



pmccartney@rendigs.com

p 513.381.9234

f 513.381.9206

Practice Areas

Medical Malpractice Defense

Nursing Home Defense Litigation

Education

- Ohio State University College of Law (J.D., with honors, 1988)
- Kenyon College (B.A., 1984)
- Phillips Exeter Academy, 1980

Overview

Paul's practice focuses on defending nursing homes, physicians, hospitals and other healthcare providers in litigation involving claims of professional negligence related to patient care. He is an experienced trial lawyer, but also has experience in handling appellate issues. He routinely lectures to healthcare providers on issues related to risk management and litigation.

Experience

- Represents nursing homes and extended care facilities throughout Ohio and in Kentucky.
- Represents physicians, dentists, hospitals, and other medical care providers in southwest Ohio in medical malpractice claims and licensure matters.
- Serves as counsel in Ohio for Kindred Healthcare.
- Extensive trial experience in medical malpractice claims.

Honors/Distinctions

- Selected and listed as one of Ohio's Super Lawyers (2006-2012)
- Selected and listed as one of the Best Lawyers in America (2008-2011)
- Received AV peer rating by Martindale-Hubbell - a reflection of having achieved the highest level of professional skill and integrity a lawyer can earn
- Ohio Association of Civil Trial Attorneys Distinguished Service Award (2010)
- Rated 10/10 Superb by AVVO.com, an independent professional evaluation company
- Ohio South Youth Soccer Association 2010 Girls Recreational Coach of the year
- Ohio State Bar Foundation (Life Fellow, Class of 2001)
- Order of the Coif

Admissions

- State of Ohio
- U.S. District Court, Southern District of Ohio
- U.S. Court of Appeals for the Sixth Circuit

Professional Affiliations

- Cincinnati Bar Association (Vice Chair and Past Secretary, Admissions Committee, Past Chair and Vice Chair, Healthcare Law Committee, Chair, Joint Committee with the Academy of Medicine)

- Ohio State Bar Foundation (Member, Development Committee)
- Ohio Association of Civil Trial Attorneys (Board Member and Co-Chair, Medical Malpractice Committee, Annual Meeting Program Chair, 2010, Moderator, 2009)
- Defense Research Institute
- West's 'Tort Law Journal' (Contributing editor, 2006-2008)

Community Involvement

- Anderson High School Mock Trial Team (Legal Advisor, 1995 – 2008, 2010-Present)
- Girl's Southeast Soccer Association (Board Member, 2001- present)
- Children's Hospital Medical Center Corporate Leadership Council (1997-2001)
- Greater Cincinnati Kenyon College Alumni Association (President, 1993-1997)
- Hyde Park Community United Methodist Church (Member, Finance Committee, 2005 - 2006, 2008)
- United Cerebral Palsy (Golf Committee Member, 2008 - Present)
- University of Cincinnati Rendigs Moot Court Competition Judge, Final Rounds (2010 - 2011)

Presentations

- "The Impact of Disruptive Behavior on Patient Care and Practice, and the Strategies to Mitigate Risks-An Attorney's Perspective," Presented to Medical Protective Company insureds (April 2011)
- Trial Practice: Opening Statements, Instructed to Cincinnati Bar Association Young Lawyers Section as part of The Advocacy Series (April 2011)
- "The Less-Than-Perfect Doctor-Patient Relationship: an Attorney's Perspective," Presented to Medical Protective Company Insureds (October, 2008, April, 2009, and April 2010)
- "Uncharted Territory - Documentation to Prevent Litigation for Long Term Care Facilities," sponsored by Bayley Place (April, 2009)
- "Enforceability of ADR Agreements in Nursing Homes," Medical Malpractice/Nursing Home Litigation Seminar, OACTA (May, 2008)
- "If at First You Don't Succeed, Pass Tort Reform

Again...and Again...and Again: Will the Ohio Supreme Court Uphold Med Mal Damage Caps in Light of *Arbino v. Johnson & Johnson?*", Cincinnati Bar Association Healthcare Law Committee (April, 2008)

- "Risk Management for Medical Office Staff," Sponsored by Abbott and Presented to Greater Cincinnati Associated Physicians (March, 2008)
- "Documentation to Prevent Litigation for the Long Term Care Nurse," Presented to Mercy Franciscan Terrace, Mercy at Shroder, Mercy Franciscan at West Park and Mercy St. Theresa Center (October and December, 2007)
- "Failure to Diagnose - A Continuing Challenge; The Attorney's Perspective," Presented to Medical Protective Company insureds (October, 2006 and October, 2007)
- "The Death of Medical Malpractice: Is It Exaggerated?" Presented to Franciscan Services Corporation, Quality Assurance Conference (October, 2007)
- "Professional Liability Issues-Claims Review, Lessons Learned," Presented to Franciscan Services Corporation, Long-Term Care Conference (April, 2007)
- "ADR Agreements in Nursing Home Contracts: Are they Enforceable?" Cincinnati Bar Association Healthcare Law Committee (April, 2006)
- "Spotlight on Patient Safety: The Attorney's Perspective," Presented to Medical Protective Company insureds (September, 2005)
- "Streamlining Discovery & When Trial is Imminent, How Can the Long Term Care Client Help," Panel Discussion, Presentation for 2005 Spring Long Term Care Panel (May, 2005)
- "Handling the Nursing Home Malpractice Suit," Managing Resident Safety Risks, for Risk Management Solutions (April, 2005)
- "What to Expect in a Medical Malpractice Action," Panel Discussion, Physicians' Survival Seminar sponsored by the Academy of Medicine (September, 2004)
- "Risk Management for Nursing Homes," Presentation for Adcare Healthcare Systems, (September, 2004)
- "Recent Legal Trends in Nursing Home Litigation," Managing Resident Safety Risks sponsored by Risk Management Solutions (April, 2004)
- "Ohio Nursing Home Law: The Defense Perspective," sponsored by Lorman Education Services, (July 2003,

July 2004, and September 2005)

- “Where is My Doctor? The Difference Between Nursing Home Care and Acute Hospital Care,” Health Care Law Seminar sponsored by the Cincinnati Bar Association (December, 2003)
- “Nursing Home Liability Update,” Winter Seminar, OACTA (December, 2003)
- “Current Status of Medical Malpractice,” presented to Cincinnati Eye Institute (May, 2003)
- “Medical Malpractice: The Defense Perspective,” Medical Malpractice Seminar, sponsored by the National Business Institute (March 2002 & 2003)
- “The Role of Nurse’s Aides in Preventing Malpractice Lawsuits,” lecture to Nurse’s Aides Class, Columbus State University (March, 2003)
- “Risk Assessment for Nurse’s Aides,” sponsored by the Southwest Ohio Nurse’s Aides Association (February, 2003)
- “Interpreting Medical Records,” Cincinnati Paralegal Association Annual Seminar (March, 2001)
- “Reducing Medical Mistakes: Is it Possible?” Panel Discussion for Health Care Law Seminar, sponsored by the Health Care Law Committee of the Cincinnati Bar Association (December, 2000)
- “Medical Malpractice: Inside Look for Summer Associates,” sponsored by the Cincinnati Bar Association (June, 2000)
- “The Cycle of Care, Part I: Planning,” The Medical Protective Company (April, 2000)
- “Attacking Credibility of Witnesses,” Evidence Rules Workshop, sponsored by the OSBA CLE Institute (March, 2000)
- “General Deposition Considerations,” Taking and Defending Effective Depositions, sponsored by Lorman Education Services (February, 2000)
- “Responsive Pleadings,” Pre-Trial Primer, sponsored by the Ohio CLE Institute (August, 1998)
- “Key Trial Tactics and Strategies - The Defense Perspective,” Using Exhibits to Win Your Case in Ohio, sponsored by NBI (June, 1998)

Publications

- “Wrongful Pregnancy, Birth and Life Claims in Ohio,” Tort Law Journal of Ohio, May/June 2007.
“Binding Arbitration Agreements in Nursing Home Contracts in Ohio: Are They Enforceable?,” Tort Law Journal of Ohio (March/April, 2007.)
- “The Ohio Supreme Court recognizes Claims for Loss of Chance,” Deliberations, Vol. X, Issue 2, Fall 1996 (co-authored with Thomas M. Evans, Esq.).
- “Ohio Supreme Court Explains Limits of Negligent Infliction of Severe Emotional Distress Claims,” Deliberations, Vol. IX, Issue 3 (Fall/Winter, 1995)
- “Ohio Supreme Court Allows Evidence of Liability Insurance in Malpractice Case,” Deliberations, Vol. IX, Issue 1 (Winter, 1995)
- “Ohio Supreme Court Expands Availability of Punitive Damages,” Deliberations, Vol. VIII, Issue 4 (Autumn, 1994)
- “Defense Experts Opinions Held to Same Standards as Plaintiff’s Experts,” Deliberations, Vol. VIII, Issue 3 (Summer, 1994)
- “Ohio Supreme Court Casts Doubts as to Validity of Contractual Non-Binding Arbitration Provisions,” Deliberations, Vol. VI, Issue 2 (Summer, 1992)
- “Validity of Insurance Policy Provision Limiting Recovery to Single Person Limit Liability for Multiple Claimants Where Only One Person Suffers Bodily Injury,” Deliberations, Vol. IV, Issue 2 (Summer/Fall, 1990)