

Donna M. Modestine

Assistant Director, Health Care Department

Shareholder

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As Assistant Director of the Health Care Department, Donna assists in the administration and oversight of the firm's health care attorneys. Donna is also an active litigator in the area of medical malpractice. She has represented a large number of hospitals in Southeastern Pennsylvania, as well as physicians, physician groups, allied health professionals and long-term care facilities. Donna is also experienced in representing health care providers in professional licensing matters.

An experienced attorney, Donna is involved in her cases from beginning to end, including all aspects of discovery phase, expert retention and trial preparation. By ensuring that any medical experts, economists or vocational experts are well prepared, Donna has achieved greatly reduced settlements or sharply reduced awards from the jury at the time of trial.

Donna places a high value on communication and client relationships. By working closely with her clients from case inception to completion, Donna delivers personalized attention and strives to achieve an optimal result tailored specifically for each client.

Donna is a graduate of Penn State University. She attended Widener University School of Law, where she received her juris doctor, cum laude in 1997. While at Widener University, she was a staff member of the Delaware Journal of Corporate Law and received honors for academic achievement in legal writing and analysis.

As an active member of the community, Donna serves as an adjunct professor at Montgomery County Community College, teaching Medical, Legal Ethics. She also partnered with her local high school in the development of its Career Pathways program which assists students in developing future education and vocational goals.

Practices

- Medical Malpractice
- Behavioral Health Risk & Liability
- Long-Term Care Liability
- General Liability

Education

- Widener University Delaware Law School (J.D., *cum laude*, 1997)
- The Pennsylvania State University (B.A., 1992)

Admissions

- Pennsylvania, 1997
- U.S. District Court Eastern District of Pennsylvania

Honors & Awards

- Pennsylvania Super Lawyers (2019-2022)
- Pennsylvania Super Lawyer Rising Star (2005-2007)

Associations & Memberships

- Delaware County Bar Association
- Pennsylvania Bar Association

Classes/Seminars Taught

- *What is Your Case Worth When Analyzed and Compared Over the Last Several Years?*, Delaware County Bar Association, December 11, 2019
- *Pennsylvania Mental Health Procedures Act (50 P. S. § 7112) - 302 Commitments*, The Chester County Hospital Grand Rounds, April 9, 2019
- *What is Your Case Worth?*, Delaware County Bar Association, December 2018
- *What is Your Case Worth?*, Delaware County Bar Association Bench Bar Conference, June 2017
- *Highlights in Pennsylvania Medical Malpractice Law*, Philadelphia Area Society of Healthcare Risk Management, January 28, 2016
- *Let's Agree to Agree; Mediation in Civil Litigation*, Delaware County Bench Bar Conference, June 5, 2014
- *Mock Deposition and Trial Presentation*, Lancaster Health System, July 9, 2008
- *The Amazing Race: The Emerging Trends In Hospital Liability*, 2008 PLUS MPL Conference, Chicago, Illinois, March 11-12, 2008
- *Clinical Support Systems; E-Discovery and Privacy Liability: How They All Come Together*, AIG Domestic Claims, Inc., New York, New York, December 19, 2007
- *Who's Been Reading My Chart? Do Clinical Support Systems REALLY Protect Patient Privacy?*, 2007 PLUS International Conference, Washington, DC, November 9, 2007
- *Computer-Based Clinical Decision Support Systems (DSS)*, Lancaster General Hospital, Women and Babies Hospital, January 2007
- *Electronic Medical Records and Computer-Based Clinical Decision Support Systems (DSS)*, Chester County Hospital Medical Staff, February 24, 2006
- *Disclosure of Serious Events*, Chester County Hospital Medical Staff, March 4, 2005
- *Practical Strategies for Reducing Liability*, VHA Physician Risk Management Education Program, March 8, 2005
- *The Deposition Process, Alleviating Your Fears*, Lancaster General Hospital Education Counsel, June 8, 2005

- *The Deposition Process, Alleviating Your Fears*, Lancaster General Hospital Education Counsel: Women and Babies Hospital, December 28, 2005
- *Managing and Disclosing Medical Errors*, Medical Staff and Nursing Staff at Brandywine Hospital, June 11, 2004
- *Tort Reform and Your New Responsibilities*, Holy Redeemer Hospital Medical Staff, December 1, 2004

Published Works

- "Grooming Your Internal Team...The Importance of Mentoring the Younger Attorneys on the Team," January 2016
- "Who Pays. Is The Pennsylvania Property And Casualty Insurance Guarantee Association Responsible for Delay Damages?," *Defense Digest*, Fall 2005
- "Risk Management By Apology: Does 'Warm And Fuzzy' Really Work?," *Millennium Risk Management News*, Winter 2004-2005, Vol. 1., No. 3

Significant Representative Matters

- Secured a defense verdict in a high/low arbitration where she represented a surgeon. The plaintiff alleged a delay in the performance of an appendectomy for a perforated appendix. The plaintiff went on to require a prolonged hospitalization and two subsequent surgeries. Donna successfully argued that the delay in the performance of the surgery did not result in any of the plaintiff's alleged injuries.

Results

Defense Verdict Secured in Medical Malpractice Case

We received a defense verdict for an emergency room physician in a medical malpractice case after a six-day trial. The plaintiffs alleged the physician failed to diagnose and treat a transient ischemic attack in the emergency department and that this failure caused the plaintiff's ischemic stroke 48 hours later. Following an hour and a half of deliberations, the jury found the emergency room physician did not violate the standard of care.

Received a Defense Verdict for an Emergency Room Physician in a Medical Malpractice Case

We received a defense verdict for an emergency room physician in a medical malpractice case after a six-day trial. The plaintiffs alleged that the physician failed to diagnose and treat a transient ischemic attack in the emergency department and that this failure caused the plaintiff's ischemic stroke 48 hours later. The plaintiff at the time was 44 years old. Following an hour and a half of deliberations, the jury found that the emergency room physician did not violate the standard of care.

Defense Verdict Received in a High/Low Arbitration

We received a defense verdict in a high/low arbitration. We represented a surgeon in a case in which the plaintiff alleged a delay in the performance of an appendectomy for a

perforated appendix. The plaintiff went on to require a prolonged hospitalization and two subsequent surgeries. We successfully argued that the delay in the performance of the surgery did not result in any of the plaintiff's alleged injuries.

Successful defense of surgical center per patient death.

We successfully defended a surgical center in a case involving the death of a 56-year-old woman after shoulder surgery. The plaintiff claimed that the procedure should not have been performed at the surgical center due to the decedent's comorbidities. The plaintiff also claimed that the decedent was post-operatively given an overdose of opioids, which caused respiratory distress and death. The defense argued that the decedent was appropriately monitored after having been given pain medication and that her death was not a result of an opioid overdose.