

# Kathleen M. Kramer

Co-Chair, Catastrophic Medical Injury Practice  
Senior Counsel

[KMKramer@mdwcg.com](mailto:KMKramer@mdwcg.com)

Philadelphia – 215.575.2618



For more than 30 years, Kathleen (Kate) has devoted her practice exclusively to medical malpractice defense, representing physicians, hospitals, nurses, nursing homes and other health care facilities.

Kate has been involved in numerous high-exposure cases involving brain-injured infants as well as adults with significant long-standing injuries. In those cases, she has been involved in the retention and preparation of highly qualified and sophisticated experts who have assisted in helping achieve defense verdicts for her clients. Since beginning her career, Kate has handled more than 700 medical malpractice matters. She has tried more than 125 cases to verdict, with the overwhelming majority of them being defense verdicts.

After receiving a Bachelor of Arts in History from the University of Delaware in 1981, Kate subsequently attended Dickenson School of Law in Carlisle, Pennsylvania, where she received her *juris doctor* in 1984. While at Dickenson, she was on the National Trial Moot Court Team and was the winner in the ATLA National Student Trial Advocacy Competition in 1984. Prior to joining Marshall Dennehey in 1989, Kate worked for four years at McEldrew, Quinn, Scace & Selfridge where she did medical malpractice defense work.

Kate has lectured for various organizations over the course of her career, including the Pennsylvania Insurance Association, and has conducted continuing medical education seminars at the Philadelphia College of Osteopathic Medicine. Additionally, Kate regularly lectures at a large medical school in Philadelphia on litigation related issues, including mock depositions.

## Education

- Penn State Dickinson Law (J.D., 1984)

## Practices

- Medical Malpractice
- Catastrophic Medical Injury
- Long-Term Care Liability

- University of Delaware (B.A., 1981)

## **Admissions**

- Pennsylvania, 1984

## **Honors & Awards**

- AV® Preeminent™ by Martindale-Hubbell®
- National Champion, ATLA Trial Association Competition
- Pennsylvania Super Lawyers (2012-2022)

## **Associations & Memberships**

- American Bar Association
- Pennsylvania Bar Association
- Pennsylvania Defense Institute
- Philadelphia Bar Association

## **Classes/Seminars Taught**

- *Issues in Medical Malpractice*, Defense Institute

## **Published Works**

- "Seismic Shift in Pennsylvania Medical Malpractice Informed Consent Cases," co-author, *Defense Digest*, Vol. 23, No. 4, December 2017
- "Beating, Gunfire and Loss of Employment Not Foreseeable From Misdiagnosis of Syphilis," co-author, *Defense Digest*, Vol. 7, No. 1, February 2001

## **Significant Representative Matters**

- Obtained a defense verdict after a week-long jury trial in a medical malpractice case. The plaintiff alleged she sustained a bowel perforation injury in the course of a robotic-laparoscopic hysterectomy. The procedure was performed by an obstetrician/gynecologist. During the course of the procedure, a general surgeon was called in to evaluate the bowels for injuries. There were no injuries found, so the procedure was completed, and the patient was discharged the following day. Two days later the patient returned in critically ill condition, and a bowel perforation in the sigmoid colon was identified. The plaintiff alleged the providers negligently failed to detect the injury during the hysterectomy. After a week-long trial, the jury returned a verdict in favor of all defendants.
- Obtained a defense verdict following three-week jury trial in wrongful death and survival case involving complex claims/theories medical negligence in which verdict exposure was over \$1 million; appeal followed; obtained a dismissal of plaintiff's appeal and unanimous appellate court affirmance in a published opinion (2016 PA Super 142) in an issue of first impression regarding waiver for failure to order, pay for, and cite to official transcripts in plaintiff's post-trial brief (Phila Cty 2016).
- Obtained pre-trial dismissal of 11 claims against three defendants and then defense verdict following 14 minutes of jury deliberations in three-week jury trial in wrongful death and survival case involving claims/theories of medical negligence in which verdict exposure was over \$1 Million (Phila Cty 2016).
- Obtained a defense verdict following month-long jury trial in obstetrical negligence

case in which plaintiff's demand to settle was \$100 million involving allegations of catastrophic birth injuries and testimony from 14 expert witnesses; no appeal followed (Phila Cty 2015).

- Obtained a defense verdict for a hospital client in a wrongful death action involving a medication overdose where the patient was given 1,000 times the amount of medical ordered by the physician (Phila Cty 2011).
  - Obtained a defense verdict for a hospital client in a trial involving allegations that the defendants were negligent in failing to anticoagulate the patient following surgery thereby causing the patient to sustain a stroke. This was the second time this case was tried to verdict as it was originally tried to a defense verdict in 2004, after which the plaintiff appealed (Phila Cty 2009).
  - Obtained a defense verdict for a psychiatric hospital in a trial involving allegations that the patient was negligently discharged as the patient committed suicide shortly after discharge (Phila Cty 2006).
  - Obtained a defense verdict for a hospital client where it was alleged that they failed to properly diagnose and treat a stroke (Phila Cty 2006).
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## Results

### **Defense Verdict Secured in Chester County Medical Malpractice Case**

We obtained a defense verdict after a week-long jury trial in the Chester County Court of Common Pleas in a medical malpractice case. The plaintiff alleged she sustained a bowel perforation injury in the course of a robotic-laparoscopic hysterectomy. During the course of the procedure, a general surgeon was called in to evaluate the bowels for injuries. There were no injuries found, so the procedure was completed, and the patient was discharged the following day. Two days later, the patient returned in critically ill condition, and a bowel perforation in the sigmoid colon was identified. The plaintiff alleged the health care providers negligently failed to detect the injury during the hysterectomy. After the trial, the jury returned a verdict in favor of all defendants.