

John D. Balaguer, FACTL

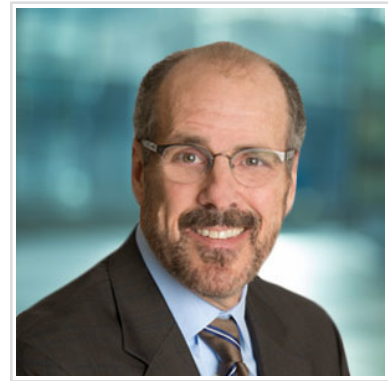
Partner

Managing Partner, Wilmington, DE Office

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John Balaguer has over 30 years of experience defending complex tort cases and is one of the leading trial lawyers in the State of Delaware. John is frequently sought out by insurers as well as self insured institutions and individuals to handle matters involving intricate liability issues, catastrophic damages and cutting edge legal theories. He focuses his practice on healthcare litigation, particularly claims of medical negligence, as well as claims against non-medical professionals, product liability and premises liability matters. John also represents insurers in coverage disputes, including those alleging bad faith.

John's depth of experience allows him to provide his clients with early and accurate damage assessments, access to leading experts in the field and a proven track record of success before juries, trial judges and administrative tribunals. John's courtroom reputation also serves to facilitate successful alternative dispute resolution when trial is not the best option.

In addition to his extensive trial practice, John frequently appears in appellate matters before the Delaware Supreme Court.

As a result of his thorough knowledge of the Delaware state and federal courts, John also is often asked to serve as local counsel in high stakes insurance coverage and commercial litigation in Delaware.

John has managed the firm's Delaware office since its opening in 1989. He has also served on the firm's Operations and Executive Committees.

Representative Matters

- Successful defense on motion to dismiss of medical doctor accused of repeatedly offering fraudulent expert testimony. Dismissal affirmed by Delaware Supreme Court.
- Defense verdict after jury trial in favor of general surgeon accused of medical negligence in the death of a patient in connection with central line catheter removal
- Defense verdict after jury trial in favor of hospital accused of negligent emergency room care of asthma patient who suffered respiratory arrest and

Practice Areas

Healthcare
Catastrophic/Excess Liability
Insurance Coverage and Bad Faith
Professional Liability
Bad Faith and Extra-Contractual Liability
Appellate
Life, Health, Disability and ERISA

Bar and Court Admissions

Delaware
New Jersey
Pennsylvania

Education

Widener University School of Law, JD,
with honors, 1985
University of Delaware, BA, 1981

Memberships

American College of Trial Lawyers, Fellow
Delaware State Chair 2015-2016
American Board of Trial Advocates,
Associate
Defense Counsel of Delaware
Defense Research Institute
Delaware State Bar Association
Pennsylvania Bar Association

anoxic brain injury

- Defense verdict after jury trial in favor of primary care physician accused of mismanagement of anti-coagulant medication, whose patient suffered a fatal pulmonary embolism after trauma
- Defense verdict after jury trial in favor of Hospitalist accused of improper treatment of a throat abscess in patient who died following a respiratory arrest
- Obtained summary judgment on behalf of primary care physician (affirmed by the Delaware Supreme Court) accused of failure to prevent his patient's suicide
- Successful defense at trial of Hospitalist in case alleging improper monitoring of adult patient with tracheostomy who suffered anoxic brain injury
- Hung jury after two week trial (resulting in favorable settlement) of medical negligence claim involving failure to diagnose spinal abscess resulting in paraplegia
- Successful defense at trial of medical negligence claim involving choking death in hospital of 35 year old patient on C-PAP
- Lead trial counsel in four week trial of nine-figure multi-excess carrier insurance coverage dispute involving exhaustion, trigger, and defense issues arising from thousands of underlying asbestos personal injury claims
- Defense of Medical Society of Delaware in first of its kind class action arising out of the alleged sexual molestation of hundreds of children by pediatrician Earl Bradley
- Defense of physicians and hospitals in cases filed on behalf of brain damaged infants, children and adults
- Favorable trial results in medical cases involving general, orthopedic, neurological, obstetrical and cardiac surgery, interventional cardiology/ radiology and emergency room care
- Defense verdicts in cases alleging delayed diagnosis of cancer, cardiac and neurologic disorders
- Defense of nursing homes and long term care facilities in suits involving death or serious injury of residents and in-state administrative investigations
- Product liability defense of auto, furniture and medical device manufacturers
- Defense of insurance agents, real estate agents and engineers accused of professional negligence
- Defense of School Districts, Universities and Churches in matters involving alleged assault and sexual abuse
- Defense of drivers, trucking companies and road construction contractors in multi-fatality auto accidents
- Defense of premises liability matters involving sports and playground equipment and security issues
- Defense of liability and workers compensation insurers in bad faith litigation

Recognition & Involvement

John is a Fellow in the elite American College of Trial Lawyers, widely considered to be the premier professional trial organization in America. He has also been recognized as a Delaware "Super Lawyer" in a survey of his peers by *Super Lawyers* and as a "Top Lawyer in the State" by *Delaware Today Magazine*. John was recently selected by his peers for inclusion in *The Best Lawyers in America* 2021 list in the practice area of Medical Malpractice Law - Defendants.

John served for 12 years in the Delaware National Guard, achieving the rank of Major. He has been a volunteer coach and judge for high school mock trial competitions in Delaware and Pennsylvania as well as a judge for the National High School Mock Trial competition. He serves on the Board of Trustees of the New Castle Presbytery of the Presbyterian Church (USA) and has served on the Board of Trustees of Trinity Presbyterian Church and as a member of the New Castle Presbytery's Permanent Judicial Commission. For a week each summer, John does volunteer emergency home repair with the Appalachia Service Project.

In the News

Three White and Williams Lawyers Named Top Lawyers by *Delaware Today*
November 10, 2020

Congratulations 2020 DE, MA, NY and PA Super Lawyers and Rising Stars
November 5, 2020

Best Lawyers® Recognizes 43 White and Williams Lawyers
August 20, 2020

Trio of White and Williams Attorneys Named Top Lawyers by Delaware Today
November 5, 2019

Congratulations 2019 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
October 17, 2019

Best Lawyers® Recognizes 29 White and Williams Lawyers
August 15, 2019

John Balaguer and Stephen Milewski Named Top Lawyers by Delaware Today
November 1, 2018

Congratulations 2018 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
October 18, 2018

Best Lawyers Recognizes Twenty White and Williams Lawyers
August 15, 2018

Congratulations 2017 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
November 11, 2017

Wilmington Office Organizes Career Day at Harlan Elementary School
June 13, 2017

Congratulations 2016 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
October 18, 2016

Congratulations 2015 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
October 21, 2015

Congratulations 2014 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
October 22, 2014

Events

Emerging Developments in Healthcare Litigation from the Courts and Legislature
2015 Healthcare Summit | May 7, 2015

Publications

To Combat COVID-19, Delaware Opens Its Doors to Out-of-State and Retired Healthcare Providers (and Limits Their Liability, Too)
Healthcare Alert | March 24, 2020

\$500,000 Punitive Damages Award in Bad Faith Action Shocks Delaware Court's Conscience and Justifies New Trial on Liability and Damages
Insurance Coverage and Bad Faith Alert | March 16, 2020

Delaware Court Rejects Contract Liability Theory in Medical Negligence Case
Healthcare Alert | September 25, 2018

Delaware High Court Rejects Effort to Target Defense IME Physician
Healthcare Alert | January 24, 2017

Insurer Exposure Limited in Suit Involving "Fight Club" Daycare
Insurance Coverage Alert | September 23, 2016

Delaware Supreme Court Affirms Huge Loophole in Collateral Source Rule, Leading to Drastic Reduction in Tort Damages
Healthcare Alert | June 26, 2015

Delaware Court Finds Family Doctor Has No Duty to Prevent Patient's Suicide
Healthcare Alert | April 13, 2015

I'm Sorry, So Sorry: Legal Implications of Apologies and Admissions of Fault for Delaware Healthcare Professionals
Healthcare Alert | March 9, 2015

Delaware Court Narrows Collateral Source Rule to End Recovery for "Phantom" Medical Expenses
Healthcare Alert | November 11, 2014

Copy and paste at your own risk: The dangers of electronic 'plagiarism'
Family Practice News | April 8, 2014