



## MARY H. SPILLANE

Mary Spillane's practice emphasizes state and federal appeals in civil cases, medical malpractice and products liability defense litigation, and healthcare law. Mary has substantial experience advising healthcare clients on peer review, credentialing, quality assurance, risk management, fraud and abuse, self-referral, antitrust, and healthcare reform issues.

### Practice

- Appellate Representation in State and Federal Courts
- Medical Professional Liability Defense
- Products Liability
- Healthcare Risk Management
- Licensing and Disciplinary Actions
- Medical Staff, Peer Review, Privileging/Credentialing
- Regulatory Reform and Compliance

### Representative Cases

- *Fergen v. Sestero*, 182 Wn.2d 794 (2015)
- *Ockletree v. Franciscan Health Sys.*, 179 W.2d 769 (2014)
- *Ambach v. French*, 167 Wn.2d 167 (2009)
- *Chadwick Farms Homeowners' Ass'n v. FHC LLC*, 166 Wn.2d 178 (2009)
- *Stewart-Graves v. Vaughn*, 162 Wn.2d 115 (2007)
- *Coppernoll v. Reed*, 155 Wn.2d 290 (2005)
- *Estate of Otani v. Broudy*, 151 Wn.2d 750 (2004)
- *Breckenridge v. Valley Gen. Hosp.*, 150 Wn.2d 197 (2003)
- *Washington State Phys. Ins. Exch. & Ass'n v. Fisons Corp.*, 122 Wn.2d 299 (1993)
- *Shorter v. Drury*, 103 Wn.2d 605 (1985)
- Obtained defense verdict for hospital and members of its medical staff in privileging dispute brought by surgeon whose hospital privileges had been summarily suspended

### Education

- Seattle University School of Law, J.D., *summa cum laude*, 1981  
Editor in Chief, Law Review  
Eloise Baird Boldt Scholar
- University of Florida, B.S. Physical Therapy, with high honors, 1973  
Phi Kappa Phi

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### **Admitted to Practice**

- Washington State
- Supreme Court of the United States
- United States Court of Appeals for the Ninth Circuit
- United States District Court, Western District of Washington
- United States District Court, Eastern District of Washington

### **Professional Experience**

- Fain Anderson VanDerhoef Rosendahl O'Halloran Spillane, PLLC, Owner/Principal, 2015 – Present
- Williams Kastner & Gibbs, PLLC, 1981 – 2015

### **Professional Memberships**

- American Academy of Appellate Lawyers, Fellow
- American Board of Trial Advocates, Member
- Washington Defense Trial Lawyers
  - President, 1994-1995
  - Vice President, 1993-1994
  - Secretary, 1992-1993
  - Treasurer, 199 -1992
  - Trustee, 1990-1991
  - Editor, The Defense Press, 1988-1992
- Washington Pattern Jury Instructions Committee, 1995 - 2018
- Washington State Bar Association
  - Health Law Section
  - Litigation Section
- King County Bar Association
  - Appellate Section
  - Medical Legal Committee, 1988-1990
- American Bar Association
  - Health Law Section
  - Litigation Section
  - Appellate Section
- Defense Research Institute
  - Appellate Section
- American Health Lawyers Association
  - Fraud & Abuse Practice Group
  - Hospitals & Health Systems Practice Group
  - Physicians & Physician Organizations Practice Group
  - Medical Staff Practice Group

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- Washington Women Lawyers
- Washington Healthcare Risk Management Society
- Washington State Society of Healthcare Attorneys
- Washington Appellate Lawyers Association

### **Community Involvement**

- Foundation for Washington State Courts  
Treasurer  
Past President
- Washington Courts Historical Society  
President

### **Honors & Awards**

- Top 10 Washington Super Lawyers List, 2017-2018
- *The Best Lawyers in America*® 2007 – Present, in the areas of Appellate Law and Health Care Law
- Super Lawyers, 2001 – Present, by *Super Lawyers Magazine*
- Top 100 Washington Super Lawyers, 2011 to Present
- Top 50 Women Washington Super Lawyers, 2003 – Present
- Recognized by the *Seattle Met* magazine as a “Top Lawyer” in health care since 2011, a designation based upon Martindale-Hubbell’s ranking of those practitioners in King County who have been judged by their peers to be “AV Preeminent”—the highest peer-review rating available.

### **Publications & Presentations**

Lecturer, 2015 Medical Malpractice Update, Spring Health Law Conference, Sponsored by Washington Society of Healthcare Attorneys, 2015.

Lecturer, Washington Health Care Litigation – The Year in Review, Health Law Section’s Annual Seminar on Critical Issues in Health Care, Sponsored by Washington State Bar Association, 2013.

Lecturer, 2013 Medical Malpractice Update, 29<sup>th</sup> Annual Risk Management Conference, Sponsored by WHCRMS, 2013.

Lecturer, 2013 Medical Malpractice Update, Hospital & Health Law Seminar, Sponsored by Washington State Society of Healthcare Attorneys, 2013.

Lecturer, Washington Health Care Litigation – The Year in Review, Health Law Section’s Annual Seminar on Critical Issues in Health Care, Sponsored by Washington State Bar Association, 2012.

Lecturer, Washington Health Care Litigation – The Year in Review, Health Law Section’s Annual Seminar on Economic Showdown in Health Care, Sponsored by Washington State Bar Association, 2011.

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Lecturer, Medical Liability – Year in Review, 27<sup>th</sup> Annual Risk Management Conference, Sponsored by WHCRMS, 2011.

Lecturer, Hospital Privileging Disputes – A Year in Review, 26<sup>th</sup> Annual Risk Management Conference, Sponsored by WHCRMS, 2010.

Lecturer, Medical Malpractice Update, Hospital & Health Law Seminar, Sponsored by Washington State Society of Healthcare Attorneys, 2007.

Panelist, Product Liability Law and Practice, Superior Court Judges, Spring Conference in Washington State, 2007.

Lecturer, The Measure of Damages in Wrongful Death Cases after Philippides and Otani, Annual Insurance Law Update, Sponsored by Washington Defense Trial Lawyers, 2005.

Panelist, Standard and Scope of Review and Fee Awards in Civil Appeals, The Master Class on Appeals in Washington, Sponsored by Washington State Bar Association, 2005.

Panelist, Civil Law Update: Tort, Civil Procedure, Insurance and WPI's, Washington Superior Court Judges' Spring Program, 2004.

Panelist, "The New WPI's,": Tort Law Update: Hip, HIPAA Hooray!, Sponsored by Washington State Trial Lawyers Association, 2003.

Panelist, View from the Podium: Oral Argument and Opinions, Second Edition, Washington Appellate Judges' Spring Program, 2003.

Co-Chair, Rediscovering Professionalism: Why Lawyers Lose When Trying to Win at All Costs, co-sponsored by Washington Defense Trial Lawyers and Washington State Trial Lawyers Association, 1995.

Lecturer, Stark II Physician Referral Prohibition: Are Your Referral Arrangements Still Safe, Sponsored by Washington State Medical Association, Seattle, Olympia, Spokane, Richland and Mount Vernon, Washington, 1995.

Lecturer, Stark II Physician Referral Prohibition: Are Your Referral Arrangements Still Safe, Sponsored by Washington State Medical Association, Seattle, Vancouver, Yakima, Spokane and Bellingham, Washington, 1994.

Lecturer, How to Prepare and Present a Defense Case, What Can a Mediator Do to Help a Defendant's Case? Mediation Training Seminar sponsored by Settlement Now, December 1994.

Lecturer, Mary Carter and Loan Receipt Settlement Agreements in Washington State. Tort Law Update Seminar, Sponsored by Washington State Trial Lawyers Association, 1994.

Lecturer, Responding to Discovery - Truth or Consequences, Advanced Discovery Seminar for the Washington State Attorney General's Office, Seattle, Washington, 1994.

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Lecturer, Tort Reform, Spring Judicial Conference, Semiahmoo, Washington, 1994.

Paper, The Debate over Junk Science - Is There Such a Thing and How Do You Tell?, Science in the Courtroom Seminar, Sponsored by WSBA 1994.

Lecturer, What's Happening with Malpractice Reform, Law & Medicine Symposium, Tacoma, Washington, 1994.

Lecturer, AIDS and STDs, Confidentiality of Medical Records Seminar, Bellevue, Washington, 1993.

Lecturer, Specific Statutes and Regulations Governing Confidentiality and Reporting, Confidentiality of Medical Records Seminar, Seattle, Washington, 1991.

Lecturer, Case Law and Evidence Rules, WDTL, Use and Abuse of Expert Witnesses Seminar, 1990.

Lecturer, AIDS: Legal and Ethical Issues, Grays Harbor Community College, 1988.

Lecturer, Status of Tort Reform and Constitutional Challenges to Tort Reform: The National Scope, Oregon Trial Practice After Tort Reform, Portland, 1988.

Lecturer, Legal Issues Involved in the Use of Ionic and Non-Ionic Contrast Agents, Western Region American Healthcare Radiology Administrators, Management Seminar, 1988.

Lecturer, Malpractice Standards for Psychiatrists and Other Mental Health Professionals - The Defendant's View, Mental Health Law Seminar, University of Washington School of Law, 1988.

Panel Presentation, AIDS Update, Risk Management Seminar, WHCRMS, 1988.

Mock Oral Argument, Physician-Patient Privilege and Ex Parte Contact with the Plaintiff's Treating Physicians, WSTLA State Appellate Practice Seminar, 1987.

Mock Trial Presentation, The Victim in Court - PTSD: Legal Fiction vs. Clinical Reality, Pacific Northwest Trauma Symposium, 1987.

Panel Member, Complications and Their Management - Beyond Sixteen Weeks: Practical Considerations for Quality Care, National Abortion Federation, Risk Management Seminar, Fall 1987.

Author and Compiler, "Washington Physicians Guide to Health Law," Published by Washington State Medical Association, 1996, 2001, 2007.