

Attorney Bio

Andy Kessler is a partner in the Philadelphia office of WSHB with a national reputation for impressive results in complex commercial litigation. Widely recognized as a “go to” lawyer throughout Pennsylvania, he brings to every matter an impressive trial record of defense verdicts secured for clients over his 25+ year career of representing physicians and hospitals in all facets of medical malpractice. His experience in this arena includes claims involving emergency medicine, surgery, failure to diagnose cancer, birth-related injuries, dentistry, primary medical care, ophthalmology, geriatric care, cardiology, orthopedic and podiatric care, pharmacy and prescription drug administration issues, rehabilitative medicine and infectious diseases. Andy has also defended numerous matters involving allegedly malfunctioning medical technology.

A skilled and talented litigator, Andy enjoys a diverse practice area that includes premises liability, construction, transportation, products liability, employment and professional liability including financial institutions and credit unions. With an extensive background in medicine through his medical malpractice experience, Andy is particularly adept defending matters involving catastrophic injuries.

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.

Education

Temple University School of Law (J.D., 1991, *cum laude*)

Temple University (B.A., 1988, *summa cum laude*)

Licensed to Practice in:

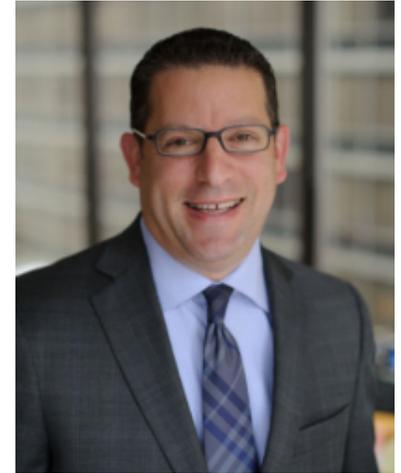
Pennsylvania, United States District Court for the Eastern District of Pennsylvania, United States Court of Appeals for the Third Circuit

Practice Areas

Medical Malpractice and Healthcare Law
Pharmaceutical and Medical Devices
Commercial and Business Litigation
Construction

Andrew S. Kessler

Partner



Philadelphia

1760 Market Street
Suite 1001
Philadelphia, PA 19103
Tel: (215) 709-2250
Fax: (215) 709-2251

akessler@wshblaw.com
Direct: (215) 709-2228

Coronavirus National Response Team

Employment

ADA Compliance and Defense

Product Liability

Transportation

Trial & Appellate Results

- Secured summary judgment in a matter involving a temporary staffing agency and one of the temporary employees that it placed with a third party company. He successfully asserted that the application of the Borrowed Servant Doctrine compelled a finding that the third party company should be considered the temporary employee's "employer"
- Secured summary judgment in favor of out of possession landlords who were brought suit against them following the assault of a tenant's guest at a party
- 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
- 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
- [*Failing To Preserve Evidence; Exception Carved Out By Pennsylvania Superior Court*](#)

Awards & Accomplishments

- Named Legal Counsel for Northeast Community Center for Behavioral Health

Publications

- News and Updates, CLM Magazine (June 2020)
- A No-Win Situation for Health Care, CLM Magazine (May 2020)
- Between the Lines, CLM Magazine (May 2020)
- *Virtually Accessible: A Recent Supreme Court Action Opens the Door to ADA Lawsuits Over Website Accessibility*, CLM Magazine (November 2019)

Seminars, Events & Presentations

- 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

Memberships

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