



Diane E. Webster

PARTNER

Chicago

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RELATED SERVICES

- Healthcare
- Product Liability
- Trial Practice
- Commercial Litigation
- Professional Liability Defense
- Education

OFFICES

- Chicago

OVERVIEW

Diane Webster is a trial attorney who defends her clients in a variety of civil litigation, including medical and healthcare litigation, products liability, pharmaceutical liability, and medical/surgical device litigation. These clients include hospitals and physicians, insurance companies, medical/surgical device companies, state and county governments, a major league baseball organization, several corporations, and school districts. Her practice also encompasses premises liability, municipal law, and government litigation.

Diane defends multimillion-dollar complex/catastrophic litigation cases involving medical negligence, birth trauma, obstetrics, neonatal negligence, neurologic injuries, and alleged defective or malfunctioning medical devices.

She practices in all aspects of insurance and general liability defense involving allegations of sexual

abuse, personal injury, premises liability, product liability, and wrongful death. In the area of commercial litigation, she defends class action lawsuits alleging violation of the Illinois Biometric Information Privacy Act (BIPA).

Prior to joining the firm, Diane served as the Chicago office managing partner at her former firm, where she was the first woman in that firm's history to be appointed to the role. She also served on its executive committee, hiring committee, and attorney life committee. In addition, she was active in the firm's mentoring program and was the former co-chair of the Hispanic/Latino attorney network.

During law school, Diane was involved in a number of activities, including serving as the Associate Editor and Lead Articles Editor for the *Journal of International Comparative Law*.

REPRESENTATIVE EXPERIENCE

Representative Experience

Diane has served as lead defense counsel in various multimillion-dollar complex/catastrophic litigation cases involving medical negligence, birth trauma, obstetrics, neonatal negligence, and neurologic injuries, and has successfully resolved these cases to the satisfaction of her clients. Her representative matters include:

- Asked to substitute in and serve as trial counsel after the close of fact discovery in an admitted liability, admitted causation, damages only trial. Represented a nursing home in a wrongful death action following the alleged improper administration of hydromorphone given 10 times the prescribed amount to a nursing home resident repeatedly over days leading to overdose, pain and suffering, difficulty breathing, pneumonia and death. Plaintiff asked the jury to award \$6,000,000 to \$10,000,000. The jury awarded a verdict of \$3,000,000, half the plaintiff's low number.
- Represented the first-named defendant and the target emergency room physician in a two-week trial in DuPage County. The internist and the hospital also were sued. The plaintiff alleged that our client misdiagnosed the 41-year-old man with hypertensive emergency and consequently administered the wrong medication—Nitroprusside—a very potent vasodilator, causing him to drop his blood pressure 67 points and suffer a massive stroke 18-hours later. The plaintiff asked the jury for \$9.5 million, and in just over an hour, the jury returned a not guilty verdict in our clients' favor.
- Secured a preliminary injunction for a major commuter rail system in its breach of contract dispute with a national railroad company regarding the latter's contractual responsibilities on the former's train cars. The railroad had unilaterally suspended its activities related to fulfilling those responsibilities in response to the COVID-19 pandemic.

- Serving as trial counsel, successfully resolved a multimillion-dollar case on behalf of a concrete company in a construction accident resulting in left foot amputation and left leg disfigurement of a 28-year-old male plaintiff. Prior to opening statements, the plaintiff agreed to a settlement equal to one-third of the original demand.
- Won a complete jury verdict for the defendant, a geriatrician, in a three-and-a-half-week wrongful death trial of a 36-year-old woman who was a resident in a nursing home. The defense was able to establish that her condition was appropriately managed and that the resident's death was caused by her progressive and fatal neurodegenerative disease. All other issues were shown to be the result of preexisting conditions. The plaintiff asked for \$6.25 million and a subsequent appeal was also defeated.
- Successfully secured a not guilty verdict in a \$3.65 million case representing a gastroenterologist and his group in a three-and-a-half-week wrongful death trial of a 64-year-old woman.
- Successfully represented an oncologist in a Cook County \$21 million medical malpractice suit involving a 44-year-old woman. After a two-week trial, the jury returned the same day with a not guilty verdict on all counts.
- Secured a not guilty verdict in favor of our client, a Chicagoland hospital, in a \$19 million case involving an obstetrical negligence action.
- After a three-and-a-half-week trial where the plaintiff requested \$21 million in damages, obtained a not guilty verdict for our client, an internist in a medical malpractice action. The case involved an alleged failure to timely diagnose and treat a spinal hematoma in a 61-year-old female after undergoing a femoral-popliteal bypass graft surgery rendering her paraplegic.
- Successfully tried a wrongful death medical malpractice case in Cook County, Illinois, returning a not guilty verdict for the defendant nephrologist, where the plaintiffs asked the jury for \$7.7 million.
- Successfully defended a \$1.25 million claim against a local physician for failure to properly perform surgery where the jury returned a not guilty verdict on behalf of the physician.
- Successfully defended a \$25 million claim against a local hospital alleging obstetrical negligence. The case was settled on behalf of the hospital.

PUBLICATIONS

- Expert Analysis – Opinion: Taming Plaintiffs' Thriving 'Reptile' Tactics: How To Start, Law360, July 26, 2022
- Expert Analysis: Seaman and Webster Examine One of the Leading Drivers of Social Inflation—the "Reptile Theory" Adopted by Plaintiffs' Counsel, July 20, 2022

Firm Events

- Hosted an event of over 50 lawyers and law students in the GRSM Chicago Office partnering with the Hispanic Lawyers Association of Illinois (HLAI) and Hispanic National Bar Association (HNBA) on empowering Latinas in the legal profession in 2024.

PRESENTATIONS

Diane regularly provides attorney training and education including Trial Advocacy programs, demonstrating direct and cross examination techniques in a mock trial setting.

Recent presentations Diane has conducted include:

- Presenter, *"Expert Witness Considerations in Medical Malpractice Cases and Beyond"*, July 2024
- Co-presenter, *"Defending E&O Claims in the Modern World"*, Presentation for Munich Insurance Company, April 2024
- *"Anesthesia Outside the Surgical Suite: Legal Trends and Case Studies"*, November 2023
- *"Tips for Optimizing Trial Outcomes and Minimizing the Incidence of Adverse Verdicts,"* GRSM CLE Program, Chicago, May 2023
- *"Tips for Optimizing Trial Outcomes and Minimizing the Incidence of Adverse Verdicts,"* GRSM CLE Program, Chicago, May 2023
- *"Child Abuse Obligations for Doctors,"* 2020 Midwest Podiatry Conference, Virtual Event, October 29, 2020
- Panelist, *"Networking: Inside & Out While Doing Good,"* Chicago, Illinois, September 20, 2019
- Co-Presenter, *"Closing Arguments,"* Trial Advocacy Program, Chicago, Illinois, August 13, 2019
- *"The Ethics of Diversity and the Economics of Inclusion,"* The Institute for inclusion in the Legal Profession, March 19, 2017
- *"Trial Advocacy Series: Session 2- How to Pick the Right Jury for Your Case- Do's and Don'ts,"* Chicago, Illinois, January 2016

Her other presentations include:

- Co-Presenter, *"Not-So-Apparent: Managing the Risks of Apparent Agency,"* ISMIE, Webinar, November 16, 2022
- Panelist, *"Action-Based Opportunities for Intentional Inclusion in the Legal Profession,"* co-hosted by the Justinian Society of Lawyers and The Diversity Scholarship Foundation, Virtual Event, February 9, 2022
- Panelist, *"Diverse Law Student Interview Strategies Workshop,"* Virtual Event, December 7, 2021

- Panelist, *"Best Practices in Litigation Management,"* Hispanic National Bar Association/Vision in Action's (HNBA/VIA) Corporate Counsel Conference & Annual Convention 2020 (CCC-AC2020), Virtual Event, September 24, 2020
- Panelist, *"Learning Your Leadership Language,"* CBA's 2nd Annual Working Women's Legal Summit, Chicago, Illinois, March 6, 2020
- Panelist, *"Medical & Life Sciences Forum,"* RPC's Medical & Life Sciences Seminar Series, London, October 3, 2019
- Co-Presenter, *"Stem Cell Therapies, Life Science, and Unique Exposures in the Marketplace,"* Presented to GenStar & Genesis Insurance, a Member of the Berkshire Hathaway Family of Companies, Chicago, Illinois, August 8, 2019
- Co-Presenter, *"Anesthesia Outside the Surgical Suite: Legal Trends and Case Studies,"* Merus Management Group, Ltd and The Horton Group, Spring 2019 Educational Program, Illinois, April 25, 2019
- Panelist, *"Path to Leadership" What Kind of Leader Are You?* a CBA Leadership Institute event, Chicago, Illinois, April 10, 2019
- Panelist, *"Managing Up and Down the Generations,"* The Exchange 2019 a Chicagoland Chamber of Commerce event, Chicago, Illinois, April 9, 2019
- Panelist, *"Women in the Law,"* DePaul Law Review Panel, Chicago, Illinois, March 18, 2019
- *"Pathway to Partnership,"* An HLAI Latina Lawyers Commission and HNBA Region IX Panel, Chicago, Illinois, March 6, 2019
- Moderator, *"Leadership Council on Legal Diversity Luncheon and Panel,"* Chicago, Illinois, February 11, 2019
- *"Medical Law Updates,"* Broadspire National, Webinar, May 17, 2017
- *"Navigating Your Firm,"* The Chicago Committee Association, 2017 Annual Law Firm Boot Camp, Chicago, Illinois, February 10, 2017
- *"Making A Good First Impression At Your New Job,"* WBAI New Lawyer Bootcamp, Chicago, Illinois, February 2, 2017
- *"Preparing For Expert Witness at Deposition and Trial,"* Chicago Bar Association, Chicago, Illinois, June 2016
- *"Diversity's Role in the Path to Success,"* LCLD Regional Roundtable, moderator, Chicago, Illinois, May 2016
- *"Leading and Succeeding from the Courtroom to the Corporate Room,"* Latina Leading Lawyers, Chicago, Illinois, September 2015
- *"Three's Company? Insurance Company's Counsel and Settlement Negotiations,"* IICLE Representing Medical Practices and Physicians, Chicago, Illinois, April 2015

CREDENTIALS

Admissions

- Illinois
- U.S. District Court for the Central and Northern Districts of Illinois

Memberships

- Association of Latino Professionals For America (ALPFA)
- Hispanic Lawyers Association of Illinois (HLAI)
- Hispanic National Bar Association (HNBA)
- Illinois Association of Defense Trial Counsel (IADTC)
- Leadership Council on Legal Diversity (LCLD), Inaugural Fellow
- National Association of Women Lawyers (NAWL)

Community Involvement

- Junior Achievement
- Little Brothers
- Metro Achievement Center
- Step-Up Women's Network

Education

- J.D., *cum laude*, New England School of Law, 2004
- B.A., Arizona State University, 2001

Honors

- Inducted as Fellow in the American College of Trial Lawyers (ACTL), 2024
- Recipient of the 2024 HLAI Virginia Martinez Latina Lawyer of the Year Award, 2024
- Recognized on the *Super Lawyers*® list by *Illinois Super Lawyers* magazine, (2021 – 2024)
- Named to the “Notable Women in Law” list by *Crain's Chicago Business*, 2022
- Recognized as a “Salute! Women in Law” honoree by the *Chicago Daily Law Bulletin* and the *Chicago Lawyer*, 2020
- Recognized on the Rising Stars list by *Illinois Super Lawyers* magazine, 2013 – 2019
- Named to the “Most Influential Minority Lawyers in Chicago” list by *Crain's Chicago Business*, 2017
- Recognized as a “Leading Lawyer” by *Leading Lawyers Magazine*, 2017
- Invited to participate in World Heritage Event at the White House, 2016
- Recognized as an “Emerging Lawyer” by *Leading Lawyers Magazine*, 2015 – 2016
- Named to the “40 Under Forty” list by the *Chicago Daily Law Bulletin* and *Chicago Lawyer Magazine*, 2013

- Named to *Diversity MBA*'s list of "Top 100 under 50 Diverse Executive & Emerging Leaders," 2012