



## Russell Makepeace

SHAREHOLDER IN ST. LOUIS, MO

Russell solves system-level and patient-specific problems involving clinical care, regulatory compliance and forensic psychiatry. He manages internal issues of risk and defends liability matters before State and Federal courts, governmental commissions, probate forums and the State Board of Registration for the Healing Arts. He joined the St. Louis office of Sandberg Phoenix in 2000, where he has served in numerous mentoring and leadership roles, including as the firm's Marketing Partner during its period of greatest growth.

For the past fifteen years Russell has chaired the firm's Hospital Defense Group, the largest of its kind in St. Louis. The group manages conflict at the intersection of tort law, medicine and governmental regulation such as HIPAA, HITECH, EMTALA, the Patient Safety and Quality Improvement Act of 2005, and the Affordable Care Act ("Obamacare"). Members of this unique team defend the most complex, high-exposure disputes involving medical providers in the region.

In the courtroom, Russell serves as lead trial counsel for the largest medical providers in the St. Louis metropolitan area. He has defended litigation involving virtually every medical specialty, with particular focus on cases involving obstetrical emergencies and birth trauma. His clients include the BJC Health System and Tenet Healthcare Corporation.

Russell's appellate experience includes work before Federal and State appellate courts in both Missouri and Illinois. He was the lead brief writer on behalf of all intervenors when Missouri's concealed weapons law was challenged in the Missouri Supreme Court in 2004. Reported cases include:

- Woodall v. Christian Hospital NE-NW, 473 S.W.3d 649 (Mo. App. E.D. 2015)
- Bohac v. Walsh, 223 S.W.3d 858 (Mo. App. E.D. 2007)

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### SERVICES

Medical Malpractice Defense

### INDUSTRIES

Hospitals

Physicians & Allied Health

Professionals

- Brooks v. State, 128 S.W.3d 844 (Mo. 2004)
- Witters v. Hicks, 338 Ill. App. 3d 751, 790 N.E.2d 5 (Ill. App. 5 Dist. 2003)
- Bella v. Turner, 30 S.W.3d 892 (Mo. App. S.D. 2000)

## PROFESSIONAL AFFILIATIONS

Illinois State Bar Association

Missouri Adult Services Association

Missouri Bar Association

Missouri Society of Healthcare Attorneys

## EDUCATION

J.D., Washington University School of Law

Scholar at Law and the recipient of the Ronald J. Foulis Memorial Scholarship.  
Russell served as Associate Editor of the *Journal of Urban and Contemporary Law*.

B.A. in History with a minor in Religious Studies, Southwest Missouri State  
University, *summa cum laude*

During college he worked for the Israeli Antiquities Department on the Banais  
archaeological expedition in northern Israel.

## LICENSURE(S) AND ADMISSION(S)

Illinois

Missouri

## CIVIC ACTIVITIES

Laumeier Sculpture Park, Member

Missouri Botanical Garden, Member

New City School, Board of Trustee

St. Louis Art Museum, Member

Washington University School of Law Alumni Association

## PRESENTATIONS

"Patient Safety and Quality Improvement: the Confidentiality of Quality Data Under Federal Law," St. Louis Area Healthcare Risk Managers (SLAHRM)

"Discovery: Confidentiality, Privilege and the Right to Investigate," St. Louis Area Healthcare Risk Managers (SLAHRM)

"Patient Privacy: an Overview of Medicare's Red Flags Rule, HIPAA, and the HITECH Act," Medical Group Management Association

"Anatomy and Physiology 101 for Attorneys" Panel Moderator, National Business Institute.

"Using Doctors to Sue Doctors," National Business Institute

"Balancing a Patient's Right to Privacy with a Doctor's Right to Defend: How HIPAA and other privacy constraints impact complex litigation," Lorman Education Services Presenter

"The Missouri Bar Seminar on Legal Trends & Recent Developments in Hospital Litigation, The Impact of HB 393 on Hospital Litigation." Presenter

## PUBLICATIONS

"The Battle Lines in Healthcare Reform: Dialysis and Death Panels," *IN THE KNOW* (MoADSA) (October 2009)

"The Battle Lines in Healthcare Reform," *IN THE KNOW* (MoADSA) (May 2009)

"Competence and Consent: Guardianship in the Health Care Setting," *IN THE KNOW* (MoADSA) (January 2009)

"What HIPAA Hath Wrought: the Future of Electronic Records," *IN THE KNOW* (MoADSA) (October 2008)

"Hospitals, Health Care and Market Share," *IN THE KNOW* (MoADSA) (July 2008)

## RECOGNITION

2014-2023

MISSOURI & KANSAS SUPER LAWYERS

Super Lawyer

A distinction based on peer ratings.

2017

MISSOURI LAWYERS WEEKLY

Ten Largest Defense Verdicts of the Year

Gully v. Barnes-Jewish Hospital was ranked as one of the the ten largest defense verdicts.

2010-2013

MISSOURI & KANSAS SUPER LAWYERS

Rising Star

Personal Injury Defense: Medical Malpractice

2013

MISSOURI LAWYERS WEEKLY

Ten Largest Defense Verdicts of the Year

Gilvin v. Barnes-Jewish Hospital was ranked as one of the the ten largest defense verdicts.

2008

MISSOURI LAWYERS WEEKLY

Up & Coming Lawyer