



## **Philip L. Willman**

### **Principal**

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**Phil 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.**

Phil is a trial lawyer. He devotes his trial practice to defending 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 courts in both Missouri and Illinois. In 2019 alone, he tried eight cases to a verdict.

He is a leader of professional organizations dedicated to the support of the civil justice system and the defense bar. Currently he serves as President of DRI, the largest international member organization for lawyers who represent individuals and businesses in civil litigation. He has served on the Executive Committee of DRI as an officer for four years. And, he held the position of Mid Region Director on the DRI Board of Directors for three years. He is also on the Board of the National Foundation for Judicial Excellence, which provides state supreme court and appellate judges with educational programs that enable them to perform at their highest level. And, he is a Director for Lawyers for Civil Justice, a national organization that promotes excellence and fairness in the civil justice system.

In recognition of his leadership and his success in the courtroom he received the Influential Leader Award from Missouri Lawyers Media in 2020.

Phil also is 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 has written and presented on various topics related to trial tactics, medical professional liability and risk management. He has provided presentations for DRI, Washington University, Saint Louis University, St. Luke's Hospital, The Medical Protective,

Medical Assurance, ProAssurance, PIC-Wisconsin and Ophthalmic Mutual Insurance Company.

Phil gives back to the community by his involvement in charitable and religious institutions. Currently he is President of Peter and Paul Housing Corporation, Commissioner for the Archdiocese of St. Louis Peace and Justice Commission and Secretary for Sts. Peter and Paul Catholic Church Parish Council.

Phil 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.

## **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.
- *Tulloch 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)

## Practice Areas

Health Care Liability  
Life Sciences  
Professional Liability

## More About Phil

### Education & Bar Admissions

#### 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)

#### 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

## Recent Achievements

- Vice President, The Center for Law and Public Policy (2021)
- The Power List: Healthcare Attorneys, Missouri Lawyers Media, 2021
- Best Lawyers - Medical Malpractice Law-Defendants, The Best Lawyers in America (2008-2022)
- Best Lawyers - Personal Injury Litigation - Defendants, The Best Lawyers in America (2019-2022)
- Best Lawyers - Product Liability Litigation - Defendants, The Best Lawyers in America (2019-2022)
- Super Lawyers - Personal Injury Medical Malpractice: Defense, Missouri & Kansas Super Lawyers (2010-2021)
- President, DRI (2019)
- Influential Leader Award, Missouri Lawyers Media, 2020
- Benchmark Litigation, State Litigation Star - Missouri (2018-2019)
- 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

- DRI - Past President, Medical Liability Committee; State Representative, Missouri; Mid-Region Director
- International Association of Defense Counsel - Member
- National Foundation for Judicial Excellence, Director
- Lawyers for Civil Justice - Director
- Missouri Organization of Defense Lawyers - Director

- St. Louis Association of Health Care Risk Managers - President
- Bar Association of Metropolitan St. Louis
- The Missouri Bar

## **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**

- Lecturer, "Keynote Address," Brown & James General Defense & Insurance Law Symposium, January 2020
- Lecturer, "Update of the Law," Washington University/BJC Joint Defense Counsel Seminar (2009-present)
- 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)
- 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)
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