



Jonathan D. Smith

Retired Senior Counsel

jonathan.smith@dlapiper.com

Baltimore (Mount Washington)

Baltimore (Downtown)

T: +1 410 580 4265

F: +1 410 580 3265

Jonathan Smith has a wide-ranging professional liability, medical product liability, personal injury defense and business, insurance and financial litigation practice.

Jonathan has extensive experience in the defense of pharmaceutical and medical device liability claims, dealing with sophisticated scientific and medical issues. His practice also includes the defense of physicians, hospitals and other health-care institutions in malpractice matters, as well as litigation and dispute resolution in related matters. His business litigation experience also includes employment agreement disputes, partnership and professional corporation dissolutions and disputes, insurance coverage issues, contract matters and a host of related issues. Jonathan has represented clients in litigation related to failed financial institutions. This includes jury trials in which he represented federal and state insurance funds in cases involving claims of mismanagement of those institutions.

Jonathan has represented health-care providers in professional discipline cases and in privileging and credentialing matters. He also is involved in firm litigation training programs and speaks to physician, hospital and other groups concerning litigation issues.

- Litigation, Arbitration and Investigations
- Product Liability, Mass Torts and Product Stewardship
- Healthcare
- Life Sciences

REPRESENTATIVE MATTERS

- Defense jury verdict in favor of a hospital in a case involving an alleged delay of diagnosis of a brain tumor and hydrocephalus in a 22-month-old child
- Obtained dismissals while summary judgment motions were pending in 49 cases against a pharmaceutical company alleging neurologic injuries arising from vaccines
- Summary judgment in favor of a hospital in a case involving alleged failure by its laboratory to interpret a pathology slide allegedly showing indications of melanoma. Judgment granted on basis of lack of duty running to plaintiff based on circumstances of case
- Summary judgment in favor of a pharmaceutical company in a case involving allegations that the plaintiff contracted a fatal disease as the result of use of a prescription medication. Judgment was granted after extensive discovery on basis of learned intermediary and statute of limitations defenses
- Summary judgment in favor of a healthcare provider in a case alleging severe neurological injuries related to labor and delivery. Judgment obtained as a result of the plaintiff's failure to establish an appropriate standard of care with respect to treatment of

premature labor. Affirmed by the Court of Special Appeals of Maryland

- Dismissal of claims against healthcare providers filed in Health Claims Arbitration Office in a case involving complications of hip replacement surgery, as a result of claimant's failure to obtain adequate certificate of qualified expert
- Summary judgment in favor of an institutional review board in a case involving damage claims arising from the alleged failure of a medication that was the subject of a clinical trial
- Defense jury verdict in favor of a hospital accused of medical negligence by a plaintiff who alleged permanent nerve injury, partial paralysis, and chronic pain following hip replacement surgery
- Summary judgment in favor of health care providers in a case involving wrongful death and survival claims arising from allegations of product liability, negligence, misrepresentation, and denial of informed consent related to the decedent's death from a neurological disorder allegedly caused by treatment many years earlier with human growth hormone
- Judgment in favor of a hospital in a jury trial involving alleged permanent brain damage arising from electroconvulsive therapy and alleged psychiatric malpractice. The trial court granted motion to strike the plaintiff's expert's testimony and then granted motion for judgment. The judgment was affirmed on appeal
- Arbitration award in favor of a physician in a wrongful death action involving alleged failure to diagnose a heart attack. The case settled on very favorable terms near the conclusion of the subsequent federal court jury trial
- Representation of a state deposit insurance fund in the investigation of claims fraud and mismanagement in the operation of a savings and loan association, and subsequent civil litigation resulting in a four and one-half month jury trial and verdict in the client's favor for \$322 million
- Representation of the same state deposit insurance fund in the investigation of claims of fraud (including a Ponzi-like scheme) and mismanagement in the operation of a savings and loan association and related companies, and subsequent civil litigation resulting in a jury trial extending over four months and a verdict in the client's favor of \$112 million and multiple appeals, which ultimately were successful for the client

PUBLISHED OPINIONS

- *Davis v. The Johns Hopkins Hospital*, 330 Md. 53, 622 A.2d 128 (1993)
- *Crysopt Corp. v. Board of Savings & Loan Commissioners, et al.*, 324 Md. 315, 597 A.2d 65 (1991)
- *Finci v. American Casualty Co.*, 323 Md. 339, 593 A.2d 1069 (1991)
- *Billman v. State of Md. Deposit Ins. Fund Corp.*, 86 Md. App. 1, 585 A.2d 238 (1991)
- *FSLIC v. Reeves*, 816 F.2d 130 (4th Cir. 1987)
- *Madeline Ritter v. Mount Saint Mary's College*, 814 F.2d 986 (4th Cir. 1987), cert. denied, 108 S.Ct. 260 (1987)
- *Exxon Corp. v. Schoene*, 67 Md. App. 412, 508 A.2d 142 (1986)
- *FSLIC v. Williams*, 622 F.Supp. 132 (D. Md. 1985); 599 F.Supp. 1184 (D. Md. 1984)

CREDENTIALS

Admissions

- Maryland

Recognitions

In 2010, Jonathan was named to the 2010 BTI Client Service All-Star Team for Law Firms, which recognizes lawyers who "top the charts in client service excellence" and "have packaged proactive outreach, counseling and a healthy dose of practicality with their deep understanding of clients' business." Only 164 lawyers across the US were named to this list.

Education

- J.D., University of Maryland 1980
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- B.A., University of Maryland Baltimore County 1977
magna cum laude

Courts

- Supreme Court of the United States
- United States Court of Appeals for Maryland
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the District of Maryland

Memberships

- American Bar Association Section of Litigation
- Maryland State Bar Associations
- Baltimore City Bar Associations
- Defense Research Institute