



TAMMERA E. BANASEK

Partner

Chicago, IL
312-205-7747

tammera.banasek@heplerbroom.com

Tammy Banasek is a dedicated litigator who has developed a special focus in defending medical and dental professionals, hospitals, and skilled nursing facilities. She also counsels physicians and dentists in professional licensing matters.

Ms. Banasek welcomes the challenge of extensive research and investigation, learning the details of medicine and dentistry to develop effective defenses and provide positive case results. Her clients appreciate her calmness and professionalism in steering them through the stressful litigation process. She also excels at remaining accessible and responsive to her clients' needs.

Ms. Banasek is detailed and deadline driven. She understands that early workup of a case's facts and defenses provides the most favorable and efficient results. She is also committed to providing a collaborative and cohesive defense. That focus has enabled her to achieve favorable resolution with motion practice and mediation and through numerous trials. Her prior years as a plaintiff litigation paralegal shaped her unique perspective and ability to anticipate plaintiff's offense. Further, her personal journey caring for her elderly aunt has made her a passionate advocate for heroic professionals working in long-term care areas.

PRACTICES

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

BAR ADMISSIONS

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

EDUCATION

- University of Illinois Chicago School of Law, J.D., cum laude, 1993
- Roosevelt University Certificate in Paralegal Studies, 1985
- Northern Illinois University, B.A. in Communication Studies, 1985

LAW SCHOOL HONORS/

As a leader in her field, she is frequently asked to speak and write on topics related to healthcare litigation and risk management.

INVOLVEMENT

- Moot Court Team

Results

- Dental malpractice trial alleging facial injury of 10 year old from dental materials used during a root canal procedure. Defendant denied use of any caustic materials and defense argued no permanent facial injury present 10 years later when case went to trial. Plaintiff dismissed case just before jury selection. (Cook County, 2024).
- Medical malpractice trial against surgicenter and anesthesiologist for injury to Plaintiff's shoulder on transport to PACU. The court ruled on a series of strategically filed Motions in Limine challenging the admissibility of Plaintiff's economic damages. Plaintiff's economist sought to present nearly \$3 million in claimed damages at trial based on speculative future medical and vocational losses. The motions successfully barred the entirety of Plaintiff's economic damages, eliminating her ability to present any evidence of future financial loss. Case settled after voir dire for nominal medical specials. (DuPage County, 2024).
- Secured first partial summary judgment for a hospital in Cook County in a case alleging wounds caused by COVID. Summary judgment based on evidence that the hospital was rendering assistance to the State pursuant to the Governor's Executive Order 2020-19 and the Illinois Management Agency Act in response to the COVID-19 pandemic.
- Obtained defense verdict in a two-week Cook County medical malpractice trial where plaintiff alleged co-defendants (a hospital and a cardiothoracic surgeon) were responsible for negligently placing a chest tube during heart surgery, resulting in a colon perforation. The 80-year-old patient died months later from a pre-existing abdominal aortic aneurysm. Defense contended the colon injury was a known surgical complication and that the surgeon was not responsible for the patient's failure to timely repair his AAA before its rupture. Plaintiff had asked for \$9.8 million. (April 2019)
- Medical malpractice trial against hospital emergency department physician and internist for death of 75-year-old male from pulmonary embolism. Case settled after two days of trial. (2018)
- Dental malpractice case involving full mouth reconstruction with implants. Verdict in favor of Plaintiff, but only awarded her dental expenses and found her 50% contributorily negligent. Total verdict

was \$35,436.20. (Cook County IL, August 2015)

- Dental malpractice case involving dental implants for maxillary reconstruction. Verdict for Defendant. (Cook County IL, June 2015)
- Medical malpractice case against clinic for family practice physician's alleged failure to diagnose ear infection resulting in hearing loss. Verdict for Defendant. (Cook County IL, June 2014)
- Dental malpractice case claiming negligent tooth extraction resulting in jaw fracture and sinus perforation. Verdict in favor of Plaintiff in the amount of \$95,160.75. (Cook County IL, May 2013)
- Dental malpractice case against oral and maxillofacial surgeon for failure to diagnose tongue cancer; alleged failure to diagnosis oral cancer. Verdict for Defendant. (Cook County IL, April 24-May 9, 2012)
- Dental malpractice case involving complications from endodontic treatment. Verdict for Defendant. (Cook County IL, September 21-24, 2009)

Honors

Honors & Awards

- AV Preeminent® Rated Attorney by Martindale-Hubbell
- Illinois Super Lawyer (2025)
- Trial Lawyer Excellence 2012 Award, Jury Verdict Reporter
 - Outstanding Defense Verdict – Dental Malpractice (2012)

Professional Associations

- Chicagoland Healthcare Risk Management Society
 - Peggy Cwik Lifetime Achievement Award (2025)
 - Board of Directors (2022-present)
- Defense Research Institute
 - Senior Living and Long-Term Care Planning Committee (2019-present)
- Illinois Association of Defense Trial Counsel
- Illinois Association of Healthcare Attorneys
- Illinois Healthcare Risk Management Society

Insights

Events & Speaking Engagements

- "Communication, Care and Clear Protocols Ensuring Safety for Patients of Every Age," Chicago Dental Society Midwinter Conference (Chicago IL, 2024).

- “Refunds and Patient Dismissal: Taking a Strategic Approach,” webinar for The Dentist Insurance Company (TDIC) (2024).
- “Sexual Harassment and Implicit Bias,” Armitage Oral Surgery Seminar (Chicago IL, 2023). (Co-presenter)
- “Staffing Shortages: A Panel Discussion on the Challenges, Trends, Solutions and Impact on Litigation,” Chicagoland Healthcare Risk Management Society (Chicago IL, 2023). (Co-presenter)
- “Time for Good Behavior! Creating a Culture Free from Sexual Harassment,” Chicago Dental Society-Midwinter Conference (Chicago IL, 2022).
- “The COVID Wound: Clinical Insights,” DRI Senior Living and Long-Term Care Litigation Seminar (Las Vegas NV, 2021). (Co-presenter)
- “Litigation Claims and Risk Review: An Attorney Perspective,” Ascension Healthcare webinar (2021).
- “COVID Wound – Not Your Facility Acquired Injury,” Chicagoland Healthcare Risk Management Society webinar (2021). (Co-presenter)
- “Defending Your License: Strategies for Nursing Professionals,” 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)
- Continuing education seminar on sexual harassment prevention in the dental practice, webinar presented for Armitage Oral Surgery (AOS) (May 2020).
- “Forecasting Medical Liability Claims in the Age of COVID-19: How to Mitigate Risk and Reduce Payouts from Potential Negligence Claims,” *Medical Liability Monitor* Webinar (June 24, 2020).
- “Standards in Preventative Skin Care and Legal Trends in Wound Care Litigation,” CHRMS Webinar (Chicago IL, 2019).
- “Social Media and the Impact on Claims,” Illinois MGMA/ICAHN/ Southern IL HFMA Physician Management Summit (O’Fallon IL, 2019).
- “Social Media and the Internet,” HB CPCU Joint Seminar (Chicago IL, 2018).
- “Running from the Law,” Infinity Healthcare Management, Saint Bernard Hospital Nursing Documentation seminars (Chicago IL, 2016-2018).
- “Write is Might,” Infinity Healthcare Management, Saint Bernard Hospital Nursing Documentation seminars (Chicago IL, 2016-2018).
- “Providing Testimony and the Duty to Warn,” Saint Joseph Medical Center (Chicago IL, 2006).
- “Running from Risk: Behavioral Health Concerns,” Westlake Medical Center (Maywood IL, 2006).
- “Informed Consent: Understanding the Risks,” Holy Family Medical Center staff (Des Plaines IL, 2005).

NOVEMBER 25, 2025 | SPEAKING ENGAGEMENT

Fielding the Changes in Hospital and Senior Living Agency and Ancillary Care and Litigation

NOVEMBER 8, 2025 | SPEAKING ENGAGEMENT

Oldenburg and Banasek Headline State Dental Specialty's Fall Education Program

OCTOBER 23, 2025 | SPEAKING ENGAGEMENT

Banasek Discusses Importance of Documentation at National Risk Management Conference

SEPTEMBER 11, 2025 | SPEAKING ENGAGEMENT

Banasek Helps Long-Term Care Leaders Understand Legal Effects of Utilizing Agency and Ancillary Staff

MAY 21, 2025 | SPEAKING ENGAGEMENT

Banasek's Webinar for State Dental Society Will Discuss Additional Dimensions of Risk Management

MARCH 18, 2025 | SPEAKING ENGAGEMENT

Banasek Educates Dentists about Informed Consent

MARCH 12, 2025 | SPEAKING ENGAGEMENT

Banasek Talks Risk Management with Chicago Area Dentists

FEBRUARY 22, 2025 | SPEAKING ENGAGEMENT

Banasek Addresses Risk Management at Dental Conference

NOVEMBER 19, 2024 | SPEAKING ENGAGEMENT

Banasek and Janowiak Present Risk Management Webinar for Italian Dental Society

Publications

- "A Sympathetic History and Importance of Contracts," *Professional Solutions Insurance Co (PSIC) Newsletter* (September 2023).
- "The Thing Speaks for Itself and to the Standard of Care," *IDC Quarterly* Vol 32, No. 4 (2022).
- "Risk Considerations in Evaluating Wounds in the COVID-19 Era," *Illinois Society of Healthcare Risk Management Quarterly*, Fall/Winter 2022, No. 4.
- "Genetic Testing, Physical Examinations and the Future of Supreme Court Rule 215," *IDC Quarterly*, Vol 31, No. 4 (2021).
- "Thomas v. Khouri: Has the Illinois Appellate Court Expanded the Cause of Action and Damages for the Death of a Fetus," *IDC Quarterly*, Vol. 30, No. 4 (2020). (Co-author)
- "Going for Broke: The Impact of Bankruptcy in Litigation," *IDC Quarterly*, Vol. 29, No. 4 (2019). (Co-author).
- "Until Death Do Us Part ... The Impact of a Plaintiff's Death During Litigation," *IDC Quarterly*, Vol 28, No. 3 (2018). (Co-author)
- "How to be Thankful When Settling a Wrongful Death Claim," *Medical Malpractice Update, IDC Quarterly*, Vol. 27, No.1 (2017). (Co-author)
- "Failure to Diagnose and Delayed Diagnosis of Cancer: Medicolegal Issues," *The Journal of the American Dental Association* (2009). (Co-author)

- Regular columnist, "Legalities," *Woman Dentist Journal* (2006 to 2009).

Blog Posts

MARCH 25, 2025 | BLOG

Illinois Appellate Court Examines a Duty to Others in an Operating Room

NOVEMBER 21, 2023 | BLOG

Diminishing the Requirement for Causation Experts

DECEMBER 13, 2021 | BLOG

There's No Place Like Home—Unless You Live Next Door: Venue and Forum in Litigation

DECEMBER 10, 2020 | BLOG

Don't Flip Out: When Using Exhibits at Trial, How Far Does the Plaintiff's Expert Have to Go to Show Substantial Similarity?

OCTOBER 30, 2018 | BLOG

Until Death Do Us Part ... The Impact of a Plaintiff's Death During Litigation

News

APRIL 29, 2025 | RECOGNITION

Banasek Receives Lifetime Achievement Award from Risk Management Society

JANUARY 21, 2025 | RECOGNITION

Banasek Named 2025 Illinois Super Lawyer