



Joe B. Swart

Partner

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Joe B. Swart concentrates his practice on defending hospitals, physicians, physicians' assistants, nurses and nurse practitioners. He specializes in every aspect of complex medical malpractice litigation, including obstetrical, gynecological oncology, brain injury and surgical cases, often successfully obtaining an early dismissal or facilitating a defendant's verdict at trial.

Prior to entering private legal practice, Joe was a prosecutor in the Kings County District Attorney's Office, where he spearheaded long-term criminal investigations into narcotics and firearms trafficking cartels, including the Latin Kings and other gangs. His investigations received attention from national media, including Court TV, *The New York Times* and HBO. In addition, Joe was a recurring commentator on Court TV (TruTV), providing expert legal analysis of high-profile criminal cases.

Medical Malpractice Defense

Joe is experienced in managing all aspects of medical malpractice defense litigation, from initial investigation and serving pleadings and demands, through the process of conferencing with experts and counseling clients ahead of deposition, to the conclusion by a voluntary discontinuance, summary judgment motion, reasonable settlement or trial.

The clients Joe serves include physicians, health care providers, hospitals and nursing homes in all types of cases ranging from labor and delivery and gynecological, to orthopedic surgery, to infectious disease, cancer, surgery and nephrology, to emergency medicine, hematology, radiology, bed sores and more.

Education

- New York Law School (J.D., 1996)

Services

- Medical Malpractice & Health Care
- National Trial Team

- Auburn University (B.A., 1993)

Bar Admissions

- New York

Professional Affiliations

- New York Bar Association
- New York County Bar Association
- New York State Medical Defense Bar Association

Awards & Honors

Selected for inclusion in *New York Metro Super Lawyers® Rising Stars™* in the Personal Injury Medical Malpractice category, 2025

Representative Matters

Obtained summary judgment for midwife in alleged failure to properly treat a patient with preeclampsia advancing to HELLP Syndrome during labor and delivery. The patient died following the delivery, and the defendant-hospital brought a third-party action against midwife. At the conclusion of discovery, Joe moved for summary judgment for the midwife. Motion was granted, in spite of vigorous opposition by seasoned plaintiff's attorney and the third-party plaintiff's attorney.

Obtained summary judgment for obstetrician in brain damaged baby case in which the plaintiff claimed physicians and hospital failed to properly provide prenatal care, labor management and delivery of the infant by failing to identify a high-risk pregnancy, failing to diagnose and properly treat chorioamnionitis, and ignoring non-reassuring decelerations in the fetal heart rate during labor. As a result, infant allegedly suffered hypoxia, brain damage, cerebral palsy and quadriplegia. Joe successfully moved for summary judgment for treating obstetrician, in spite of very strong opposition from a highly reputable plaintiffs' firm specializing in brain damaged baby cases.

Obtained dismissal for hospital, resident surgeon and anesthesiologist in surgery case where plaintiff claimed a nerve in his left leg was negligently injured during surgery. During the discovery phase, Joe positioned the case such that the plaintiff's counsel agreed to discontinue against the resident surgeon and anesthesiologist. When counsel refused to discontinue against the hospital, Joe successfully moved for summary judgment on behalf of the facility.

Secured discontinuance for two nephrologists in renal failure case in which the decedent died of complications related to end-stage renal disease. Through strategic handling during the discovery process, including testimony provided by both defendant-nephrologists at deposition, Joe persuaded the plaintiff's attorney to discontinue against the nephrologists at conclusion of discovery.

Client Wins

Swart Obtains Defense Verdict for Internal Medicine Physician

Joe B. Swart (Partner-New York, NY) successfully defended an attending physician in a Brooklyn nursing and rehabilitation facility who treated the plaintiff's 78-year-old decedent, who was admitted with a diagnosis of cancer in preparation for two rounds of adjunct chemotherapy. Our client was not present when the lab result showing a highly elevated WBC count was received via facsimile on a Friday evening and he could not be immediately contacted. There was no evidence in the chart reflecting that anyone at the facility reviewed or acted on the lab result until our client returned on Sunday morning, at which time he called an ambulance to transfer the decedent to the hospital, but she coded before arrival. Our client performed CPR, but the decedent expired. At trial, Joe showed that there was a system in place for treatment of patients when the attending physician was away. This included "boots on the ground" coverage by a Nurse Practitioner present at the facility over the weekend, and a "coverage system" whereby a doctor was on-call to the facility 24/7. Unfortunately, these resources failed to back up our client. In his summation, plaintiff's counsel asked the jury for \$900,000 in total damages. After deliberating for just over one hour, the jury returned the verdict, finding "no" to all departure questions.