

Joseph A. Farchione

Partner

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Joe Farchione is a nationally recognized trial attorney with a stellar reputation among hospital systems and insurers, boasting a record of over 130 jury verdicts. He is a first-choice defender for catastrophic, “must-win” cases, particularly high-stakes birth injury claims. Whether anchoring a defense from day one or stepping in on the brink of trial, Joe delivers the sophisticated strategy and steady leadership required under intense pressure.

Credentials

Education

Case Western Reserve University, J.D., 1987

State University of New York at Buffalo, B.A., 1984, Political Science

RECOGNITION

The Best Lawyers in America

Medical Malpractice Law - Defendants, 2017-2027

Colorado Super Lawyers

Super Lawyers, Personal Injury Defense - Medical Malpractice, 2013-2025

Ohio Super Lawyers

2007-2011

Martindale-Hubbell AV®Peer Review Rated*

LEGAL MEMBERSHIPS

American Legal Connections

Healthcare Advisory Committee Member

Ohio State Bar Association

Ohio Association of Civil Trial Attorneys

Cleveland Metropolitan Bar Association

BAR AND ADMISSIONS

Colorado

Montana

New Mexico

Ohio

U.S. District Court, D. Colorado

U.S. District Court, N.D. Ohio

U.S. District Court, S.D. Ohio

OTHER EXPERIENCE

Sutter O'Connell & Farchione

Reminger Co., LPA

Jacobson, Maynard & Tuschman

ARTICLES AND PRESENTATIONS

Presenter, "Voor Dire in 2026: Connecting in the age of a Gen Z, Millennial and Gen X majority."

Presenter, "Anchors Away! Presenting damage numbers from the defense."

"Some (Minor) Relief In Sight: Secretary Issues 1135 Waiver of EMTALA's Medical Screening and Transfer Requirements."

"PREP Act: Healthcare Providers, Labs, and Behavioral Facilities May Invoke Immunities Related to Testing and Treatment of Coronavirus Patients."

"Coronavirus: Inevitable Future Litigation Involving the Healthcare Industry."

Presenter, "Scorched Earth / Bullying Opposing Counsel: How to respond when they make it personal," the American Legal Connections 4th Annual Symposium.

Presenter, "Social Inflation: Where we are and where are we going," American Legal Connections 4th Annual Symposium.

Co-presenter, "Compressive Cranial Ischemic Encephalopathy (CCIE): Medicine or Legal Medicine?" American Legal Connections Webinar.

"How Long Will the Aura of Good Feelings Last?," American Legal Connections Webinar.

"Effective Communication with Millennials: Improving Perinatal Patient and Claims Outcomes," Premier AEIX Perinatal Safety Collaborative Webinar.

Presenter, "The New Severity--A Legal Perspective on Rising Damages," Medical Professional Liability Association.

Presenter, "Update on CCIE: Medicine or Legal Medicine?," Northeast Region of The Doctors Company.

Presenter, "Life Care Planning in 20 Minutes," Northeast Region of The Doctors Company.

Presenter, "National Liability and Verdict Trends," Hospital Insurance Forum.

Presenter, "National Liability and Verdict Trends," The COPIC Annual Conference.

Presenter, "National Trends in Prosecuting Medical Malpractice Lawsuits," The Children's Hospital of Philadelphia Annual Gathering of Risk Managers and Attorneys.

Presenter, "Making the Plaintiff's Expert Blush: Effective Cross-Examination Strategies," The DRI Medical Liability and Health Care Law Annual Seminar in Nashville.

Presenter, "Mega Verdicts: Blip or Trend?," The PLUS Annual Conference.

Presenter, "Trends in Birth Trauma Litigation," The Doctors Company Annual Claims Seminar.

Presenter, "CCIE: Medicine or Legal Medicine?," The Doctors Company Annual Claims Seminar.

Presenter, "Populism and Impact on Legal Trends," The Ironshore Annual Conference.

Presenter, "National Trends, Local Impact," The University of California Risk Summit.

Presenter, "National Trends in Birth Trauma Litigation," The Endurance Healthcare Summit.

Presenter, "Claims Trends to Watch," The PLUS Annual Conference.

Presenter, "Mediation," The University of California Risk Summit.

Presenter, "National Trends in Birth Trauma Litigation," The Premier AEIX National Claims Meeting.

Practices

Catastrophic Injury

Healthcare Litigation

Product Liability

Cases

HEALTHCARE LITIGATION

Won a defense jury verdict for healthcare professionals facing negligence claims in Seattle, Washington. The plaintiff claimed failure to timely diagnose cauda equina syndrome that led to permanent bowel and bladder incontinence. After plaintiff's counsel asked the jury for \$40 million, jurors returned a unanimous verdict for our clients.

In a patient-on-patient assault case in Arkansas, liability was admitted and plaintiffs were demanding at least \$15 million to settle. At trial, we won a directed verdict on punitive damages and the jury ultimately awarded \$4 million, including attorney fees and costs.

Won a new trial in New Mexico in a case alleging two physicians and two nurses had failed to timely treat hypoglycemia in a pre-term baby, leading to seizures and permanent brain injury. Through post-trial investigation, we discovered that the jury foreperson had been untruthful in voir dire and had later described how she had manipulated the system and other jurors.

Settled on the last day of trial a birth injury case caused by the baby's unforeseeable stroke for less than the plaintiffs' demand.

In a New Mexico trial, anchored a defense number in the realities of everyday life resulting in a verdict that used our number and added attorney fees and costs, which was tens of millions less than requested by plaintiffs.

Served as bellwether selection/coordination counsel and won summary judgment in a case involving more than 1,000 patients alleging medically unnecessary treatment.

Settled for less than half the plaintiff's final demand a case in which the plaintiff claimed nurses and physicians had negligently delayed a cesarean delivery that caused the infant a stroke and neurological injuries.

Secured a judgment for less than 5% of plaintiff's demand in a case alleging healthcare providers had failed to properly monitor a mother's labor, resulting in injuries to the baby.

Won a defense verdict in a \$110 million birth injury jury trial in Portland, Oregon.

Won a jury defense verdict for a tele-neurologist in a \$33 million medical malpractice trial involving a stroke patient.

Won the first medical malpractice defense verdict in plaintiff-friendly Las Vegas, New Mexico in over 35 years for a hospital in a \$40 million case involving allegations of failure to diagnose and treat a lung disease which resulted in a patient's death. The jury unanimously found for WTO's client.

Won a defense jury verdict in Washington for a pediatric cardiologist accused of malpractice and facing \$120 million in claimed damages related to an infant's brain damage.

Won a defense jury verdict, working closely with local counsel, for an Iowa obstetrician accused of negligence during the delivery of a baby born with severe physical and cognitive deficits in 2007.

Defended a large health system against one of the earliest filed claims in the U.S. involving a COVID-19-related patient death.

Won a defense verdict in Philadelphia for a hospital and its physician assistant who diagnosed muscle strain when in fact the plaintiff had an infection that resulted in the amputation of her leg. The jury agreed with our arguments that, given the circumstances, the original diagnosis was reasonable.

Won a defense jury verdict in Ohio for two neonatologists facing claims of negligently handling the care of a newborn baby.

Won a defense jury verdict in a \$31 million medical malpractice lawsuit in Illinois involving a newborn who developed sepsis, meningitis, and catastrophic brain damage. WTO then won the subsequent appeal (3-0 panel decision).

Won a defense jury verdict in Ohio for an obstetrician facing claims of medical negligence and lack of informed consent, and damages claims in excess of \$15 million, arising from a stroke suffered by a newborn following a difficult delivery. The obstetrician passed away tragically and unexpectedly before trial, making the defense of the care problematic.

Won a defense jury verdict in Ohio in a two-week trial involving allegations of medical malpractice resulting in birth injuries. The plaintiffs sought over \$18 million in damages, and WTO lawyers were brought in to defend the case just three weeks before trial.

Won a defense jury verdict in Columbus, Ohio, in a medical malpractice case involving paraplegia allegedly resulting from failure to timely diagnose a spinal epidural abscess.

Won a complete defense verdict in state court in Minnesota in a case involving allegations that a doctor's spinal epidural injection resulted in paraplegia. Prior to trial, the plaintiffs rejected a \$4 million offer of judgment. Following two weeks of testimony, the jury deliberated 11 hours over two days, returning with a unanimous defense verdict.

Won a unanimous defense verdict for four psychiatric hospital nurses in a two-week medical malpractice trial in Boston involving the tragic death of a child. Despite the fact that one nurse admitted negligence for herself and implicated the other three, WTO lawyers effectively argued that the nurse's negligence did not cause the patient's death and that the other nurses acted appropriately within the scope of their responsibilities.

Obtained a favorable outcome in a Florida medical malpractice trial involving the death of a 43-year-old man following out-patient hernia surgery. Brought in just a week before trial, the WTO team effectively argued for our client in court, leading the jury to assign primary liability to the patient's family and a non-party surgeon, not to WTO's client. The resulting jury award was less than what our client had offered during trial to settle the case.

Obtained a favorable settlement for a large excess insurance company in a medical malpractice case involving a permanent disability to a young child resulting from surgery conducted by a doctor who was not board certified.

PRODUCT LIABILITY

Represent a medical device manufacturer in litigation involving fetal monitoring.

Represent a manufacturer in litigation involving allegations of hypoxic ischemic encephalopathy related to a ventilator in a neonatal ICU.

Defended a motorized wheelchair manufacturer in a lawsuit involving a fatality allegedly caused by a tip-over.

Obtained voluntary dismissal of all claims alleging that our client's hospice bed started a fire that killed a palliative care patient and caused his widow to suffer post-traumatic stress disorder.

Represented a medical device manufacturer against claims that the company's home oxygen unit caused a fire in an apartment building.
