



## SUSAN A. WAGENER

Attorney of Counsel

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Susan A. Wagener focuses her practice on the defense of medical malpractice, nursing home litigation, personal injury, and health care professional licensure cases. She is also experienced in insurance defense litigation. In addition to her active trial practice, she regularly presents and publishes on topics related to malpractice risk management and defense of disciplinary matters.

Prior to becoming an attorney, Ms. Wagener was a registered nurse, specializing in orthopedic and medical-surgical nursing care.

## Results

- Voluntary dismissal of nursing home wrongful death case involving allegations of failure to communicate abnormal lab results and change in condition.
- Successful professional license defense of Wisconsin licensed clinical professional counselor in case claiming improper care of a minor.
- Significantly reduced award in trial of plastic surgeon accused of negligence in burns to the face following laser hair removal treatment.

## PRACTICES

Dental Malpractice  
Long-Term Care Malpractice  
Medical & Healthcare  
Malpractice  
Professional Liability

## BAR ADMISSIONS

- Illinois
- Wisconsin
- United States Supreme Court
- Illinois Supreme Court
- U.S. District Court for the Northern District of Illinois

## EDUCATION

- Marquette University Law School, J.D., 1985
- University of Wisconsin-Madison, Bachelor of Science in Nursing, with honors, 1982

LAW SCHOOL HONORS/  
INVOLVEMENT

- Not guilty verdict in physician negligence case involving allegations of failure to diagnose pulmonary embolism/death.
  - Defense verdict in hospital negligence case involving allegations of decubitus ulcers, sepsis, and death.
  - Voluntary dismissal of nursing home case involving allegations of failure to properly transcribe physician order and to properly administer kidney transplant anti-rejection medication.
  - Summary judgment granted in hospital case involving allegations of negligence in performance of arterial blood gas, allegedly causing compartment syndrome.
  - Successful licensure defense of physician assistant before the Illinois Department of Financial and Professional Regulation. Matter closed with no disciplinary action taken following hearing on allegations of inappropriate physical contact with a patient.
  - Defense verdict in retrial (after first trial resulted in a hung jury) of nursing home defendant accused of negligence involving a patient's death after a fall.
- International Moot Court Team

JUNE 15, 2017

Hay and Wagener Secure Defense Verdict in Medical Malpractice/Long-Term Care Trial

## Honors

### Professional Associations

- The American Association of Nurse Attorneys
  - Board of Directors
- Defense Research Institute
- Illinois Association of Defense Trial Counsel
- Wisconsin State Bar Association

## Insights

### Events & Speaking Engagements

- "Professional License Discipline Defense," University of Illinois Chicago Nursing School (2022).
- "Professional License Discipline Issues," University of Illinois Chicago Nursing School (2021).

- “Nursing Licensing and Disciplinary Issues,” Ascension Living Lunch and Learn webinar (2021). (Co-presenter)
- “Depositions: The Good, Bad, and Ugly,” Ascension Living Lunch and Learn webinar (2021). (Co-presenter)
- “How [Documentation] Best Practices Impact Litigation,” Ascension Living Lunch and Learn webinar (2021). (Co-presenter)
- “Professional License Discipline Issues,” University of Illinois Chicago third-year nursing students (2020, 2021).
- “Defending A Professional License,” Advanced Practice Registered Nurses (APRNs), Webinar (2019).
- “Disciplinary Defense for Nurses,” Nurses Service Organization (NSO) Webinar, (2019).
- “Self-Advocacy: Strategies for Nursing Professionals to Advocate on Their Own Behalf to Protect and Defend Their Nursing License,” American Nurses Association of Illinois, Annual Meeting (Lisle IL, 2018).
- “Running from the Law,” Continental Nursing and Rehabilitation Center (Chicago IL, 2018).
- “Running from the Law,” Bellhaven Nursing and Rehabilitation Center (Chicago IL, 2018).
- “Running from the Law,” Berkeley Nursing and Rehabilitation Center (Chicago IL, 2018).
- “HITECH Health Information Technology for Economic and Clinical Health,” Infinity Healthcare Management Company (Chicago IL, 2018).
- “Documentation and Risk,” Momence Meadows Nursing Center (Momence IL, 2017).
- “Substance Use Disorder/License Defense,” Northern Illinois University School of Nursing (De Kalb IL, 2017).
- “Running from the Law,” Ambassador Nursing and Rehabilitation Center (Chicago IL, 2016).
- “Running from the Law,” Berkeley Nursing & Rehabilitation Center (Oak Park IL, 2015).
- “Risk in the Electronic Age,” Continental Nursing Home (Chicago IL, 2015).
- “Running from the Law,” AAOC Quarterly Meeting (Doctors Direct Insurance) (Chicago IL, 2014).
- “Risky Business,” Illinois Nurses Association Breakfast Seminar (Alsip IL, 2012).
- “Legal Implications of Nursing Documentation and Communication,” INA Local Unit Conference (Galena IL, 2010).
- “Write Is Might: Running From Risk,” Illinois Nursing Association – INA Biennial Convention (Lombard IL, 2009).
- “Risky Business,” Illinois Nursing Association - E&GW Spring Retreat Seminar (Chicago IL, 2009).
- “Protecting Your License – IDFPR,” Illinois Society for Advanced Practicing Nurses (Oak Brook IL, 2007).

OCTOBER 10, 2025 | SPEAKING ENGAGEMENT

Wagener Talks with Nurse Attorneys About Defending Professional Licenses Against Substance Abuse Disorder Allegations

NOVEMBER 8, 2024 | SPEAKING ENGAGEMENT

Wagener Discusses Legal Issues in Nursing with Senior Nursing Students

OCTOBER 17, 2024 | SPEAKING ENGAGEMENT

Wagener to be Keynote Speaker at Advanced Practice Nursing Seminar on Legal Risks of Practice

## Publications

- “Not So Fast: Physician Respondents in Discovery May Have a Good Argument to Beat a Motion to Convert to a Defendant So Long as the Supreme Court Agrees,” *IDC Quarterly*, Vol. 33, No. 1 (2023). (Co-author)
- “Enforceability of Mandatory Arbitration Agreements in Long-Term Care Litigation,” *IDC Quarterly*, Vol. 32, Number 1 (2022).
- “Plaintiffs Take a Chance: The Development of Nonpattern Jury Instructions on the Loss of Chance Doctrine,” *IDC Quarterly*, Vol. 31 No. 1 (2021).
- “Beware of Potential MPL Verdict Appeals,” *Inside Medical Liability* (Second Quarter 2020). (Co-author)

## Blog Posts

JUNE 8, 2021 | BLOG

Plaintiffs Take a Chance: The Development of Nonpattern Jury Instructions on the Loss of Chance Doctrine

JULY 18, 2019 | BLOG

Fee Shifting Provision of Illinois Nursing Home Care Act: Insight into Appellate Court’s Potential Interpretations