



Jason K. Winslow

PARTNER

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RELATED SERVICES

- Healthcare
- Product Liability
- Long-Term Care
- Employment
- Institutional Healthcare

OFFICES

- St. Louis
- Southern Illinois

OVERVIEW

Mr. Winslow is Co-Managing Partner of the St. Louis office. He maintains an active litigation and trial practice defending civil lawsuits involving malpractice claims against healthcare providers, lawyers, and other professionals. He has also handled litigated matters involving commercial, products liability, employment, insurance coverage and general liability disputes for national insurance carriers, international corporations, and particularly in the healthcare setting for hospitals, physician groups, and individual providers.

In the area of employment law, he has represented public and private employers in a wide range of litigated matters involving claims of racial, gender, sex, and other forms of discrimination, as well as healthcare institutions in matters involving privileges to practice medicine and credentialing claims. Jason partners with his clients to aggressively work up cases at their earliest stages with an eye toward

developing a joint strategy for efficient management of each dispute, whether that involves alternative resolution or defense of the lawsuit through jury verdict at trial.

Healthcare Defense

He has represented hospitals, physician groups, long-term care providers, mental health providers, and individual clients throughout the healthcare industry in high-stakes litigation involving catastrophic injuries, allegations of sexual assault, birth injuries, HIPAA data breaches, and COVID-19. Mr. Winslow has tried cases to defense verdict as lead counsel. He also represents individual medical providers in licensing and disciplinary matters before administrative agencies. While working at a prior law firm, he served as interim general counsel of a 200+ bed community-based Hospital.

Prior to joining GRSM, Jason served as National Healthcare Practice Group Leader for an AM Law 200 national law firm. He previously served as a judicial law clerk to the Honorable William D. Stiehl, United States District Court for the Southern District of Illinois. During law school, he was Editor-in-Chief of the Federal Circuit Bar Journal, a member of the Moot Court Board, and traveled with the National Trial Advocacy Team. From 2015-2019, he was recognized by Leading Lawyers™ as an Emerging Lawyer, a recognition given to the top 2% of lawyers under 40 years of age.

REPRESENTATIVE EXPERIENCE

Representative Experience

Jason has defended over 100 healthcare lawsuits and tried cases to verdict as lead counsel.

Representative matters he has defended include:

- *Williamson County*: Represented neurosurgeon and his orthopedic surgical group in counterclaim brought by hospital for contribution following significant monetary settlement. The underlying medical malpractice lawsuit brought by the patient stemmed from a surgical procedure involving the lumbar spine which resulted in a dural tear and leak. The patient experienced permanent nerve injury which resulted in full paralysis of the lower extremities, among other complications. The Hospital maintained that the patient's dural tear and leak occurred because the neurosurgeon allowed a drill to damage a suction device, which was then applied to the dura causing the tear. A nurse testified at trial that she heard a "metal-on-metal" sound during the procedure. The neurosurgeon maintained that the suction device was handed to him for use during surgery in a damaged condition. The defense demonstrated that Plaintiff's theory of how the instrument was damaged during the surgery was incompatible with the alleged intraoperative injury. After a one-week trial, the Hospital asked the jury to apportion greater than 50% of the fault the Defendants. After less than two hours of deliberations, including lunch, the jury returned a unanimous verdict in favor of the Defendant neurosurgeon and his group, allocation 0% of the overall fault to these Defendants.

- *Los Angeles County, CA:* Represented skilled nursing facility in lawsuit involving allegations of elder abuse, wrongful death, general negligence, and medical malpractice stemming from alleged failure to provide necessary fluids to prevent dehydration, nutrition to prevent weight loss, turning and repositioning to avoid bedsores, and personnel to avoid understaffing. Plaintiff maintained that the decedent was dehydrated, malnourished, and bedridden over the course of a one-week stay at a skilled nursing facility which allowed a Stage I coccyx pressure ulcer to progress, causing sepsis and septic shock. Plaintiff pursued theories of alter ego and joint venture against the skilled nursing facility and consultants, corporations, and individual operators to argue that the alleged joint enterprise was intentionally understaffing the facility in order to maximize profits over patient care, for which Plaintiff sought recovery for punitive damages. The defense of the case was premised on the patient's advance age, a prior stroke, dementia with Parkinson's, and key evidence relating to the development of a worsening coccyx lesion after the patient was discharged, to refute the allegations that the standard of care had been violated or that the care the patient received was a proximate cause of the death. Following in 3-week long jury trial, Plaintiff asked for \$6.4 MM. The jury returned a verdict of \$118,500, \$13,000 of which was attributed to medical specials, \$100,000 of which was awarded for wrongful death, and \$5,500 of which was awarded for patient's bill of rights violations.
- *Madison County:* Represented OB/GYN and group in a lawsuit involving a 31-year-old female obstetrical patient who underwent an attempted vaginal delivery which resulted in an urgent Cesarean section, emergent hysterectomy, and a subsequent ureter transplant surgery. The patient sustained injuries that left her unable to bear children. The plaintiff maintained that our clients' prenatal counseling was the sole proximate cause of the harm. After a six-day jury trial, the plaintiff asked for \$2.0MM, but the jury rendered a verdict in favor of the defendants on all counts. Managed all phases of litigation from discovery through trial as lead counsel.
- *Madison County:* Represented radiologist and group in a lawsuit involving a 68-year-old female patient and alleged missed diagnosis of epidural abscess and spinal infection, requiring emergency multi-level lumbar spine decompressive laminectomy. The patient alleged that our client misinterpreted an MRI to show degenerative changes. After a six-day jury trial, the plaintiff asked for \$1.25MM, but the jury rendered a verdict in favor of the defendant on all counts. The defense was based on a denial of any deviation in the standard of care and that the spinal infection existed at the time of the MRI read. Managed all phases of litigation from discovery through trial as lead counsel.
- *St. Clair County:* Represented healthcare system in claim alleging HIPAA breach of mental health information resulting in discharge of military veteran from the United States Marine Corp. After extensive investigation into the circumstances of the alleged breach, the background of Plaintiff, and evaluation of the overall exposure, the claim was resolved favorably for the insured and for a fraction of the initial pre-suit demand amount.

- *Franklin County*: Represented general surgeon and group in a lawsuit involving a 63-year-old male who underwent allegedly negligent ventral hernia repair surgery, resulting in complications requiring subsequent revisionary surgery, ischemic bowel, and removal of the small bowel. The patient developed post-operative short-gut syndrome with permanent disability with incontinence. The patient had incurred over \$1MM in medical bills. The case was tried before a jury for six-days, and just before the closing argument, the case settled favorably for insured. Managed all phases of trial as lead counsel.
- *Jackson County*: Represented a podiatric surgeon in a medical malpractice claim involving a tendon release and reattachment surgical procedure that the plaintiff alleged was performed negligently, resulting in subsequent revisionary surgeries, chronic pain, and partial disability. The defense was based on a denial of any deviation of acceptable standards of care, as well as the assertion that appropriate informed consent was obtained. After more than one full week of trial before a jury, the plaintiff asked for \$860K. The jury returned a verdict in favor of the defendant on all counts.
- *Marion County*: Represented a podiatric surgeon in a medical malpractice claim involving a calcaneal tendon lengthening procedure, resulting in RSD, subsequent surgery, and reflex sympathetic dystrophy. The defense was based on a denial of any deviation of acceptable standards of care, and a denial of proximate cause. Plaintiff sought \$1.9 million in damages. After more than 1 full week of trial, the jury returned a verdict for the defendant on all counts.
- *Saint Clair County*: Represented a neurosurgeon who followed a 42-year-old male patient after a Chiari malformation surgery performed by a partner. The patient allegedly developed bacterial meningitis, resulting in permanent brain injury and permanent disability. Our neurosurgeon client was dismissed without payment following depositions of all experts.
- *Jefferson County*: Represented a certified registered nurse anesthetist and group in a wrongful death case involving alleged failure to protect the maternal airway during an episode of vomiting shortly after labor and delivery. Our defense of the lawsuit involved not only standard of care but also causation, given significant evidence that unforeseeable amniotic fluid embolism had occurred. Following defendants' expert depositions, the lawsuit was voluntarily non-suited by the plaintiff without payment on behalf of clients.
- *Saint Clair County*: Represented OB-GYN and group in a lawsuit involving alleged negligently performed bilateral Salpingo-oophorectomy on a 58-year-old female for an ovarian lesion. Subsequent imaging revealed residual adnexal cystic tissue and mass, resulting in a subsequent surgery performed at a tertiary center. Following depositions of the plaintiffs' experts, the case was dismissed on behalf of OB/GYN and group without payment.

PUBLICATIONS

- Co-Author, “The Law of Medical Practice in Illinois,” Chapter 31, *Medical Malpractice Liability*, 2022-2025
- “What Defense Counsel Should Know About Electronic Health Records,” *The Medlaw Update*, The Newsletter of the DRI’s Medical Liability and Healthcare Law Committee, July 11, 2019
- “Reducing recovery in ‘lost chance of recovery’ cases,” *Chicago Daily Law Bulletin*, August 31, 2015

PRESENTATIONS

- Presenter, “Comparing Medical Malpractice Laws in Missouri, Illinois, and Kansas,” Healthcare Services Group annual claims conference, April 28, 2023
- Co-Presenter, “Electronic Health Records Litigation – Plaintiff and Defense Perspectives,” Illinois Association of Healthcare Attorneys Annual Symposium, Webinar, November 9, 2020
- Co-Presenter, “Electronic Medical Records – Emerging Policy and Litigation Issues,” Illinois Defense Counsel (IDC), Webinar, July 17, 2020
- Co-Presenter, “EHR Charting Practices and Configuration – reducing physician burnout and medico-legal risk,” Illinois Primary Healthcare Association’s (IPHCA) Annual Leadership Conference, Lake Geneva, Wisconsin, October 17, 2019
- “Common Pitfalls in Medical Malpractice Cases,” Illinois Critical Access Hospital Network (ICAHN) Compliance Workshop, Springfield, Illinois, June 20, 2019
- “Electronic Medical Records in Medical Malpractice - Secrets Unlocked,” National Business Institute webinar, April 9, 2019
- Panelist, “Legal Update: 21st Century Challenges: What Lies Ahead?,” Illinois Society of Healthcare Risk Managers Annual Meeting, Springfield, Illinois, June 1, 2018
- Panelist, “Practical Considerations for Dual Representation,” Illinois Association of Defense Trial Counsel Seminar, Chicago, Illinois, March 15, 2018
- Panelist, “The Difficult Deposition: Strategies for Preparing Your Witness,” Illinois Association of Defense Trial Counsel Seminar, Chicago, Illinois, March 15, 2018

CREDENTIALS

Admissions

- Illinois
- Missouri
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Eastern District of Missouri

Memberships

- Defense Research Institute

- Illinois Association of Defense Trial Counsel
- Illinois State Bar Association
- Illinois Society of Healthcare Risk Managers, Programs Committee
- St. Clair County Bar Association

Education

- J.D., George Mason University School of Law, 2007
- B.A., with *high honors*, University of Illinois at Urbana-Champaign, 2004

Honors

- Recognized by his peers as an “Emerging Lawyer” in the areas of Medical Malpractice Defense Law and Personal Injury Defense Law: General