



## Thomas J. Joensen

### PARTNER

Des Moines

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### RELATED SERVICES

- Professional Liability Defense
- Healthcare
- Retail & Hospitality

### OFFICES

- Des Moines

### OVERVIEW

Thomas Joensen is Co-Managing Partner of the firm's Iowa office. Thomas is a Fellow of the American College of Trial Lawyers — a recognition extended to less than one percent of the nation's attorneys. Tom believes his highest and best use is serving as lead counsel representing clients in the courtroom during jury trials. He has appeared for cases as lead trial attorney across the nation, including but not limited to the State of Washington, Cook County, Chicago, and Philadelphia, Pennsylvania. In addition, he has more than 22 years of experience managing and mitigating many types of disputes prior to trial.

Thomas is a formidable first-chair trial attorney. Regardless of the area of law, Tom takes pleasure in identifying the common-sense reasons GRSM's clients should win while in front of juries, judges, commissions, and various Boards. He has appeared as lead counsel in state and federal courtrooms for jury trials and arbitration hearings dozens of times. He has also served as lead counsel in five different evidentiary hearings in federal district court involving large hedge funds and federal and state governmental departments. Tom has argued before the state supreme and courts of appeals seven

times.

While Thomas began his career in medical and legal malpractice, he expanded his experience into litigation involving product liability, employment, construction, all forms of professional negligence, board actions, D&O, employment, agricultural, business, debtor-creditor, estate and finance, automobile, and civil rights complaints. He primarily is a member of the Drug & Medical Device practice group but finds great reward in practicing in all of these areas.

Thomas highly values effective communication, both with GRSM's clients and when representing them at trial. His background as a speech pathologist also gives him insight into defending clients by communicating ideas in the most straightforward way. He knows the law and the background behind the disciplines, and he skillfully argues clients' cases.

Thomas enjoys giving presentations to different audiences on a wide range of legal issues — from small groups of clients to large, continuing-education opportunities for colleagues. He also enjoys exercising with his wife and family. He has a special interest in wine from around the world.

## REPRESENTATIVE EXPERIENCE

- Zimmer Biomet defended a product in a jury trial held during the COVID-19 pandemic in the U.S. District Court for the Northern District of Iowa. Faegre Drinker represented Zimmer in the trial, *Nicholson v. Biomet, Inc.*, Case No. 18-CV-3057.
- Thomas served as lead counsel for a defendant surgeon in obtaining an order for a new trial after a jury awarded a \$15,000 verdict in an informed consent medical negligence lawsuit relating to breast implants. After the plaintiff moved for a new trial on damages only, the defendant surgeon cross-moved for a new trial on all issues. The trial judge acknowledged the jury's verdict was inconsistent and granted a new trial on all issues.
- A 26-year-old plaintiff-patient alleged that a chiropractor negligently manipulated the cervical spine causing a dissection and stroke within an hour of chiropractic treatment. Thomas served as lead counsel in obtaining a complete defense verdict in the chiropractic negligence trial.
- A plaintiff-patient claimed that a primary care physician failed to appropriately refer her to an orthopedic surgeon, thus resulting in permanent wrist injury. Thomas served as lead counsel in obtaining a complete defense verdict during the medical malpractice trial. The jury found that the physician met the standard of care.
- A plaintiff-patient alleged that an ophthalmologist failed to implement the appropriate treatment for glaucoma. Thomas served as lead counsel in obtaining a complete defense verdict in the medical malpractice trial against the eye doctor. The jury determined that the defendant ophthalmologist met the standard of care.

- A plaintiff-patient alleged a plastic surgeon negligently caused a cautery burn during a breast implant surgery. Thomas served as lead counsel in obtaining a complete defense verdict during the medical malpractice trial. The jury determined that the defendant plastic surgeon met the standard of care.
- Thomas served as lead counsel in obtaining a complete defense verdict during a medical malpractice trial. The jury found that the radiologist was not liable for an alleged failure to identify and diagnose an aortic aneurysm when the patient's aorta later ruptured causing death.
- Plaintiffs alleged that a vascular surgeon failed to discover that a post-delivery mother was suffering from compartment syndrome in her leg, which resulted in extreme disfigurement and a severe limp. Mr. Joensen served as lead counsel in obtaining a complete defense verdict in the medical malpractice trial.
- Thomas served as lead counsel in obtaining a complete defense verdict in a medical negligence jury trial where a plaintiff alleged a cardiologist misdiagnosed a sudden cardiac death ailment and treated it unnecessarily. The patient sought damages for the implantation of a pacemaker. The jury concluded that the cardiologist met the standard of care.
- A plaintiff-patient alleged that an emergency department (ED) physician failed to diagnose giant cell arteritis, resulting in the patient going blind the next day. Thomas served as lead counsel in obtaining a complete defense verdict on behalf of the ED doctor in the medical negligence trial. The jury concluded the ED doctor met the standard of care.
- Thomas served as lead counsel in obtaining a directed verdict in medical malpractice trial involving a psychiatrist. The plaintiffs alleged the psychiatrist failed to properly medicate an admitted patient, who later eloped and injured another patient. The Court determined that the plaintiffs failed to show the connection between the doctor's treatment with the claimed injuries and dismissed the lawsuit in the middle of the trial.
- A cardiac surgeon prevailed in a case involving alleged negligence in a coronary bypass procedure. The plaintiff claimed the surgeon severed the patient's vagus nerve, resulting in a paralyzed diaphragm. Mr. Joensen served as lead counsel in obtaining a complete defense verdict for the surgeon in the jury trial.
- A plaintiff-patient claimed her ophthalmologist negligently operated during cataract surgery, resulting in severe loss of vision. Mr. Joensen served as lead counsel in obtaining a complete defense verdict for the optometrist in the medical malpractice trial. The jury sided with the ophthalmologist, finding she met the standard of care.
- A plaintiff alleged an interventional radiologist incorrectly administered a corticosteroid hip injection resulting in numbness causing a severe fall. Thomas served as lead counsel in obtaining a complete defense verdict in the medical malpractice trial for the interventional radiologist.
- Plaintiffs claimed a trauma surgeon prematurely discharged a patient out of a trauma center, resulting in the death of the patient. Thomas served as lead counsel in obtaining a complete defense verdict on behalf of the surgeon. The jury agreed with the defense that the surgeon met the standard of care.

- Thomas served as lead counsel in obtaining a directed verdict during a trial, finding a primary care physician not liable for the alleged premature discharge and negligent supervision by nurses of a patient in a skilled care unit. The Court concluded that plaintiffs had failed to connect the allegations of negligence with the claimed injury.
- A plaintiff claimed a hospital inappropriately positioned equipment in a rehabilitation facility, causing injury to the patient with cerebral palsy. Thomas served as lead counsel in obtaining a complete defense verdict on behalf of the hospital. The jury found that the hospital met the standard of care.

## **PUBLICATIONS**

- Case Note: Iowa Code Section 614.1(9) Schlote v. Dawson, \_\_ N.W.2d \_\_, Defense Update, Vol. XVII, No. 4, Winter 2004
- Model Act for Genetic Privacy and Control (MAGPAC), Iowa Law Review, Vol. 88, No. 1, October 2002

## **PRESENTATIONS**

- Feeling the Burn: Physician Burnout, Physician Connection, June 2018
- Remaining Current: Helping Your Patient and Yourself, Physician Connection, June 2015

## **CREDENTIALS**

### **Admissions**

- Iowa
- U.S. District Court, Northern and Southern District of Iowa
- U.S. Court of Appeals, Eighth Circuit

### **Memberships**

- American Bar Association
- Defense Research Institute
- Iowa Academy of Trial Lawyers
- Iowa Defense Counsel Association
- Iowa State Bar Association
- Polk County Bar Association

### **Community Involvement**

Thomas serves as the attorney officer for a local organization dedicated to promoting and conducting educational, charitable and social welfare works.

Iowa State University — Adjunct Professor of Communications Disorders, 1999-2000

### **Education**

- J.D., University of Iowa College of Law, 2003

- M.A., Speech Pathology, University of Iowa, 1997
- B.A., *with distinction*, Iowa State University, 1994

#### **Honors**

- *Best Lawyers in America*® distinction in Legal Malpractice Law – Defendants (2023-2025), Personal Injury Litigation – Defendants (2022-2025)
- Faegre Drinker — Pro Bono Honor Roll, 2021
- American College of Trial Lawyers — Fellow, 2021
- Iowa Academy of Trial Lawyers — Fellow
- Great Plains Super Lawyers —Products: Defense, 2018