



TIMOTHY J. GEARIN

PARTNER

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Tim Gearin, leader of the firm's award-winning Mass Tort and Catastrophic Loss practice area, is one of the most sought after defense litigators in the Midwest with broad experience in business litigation, catastrophic and personal injury, medical malpractice, products liability, complex litigation involving antitrust, and qui tam cases. Tim primarily represents clients in the health care, agribusiness and manufacturing industries.

In recognition of his advocacy skills, Tim has been inducted as a Fellow of the American College of Trial Lawyers. He also serves on the College's National Trial Competition Committee.

Tim has tried more than 50 cases throughout the United States on behalf of some of the nation's largest hospitals and health systems, Fortune 500 companies, physician's groups, and ag and biotech companies. His successful defense verdicts have ranked among Missouri's highest for more than 15 years.

For his health care clients, Tim counsels on compliance related matters, including the Stark Law, HIPAA, Unfair Merchandising Practices Act and best practices for electronic medical records. His cases often involve catastrophic injuries and wrongful death claims that expose clients to millions of dollars in damages. He's litigated all levels of cases from individual client matters to public health threats. He has also represented clients in matters involving internal investigations and whistleblower actions.

Further, Tim's practice encompasses risk management and he counsels clients on how to structure their business operations in order to avoid problems and minimize liability.

EDUCATION

- Saint Louis University School of Law (J.D., 1993)
- University of Missouri-St. Louis (B.S.N., *cum laude*, 1985)
- Jewish Hospital School of Nursing (1982)
 - Registered Nurse

PROFESSIONAL ACTIVITIES

- American College of Trial Lawyers (National Trial Competition Committee, 2016-2018; Missouri State Committee, 2017-2019)
- The Missouri Bar

SERVICES AND INDUSTRIES

Medical Malpractice
Appellate
Mass Tort and Catastrophic Loss
Product Liability
Litigation
Professional Liability
Privacy and Data Security
Health Care and Life Sciences

ADMISSIONS

Missouri
Illinois
U.S. District Court, District of Columbia
Tennessee
U.S. District Court, Eastern District of Missouri

- Illinois State Bar Association
- Tennessee Bar Association
- The District of Columbia Bar
- Missouri Organization of Defense Lawyers

ACCOLADES

- American College of Trial Lawyers (Inducted in 2014)
- *The Best Lawyers in America*[®]; Product Liability Litigation - Defendants, Litigation - Health Care, Medical Malpractice Law - Defendants (2007-present); Lawyer of the Year (2019)
- *Missouri/Kansas Super Lawyers*[®] (2007-present); Super Lawyers[®], Business Edition (2011-2014)
- Selected as a 2013 Top Rated Lawyer in Healthcare by Martindale-Hubbell and American Lawyer Media (ALM)
- The Best Lawyers in America[®]; Lawyer of the Year, Medical Malpractice Law - Defendants (2013)
- AV[®] Peer Review Rated, *Martindale-Hubbell*

BACKGROUND

In addition to being an experienced litigator, Tim is a registered nurse and spent 12 years working in intensive care, surgical and cardiac areas. This experience gives him the ability to understand how the body works; medical terminology and procedures; and the ways in which hospitals and other health care providers operate. As a result, he is better able to defend clients against medical malpractice, catastrophic injury, and wrongful death claims.

He worked at another law firm before joining Armstrong Teasdale in 1997.

EXPERIENCE

\$17 Million Defense Verdict for Hospital Client in Suit Brought by Neurosurgeon

Defended a hospital client in a suit against a neurosurgeon who allegedly slipped and fell leaving the operating room in the hospital where he worked. The suit alleged that right-shoulder injuries from the fall ended his career. The last pre-trial demand sought \$17 million in damages. After four days of trial, a defense verdict was returned in favor of our client. The win was ranked the no. 1 defense verdict in the state of Missouri in 2010 by Missouri Lawyers Weekly.

Second-Largest 2013 Missouri Defense Verdict

Won the second-largest 2013 defense verdict in Missouri for its representation of a hospital in a medical negligence case. The ranking was reported by Missouri Lawyers Weekly.

Defense Verdict in \$3.7 Million Jury Trial

Secured a defense verdict for a St. Louis, Missouri-area medical group following a five-

day jury trial. The plaintiff and her attorneys asked for a verdict of \$3.7 million following a laparoscopic gynecological surgery. After 82 minutes of deliberation, the jury returned with a defense verdict.

Jury Verdict for Doctor in Malpractice Case

Secured a defense verdict for a physician in a medical malpractice suit. The plaintiff, a 33-year-old male, alleged that the defendant doctor injured his superior mesenteric artery during surgery to remove a tumor, which left him with short gut syndrome. He filed suit seeking in excess of \$2 million in past economic damages, and up to \$850,000 in non-economic damages. Following a one-week jury trial in Jefferson County Circuit Court, the jury found the client was without fault in the matter.

Secured Defense Verdict for Skilled Nursing Facility

Won a defense verdict for our client, a skilled nursing facility, following a suit that alleged liability for a 79-year-old patient's death in 2002. It took the jury less than an hour to deliver a complete defense verdict in this long-running case that was first filed in 2004 and went to the Missouri Supreme Court in 2006. Although the plaintiff alleged that the nursing facility caused the death through abuse and neglect, evidence was presented proving that the patient was dying of congestive heart failure when she became a resident of the facility, and that her substantial and rapid health decline in the weeks before passing away was a normal progression to death for someone in that condition.

Defense Verdict for University Client in Medical Malpractice, Negligence Case

Secured a defense verdict in a medical malpractice case in which the plaintiffs asked the jury to return a verdict in excess of \$5 million in favor of a brain-damaged minor. The plaintiffs alleged defendant's failure to appropriately diagnose and treat the minor's mycoplasma pneumonia, and encephalitis resulted in permanent brain damage. The case was complicated in that the treating pediatric neurologist testified on behalf of the minor plaintiff and adverse to the defendant. Testimony included nine experts in the areas of pediatric neurology, infectious disease, autoimmune disorders, pediatric neuropsychology and pediatrics. After a several-week trial, a St. Louis City jury returned a verdict in favor of the defendant.

THOUGHT LEADERSHIP

June 1, 2017

From Nursing to Law: One Attorney's Unique Career Path

Missouri Lawyers Weekly

July 11, 2016

"The Rewards of Letting Your Law Firm In": Partner Chris LaRose Writes Article for ACC

St. Louis Newsletter

ACC St. Louis Newsletter