



John R. Shepperd

Partner

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John Shepperd provides professional liability defense to hospitals, surgery centers, health care providers, lawyers and other professionals. He has taken innumerable cases to a jury verdict in both rural and urban venues. John's litigation practice spans the entire state of Texas, including an active practice in venues recognized to be among the most dangerous in the country for defendants.

John began his practice more than 30 years ago as an attorney for a prominent plaintiffs' firm in southeast Texas, giving him unique insight and the ability to anticipate plaintiffs' counsel strategies long before an action is taken. His background and experience opened the door for John's extensive experience in federal, state and administrative law and appellate courts.

John's training as both a student and an instructor at the National Institute of Trial Advocacy fostered his reputation as a mentor of young attorneys in his office. In addition, John is a frequent speaker at continuing education seminars aimed at attorneys and physicians.

Community Involvement

John is active in a variety of community events related to running, including the Houston Area Road Runners Association, the John J. Eikenburg Law Week Fun Run and the Terlingua Track Club.

Services

- Accountants
- Complex Tort & General Casualty
- Lawyers' Liability
- Medical Malpractice & Health Care
- National Trial Team
- Professional Liability & Services

Medical Malpractice

John has handled more than one thousand medical malpractice claims on behalf of physicians, hospitals, surgery centers and other health care providers. He has taken more than 50 trials to a jury verdict. This includes prevailing in the longest-lasting medical malpractice trial in Texas history when only in his fifth year of practice.

General Liability

John defends companies and individuals in personal injury, wrongful death and commercial disputes involving a range of issues, including premises liability, construction law and general tort liability.

Professional Liability

John represents accountants, real estate agents, attorneys and other professionals in connection with malpractice claims. His practice includes complex malpractice claims arising from underlying accounting work, legal work, real estate transactions and various other issues.

Administrative Law

John frequently is retained to defend a wide range of professionals before their licensing boards, including physicians, attorneys, audiologists, professional counselors and nurses.

Education

- University of Texas School of Law (J.D., 1986)
- University of Texas at Austin (B.A., 1983)

Bar Admissions

- Texas

Court Admissions

- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, Southern District of Texas

Professional Affiliations

- Houston Bar Association
- State Bar of Texas
- Defense Research Institute (DRI)

Awards & Honors

- Selected for inclusion in *The Best Lawyers in America*®, 2023-2026
- AV® Preeminent™ Rated by Martindale-Hubbell
- American Board of Trial Advocates (ABOTA)

Representative Matters

Defended various medical residency programs, including both faculty and residents, in a wide assortment of medical malpractice claims.

Successfully defended to verdict an assortment of claims in south and southeast Texas venues generally recognized as pro-plaintiff.

Serves as national counsel for a Fortune 500 company owning more than 100 auto dealerships nationwide.

Serves as Texas counsel for a national employment company that provides temporary workers to various companies.

Serves as Texas counsel for a national telemedicine company.

Publications

Volume 37, Number 1, 2017

Defending a "Never Event"

Journal of Healthcare Risk Management

Client Wins

Huston and Shepperd Win Defense Verdict in High-Exposure Neurosurgery Case

Christina Huston (Of Counsel-Houston) and John Shepperd (Partner-Houston) obtained a defense verdict for a neurosurgeon client in the 170th District Court of McLennan County, Waco, Texas, after a four-day trial.

The plaintiff in this case, a 44-year-old female, underwent an anterior cervical discectomy performed by our client, followed by a posterior cervical laminectomy and fusion after her continued complaints of pain and neurological symptoms. The plaintiff later experienced significant deterioration, including impaired mobility and bowel and bladder issues, and ultimately sought care from a subsequent neurosurgeon who performed a two-level corpectomy. The plaintiff alleged that our client negligently failed to recognize the need for a corpectomy from the outset, asserting claims supported by expert testimony and seeking substantial damages, including a life care plan valued at \$3.8 million, as well as lost earnings and noneconomic damages.

At trial, Christina and John presented evidence and expert testimony establishing that both procedures performed by the client were appropriate and within the standard of care. They further demonstrated that the plaintiff initially improved following the second surgery, but deteriorated weeks later due to a known postoperative complication – an encapsulated

fluid collection placing pressure on the spinal cord. Evidence showed this condition, rather than any surgical decision-making, caused the patient's subsequent neurological decline, and was later addressed during the third surgery. The Wilson Elser team also noted that our client did not have access to critical post-operative imaging after the second surgery, which he had ordered before the patient transferred care.

After approximately two hours of deliberation, the jury returned an 11–1 verdict in favor of our client, finding no negligence on the surgeon's part despite the patient suffering poor outcomes after the first two surgeries.

Huston and Shepperd Successfully Defend Spine Surgeon Against Unnecessary Surgery Claim

Christina Huston (Of Counsel-Houston, TX) and John Shepperd (Partner-Houston, TX) obtained a defense verdict after five days of trial. The plaintiff alleged her client spine surgeon performed an unnecessary 360° spinal fusion surgery when the patient presented with hip pain that was secondary to a trochanter bursitis rather than a herniated disc. The plaintiff subsequently suffered a failed fusion. The plaintiff relied on the testimony of a hip surgeon as well as an investigation by her health insurance carrier that concluded this was an unnecessary surgery. The plaintiff also claimed that our client made his decision to operate solely on provoked discography, which the plaintiff described as an antiquated "Voodoo" technology. The client countered by testifying that the insurance claim was denied because it was mistakenly characterized as a two-level fusion for herniated discs. Christina and John agreed that a two-level fusion for herniated discs is inappropriate, but that was not the patient's diagnosis. The patient actually had internal disc disruption at two levels. The disc disruption was demonstrated on a post-discography CT scan that showed extravasation of injected dye outside the disc space. The jury returned an 11-1 verdict for the surgeon in less than an hour.

Shepperd and Piatkowski Obtain Dismissal in Alleged Failure to Diagnose

John Shepperd (Partner-Houston, TX) and Kelsi Wade Piatkowski (Of Counsel-Houston, TX) secured a dismissal on behalf of physician clients in Harris County, Texas, 333rd Judicial District Court. The plaintiff, in her early 30s, alleged that our clients failed to timely diagnose a hip fracture that resulted in a total hip replacement and alleged disabilities. Throughout the case, John and Kelsi maintained that our clients met their respective standards of care and that the plaintiff's injuries were not caused as a result of our their treatment. The court found that the plaintiff did not have the necessary evidence to support her allegations, and the lawsuit was ultimately dismissed.

Shepperd and Al-Salim Vindicate Interventional Cardiologist in IVC Filter Case

After a five-day jury trial, John Shepperd (Partner-Houston, TX) and Lina Al-Salim (Associate-Houston, TX) obtained a defense verdict in a medical malpractice lawsuit pending in state district court in El Paso, Texas. The 53-year-old plaintiff was diagnosed with life-threatening blood clots in her lungs. Our client, an interventional cardiologist, placed an inferior vena cava filter to prevent future blood clots from migrating to the patient's lungs. Months later, an attempt by another interventional cardiologist to remove the IVC filter was unsuccessful, and the filter remains in the plaintiff today. The plaintiff sued our client, contending the pulmonary emboli could have been treated successfully with oral anticoagulants, and that she was not adequately informed of the potential risks of

the IVC filter or of the alternative treatment using simple anticoagulant therapy. Plaintiff also contended our client was negligent for failing to remove the IVC filter 12 days after insertion as mandated by the package insert. John and Lina contended the only alternative to the IVC filter placement was probable death, arguing that a reasonable patient would have agreed to the IVC filter placement regardless of whether informed consent was obtained. In addition, they maintained that timely removal of an IVC filter is gauged by the doctor's clinical judgment and not the contents of a package insert. Finally, they contended the plaintiff was negligent for failing to timely seek follow-up care. Regarding damages, John and Lina provided evidence that (1) the hospital had written off \$280,000 of the \$300,000 bill, (2) the plaintiff provided no evidence of the cost of future medical care, (3) the plaintiff's extensive time away from work was due to numerous medical and personal issues unrelated to her fear that the IVC filter might kill her, and (4) that plaintiff's ongoing fear is unfounded and irrational. The jury reached a unanimous decision that our client was not negligent. Concerning informed consent, 10 of the jurors believed our client did not provide adequate consent, but all 12 agreed a reasonable patient would have consented to the IVC filter placement.