

# HALL BOOTH SMITH, P.C.



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Partner

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## Biography

Partner Ryan M. Donihue is a leader in complex and high-exposure medical malpractice litigation defense, specializing in birth trauma, brain injury, catastrophic injury, neonatal and pediatric matters, and other high-risk damages actions in courts across the United States.

A senior leader on the firm's elite National Trial Counsel specialty team, Ryan works relentlessly to minimize indemnification risk by aggressively defending clients in the highest exposure cases, including potential precedent-setting litigation and catastrophic medical professional liability claims in challenging venues. Ryan also has extensive experience in successfully defending clients in batch claims and class action cases throughout the country.

Additionally, Ryan often serves as National Monitoring and Supervising Counsel for excess insurers and insureds, including clients internationally as well as numerous domestic insurers. He works closely with each client to align litigation strategy with their business objectives and the potential risk profile and financial exposure of the case. He provides case oversight and defense

## Services

[Medical Malpractice](#)

[Products Liability](#)

## Strategic Teams

[Batch Claims & Class Action](#)

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[Monitoring & Supervisory Counsel](#)

[National Trial Counsel](#)

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counsel coordination with coordinated aggressive damages evaluations. He communicates effectively and provides detailed reports about case developments, makes recommendations and adjusts strategy, and conducts risk management and data-driven analysis of venue risk, jury dynamics, trial proceedings, and potential outcomes at every stage of high indemnity exposure cases.

Beyond litigation defense, Ryan offers national and international clients extensive pre-suit service including internal investigations and pre-litigation evaluations, and he often counsel's clients on their own risk management policies and practices. Ryan represents all physician and surgical specialties including but not limited to Obstetricians, Certified Nurse Midwives, Labor and Delivery Nurses, Post-Partum Nurses, Neonatologists, Neurosurgeons, Pediatricians as well as Psychologists, Psychiatrists, Mental health providers, Physician practice groups, Hospitals, Ambulatory Surgical Centers, and Health care organizations.

Ryan has more than a quarter of a century of complex medical malpractice litigation defense experience, and has served as National Trial Counsel and National Monitoring and Supervising Counsel for insurers and insureds in countless high-exposure cases in major courts all across the United States. Ryan is licensed to practice law in Oregon, New Mexico, Colorado, Idaho, New York, Texas, Oklahoma, North Carolina, Georgia, Connecticut, Arkansas, Montana, Missouri, West Virginia, and Wyoming. He often works as co-Lead Counsel alongside Local Counsel in order to jointly obtain the desired results by clients or the insurer.

Ryan leads Litigation Teams, assesses potential risk and the merits of each case, and sets trial strategy. He works closely with the entire Litigation Team to oversee motion practice, retain and prepare specialized witnesses including actuarial experts, conduct eDiscovery and data organization and management, prepare for trial, and aggressively defend against damages to send a message to Plaintiff counsel that the Defense is always fully prepared and willing to try cases.

More +

As a respected lecturer and mentor, Ryan is often invited to guest lecture or present at legal education conferences throughout the

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country and abroad, including American Legal Connections, Hospital and Hospital Systems and conferences by leading reinsurance firms. He often lectures on strategies for defending medical malpractice and catastrophic injury actions; the importance of aggressive damage defense to minimize exposure and reduce potential jury awards; emerging trends, developments, and impact of litigation outcomes; and proactive, thoughtful Risk Management and training to minimize the risk of litigation in the first place.

Before joining HBS in 2015, Ryan was a Partner with Martin Clearwater & Bell, LLP, the oldest medical malpractice Defense firm in New York State. Earlier in his career, he was an Assistant Corporation Counsel with the New York City Law Department, where he represented hospitals and health care providers in the Medical Malpractice Unit of the Office of the Corporation Counsel.

Ryan earned a Juris Doctor with a focus on health law from New York Law School. He completed his undergraduate career at the University of Puget Sound, where he earned a Bachelor of Arts degree.

## Experience

### Medical Malpractice

Ryan focuses his practice on the defense of hospitals, physicians, midwives, nurses, and institutional employees in birth trauma and catastrophic injury cases. He also represents and defends health care institutions, private practices, physicians, psychologists, nurses, physician assistants, medical students, and medical practice staff members in complex medical malpractice actions from inception through trial.

Ryan has extensive experience representing health care professionals before state Boards in licensing and disciplinary matters. Finally, he has lectured at hospital grand rounds, discussing the increasing trends in malpractice actions, state

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investigations and professional discipline cases.

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## Monitoring & Supervisory

Ryan serves as National Monitoring and Supervising Counsel for excess insurers and insureds, including numerous domestic insurers as well as clients internationally. He understands each client's specific business objectives to ensure litigation strategy is aligned in high indemnity exposure cases, oversees the case, coordinates defense counsel, conducts data-driven evaluations of trial risk and financial exposure, communicates effectively through regular detailed reports about case developments and recommendations, and assesses and manages risk on venue, jury dynamics, and trial proceedings throughout the case.

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## National Trial Counsel

Ryan has extensive experience on the firm's National Trial Counsel specialty team, and he represents clients across the country in the riskiest cases to minimize indemnification exposure and potential damages by aggressively defending clients in cases such as birth trauma, catastrophic injury, brain injury, and neonatal and pediatric claims. He also represents clients in batch claims and class action cases throughout the country. Clients often engage Ryan to conduct internal investigations and pre-suit evaluations, and he counsels clients on their own effective risk management policies and practices.

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## Credentials

### Admitted

State Courts:

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- Arkansas
- Colorado
- Connecticut
- Georgia
- Idaho
- Missouri
- Montana
- New Mexico
- New York
- North Carolina
- Oklahoma
- Oregon
- Texas
- West Virginia
- Wyoming

## Education

- J.D., New York Law School
- B.A., University of Puget Sound

## Memberships

- State Bar of New Mexico
- State Bar of Montana
- State Bar of Idaho
- American Society of Health Care Risk Management (ASHRM)
- Connecticut State Bar Association
- DRI
- Georgia State Bar Association
- National Institute, Trial Lawyers Association
- New York State Bar Association, Healthcare Committee
- North Carolina State Bar Association
- Physician Insurers Association of America

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## Presentations

- **A Simulated Dental Malpractice Trial: as Real as it Gets Without Being in Court**  
Rocky Mountain Dental Convention; January 19, 2024
- **Public Quality Data 101: Understanding Institutional Aging**  
Annual Long Term Care Insurance ExecuSummit; September 12, 2023
- **Taking Back the Defense**  
National Pediatric Risk Managers Meeting; March 2, 2023
- **Simulated Malpractice Mock Trial: COVID-19 Lawsuit**  
2020 ADA FDC Virtual Connect Conference, October 2020

More +

- **A Simulated Dental Practice Court Case Presented Live - Oral Cancer Misdiagnosis**  
Rocky Mountain Dental Convention, January 2018
- **Can Your Dental Team Help Defend You in a Malpractice Lawsuit?**  
American Dental Association Meeting, October 2017
- **Informed Consent: Why, Where and How to Make it Work**  
American Dental Association Meeting, October 2017
- **Dental Mock Trial**  
Southwest Dental Conference, September 2017
- **Rising Tide of Civil Litigation: Defense of Dentists & Battling Expert Testimony**  
Georgia Dental Association's Annual Meeting at Amelia Island, July 2017
- **A Simulated Dental Malpractice Trial Presentation**  
California Dental Association, May 2017
- **Discover the Lost Tribes: Physician Malpractice Panel**  
Panel discussion, Crittenden Medical Insurance Conference in Miami, FL, April 2017
- **A Simulated Dental Malpractice Trial Presentation**  
Annual Hinman Dental Meeting at the Georgia World Congress Center and Omni Hotel, March 2017
- **A Simulated Dental Malpractice Trial Presentation**  
American Dental Association Annual Meeting in Denver,

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Colorado, October 2016

- **CNA Dental Professional Liability**  
Risk Management seminar, October 2016
- **Ethics, Jurisprudence and Dentistry**  
Georgia Regents University, March 2016
- **A Simulated Dental Malpractice Trial Presentation**  
American Dental Association's 156th ADA Annual Session,  
November 11, 2015
- **Nurse Practitioners and Physician Assistants: Liability  
Issues and Scope of Practice**  
Invited Speaker, American Conference Institute
- **Elopement and Related Issues**  
Invited Speaker, Grand Rounds, Flushing Hospital Medical  
Center, Department of Pediatrics
- **Documentation and Disclosure of Protected Pediatric  
Patient Information**  
Invited Speaker, Grand Rounds, Flushing Hospital Medical  
Center, Department of Pediatrics
- **Rising Malpractice Trends in Oral and Maxillofacial  
Surgery**  
Invited Speaker, Grand Rounds, New York Medical College,  
Department of Oral and Maxillofacial Surgery
- **Defensive Practice Techniques by Healthcare Workers**  
Invited Speaker, City University of New York Department of  
Health Sciences
- **Step-by-Step Approach to Defending Malpractice  
Actions and Relate Healthcare Issues**  
Invited Speaker, City University of New York Department of  
Health Sciences
- **Successful Approach to Mediation and Alternative  
Dispute Resolution**  
Invited Speaker, City University of New York Department of  
Health Sciences
- **Legal Perspective: Maintaining Ethics and Other  
Aspects of Your Practice**  
American Psychological Association (APA) Conference,  
August 2021

## Publications

- **Qualified Settlement Fund: An often overlooked and underutilized tool to ensure final resolution and client protection from third-party lien holders**  
HBS Catastrophic Injury Litigation Blog; July 19, 2021
- **ACOG Provides Guidance To Healthcare Practitioners Whose Patients Are “At-Risk” For Coronavirus Disease-2019**  
HBS Coronavirus Litigation Blog; March 20, 2020
- **The Impact Of The National Opioid Epidemic On Obstetric, Maternal-Fetal, Neonatal & Pediatric Medicine**  
HBS Opioid Task Force Blog, April 2018
- **Demystifying the Office of Professional Discipline and its Investigative Process**  
Martin Clearwater & Bell Defense Practice Update, October 2014

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- **Defending a Lack of Informed Consent Claim in Mini-Dental Implant Surgery**  
Medical Liability Mutual Insurance Company Dental Dateline, Fall 2011
- **The Responsibilities of the General Dentist to Screen Patients for Oral Cancers**  
Martin Clearwater & Bell LLP Bulletin, Summer 2011

## In the Press

### **Qualified Settlement Fund: An often**

## overlooked and underutilized tool to ensure final resolution and client protection from third- party lien holders

July 19, 2021

Written by: Ryan M. Donihue,  
Esq. Defense attorneys in  
medical malpractice or  
catastrophic injury cases  
often overlook and do not  
utilize the important and  
available tool of a Qualified  
Settlement Fund in order to  
ensure full protection for a  
client when there is a third-  
party lien holder, and the  
Plaintiff is threatening to walk  
away

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## ACOG Provides

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## Guidance to Healthcare Practitioners Whose Patients Are “At-Risk” For Coronavirus Disease-2019

March 20, 2020

Written by: Ryan Donihue, Esq. With the focus of the global pandemic principally on older adults and those who have serious underlying medical conditions (e.g., heart disease, diabetes, asthma and lung disease), another significant group of individuals have essentially been left out of the discussion who are at an even higher risk for developing severe

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## HBS Welcomes Ryan Donihue as Of Counsel and Sean Cox

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## as an Associate to the Atlanta Office

July 31, 2015

HBS is pleased to welcome Ryan M. Donihue as Of Counsel and Sean Cox as an Associate to its Atlanta office. Mr. Donihue focuses his practice on the defense of dentists, podiatrists, physicians, hospitals, and laboratories in medical malpractice and other health care issues. He also represents health care professionals in professional disciplinary proceedings. Before joining HBS, Mr.

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