.

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- Won a complete 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 complete 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.
- 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.

BAR & COURT ADMISSIONS

Colorado

Ohio

U.S. District Court for the District of Colorado

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Southern District of Ohio

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

American Board of Trial Advocates

Member

*Martindale-Hubbell AV® Peer Review Rated**

The Best Lawyers in America

Medical Malpractice Law, 2017-2020

Colorado Super Lawyers

Personal Injury Defense - Medical Malpractice, 2013-2020



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Ohio Super Lawyers, 2007-2011
Claims & Litigation Management Alliance
Defense Research Institute
Ohio State Bar Association
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
- PREP Act: Healthcare Providers, Labs, and Behavioral Facilities May Invoke Immunities Related to Testing and Treatment of Coronavirus Patients
- Coronavirus: Inevitable Future Litigation Involving the Healthcare Industry

Presentations

- "Effective Communication with Millennials: Improving Perinatal Patient and Claims Outcomes," Premier AEIX Perinatal Safety Collaborative Webinar (March 2020)
- "The New Severity--A Legal Perspective on Rising Damages," presented to the Medical Professional Liability Association (March 2020)
- "Update on CCIE: Medicine or Legal Medicine?," presented to the Northeast Region of The Doctors Company (October 2019)
- "Life Care Planning in 20 Minutes," presented to the Northeast Region of The Doctors Company (October 2019)
- "National Liability and Verdict Trends," presented at the Hospital Insurance Forum (September 2019)
- "National Liability and Verdict Trends," presented at the COPIC Annual Conference (August 2019)
- "National Trends in Prosecuting Medical Malpractice Lawsuits," presented at the Children's Hospital of Philadelphia Annual Gathering of Risk Managers and Attorneys (May 13, 2019)
- "Making the Plaintiff's Expert Blush: Effective Cross-Examination Strategies," presented at the DRI Medical Liability and Health Care Law Annual Seminar in Nashville (March 22, 2019)
- "Mega Verdicts: Blip or Trend?," presented at the PLUS Annual Conference (November 2018)
- "Trends in Birth Trauma Litigation," presented at The Doctors Company Annual Claims Seminar (August 2018)
- "CCIE: Medicine or Legal Medicine?," presented at The Doctors Company Annual Claims Seminar (August 2018)

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- "Populism and Impact on Legal Trends," presented at the Ironshore Annual Conference (March 2018)
- "National Trends, Local Impact," presented at the University of California Risk Summit (December 2017)
- "National Trends in Birth Trauma Litigation," presented at the Endurance Healthcare Summit (May 2016)
- "Claims Trends to Watch," presented at the PLUS Annual Conference (April 2016)
- "Mediation," presented at the University of California Risk Summit (December 2015)
- "National Trends in Birth Trauma Litigation," presented at the Premier AEIX National Claims Meeting (June 2014)