

Marc D. Ginsberg
312 Central Park Avenue
Wilmette, Illinois 60091

Married, one child

EDUCATION

DePaul University College of Law
Chicago, Illinois

LL.M Health Law
June, 1992

The John Marshall Law School
Chicago, Illinois

J.D., with Highest Distinction
Class Valedictorian
January, 1977

Honors: Executive Lead Articles Editor, Law Review (formerly known as
The John Marshall Journal of Practice and Procedure)

West Publishing Company Hornbook
Award for Outstanding Scholastic Achievement

Indiana University
Bloomington, Indiana

M.A., October, 1975

University of Illinois
Chicago, Illinois

B.A., with Honors,
June, 1972

Honors: Dean's List

CURRENT POSITION

The John Marshall Law School
315 S. Plymouth Court
Chicago, Illinois 60604
(312) 386-2803
9ginsberg@jmls.edu

Assistant Professor
(Tenure Track)

Courses Taught: Civil Procedure II
Evidence
Medical Negligence

Committee Service: Adjunct Faculty Committee, 2009-Present
Career Services Committee, 2009-2010
Foundation Faculty Advisory Committee, 2009-Present
Faculty Strategic Planning Committee, 2010-Present
Health Law Certificate Committee, 2010-2011

**Moot Court
Coaching:**

ABA National Appellate Advocacy Competition
Regionals, Las Vegas, Nevada, 2009-2010

New York City Bar/American College of Trial Lawyers
National Moot Court Competition, 2010-2011 (Regionals, Finals)

New York City Bar/American College of Trial Lawyers
National Moot Court Competition 2011 (Regionals)

**Other Law School
Activities:**

Evaluator – The National Criminal Justice Trial Advocacy
Competition, March 25, 2010, Chicago, Illinois

Pro Bono – Representation of Pro Se Defendant for Pre-Mediation
and Mediation for JMLS Center for Advocacy and Dispute
Resolution and Center for Conflict Resolution, Luedtke v. Riley,
07 CH 01601, Circuit Court of Cook County, Chancery Division

PRIOR POSITIONS

The John Marshall Law School
Chicago, Illinois

Visiting Professor
July 2009-August 15, 2011

Dykema Gossett, PLLC
10 South Wacker Drive
Suite 2300
Chicago, Illinois 60606
(312) 876-1700

April 2004-July 2009
Member, Litigation

Rooks Pitts
10 South Wacker Drive
55 W. Monroe St.
Chicago, Illinois

November 1984-April 2004
(Merged with Dykema Gossett)
Associate and Partner

Tenney & Bentley
69 West Washington St.
Chicago, Illinois 60602

April 1979- November 1984
Associate

JUDICIAL CLERKSHIP

Judicial Clerk to Justice John Stamos
Appellate Court of Illinois, First District
Chicago, Illinois

April 1977 - April 1979

ADJUNCT TEACHING EXPERIENCE

Adjunct Professor of Law
The John Marshall Law School
Chicago, Illinois

August 1993 to May 2009
Agency & Unincorporated Business Entities,
Torts II, AIDS & The Law, Torts,
Medical Liability & Treatment Relationships

Instructor
The John Marshall Law School
Chicago, Illinois

Advanced Research and Writing
During Judicial Clerkship

GRADUATE SCHOOL TEACHING EXPERIENCE

Associate Instructor
Indiana University
Bloomington, Indiana

Forensic Studies
During Graduate Study

ADMISSION TO PRACTICE

Supreme Court of Illinois
U.S. District Court, Northern District of Illinois (and Trial Bar)
U.S. Court of Appeals, Seventh Circuit
U.S. Court of Appeals, Ninth Circuit
Supreme Court of the United States

PUBLICATIONS

Law Review Articles

Ginsberg, M., Good Medicine/Bad Medicine And The Law Of Evidence: Is There A Role For Proof Of Character, Propensity, Prior Bad Conduct In Medical Negligence Litigation?, S. CAR L. REV. (accepted for publication).

Ginsberg, M., At Long Last, A Long Look At Respondents In Discovery, 35 S.I.U. L. JOUR. 703 (2011).

Ginsberg, M., Informed Consent: No Longer Just What The Doctor Ordered? The "Contributions" Of Medical Associations And Courts To A More Patient Friendly Doctrine, 15 MICH. ST. U. J. MED & LAW 17 (2010).

Ginsberg, M., How Much Anguish Is Enough? Baby Switching And Negligent Infliction Of Emotional Distress, 13 (3) DeP. JOUR. HEALTH CARE LAW 255 (2010).

Ginsberg, M. and McVicker, T. Not For The Faint Of Heart: Does A Hospital Owe A Duty To Warn A Squeamish Visitor?, 41 J. MAR.L. REV. 473 (2008).

Ginsberg, M. and Nowak, P. Apparent Authority And Healthcare In Illinois–Revisited, 27 N.ILL. U.L. REV. 11 (2006).

Ginsberg, M. Beyond The Viewbox: The Radiologist’s Duty To Communicate Findings, 35 J. MAR. L. REV. 359 (2002).

Ginsberg, M., Apparent Authority And Healthcare In Illinois, 22 N.ILL.U.L.REV. 475 (2002).

Ginsberg, M., Amended Rule 23 In Action?, 7 APP. L. REV. 1 (1996).

Zitzer, K. and Ginsberg, M. Illinois Rejects Market Share Liability: A Policy Based Analysis of Smith v. Eli Lilly & Co., 79 KY. L.J. 617 (1990-91).

Closen, M. and Ginsberg, M., Preparation and Presentation of the Oral Argument in a Court of Review, 13 NEW ENG. L. REV. 265 (1977).

Comment, A New Perspective in Prisoners’ Rights - The Right to Refuse Treatment and Rehabilitation, 10 J. MAR. J. PRAC. & PROC. 173 (1976)

Continuing Legal Education

Ginsberg, M. and Conger, E., Real Estate and Construction Contracts, Chapter 16, Contracts and Sales of Goods, IICLE (1990), and Chapter Update (1993).

Ginsberg, M. and Conger, E., The Statutes of Frauds and Limitations, Chapter 4, Sales of Goods, IICLE (1985) and Chapter Update (1987).

Ginsberg, M., Conger, E. and Fairbank, W., Real Estate and Construction Contracts, Chapter 9, Contract Law, IICLE (1983) and Chapter Updates (1985, 1986).

Industry

Nowak, P. and Ginsberg, M., Can I Fire My Patient, 6 Chicago Hosp. News 5 (Aug. 2008).

Ginsberg, M., Thoughts On The Public Improvement Lien Claim, Vol. XLIX, Dodge Construction News A32 (August 21, 1995).

Ginsberg, M., There Are Exceptions To The “No Damage For Delay” Clause, Vol. XLIX, Dodge Construction News 58 (March 27, 1995).

Ginsberg, M., Contractor Must Provide Proof To Collect On “Extras”, Vol. XLVIII, Dodge Construction News 122 (July 11, 1994).

Ginsberg, M., Contractors Should Be Aware Of Illinois Contractual Doctrine On Job Performance, Vol. XLVIII, Dodge Construction News 103 (June 27, 1994).

Bryce, G. and Ginsberg, M., Remember The Illinois Road Worker Safety Act, Vol. XLVII, Dodge Construction News 90 (August 16, 1993).

PRESENTATIONS

- November 28, 2001 ISMIE Risk Management Seminar,
Communicating The Bad Outcome
Rush North Shore Medical Center
Skokie, Illinois
- April 22, 2002 ISMIE Risk Management Seminar,
Errors In Perception and Interpretation:
Reducing Your Malpractice Risks in Radiology
Good Samaritan Hospital
Downers Grove, Illinois
- June 13, 2002 ISMIE Risk Management Seminar,
Medical Recordkeeping
Chicago, Illinois
- May 9, 2003 ISMIE Risk Management Seminar,
Errors In Perception and Interpretation:
Reducing Your Malpractice Risks In Radiology
Crystal Lake, Illinois
- May 10, 2003 ISMIE Risk Management Seminar,
Errors In Perception and Interpretation:
Reducing Your Malpractice Risks In Radiology
Alsip, Illinois
- February 6, 2004 ISMIE Risk Management Seminar,
Errors In Perception and Interpretation:
Reducing Your Malpractice Risks In Radiology
Skokie, Illinois
- February 7, 2004 ISMIE Risk Management Seminar,
Errors In Perception and Interpretation:
Reducing Your Malpractice Risks In Radiology
Alsip, Illinois
- March 8, 2004 Medical Malpractice Trial Class
Loyola University School of Law
Chicago, Illinois

August 18, 2004	ISMIE Risk Management Seminar, Medical Recordkeeping Holy Cross Hospital Chicago, Illinois
November 2, 2004	ISMIE Risk Management Seminar Medical Recordkeeping Cardiovascular Surgical Associates Downers Grove, Illinois
July 12, 2005	Lorman Education Services Medical Records Law In Illinois Downers Grove, Illinois
November 16, 2005	Lorman Education Services Management of Medical Records In Illinois Chicago, Illinois
February 16, 2006	Lorman Education Services Medical Records In Illinois Downers Grove, Illinois
April 10, 2006	MacNeal Hospital Issues In Medical Negligence Litigation Presentation to Attendings, Residents, Risk Management Berwyn, Illinois
May 23, 2007	Weiss Memorial Hospital Physician-Patient Communication: Challenges and Effective Strategies Chicago, Illinois
August 14, 2007	Lorman Education Services Taking and Defending Effective Depositions in Illinois [Presentation on Ethical Issues] Naperville, Illinois
March 28, 2008	Medical-Legal Issues In Radiology Loyola University Medical Center, Radiology Department Maywood, Illinois
August 14, 2008	Lorman Education Services Taking and Defending Effective Depositions in Illinois [Presentation on Ethical Issues] Naperville, Illinois

April 4, 2009 Roads To Success
Second Year Orientation,
The John Marshall Law School
Chicago, Illinois

January 30, 2010 Admissions Open House, The John Marshall Law School
Chicago, Illinois
-Faculty Panel On The Curriculum
-Presentation of Mini-Torts Class

April 1, 2010 Faculty Scholarship, Works In Progress Series,
“Informed Consent-No Longer Just What The Doctor Ordered?”
The John Marshall Law School, Chicago, Illinois

August 20, 2010 JMLS New Student Orientation
Statutory Analysis Problem
Chicago, Illinois

October 2, 2010 Admissions Open House, The John Marshall Law School
Chicago, Illinois
-Faculty Panel On The Curriculum
-Presentation of Mini-Torts Class

October 26, 2010 Breast Cancer And The Law: A Seminar And Fundraiser-Breast Cancer &
Medical Negligence Litigation
The John Marshall Law School, Chicago , Illinois

January 10, 2011 Medical-Legal Issues In Radiology
Loyola University Medical Center, Radiology Department
Maywood, Illinois

April 12, 2011 Illinois Rules of Evidence
Chicago Bar Association
Civil Practice Committee
Chicago, Illinois

April 21, 2011 Teaching Evidence With Current Events
JMLS Entertainment, Media & Sports Law Society
The John Marshall Law School, Chicago, Illinois

April 28, 2011 Faculty Scholarship, Works In Progress Series,
“Bad Medicine/Good Medicine & The Law Of Evidence: Is There A Role
For Propensity/Character Proof In Medical Negligence Cases?”
The John Marshall Law School, Chicago, Illinois

July 19, 2011 Pre-Law Summer Institute, The Law Of Evidence
The John Marshall Law School, Chicago, Illinois.

- November 30, 2011 Malpractice Issues In Radiology: Should Radiologists Disclose All Radiologic Errors—Minor As Well As Major—To Every Patient? Radiological Society Of North America, 97th Scientific Assembly And Annual Meeting, Chicago, Illinois
- January 9, 2012 Medical-Legal Issues In Radiology
Loyola University Medical Center, Radiology Department
Maywood, Illinois
- January 28, 2012 Admissions Open House, The John Marshall Law School
Chicago, Illinois
-Presentation of Mini-Torts Class

PUBLIC SERVICE

Professor-Reporter To The Illinois Judicial Conference Committee On Discovery Procedures, May 3, 2011 – December 31, 2011; Reappointed, January 1, 2012 – December 31, 2012.

MEDIA INTERVIEWS

Documentation Is Key In Diagnosis-Related Malpractice Suits, Physicians Money Digest, June 28, 2010 (www.physiciansmoneydigest.net).

Health Court Concept Draws Critics From Trial, Defense Attorney Groups, Chicago Daily Law Bulletin, October 12, 2011.

ADVISORY BOARDS

DePaul University College of Law Health Law Institute
Advisory Board (Peer Reviewer for DePaul Journal of Health Care Law)

PROFESSIONAL ORGANIZATIONS AND AFFILIATIONS

American Bar Association
Appellate Lawyers Association of Illinois
American Judicature Society
The American College of Legal Medicine
(Associate In Law)
American Society of Law, Medicine & Ethics

MARTINDALE-HUBBELL LAW DIRECTORY

AV Rated

2/3/2012