

Brett C. Shear

Shareholder

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Brett is the supervising attorney for the Health Care Department in the Pittsburgh office. His practice is focused on representing physicians, medical professionals and hospitals in medical malpractice actions and a variety of other areas.

Throughout his legal career, Brett has appeared and argued before courts throughout the United States. He has also successfully tried cases before juries, courts and arbitrators. His practice has included representing a pharmaceutical company in nationwide product liability actions, as well as other clients in the areas of professional liability, securities, environmental, personal injury and property damage.

Brett graduated *cum laude* from West Virginia University with a Bachelor of Science degree in Economics. He went on to attend law school at the University of Pittsburgh. While in law school, Brett clerked for a local judge and for the Office of the Public Defender. He graduated *cum laude* and received his law degree in 2003.

Education

- University of Pittsburgh School of Law (J.D., *cum laude*, 2003)
- West Virginia University (B.S., *cum laude*, 2000)

Admissions

- Pennsylvania, 2003
- U.S. District Court Western District of Pennsylvania, 2004
- West Virginia, 2010
- U.S. District Court Northern District of West Virginia, 2010
- U.S. District Court Southern District of West Virginia, 2010
- U.S. District Court Eastern District of Pennsylvania, 2012
- U.S. Court of Appeals 3rd Circuit, 2014

Practices

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

Honors & Awards

- The Best Lawyers in America®, Medical Malpractice Law - Defendants (2025-2027)

Associations & Memberships

- Allegheny County Bar Association
- Pennsylvania Bar Association
- West Virginia Bar Association

Classes/Seminars Taught

- *Uncovering and Proving Financial Fraud*, Pennsylvania Bar Institute, February 2014

Published Works

- "The EHR Report: Communication, Social Media, and Legal Vulnerability," *Internal Medicine News*, April 27, 2017
- "The Shrinking Scope of the Peer Review Protection Act," *Defense Digest*, Vol. 21, No. 3, September 2015

Results

Defense Verdict Won in Medical Malpractice Case

We received a defense verdict for our client, a general surgeon, who performed carpal tunnel surgery on the plaintiff's left hand. Following surgery, the plaintiff continued to complain of tingling, numbness and weakness in his hand. He went on to have two additional surgeries, performed by two different surgeons. During the third surgery, the surgeon found a median nerve injury. The plaintiff claimed that this nerve injury was caused by the defendant cutting the median nerve during his initial operation. At trial, the defendant demonstrated how he performs carpal tunnel surgery and protects the median nerve, making it nearly impossible to cut or injure the nerve. We contended that the median nerve injury must have happened later, likely during the second surgery. The jury rendered a defense verdict in favor of our client.

Defense Jury Verdict Won in a Medical Malpractice Case

We obtained a defense jury verdict on behalf of a cardiologist. The patient came to the hospital with chest pain radiating to his arm and shortness of breath. The attending physician ordered a stress test, which was performed by the defendant cardiologist, that was interpreted as normal. The patient was then discharged from the hospital and died from a heart issue within two weeks. An autopsy found significant narrowing of all of the arteries of the heart, including a 90% narrowing in the LAD (i.e. the "widowmaker"). The pathologist and coroner opined that the decedent had a cardiac event caused by the significant narrowing of the arteries, which caused his death. The ensuing claim was that the stress test was misinterpreted by the defendant cardiologist. Our expert, a local cardiologist, testified that our client properly interpreted the stress test and that 10% of

patients with coronary artery disease will still have a normal stress test. The jury returned a verdict finding no negligence by the defendant cardiologist.

Defense Verdict for Primary Care Physician

Obtained a defense verdict on behalf of a primary care physician. The plaintiff alleged the physician failed to order a blood test that would have detected a rare blood disorder called TTP. Five days after seeing our client, the decedent's condition rapidly declined, and two days later, he died. Prior to trial, the plaintiff's demand was almost \$1 million. The defense was multifaceted. First, our client directed the decedent to the hospital where a blood test would have been performed, but the decedent refused. Furthermore, the decedent refused outpatient testing, which would have included a blood test. Our client tried to comply with the standard of care but was prevented from doing so because of the decedent's choices. Second, We contended that the decedent did not die from TTP but, rather, from a related blood disorder called DIC, which is only caused by another underlying pathology, which, in this case, was suspected to be lung cancer.