

Bobby Ray T. Malbrough

LITIGATION/TRIAL ATTORNEY

Versatile and skilled trial attorney with over 33 years' experience in various facets of the law, including personal injury, medical malpractice litigation, contract litigation and business litigation. Motivated and articulate professional who thrives in a courtroom setting, excels in client rapport, discovery depositions and alternative dispute resolution. Conducts case management and discovery of complex medical malpractice, negligence claim, contract disputes and business litigation from inception to trial; administers depositions and negotiates settlements. Exceptional skill in drafting, reviewing and analyzing pleadings, motions for summary judgment, opinions, briefs and other legal documents including appellate briefs. Serves as lead counsel to obtain successful results. Experience in handling various types of standard of care issues in surgical, non-surgical and anesthesia procedures, as well as general negligence cases and contract interpretation.

PROFESSIONAL LEGAL EXPERIENCE

Sole Practitioner

2006 - Present

Serve as the investigating and trial attorney in medical malpractice claims, general negligence claims, contract disputes and other litigation matters. Interpret and apply Louisiana statutory law and jurisprudence, investigate negligence and causation, prepare pleadings, motions for summary judgment, pre-trial orders, jury charges and serve as lead counsel in general; argue motions for summary judgment, other motions and serve as trial and appellate counsel. Also currently serve as *Of Counsel* for Orrill, Cordell & Beary.

Special Master

2011

Appointed Special Master by the Honorable Peter Garcia, 22nd Judicial District Court, Parish of St. Tammany, in \$10 Million complex medical malpractice and products liability claim to issue a Report and Recommendation to the Court regarding various legal issues.

Expert Witness

Tendered, qualified and accepted as an expert witness on legal issues in medical malpractice specifically with regard to derivative claims under the Medical Malpractice Act.

Key Highlights:

- Successfully handled and mediated a \$2.35 Million settlement in a head-on automobile collision case.

- Obtained favorable medical review panel opinion in an anesthesia negligence case caused by the injection of Bupivacaine intrathecally during the administration of an obstetrical epidural. Also, was successful in a motion for summary judgment in the same case on the issues of liability, causation and the applicability of two medical malpractice caps. *Cannatella v. Dr. Cogle, 24th JDC 707-310.*
- Successfully handled and mediated medical malpractice case involving a cervical disc injury caused by negligence in handling a patient during a CABG x 6 procedure. Settled for \$350,000.
- Successfully handled and settled case against a hunting farm wherein a hunting dog was negligently handled by the proprietor of the hunting farm where the dog ran into the client breaking his ankle in several places. Settled for \$300,000.
- Successfully handled and settled medical negligence case involving a physician who negligently prescribed excessive amounts of Fentanyl to a patient who died from respiratory arrest. Settled for \$350,000.
- Successfully handled and settled medical negligence case for the statutory cap plus medical expenses involving the failure of a Pediatrician to diagnose acute lymphoblastic leukemia in a 10 year-old child.
- Successfully handled and tried case involving the negligent insertion of Marlex Mesh by an OB-GYN who was not qualified to perform the procedure and obtained verdict in excess of \$500,000.
- Successfully handled and tried case involving the negligent perforation of a bowel and obtained verdict in excess of \$300,000.
- Successfully handled and tried case involving automobile collision and obtained verdict in excess of \$900,000.
- Successfully handled and settled multiple automobile accident cases and other medical malpractice cases during this period.

Jefferson Parish District Attorney

2002-2006

Felony Prosecutor

Served as felony prosecutor in the 24th Judicial District, Parish of Jefferson, Divisions “D” and “B” for Paul D. Connick, Jr., District Attorney for the Parish of Jefferson.

Key Highlights:

- Tried over 100 felony jury trials during this time-span.
- Achieved a 98% conviction rate.
- Tried several murder and rape trials resulting in life sentences.
- Averaged 25 felony jury trials per year, in addition to misdemeanor non-jury trials.
- Assisted other ADA’s in felony jury trials in addition to handling my own docket.

Solo Practitioner**1988-2002**

Served as the sole investigating and trial attorney in medical malpractice claims, general negligence claims and other personal injury claims. Interpreted and applied Louisiana statutory law and jurisprudence, investigated negligence and causation, prepared pleadings, motions for summary judgment, pre-trial orders, jury charges and served as lead counsel in general; argued motions for summary judgment, other motions and served as trial and appellate counsel.

Frederick J. Gisevius, Jr.**1981-1988***Plaintiff Personal Injury Litigation Associate*

Served as lead and support counsel in this personal injury firm handling all matters pertinent to personal injury litigation. Served as the primary contact and screener for medical malpractice cases and was responsible for investigating the potential success of each malpractice case, and was also responsible for obtaining physician experts. Also handled Jones Act cases and other general negligence cases.

Law Clerk**1978-1981**

Served as Senior Law Clerk to United States District Judge Veronica D. Wicker, United States District Court, Eastern District of Louisiana. Began clerkship during junior year of law school when Judge Wicker was appointed U.S. Magistrate and then transitioned as Senior Law Clerk when Judge Wicker was appointed federal judge. Duties included handling status conferences, scheduling orders, drafting Reports and Recommendations relative to 2254 and 2255 prisoner complaints, drafting Reports and Recommendations in matters referred to the Magistrate, and drafting opinions on matters tried to the Court.

TEACHING EXPERIENCE**S.J. BARBRE MIDDLE SCHOOL****1973-1978**

Taught 6th, 7th and 8th grade Social Studies and World Geography.

JESUIT HIGH SCHOOL**2001-2002**

Taught American History and Civics.

LSU HEALTH SCIENCE CENTER**2012-**

Currently serves as a member of the LSUHSC Visiting Professor Program lecturing to physicians, residents and other health care professionals in the area of medical negligence law.

Education & Affiliations

Juris Doctor

Loyola School of Law, New Orleans, Louisiana

1979

Bachelor of Arts – Secondary Education

Louisiana State University in New Orleans

1973

Louisiana State Bar Association

Current

Jefferson Bar Association

Current

Licensed to Practice Law in the State of Louisiana and in the following courts:

- **United States District Court – Eastern District of Louisiana**
- **United State Fifth Circuit Court of Appeal**
- **United States Court of Federal Claims**
- **All Louisiana District Courts, Courts of Appeal and Louisiana Supreme Court**
- **Admitted Pro Hac Vice in U.S. District Court, Des Moines, Iowa**
- **Lifetime teaching certificate issued by State of Louisiana**