



A. Bryan Tomlinson

Principal
Professional Liability

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Defends and counsels healthcare systems, hospitals, physicians, physician assistants, nurses, pharmacies, and other healthcare providers in complex professional liability cases involving allegations of catastrophic injuries with significant liability and damage exposure.

Bio

A. Bryan Tomlinson is a Principal in the Firm's Professional Liability Department and Medical Malpractice Practice Group. For over a decade, he has focused his practice on the defense of hospitals and caregivers in medical malpractice litigation.

Mr. Tomlinson's litigation-based practice includes trial, arbitration, and mediation experience in both state and federal courts. He is also involved in the local bar and has been appointed as an arbitrator and discovery court Judge Pro Tempore by the Philadelphia County Court of Common Pleas. He is actively involved in each aspect of his clients' cases, including preparing pleadings; responding to written discovery; arguing discovery, dispositive, and pre-trial motions; deposing witnesses; preparing medical providers for depositions; preparing witnesses and parties for arbitration and trial testimony; developing case defenses with medical experts; trial preparation; and settlement negotiations.

Since 2014, Mr. Tomlinson has been named a Pennsylvania Super Lawyers "Rising Star" by his peers in the area of medical malpractice defense. No more than 2.5 percent of eligible attorneys in the Commonwealth are named as "Rising Stars." For information about this selection and an overview of common third-party publications, rankings, and lists methodologies, [click here](#).

Representative Matters

- Disqualification of plaintiff standard of care expert through pre-trial motion practice, resulting in entry of summary judgment for all defendants (affirmed by Superior Court of Pennsylvania).
- Successfully used pre-trial motion practice to substantially restrict the testimony of plaintiff's standard of care expert, resulting in a favorable mid-trial resolution to the case.
- Secured summary judgment in favor of a hospital in a case involving allegations of liability through the doctrine of ostensible agency for the alleged negligence of a plastic surgeon.

Practices

- Professional Liability
- Medical Malpractice Litigation
- Professional Liability Specialties Litigation
- Alternative Dispute Resolution

Industries

- Professional Services
- Health Care

Education

- J.D., *Dean's List*, Temple University James E. Beasley School of Law, 2007
Editorial Board, *Temple International and Comparative Law Journal*
- M.A. in Political Science, Lehigh University, 2004
- B.A. in Political Science, *with High Honors*, Lehigh University, 2003

Bar Memberships

- New Jersey
- Pennsylvania

Court Admissions

- Supreme Court of Pennsylvania
- Supreme Court of New Jersey
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Middle District of Pennsylvania

- Secured summary judgment that resulted in dismissal of Section 1983 civil rights claims against hospital and three medical providers in an unusually contentious federal medical malpractice action.
- Secured a defense verdict at trial in favor of a hospital and radiologist involving an alleged negligent failure to diagnosis lung cancer on chest x-ray.
- Secured a defense verdict at trial in favor of a hospital in a case involving claims of failure to implement proper interventions for prevention of development of sacral pressure ulcer/deep tissue injury.
- Mediations involving high exposure matters.
- Federal and state court trial and arbitration experience, including preparation of fact and expert witnesses for trial testimony.
- Presentations for several health systems emphasizing the persuasive evidentiary value of proper medical documentation at arbitration and trial.
- Coordinated and led Post & Schell, P.C.'s response to the Civil Procedure Rules Committee's 2019 proposed amendment to Pennsylvania Rule of Civil Procedure 1006(a.1) pertaining to venue of medical professional liability actions.
- Assist emergency medicine physicians and mid-level practitioners with response to subpoenas for trial testimony in criminal matters.

Speaking Engagements

- Presenter, "Fall Precautions and Documentation," Mock Trial, Annual Quality Retreat, Jefferson Northeast Hospital (October 2018)
- Presenter, "Fall Precautions and Documentation", Mock Trial, Holy Redeemer Hospital and Medical Center (May 2016)
- Presenter, "Legal Issues in Wound Care Cases", Mock Trial, Wound, Ostomy, and Continence Nurses' Society (WOCN), Northeast Regional Conference (October 2012)
- Guest Speaker/Presenter, Mock Trial at the Pennsylvania Association of Nurse Anesthetists' Spring Symposium, Hershey, PA (May 2012)
- Presenter, "The Importance of Documentation", Mock Trial, Nursing Symposium, Holy Redeemer Hospital and Medical Center (November 2011)

Publications

- Quoted in, "Hospitals Increasingly Held Liable for EPs' Negligence," *ED Legal Letter* (September 2017)