



Thomas L. O'Carroll

Partner

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Recognizing that a claim for professional negligence is uniquely personal, Thomas O'Carroll has spent his career achieving meaningful results for his clients who find themselves at risk in an unfamiliar legal landscape. For over 25 years, Tom has earned the trust of his clients through his dedication to the belief that lawyers should treat their client's problems as their own.

Tom is a trial attorney who defends health care professionals and organizations in complex civil litigation and regulatory matters. He focuses his practice on the representation of people within all aspects of the health care industry in the defense of medical malpractice claims.

As a trial lawyer, Tom recognizes the importance of letting jurors see the case from the medical professional's perspective so they recognize that unfortunate—sometimes tragic—outcomes do not necessarily mean that the caregiver was at fault.

In addition to defending malpractice claims, Tom has also helped clients in matters involving representing professionals before the Illinois Department of Financial and Professional Regulation (IDFPR) and medical billing issues, including payor audits, reimbursement requests, and claims of fraud. He has defended providers in claims brought by CMS (including ZPIC/UPIC, RAC, MAC audits, and QIO investigations), as well as claims of overpayment by private insurance carriers.

Tom serves as general counsel for several professional practices and companies and knows that there is often greater value in preventing a case in the first place than winning a case at trial.

Tom is the Business Development Leader of Hinshaw's Health Care Practice Group.

He graduated from Tulane University, where he obtained a Bachelor's Degree in both history and political science. Tom graduated from DePaul University School of Law with honors, where he served as a member of the *DePaul Law Review*, the Moot Court Society, and an editor of the *Health Law Journal*.

Professional Affiliations

- Illinois Association of Defense Trial Counsel (IDC)

Practices

Professional Liability
Commercial Litigation
Complex Tort & General
Casualty

Industries

Health Care
Health Care Defense

Education

J.D., DePaul University College
of Law, 1997

- Editor, *Journal of Health & Hospital Law*
- Member, *DePaul Law Review*

B.A., History and Political
Science, Tulane University,
1994

Admissions

Illinois

U.S. Court of Appeals for the
Seventh Circuit

U.S. District Court for the
Northern District of Illinois



- The Illinois Society of Trial Lawyers
- Federation of Defense and Corporate Counsel (FDCC)
- Department of Certified Arbitrators for Cook County Municipal Division
- Illinois State Bar Association

Honors & Awards

- Recognized by his peers as a "Leading Lawyer" in the areas of Medical Malpractice Defense Law and Professional Malpractice Defense Law

Representative Matters

- Defense verdict in Cook County in favor of a suburban park district in a wrongful death claim (F Park District, November 2019)
- Reduced verdict in a case involving the surgical care of a toddler with a fractured arm and claim of a physical deformity following treatment. (*G. v. Orthopedic Surgeon*, November 2017)
- Defense verdict in a claim where a patient claimed a chiropractic procedure caused a herniated disc in the patient's lower back, necessitating surgery. (*H. v. Chiropractor*, February 2017)
- Dismissal before jury selection for a primary care physician in a difficult, high-exposure case, where the plaintiff obtained a verdict in excess of \$30 million against co-defendants. (*R. v. Primary Care Physician*, May 2016)
- Defense verdict for neurosurgeon and his group practice in a case where the the plaintiff alleged an improper surgical technique to the patient's cervical spine. The plaintiff's attorney asked for an award in a range of \$5-6 million. (*D. v. Neurosurgeon*, August 2015)
- Dismissal for a primary care physician in a claim for failure to diagnose and treat osteomyelitis resulting in amputation after opening statements. (*M. v. Primary Care Physician*, August 2014)
- Defense verdict on behalf of a hospital in a wrongful death case involving bed sores. (*Frontier v. Hospital*, November 2014)
- Defense verdict in a wrongful death claim alleging failure to diagnose DVT and pulmonary embolism. The jury rejected the plaintiff's counsel's request for \$5.7 million and returned a defense verdict following a two-week trial. (*Bengston v. Chiropractor*, September 2014)

Publications

- "Medical Billing Audits: The Road to Ruin," *Outpatient Surgery Magazine*, January 2019
- "Defending Audits Before They Happen," *Hinshaw Medical Litigation Newsletter*, December 2016
- "Tapping Into the Self-Insured Employer Market," *Outpatient Surgery Magazine*, March 2016
- Contributing Author, "Survey of Civil Practice Law Cases" Illinois Association of Defense Counsel *Survey of Law*, 2015 – 2018
- "Is it Safe to Say You're Sorry," *Outpatient Surgery Magazine*, October 2014