



## PROFESSIONAL MALPRACTICE

### OVERVIEW

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Doctors, lawyers, accountants, bankers, hospitals, and other professionals or professional organizations sued for malpractice have more than the limits of their liability insurance at issue; they are defending their professional reputations. The trial lawyers at Foulston Siefkin understand the sense of pride and responsibility our clients feel in their professional practices. We feel the same pride in our sophisticated and aggressive representation of professionals accused of wrongdoing.

Given our experience and successful track record, Foulston Siefkin has developed special relationships with some of the largest medical care groups and hospitals in Kansas. When these groups or one of their physicians becomes involved in litigation they call Foulston Siefkin first. From hospital privilege issues to the most complex medical negligence case, Foulston Siefkin lawyers understand the unique pressures and perspective of the health care provider. This understanding leads to effective advice and trial advocacy long appreciated by our clients. We have built an extensive medical and technical library and maintain access to a variety of computer databases across the country, keeping us absolutely current in legal/medical developments.

The trial lawyers engaged in the practice of defending professionals at Foulston Siefkin collectively have a solid litigation record, extending to decades of experience winning trials, summary judgments, dismissals, favorable settlements, screening panel actions, and appeals of legal issues.

Whether our clients sued for malpractice are members of a large institutional organization or are practicing alone, Foulston Siefkin litigators are prepared to custom build a defense to fit all the needs and expectations of each of our professional clients.

### AREAS OF REPRESENTATION

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# FOULSTON

## ATTORNEYS AT LAW

- Medical Malpractice
- Accountant liability
- Lawyer Malpractice and Ethic Violations
- Architect liability
- Engineer liability
- Directors and Officers liability
- Securities Broker-Dealers and Investment Advisors liability
- Real Estate Agent liability
- Advertising agency liability
- Consultant liability
- Computer analyst liability
- Data processor liability
- Notary liability

### RELATED LINKS

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- Centers for Disease Control and Prevention
- Food and Drug Administration
- Joint Commission of Accreditation of Healthcare Organizations
- National Library of Medicine
- American Association of Neurological Surgeons
- American Academy of Ophthalmology

### EXPERIENCE

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- Defense counsel in successful defense of prominent Wichita, Kansas, medical malpractice plaintiff's attorney in malicious prosecution lawsuit filed by orthopedic surgeon. Upheld on appeal at Bartal v. Brower, 268 Kan 195
- Defense counsel in Bradley v. Val-Mejias, 379 F. 3d 892 (10th Cir. 2004). Summary Judgment on the statute of limitations, upheld by the 10th Circuit on both fraudulent concealment and alleged medical negligence.
- Defense counsel in Lawrence v. Bammel, jury verdict in favor of physician in flesh-eating bacteria case.
- Defense counsel in Wheeler v. Shellito, jury verdict in favor of surgeon in post-surgical complication case.
- Defense counsel in Wedel v. Woods, jury verdict in favor of surgeon in case involving a laparoscopic injury to the abdominal aorta.
- Defense counsel in Hall v. State Farm, a coverage case in which the jury found plaintiff made a fraudulent insurance claim.

# FOULSTON

## ATTORNEYS AT LAW

- Defense counsel in Knight v. Meyers, obtaining summary judgment for a lawyer in a legal malpractice case.
- Trial and appellate defense counsel in successful defense of physician in medical negligence claim involving brain-damaged child with damage allegations in excess of \$25 million. Irvin v. Smith, 272 Kan. 112, 31 P.3d 934
- Defense counsel in Haley v. Yoon, Kansas' longest medical negligence trial; jury verdict in favor of obstetrical anesthesiologist in alleged birth injury case with brain injured child.
- Defense counsel in Siemers v. Schlicher, jury verdict in favor of physician in alleged failure to diagnose malignant melanoma case.
- Defense counsel in Akright v. Nachtigall, jury verdict in favor of physician in case involving brain injury from spinal meningitis in an infant.

### ISSUE ALERTS

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#### 2019

- Kansas Supreme Court Ruling Uncaps Damages for "Pain and Suffering"

# FOULSTON

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## ATTORNEYS/OTHER PROFESSIONALS

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