

Andrew S. Kessler, Local Office Managing Partner

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Overview

Andy has been litigating matters since the beginning of his legal career and vigorously represents physicians and hospitals in defense of medical malpractice and matters involving allegedly malfunctioning medical technology. Beyond defense of medical malpractice matters,

Andy has an active and diverse litigation caseload that includes premises liability, motor vehicle, employment discrimination, financial institutions and credit unions. His legal experience includes more than 15 years defending asbestos and mesothelioma claims.

Andy's litigation practice is located in Pennsylvania where he represents clients in multiple jurisdictions and includes arbitration, bench trials, jury trials and appeals before State and Federal Courts of Appeals.

Experience

- Obtained defense verdict at jury trial in Philadelphia County on behalf of a local utility involving a claim where an elderly home owner sustained extensive severe burn injuries when her gas oven exploded

Contact

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Practices

Construction Liability
Employment and Labor
Law
Products Liability
Professional Liability:
Medical
Toxic Tort

- Obtained defense verdict at jury trial in Lehigh County involving a senior citizen who sustained a broken hip as a result of a fall in a physician's office; successfully demonstrated to the jury the incident could not have occurred as Plaintiff alleged
- Obtained defense verdict at jury trial involving a failure to diagnose lung cancer case by demonstrating there was no causal relationship between the alleged negligent conduct and Plaintiff's diagnosis with lung cancer
- Obtained defense verdict at jury trial in matter involving a claim that Plaintiff slipped and fell on an accumulation of water in the pantry of a hospital
- Secured defense verdict in bench trial in premises liability claim where vendor visiting hospital asserted that defective elevator doors caused crush injury to Plaintiff's fingers
- Secured dismissal of hospital in wrongful death action on behalf of 27-year-old woman who died two days after outpatient surgery by demonstrating that surgeon who performed the surgical procedures was not ostensible agent of hospital
- Secured dismissal of hospital in claim where patient asserted he was improperly discharged from hospital by demonstrating that Plaintiff's representation that a Certificate of Merit was not required was erroneous
- Secured dismissal of hospital and Emergency Department physician from action in which Plaintiff asserted a failure to diagnose and treat a pericardial effusion
- Secured summary judgment in favor of property owner in a trip and fall action due to Plaintiff's failure to make good faith efforts to serve the complaint prior to the expiration of statute of limitations
- Secured dismissal of hospital in medical malpractice action alleging use of improperly sized plate for treatment of ulnar fracture
- Secured dismissal of all claims at trial in medical malpractice action for improper emergency gynecological care by demonstrating that Plaintiff's expert liability witness was not properly qualified under

Section 512 of the MCARE Act to render expert opinions against Emergency Department physician (dismissal affirmed by Superior Court)

- Secured award in favor of Defendant in binding private mediation in a premises liability claim in which Plaintiff asserted he was injured when he tripped and fell over a raised HVAC exhaust vent
- Secured award in favor of hospital in an action involving a claim that Plaintiff tripped and fell over an allegedly defective sidewalk causing a ruptured Achilles tendon by demonstrating that Plaintiff had committed perjury during his direct examination as to when and where the incident occurred
- Secured dismissal of hospital in medical malpractice action alleging improper discharge of a patient in the presence of an alleged infection which led to a below the knee amputation

Education

- Temple University School of Law, JD, 1991, *cum laude*
- Temple University, BA, 1988, *summa cum laude*
 - President's Scholar

Admissions

- Pennsylvania
- United States District Court: Eastern District of Pennsylvania
- United States Court of Appeals: Third Circuit

Languages

- English

Professional Memberships

- Philadelphia Area Society of Healthcare Risk Management
- Philadelphia Bar Association

Presentations/Publications

- Presenter to physicians during hospital Grand Rounds on issues such as informed consent, proper medical documentation and the successful defense of medical malpractice actions
- Presenter to security personnel on the importance of documenting incidents and the proper methods for investigation of claims
- Panelist for the Thomas Jefferson University Hospital Symposium on Thyroid Cancer where he discussed issues surrounding diagnosis and treatment of thyroid cancer from a litigation perspective