



## Health Care Defense

### Health care disputes shouldn't threaten the life of your business. Hinshaw can help.

For decades, Hinshaw's health care litigators have represented health care providers in the full spectrum of disputes with patients, insurers, vendors, government regulators and law-enforcement officials. Equally important, we are inspired by the very providers we serve when formulating our strategy for success:

First, we **diagnose the cause** of the dispute. We then work with clients to **identify the desired outcome**. We take appropriate steps to **achieve resolution**, whether negotiating a settlement or putting forward a strong defense designed to prevail at trial. And finally, we **provide counsel** based on our extensive prior experience to prevent or minimize the likelihood of future litigation.

We know the health care industry is in flux and that the cumulative effect of these rapid transitions—from volume to value, from in-office visits to telemedicine, and more—may result in an increase in potential claims. Whether addressing payment disputes and audits, defending allegations of medical malpractice, or working with regulators to resolve licensure, credentialing and contract issues, our counsel is as evidence-based as the care our clients deliver.

We provide cost-effective defense counsel on disputes involving:

- Certification, accreditation, and licensure
- Data privacy, HIPAA, and HITECH compliance
- Employment, executive compensation, and benefits
- Facilities design, construction, and management
- Government contracts and bid protests
- Government investigations
- Health care fraud and abuse, Stark law, and anti-kickback statutes
- Health care reimbursement, coding, and coverage
- Insurance recovery
- Medical liability and malpractice

### Industry Area Contact

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### Attorneys

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James M. Lydon  
Kellie L. Mazzarella  
Terrence P. McAvoy  
Rowan K. Moriarty  
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Jill M. Munson  
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Thomas L. O'Carroll  
Madeline O'Mara  
Jordyn J. Quinn  
Russell L. Reed  
Dawn A. Sallerson  
André D. Sesler  
Carly E. Shannon



- Ownership, partnership, and shareholder agreements
- Pharmacy benefits and pricing
- Vendor, supplier, and practice-management disputes

In a complex industry, our goal is simple: to help clients prevent, minimize, and manage risk.

## News

[Three Hinshaw Attorneys Co-author Chapter in Fourth Edition of Enterprise Risk Management for Health Care Handbook](#)  
April 2, 2024

[U.S. News – Best Lawyers Recognizes Hinshaw in 2023 "Best Law Firms" Directory](#)  
November 2, 2022

[Complete Defense Verdict Achieved in \\$2.25 Million Medical Malpractice Claim Involving Nephrologists](#)  
August 1, 2022

[Hinshaw Adds Veteran Health Care Litigator in Chicago](#)  
July 26, 2022

[Trial Spotlight: Defense Verdict in \\$2 Million Health Care Defense Claim Involving OB/GYN Physician](#)  
June 15, 2022

[Trial Spotlight: Not Guilty Verdict for \\$9.5 Million Claim of Misdiagnosis and Improper Administration of Drug Leading to Massive Stroke](#)  
June 2, 2022

[Hinshaw Partner Jill Munson Named to Milwaukee BizTimes 2022 Notable Women in Law](#)  
January 24, 2022

[Hinshaw Recognized in 2022 U.S. News – Best Lawyers "Best Law Firms" Directory](#)  
November 4, 2021

[Hinshaw Attorney André Sesler Appointed to Executive Leadership Team of the Hillsborough County Bar Association Board of Directors](#)  
September 16, 2021

[Sixty-Seven Hinshaw Lawyers Recognized in 2022 Edition of Best Lawyers](#)  
August 19, 2021

[Hinshaw's Adam Guetzow Discusses Governor Pritzker Veto of 9% Pre-Judgment Interest Bill in McKnight's Long-Term Care News](#)  
March 30, 2021

[Hinshaw Recognized in 2021 U.S. News – Best Lawyers "Best Law Firms" Directory](#)  
November 5, 2020

[Peter A. Walsh](#)  
[Matthew P. Walsh II](#)  
[John K. Weedon](#)  
[Sam S. Zabaneh](#)  
[Maureen Lennon Zeeb](#)

## Related Industries

[Health Care](#)  
[Health Care Corporate Transactions](#)  
[Health Care Human Resources](#)  
[Health Care Information, Privacy & Security](#)  
[Health Care Operations](#)  
[Health Care Pharmacy](#)  
[Health Care Regulations & Compliance](#)



[Sixty-Five Hinshaw Lawyers Recognized in 2021 Editions of Best Lawyers and Best Lawyers: Ones to Watch](#)  
August 20, 2020

[Hinshaw Partner Diane Webster Named to Inaugural List of Salute! Women in Law by Chicago Daily Law Bulletin and Chicago Lawyer](#)  
May 20, 2020

[Peter Isola Reviews Two California Supreme Court Decisions Concerning Expert Witnesses](#)  
April 28, 2020

[Hinshaw Recognized Nationally and Regionally in 2020 U.S. News – Best Lawyers "Best Law Firms" Directory](#)  
November 1, 2019

[CBA Young Lawyers Section Profiles Hinshaw's Diane Webster in Q&A](#)  
October 24, 2019

[Hinshaw Adds Large Team of Insurance Law Professionals to its Fort Lauderdale Office](#)  
May 2, 2019

[Hinshaw's Diane Webster and James Lydon Secure Complete Defense Verdict in \\$6.25 Million Wrongful Death Case](#)  
January 11, 2019

[Hinshaw Recognized Nationally and Regionally in 2019 U.S. News – Best Lawyers "Best Law Firms" Directory](#)  
November 1, 2018

[Hinshaw Legal Team Receives 2018 Trial Lawyer Excellence Award](#)  
October 17, 2018

[Crain's Chicago Business Names Hinshaw & Culbertson's Diane Webster One of Chicago's Most Influential Minority Lawyers](#)  
December 11, 2017

[Hinshaw Legal Team Secures Defense Verdict in \\$6 Million Medical Malpractice Case](#)  
November 17, 2017

[Hinshaw Achieves National and Regional Recognition in 2018 U.S. News - Best Lawyers® "Best Law Firms" Directory](#)  
November 1, 2017

[Hinshaw Legal Team Secures Defense Verdict in \\$1.25 Million Medical Malpractice Case](#)  
October 24, 2017

[Hinshaw's Rockford Seminar Series](#)  
October 9, 2017

[David Levitt Argues a Paradigm Shift is Underway at the Intersection of Electronic Medical Records and E-Discovery](#)  
May 2, 2017

[Hinshaw Garners More Than Thirty Rankings in 2017 U.S. News - Best Lawyers® "Best Law Firms" List](#)  
November 1, 2016

[Terese Drew to Be Elected to American Board of Trial Advocates Board of Delegates](#)  
August 26, 2016

[Thirty Hinshaw Lawyers Named to 2017 Edition of The Best Lawyers in America®](#)  
August 15, 2016

[Thomas O'Carroll Appointed to Board of Directors for Illinois Defense Association](#)  
July 7, 2016



Diane Webster and Conrad Nowak Attend White House Heritage Day  
June 14, 2016

Tom O'Carroll Co-Author "Tapping Into the Self-Insured Employer Market" in Outpatient Surgery Magazine  
March 31, 2016

Hinshaw & Culbertson LLP Garners More Than Two Dozen Rankings in U.S. News – Best Lawyers' 2016 "Best Law Firms"  
November 2, 2015

Twenty-Eight Hinshaw Lawyers Named to 2016 Edition of The Best Lawyers in America  
August 17, 2015

Michael Malone Quoted in Journal Sentinel Article on Changing Landscape of Medical Malpractice Claims in Wisconsin  
March 22, 2015

Appleton Litigation Team Wins Key Daubert Motion Which Ends Lawsuit  
January 22, 2015

Hinshaw & Culbertson LLP Receives Several Tier One Rankings in Multiple Practice Areas by U.S. News - Best Lawyers 2015  
November 3, 2014

Twenty-Two Hinshaw Lawyers Chosen as Best Lawyers in America 2015  
August 19, 2014

Hinshaw & Culbertson LLP Recognized as U.S. News - Best Lawyers 2014 "Law Firm of the Year" in Ethics and Professional Responsibility Law  
November 1, 2013

Seventeen Hinshaw Lawyers Chosen as Best Lawyers in America 2014  
November 1, 2013

Diane Webster Elected to Chair of ALPFA Chicago's Corporate Advisory Board  
October 22, 2012

## Events

Defending the Traumatic Brain Injury ("TBI") Case – The Objective vs. The Subjective  
Wednesday, October 12, 2022  
Virtual

Phil Kujawa and Kellie Mazzarella Explore HITECH Act in Webinar at Illinois Paralegal Association Conference  
November 5, 2020  
Virtual Event

Diane Webster Presents at 2020 Midwest Podiatry Conference  
October 29, 2020  
Virtual Event

Hinshaw's Jason Winslow Will Present NBI Seminar on Common Electronic Medical Records Mistakes and Related Medical Malpractice Risks  
April 9, 2019  
Webinar



[Common Practice Mistakes for Physician-Extenders: Tips for Avoiding a Malpractice Claim](#)

November 15, 2017

Hinshaw, Rockford Office

[James M. Hofert to Present During National Business Institute Video Webcast](#)

October 22, 2015

Webinar

[William P. Grogan Presenting NBI Program on Bioethics Issues](#)

October 2, 2014

[James M. Hofert Presenting at American Society for Healthcare Risk Management Annual Conference](#)

October 30, 2013

## Publications

[FAQs: Illinois Civil Procedure Amendment Imposes 6% Prejudgment Interest in Personal Injury and Wrongful Death Actions](#)

June 16, 2021

Hinshaw Alert

[Wisconsin 2020 Med Mal Update: Patient Has the Burden of Producing Evidence of Physician Negligence Prior to Submitting Case to a Jury](#)

December 11, 2020

Health Care Alert

[Wisconsin 2020 Med Mal Update: Physicians Can Use a Reasonable Alternative Method in Delivering Care Without Being Found Negligent](#)

December 11, 2020

Health Care Alert

[Medical Litigation Newsletter - December 2016](#)

December 21, 2016

[Illinois Plaintiffs May Have More Time to File Medical Malpractice Wrongful Death Cases](#)

October 19, 2016

Medical Litigation Alert

[Medical Litigation Newsletter - October 2016](#)

October 4, 2016

[Medical Litigation Newsletter - Spring 2016](#)

June 2, 2016

[Credentials Materials Are Not Privileged Under the Health Care Professional Credentials Data Collection Act](#)

February 2, 2016

Health Law Alert

[Medical Litigation Newsletter - April 2015](#)

April 7, 2015

[Medical Litigation Newsletter - June 2014](#)

June 2, 2014

[Insurance Producer's Complaint for Judicial Review of License Revocation Dismissed for Failure to Exhaust Administrative Remedies](#)

February 20, 2014



Professional Lines Alert

[Apparent Agency Judgment in Favor of Hospital Final](#)

February 7, 2014

Medical Litigation Alert

[New Prompt Settlement Payment Act Has Significant Implications for Illinois Malpractice Cases](#)

January 9, 2014

Medical Litigation Alert

[Medical Litigation Newsletter - December 2013](#)

December 17, 2013

[Medical Litigation Newsletter - August 2013](#)

August 21, 2013

[Medical Litigation Newsletter - June 2013](#)

June 10, 2013

[Broker Liable for Failure to Obtain Excess Defense Cost Coverage for CCIP Program](#)

May 6, 2013

Professional Lines Alert

[Insurance Agency Potentially Liable for Use of a Cost Estimator Program to Calculate Replacement Cost](#)

April 3, 2013

Professional Lines Alert

[Agent Not Liable for Mental Distress Damages for Katrina Losses; Still Liable for Attorneys Fees and Special Damages](#)

February 28, 2013

Professional Lines Alert

[Insurance Broker Can Be Liable to Insured Who Did Not Read the Insurance Policy](#)

February 20, 2013

Professional Lines Alert

[Agent Not Liable for Not Obtaining Additional Coverage](#)

January 15, 2013

Professional Lines Alert

[Medical Litigation Newsletter - December 2012](#)

December 18, 2012

[Insurance Agent Not Liable for Failure to Cover Boat](#)

November 8, 2012

Professional Lines Alert

[Architect Not Liable to Unsuccessful Bidder for Tortious Interference](#)

October 31, 2012

Professional Lines Alert

[California Insurance Agent Who Improperly Completed Insurance Application Liable to Insured](#)

October 3, 2012

Professional Lines Alert

[Insurance Agent Can Be Sued by Intended Beneficiary for Negligence](#)

September 26, 2012

Professional Lines Alert

[District Court Declines to Extend Business Judgment Rule to Corporate Officers](#)



August 2, 2012  
Professional Lines Alert

[Continuous Representation Doctrine Not Necessarily Limited to Attorney-Client Relationship](#)  
July 10, 2012  
Professional Lines Alert

[Medical Litigation Newsletter - July 2012](#)  
July 2, 2012

[CMS Issues Two Final Rules Modifying Hospital Conditions of Participation and Updating Other Provisions](#)  
May 16, 2012  
Health Law Alert

[Court Effects Contraction of Contract Claims and Expansion of Economic Loss Doctrine](#)  
March 19, 2012  
Professional Lines Alert

[Medical Litigation Newsletter - March 2012](#)  
March 19, 2012

[Broker Had No Duty to Monitor Solvency of Insurance Company After Policy Issued](#)  
March 7, 2012  
Professional Lines Alert

[Medical Litigation Newsletter - December 2011](#)  
December 23, 2011

[Minnesota Recognizes Claim Against Insurance Agent for Negligent Failure to Procure Insurance](#)  
November 7, 2011  
Professional Lines Alert

[No Coverage for Insurance Agent's Claim Against His Agency for Failure to Procure Coverage](#)  
November 2, 2011  
The Professional Lines Alert

[Medical Litigation Newsletter - September 2011](#)  
September 30, 2011

[Accountant May Owe Duty of Care to Client's Creditors](#)  
September 28, 2011  
Professional Lines Alert

[N.Y. Appellate Court Holds Statute of Limitations Started Running When Architect's Services Ended](#)  
September 22, 2011  
Professional Lines Alert

[Illinois Medical Studies Act Requires Hospital to Disclose Number of MRSA Infections](#)  
September 21, 2011  
Medical Litigation Alert

[Illinois Court Extends Evidentiary Lifeline to Accounting Firm Accused of Negligence](#)  
September 7, 2011  
Professional Lines Alert

[Medical Litigation Newsletter - July 2011](#)  
July 22, 2011

[Bank Not Liable to Architects Under "Instrumentality" Theory for Defaulted Developer's Nonpayment of Fees](#)



May 9, 2011  
Professional Lines Alert

[Insurance Agents Liable for Submitting Application With Incorrect Information That Client Signed Without Reading](#)  
May 4, 2011  
Professional Lines Alert

[Architect Potentially Liable to Indemnify Owner for Electrical Subcontractor's Negligence](#)  
April 21, 2011  
Professional Lines Alert

[Supreme Court Tightens Section 1983 Liability for Failure to Train](#)  
April 18, 2011  
Professional Lines Alert

[Materials Testing Company Owed No Duty to Concrete Subcontractor](#)  
April 7, 2011  
Professional Lines Alert

[Medical Litigation Newsletter - April 2011](#)  
April 4, 2011

[Architect Who Provided Limited Construction Management Services Had Duty to Injured Guests Based on Foreseeability](#)  
March 28, 2011  
Professional Lines Alert

[Mechanics' Liens Now Available to Design Professionals in Massachusetts](#)  
March 22, 2011  
Professional Lines Alert

[Accounting Malpractice Claim Time-Barred By Two-Year Statute of Limitations](#)  
March 15, 2011  
Professional Lines Alert

[Supreme Court Broadens First Amendment Protection Against State Tort Claims](#)  
March 10, 2011  
Professional Lines Alert

[Court Rejects Argument That Home Inspection Form Contract Was Contrary to Public Policy and Unconscionable](#)  
March 7, 2011  
Professional Lines Alert

[Implied Indemnity Claims in Medical Negligence Cases Governed by 735 ILCS 5/13-212\(a\)](#)  
February 25, 2011  
Medical Litigation Alert

[Insurance Agent Not Liable for Negligent Misrepresentations](#)  
December 15, 2010  
Professional Lines Alert

[Course of Practice May Determine an Insurance Agent's Authority to Issue a Binder/Evidence of Insurance – AND – Finding of Bad Faith May Preclude an Insurer From Seeking Indemnity From an Insurance Agent](#)  
December 9, 2010  
Professional Lines Alert

[U.S. Supreme Court Clarifies That "Policy or Custom" Requirement for Establishing Section 1983 Municipal Liability Applies to Claims Seeking Declaratory or Injunctive Relief](#)  
December 2, 2010





Professional Lines Alert

[California Court Holds That Sellers Agents Must Disclose When Their Clients' Property Is Overencumbered by Debt](#)

October 18, 2010

Professional Lines Alert

[Missouri Supreme Court Prohibits Ex Parte Communications Between Treating Physicians and Defense Counsel](#)

September 8, 2010

Medical Litigation Alert

[Professional Lines Alert](#)

August 27, 2010

Professional Lines Alert

[Professional Lines Alert](#)

August 10, 2010

[Professional Lines Alert](#)

July 28, 2010

[Illinois Supreme Court Reverses Holding on Forfeited Setoff Claim in Thorton v. Garcini](#)

May 26, 2010

Medical Litigation Alert

[Medical Litigation Alert](#)

May 26, 2010

[CMS and ONC Issue Regulations Defining "Meaningful Use" of EHR Technology](#)

January 19, 2010

Hinshaw Health Law Alert