



Craig B. Merkle
Partner

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Craig Merkle is a founding partner of Goodell DeVries and has been actively involved in trial practice since 1982. His practice is concentrated in professional malpractice defense, hospital litigation, and professional disciplinary and licensing actions. He also served as trial counsel with the firm's pharmaceutical and medical device practice groups.

Craig is a Fellow of the American College of Trial Lawyers (ACTL) and a member of the American Board of Trial Advocates (ABOTA). He has also been repeatedly recognized for excellence in his practice by Chambers USA, Maryland Super Lawyers, and Best Lawyers.

Medical Malpractice

Craig has represented physicians and healthcare providers in virtually every medical specialty, as well as community hospitals and academic medical centers throughout the state of Maryland. Representative self-insured institutions and insurance company clients include The Johns Hopkins Hospital, The Doctors Company, Mercy Medical Center, Upper Chesapeake Health System, Ascension Health, and St. Agnes HealthCare, Inc. Craig has tried to verdict numerous cases in the Circuit Courts of Maryland, as well as in the United States District Court for the District of Maryland.

Medical Institutions Law

Craig has been involved in the firm's medical drug and device practice. He was lead trial counsel for multi-party trial groups in the diet drug litigation in the Court of Common Pleas in Philadelphia, Pennsylvania. He has also been involved in the evaluation, discovery, and work-up of lawsuits arising from prosthetic knee implants and the investigational study of diabetes drugs.

Professional Disciplinary, Privileging, and General Hospital Litigation

Craig has represented healthcare systems in a number of matters that extend beyond the professional liability arena where he frequently practices. For example, he is often requested to provide counsel and guidance to hospital

leadership on issues concerning privileging and employment disputes, impaired physicians, boundary violations, and disciplinary actions. This representation involves complex problem-solving challenges in an effort to balance the safety of patients, the common law and statutory obligations of the institution, and the due process rights of the involved health care providers. Craig has represented hospitals in lawsuits arising from denials and restrictions of hospital staff privileges. He has also been involved in the defense of hospitals in wrongful discharge suits brought by health care providers.

Other Civil Litigation

Craig has represented individuals, partnerships, and corporations in a wide array of litigation matters arising in tort and contract. For example, he represented a major manufacturer of dental equipment and supplies in recovering damages under a licensing agreement following a product recall of the licensed product by the FDA, FTC, and EPA. He represented a hospital system in a series of lawsuits and claims arising from multiple patient deaths allegedly due to the outbreak of Legionella.

Appellate Practice

In addition to his trial experience, Craig has extensive appellate experience. For example, he successfully handled an appeal in which the Maryland appellate court refused to recognize a duty by healthcare providers to warn friends and family members of a patient's HIV status.

Practice Areas

- Medical Malpractice
- Medical Institutions Law

Court Admissions

- Maryland
- United States District Court for the District of Maryland
- United States Court of Appeals for the Fourth Circuit
- United States Supreme Court

Education

- Western Maryland College (B.A., *summa cum laude*, 1978)
- Duke University School of Law (J.D., with distinction, 1981)
 - Order of the Coif
 - *Duke Law Journal* (1979-1981)

Professional Experience

- Goodell DeVries (1988-Present)
- Semmes Bowen & Semmes – Senior Associate and Associate (1982-1988)
- The Honorable Norman P. Ramsey, United States District Court for the District of Maryland – Judicial Law Clerk (1981-1982)

Professional Associations

- American College of Trial Lawyers (ACTL)
- American Board of Trial Advocates (ABOTA)
- Fourth Circuit Judicial Conference
- The Defense Research Institute (DRI)
- Maryland Defense Counsel, Inc.
- Maryland Society for Healthcare Risk Management (MSHRM)
- Maryland State Bar Association
- Bar Association of Baltimore City
- Wednesday Law Club

Selected Reported Cases

Recent Trials

Hoxter v. Baltatzis, Circuit Court for Baltimore County (2016). Obtained defense verdict for internist who allegedly caused severe burns and nerve damage during cryotherapeutic procedure to treat skin lesion.

Harper v. Estes, Circuit Court for Calvert County (2015). Obtained defense judgment for obstetrician in claim alleging permanent brachial plexus injury following shoulder dystocia.

Binns-Grayton v. Thong, Circuit Court for Prince George's County (2014). Represented anesthesiologist in case arising

from operating room fire that was ignited by surgeon utilizing electrocautery. Plaintiff sustained burns to head and neck.

Bailey v. P.O.A., Circuit Court for Wicomico County (2014). Obtained defense verdict for orthopedic spine surgeon who allegedly failed to perform adequate cervical decompression. Plaintiff alleged permanent neurologic deficits.

Moore v. Rock, Circuit Court for Frederick County, (2013). Obtained defense verdict on behalf of pathologist who was alleged to have improperly diagnosed lung cancer. Plaintiff alleged she underwent unnecessary lobectomy and emotional distress.

Feigh v. Ob/GynAssociates, Circuit Court for Baltimore County (2013). Obtained defense verdict on post-trial motion for j.n.o.v. for group of Ob/Gyns. Plaintiff developed Ogilvie's Syndrome and ruptured cecum following cesarean section. She sued her treating obstetricians and gastroenterology consultants. Following a verdict in her favor against all defendants, the Circuit Court granted the motion for j.n.o.v. on behalf of the obstetrical defendants.

Carannante v. Zimmerman, Circuit Court for Anne Arundel County (2013). Obtained defense verdict for gastroenterologist in a wrongful death claim arising from outpatient procedure where 42 year old patient sustained a cardiac arrest during a colonoscopy. Plaintiffs alleged the gastroenterologist had duty to monitor the patient's vital signs in the same fashion as the anesthesiologist who was present for the case.

Hoben v. CUA, Circuit Court for Baltimore County (2012). Obtained defense verdict for urologist who allegedly injured patient's bladder during surgery to place urethral sling following prostatectomy.

Sheppard v. DCH, Circuit Court for Prince George's County (2012). Obtained defense verdict for anesthesiologist and C.R.N.A. who were alleged to have caused a tear in the patient's airway during intubation.

Ward v. MASG, Circuit Court for Wicomico County (2012). Obtained defense verdict in a wrongful death claim for general surgeon who allegedly injured bowel during laparoscopic hernia repair procedure. Patient developed multiple post-operative complications, including enterocutaneous fistula, with medical bills exceeding \$1 million.

Paluba v. MASG, Circuit Court for Wicomico County (2012). Obtained defense verdict in wrongful death claim for general surgeon who allegedly failed to diagnose anastomotic leak in patient undergoing a lower anterior resection for rectal cancer.

The patient's subsequent course was complicated by high ileostomy output, an infected endograft and aortoenteric fistula.

Powell v. Dr. B, Circuit Court for Carroll County (2011). Obtained defense verdict on behalf of an internist in a suit alleging wrongful death of a 39-year-old morbidly obese patient who developed fatal pulmonary embolism one month after fasciotomy to treat compartment syndrome in his lower extremity. Plaintiffs alleged extended DVT prophylaxis was required at the time of discharge.

Penn v. Lee, Circuit Court for Prince George's County (2011). Obtained defense verdict for obstetrician/gynecologist. Plaintiff alleged delay in the diagnosis and treatment of necrotizing fasciitis following hysterectomy.

Eskandary v. RHJN, Circuit Court for Montgomery County (2011). Obtained defense verdict after three weeks of trial for obstetrical group and three obstetricians in suit alleging birth trauma and profound neurological damages to infant. Plaintiffs sought \$20 million in damages following death of the infant's mother during the 40th week of pregnancy from a congenital cardiomyopathy and ischemic brain injury to fetus.

Schaefer v. Moen, Circuit Court for Anne Arundel County (2010). Obtained defense verdict after two weeks of trial for gynecologist in wrongful death claim alleging failure to diagnose endometrial cancer.

Barbely v. PPS, Circuit Court for Wicomico County (2010). Obtained defense verdict for plastic surgeon in claim for permanent damages, scarring and pain following breast reconstruction after mastectomy.

Disney v. McClain, et al., Circuit Court for Anne Arundel County. Obtained defense verdict for obstetrician in medical malpractice claim alleging \$6 million in damages for cerebral palsy and brain damage due to pre-term delivery of infant claimant.

Hevey v. Hill, Circuit Court for Baltimore City. Obtained defense verdict for hand surgeon in medical malpractice claim alleging amputation due to failure to treat infected wounds following crush injury.

Mandell v. Zonies, Circuit Court for Baltimore City. Obtained defense verdict for internist in claim alleging failure to diagnose impending myocardial infarction and permanent heart damage.

Selected Reported Cases

- *Marcantonio v. Moen*, 937 A.2d. 861 (Md. App. 2007), rev'd, 959 A.2d. 764 (Md. 2008)
- *Bessenyei v. Raiti*, 266 F.Supp.2nd 408 (D.Md. 2003)
- *Jacobs v. Flynn*, 749 A.2d 174 (Md. App. 2000)
- *Lemon v. Stewart*, 682 A.2d 1177 (Md. App.1996)
- *Baltimore Sun Company v. University of Maryland Medical System Corp.*, 584 A.2d 683 (Md. 1991)

Honors and Awards

- Chambers USA
 - Litigation: Medical Malpractice Defense (Maryland), Band 3 (2022-2024)
 - Healthcare (Maryland) (2017)
- Best Lawyers in America
 - Baltimore Lawyer of the Year, Litigation - Health Care (2024)
 - Medical Malpractice – Defendants (2011-Present)
 - Personal Injury Litigation – Defendants (2011-Present)
 - Litigation – Health Care (2018-Present)
 - Health Care Law (2022-Present)
- Maryland Super Lawyers
 - Personal Injury – Medical Malpractice: Defense (2019-2025)
 - Top 100 Maryland Super Lawyers (2023-2025)
- Led Homeless Persons Representation Project
- Awarded “Outstanding Law Firm of the Year” for pro bono work with the Veterans’ Benefits Project

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