

# Trial Takeaways

## DEFENDING A “MISSED” FINDING PROCESS OVER PERFECTION

Webinar  
June 8, 2022  
11:00 a.m. – 1:30 p.m.



### Agenda

**11:00 a.m.**

#### Welcome & Introduction

*Beth Cooper, Senior Claims Representative*

**11:05 a.m.**

#### Case study: Nelson v. Wang tried to defense verdict in January 2022

*Scott O'Halloran, Principal/Owner FAVROS*

- Case facts and discussion of imaging
- Issues faced including hindsight bias with now “obvious” finding

**11:30 a.m.**

#### Addressing hindsight bias

*Jeffrey Robinson, MD, MBA, FACR, President Cleareview, Inc.*

- What is Cleareview; why and when to use it
- Benefits of Cleareview process

**11:45 a.m.**

#### Beyond hindsight bias: Defense strategies

*Scott O'Halloran, Principal/Owner FAVROS*

- Teaching a jury that the Standard of Care is not/cannot be perfection:
- How the strategies evolved and what was done to implement the strategies
- Defendant physician's involvement and contributions

**12:10-12:15 p.m.**

#### Break

**12:15 p.m.**

#### Defending the blind review process

*Scott O'Halloran, Principal/Owner FAVROS LAW*

- What issues arose during discovery/trial and how they were addressed
- Anticipating broader attack in future
- When to involve Dr. Robinson as a testifying expert in the case

*Jeffrey Robinson, MD, MBA, FACR, President Cleareview, Inc.*

- Preparation for direct involvement in discovery process

**12:30 p.m.**

#### Using these strategies in other cases

*Scott O'Halloran, Principal/Owner FAVROS LAW*

- Application in defending other “non-patient facing” providers i.e., pathologists

**12:50 p.m.**

#### Questions

**1:00 p.m.**

#### Conclusion/Survey-Evaluation Questions



**SCOTT O'HALLORAN**

Principal/Owner FAVROS LAW

Scott's practice areas include complex civil litigation with an emphasis in representing healthcare providers in medical professional liability lawsuits, licensing and discipline disputes and representing healthcare systems in medical staff/credentialing issues and enterprise risk management. As lead trial counsel in more than 100 complex civil litigation lawsuits, he has successfully defended corporate and individual clients at trial, arbitration, and administrative hearings.



**JEFFREY ROBINSON, MD, MBA, FACR**

President Cleareview, Inc

Dr. Robinson studied and trained at Washington University, the University of Minnesota, UCLA, the University of Washington and the University of Massachusetts. He was a Network Fellow at the Edmund J. Safra Center for Ethics at Harvard Law School. He is an author or co-author of more than thirty scientific publications. Board certified in diagnostic radiology, he has over thirty years of clinical radiology experience. He has been consulted on numerous medical-legal cases by both plaintiffs and defendant's counsel and has an extensive background in information technology, with an emphasis on medical imaging.

