



NORMAN J. YOUNKER

FABIAN & CLENDENIN

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AREAS OF PRACTICE:

- Complex Litigation

PRACTICE SUMMARY

Norman Younker works exclusively in the area of plaintiff's tort law where he represents individuals in medical malpractice and personal injury actions, and in death, brain and spinal cord injury claims. Before joining Fabian in 1988, he worked for seven years representing Intermountain Health Care, Inc. and other defendants in medical malpractice actions.

PROFESSIONAL

- Member, Board of Governors for the Utah Trial Lawyers Association, 1990-Present (now known as Utah Association for Justice)
- Member, American Bar Association's Tort and Insurance Practice Section and the Medicine and Law Committee, 1995-Present
- Board member, Salt Lake Chapter of the J. Reuben Clark Law Society, 1999-2009; Board member, Brigham Young University Law School Alumni Association, 1991-1993
- Admitted to practice in the United States District Court for the District of Arizona
- Admitted to Utah State Bar; United States District Court for the District of Utah; United States Court of Appeals, Tenth Circuit, 1982
- President, Utah Trial Lawyers Association, 1996-1998; (now known as Utah Association for Justice)
- Member, Division of Professional Licensing Pre litigation Task Force, Utah State Department of Business Regulation, 1994-1995
- Editor, Utah Trial Journal, 1989-1992
- Member, Utah State Bar Association's Medical Legal Committee, 1988-1990
- Editor, Health Law in Utah, 1987-1988

EDUCATION

- Post Doctoral Studies in Law, St. Edmund's House, Cambridge University, Cambridge, England, 1981-1982

- J.D., Cum Laude, Brigham Young University, 1978
- B.S., Magna Cum Laude, Utah State University. History major with a minor in Instructional Media and Emphasis in Secondary Education, 1978

PUBLICATIONS & PRESENTATIONS

- Speaker, "Handling the Expert's Expert, Selection, Preparation, Direct and Cross-Examination," S. J. Quinney College of Law, Utah, 2003-2004 Downtown CLE Series, March 10, 2004
- Speaker, "Effective Expert Depositions in Medical Malpractice Actions, Utah Trial Lawyers Association, October 3, 2003
- Speaker, "Tort Law," Salt Lake Community College Paralegal Class, November 19, 2002
- Speaker, "Depositions of Expert Witnesses," Fabian & Clendenin Practice Pointers Presentation, February 13, 2001
- Speaker, "The Plaintiff's Injury Case: Peaks and Pitfalls, Expert Practitioner Perspectives on Insurance, Case Development and Evaluation, Medical Issues and Settlement," Law & Justice Center, October 5, 2000
- Speaker, "The Experts Analyze Brain Damaged Baby Cases Two," co-sponsored by the American Bar Association and the University of California, Davis Health System, September 23-25, 1999, San Francisco, CA; Member, Advisory Group
- Speaker, Practical Practice Pointers - "Dealing Ethically with Difficult Clients," Utah Trial Lawyers Association, Salt Lake City, Utah, September 17, 1999
- Author, "Utah's Constitution Contains Fundamental Principles of Happiness," Utah Trial Journal, 1998
- Speaker, Straight Talk on Tough Issues - "Giving and Receiving Referrals: Both Sides of the Coin," Utah Trial Lawyers Association, Salt Lake City, Utah, September 19, 1997
- Speaker, Effective Case Development - "Finding and Selecting Experts," Utah Trial Lawyers Association, September 20, 1996
- Medical Malpractice Prelitigation Panel Review, "Learn How to Increase Your Effectiveness as a Panel member or Participant," Division of Occupational and Professional Licensing Prelitigation Section and Prelitigation Task Force, Salt Lake City, Utah, September 20, 1995
- Speaker, "What's It Worth? Helping Plaintiffs' Attorneys Evaluate Their Cases," Utah Trial Lawyers Association Seminar, Salt Lake City, Utah, December 8, 1994
- Speaker, "Risk Management and Medical Malpractice for Emergency Room Nurses - the Perspective of a Plaintiffs'

Lawyer," Primary Children's Medical Center, Salt Lake City, Utah, April 27, 1994

- Moderator of Panel Discussion, "Medical Malpractice Claims by Minors, Utah Trial Lawyers Association Seminar, Salt Lake City, Utah, April 29, 1994
- Speaker, "Working Up Damages in the Mild Traumatic Brain Injury Case," Head Injury Association of Utah, Salt Lake City, Utah, January 25, 1994
- Speaker, "Medical Malpractice in Utah - Surviving the Jungle II," Utah Trial Lawyers Association Luncheon, Salt Lake City, Utah, 1994
- Speaker, "Direct Examination of Economic Experts," Utah Trial Lawyers Association, Utah Courtroom Seminar and Annual Meeting, Salt Lake City, Utah, September 17, 1993
- Speaker, "How to Choose, Evaluate and Negotiate a Successful Settlement of a Tort Case, Including Use of Alternative Dispute Resolution," Lorman Educational Seminars, Salt Lake City, Utah, July 9, 1993
- Speaker, "Medical Malpractice in Utah - Surviving the Jungle," Utah Trial Lawyers Association Luncheon Presentation, Salt Lake City, Utah, 1993
- Speaker, "Learn to Effectively Evaluate and Settle Personal Injury Claims," Professional Education Systems, Inc., Salt Lake City, Utah, October 16, 1992
- Author, "Where is the 'Screening' in Utah's Pre-litigation Screening Process," Utah Trial Journal, Fall, 1990
- Author, "Malpractice Actions Against Medical Students, Interns and Residents," Utah Trial Journal, February, 1989
- Co-Author (written with Michael L. Chidester), "Rules Covering Shared Fees Joint Responsibility, Utah Trial Journal, July, 1989
- In addition to the foregoing, Norman has lectured on health care, risk management and medical malpractice to local civic clubs, hospital medical and nursing staffs, and risk management groups. He has written on these subjects for local newspapers and appeared on local talk radio shows

COMMUNITY SERVICE

- Member, Advisory Board, Utah Trial Lawyers Association (now Utah Justice Association), 2005-Present
- Member, Advisory Board, University of California-Davis, Center Medicine: Law International Symposia, 2002-Present
- Member, American Bar Association Tort and Insurance Practice Section, Medicine and Law Committee, 1995-Present

- Member, Board of Governors, Utah Trial Lawyers Association, 1990-2005
- Board member, J. Reuben Clark Law Society, Salt Lake Chapter, 1999-2004
- President, Utah Trial Lawyers Association, 1996-1998
- Member, Utah State Department of Business Regulation, Division of Professional Licensing Prelitigation Task Force, 1994-1995
- Board member, Brigham Young University Law School Alumni Association, 1991-1993
- Member, Utah State Bar Association Medical Legal Committee, 1988-1990

REPRESENTATIVE PROJECTS

- Successfully represented the parents of a newborn infant who died at a major regional medical center, allegedly as a result of inappropriate labor and delivery care
- Represented the heirs of a deceased wage earner in a wrongful death action for failure of an urgent care facility to timely and appropriately diagnose and treat symptoms of cardiac ischemia
- Obtained a successful settlement against the medical center for injury caused by an employed orthopedic surgeon which resulted in the need for a total hip replacement
- Represented 13 members of a dental association and their families in complex litigation arising out of their loss of group health insurance benefits
- Successfully prosecuted a medical malpractice action for damages resulting from nerve injury and partial paralysis to a 26-year-old dance instructor allegedly caused by improper positioning during OB/GYN surgery
- Represented the surviving husband and two minor children for injuries arising from the wrongful death of a woman whose attending physicians allegedly failed to timely diagnose and treat a developing respiratory and infectious disorder
- Represented the parents of a minor child in medical malpractice litigation to recover damages for life time complications due to a pediatrician's alleged failure to timely diagnose and treat bilateral hip dislocations
- Settlement for failure by general surgeon to timely and appropriately diagnose and treat prostate cancer
- Successfully litigated a case for failure to diagnose and treat colon cancer in a 46-year-old female patient. Plaintiff alleged a history of bleeding and bowel changes over a nine month period before a GI workup was ordered
- Recovered a significant settlement in a legal action against

a general surgeon for allegedly stapling the ampulla vater and common bile duct during surgery to correct peptic ulcer disease

- Successfully litigated a wrongful death action for failure by the hospital emergency room physician and hospital emergency room personnel to timely and appropriately diagnose and treat a perforated duodenal ulcer
- Complex medical malpractice action arising out of the alleged failure of an emergency room physician to diagnose a traumatic injury to the retina and vitreous of a patient's right eye. The failure eventually resulted in a loss of vision in that eye
- Successfully litigated and concluded a wrongful death action for the failure of an urgent care center physician to diagnose and treat symptoms of cardiac ischemia
- Products Liability/Medical Malpractice action alleging the negligent and defective design, manufacture and implantation of an experimental subtotal dome hip replacement device
- Obtained an \$800,000 jury verdict for negligent performance of a laparoscopic gallbladder surgery which resulted in injury to the patient's common bile duct
- Successfully represented the guardian ad litem of a minor patient in a medical malpractice action for brain injury and right-sided paresthesia, allegedly resulting from failure to timely and appropriately diagnose and treat a uterine constriction band and to perform a timely and appropriate cesarean section
- Won a significant settlement for the surviving spouse of a patient who died as a result of the claimed failure by emergency room physicians to timely diagnose and treat an aortic aneurysm
- Successful prosecution on behalf of surviving children of a man who died the day following his treatment at an emergency room. Original complaint included symptoms of cardiac ischemia, and an EKG examination was strongly suggestive of cardiac disease
- Successfully litigated a case that was settled on the claim that a pulmonologist at physician clinic failed to diagnose and treat lung cancer even though the plaintiff complained of respiratory changes, and x-ray examinations showed a slow-growing spot on one of her lungs. The plaintiff eventually died of lung cancer