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Med-Mal Pioneer Richard Silver Is Not Slowing Down

By Emily Cousins

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Richard A. Silver, a leader in medical malpractice litigation and founding partner of Silver Golub & Teitell, has been practicing law for more than 60 years.

And he's not slowing down anytime soon.

"I love what I'm doing," said Silver, who is 89 years old. "I've tried to maintain being very active in the law and very active in life, and it's kept me acutely aware of things."

Silver grew up in Stamford, Connecticut. When he graduated from high school, he wanted to choose a path to a profession where he could help others.

"I really got fascinated in college with going into the law," he said. "It's a way that you can help people and help people very quickly and in the long term. That's why I decided to go into the law rather than medicine. In addition, I'm a lousy mathematician."

Silver went to law school at the University of Virginia. His first job at a law firm was in 1960 with attorney David Goldstein, who Silver said was known at the time as the best trial lawyer in Connecticut.



Courtesy photo

Richard Silver of Silver Golub & Teitell.

On Silver's first day, Goldstein assigned him a case.

"That was a Monday," Silver said. "He said, 'You have a case on Friday.' It was a terrible case that I should have lost. It was a poor woman who owed a lot of money by loans for years before. What happened was I won on a technicality with the judge. So at least I had a good start."

At the time, Goldstein had a policy of not taking on new partners, so Silver decided to start his own firm in 1965.

David Golub joined that firm in 1975, and Ernie Teitell came on board in 1978, making the firm what it is today: Silver Golub & Teitell.

Silver said the idea was to keep the firm focused.

“Our objective was, frankly, to stay small and be excellent, and then be very selective in our cases,” he said. “Our success is really based on selectivity.”

The firm has expanded but remained on the smaller side with 21 attorneys. In the last five years, it began a class action practice, which required specialized legal talent.

By staying selective, Silver said Silver Golub now gets many referrals from other lawyers because its reputation speaks for itself.

These days, Silver goes into the office daily and analyzes the medical issues in cases referred from other lawyers. Then each case is analyzed for liability issues, and sent to experts for review. If review is good, Silver finds experts to support the medical malpractice cases, and he supervises the writing of a complaint. People at the firm rely on Silver for his expertise regarding medical issues in medical malpractice suits.

“I am the cochair of the Medical Malpractice Committee of the Connecticut Trial Lawyers Association,” he said. “I’ve done that for about 25 years, and I was chairman for many years.”

Silver also leads seminars.

For example, Silver recently held a seminar with a Harvard professor on the issues of artificial intelligence in the medical field, and how it might begin to appear in medical malpractice lawsuits. Particularly, if AI makes a mistake, who can be held liable or seen as responsible?

When Silver was going to court daily and trying cases, he achieved wins that changed the landscape of medical malpractice law in the state.

For example, the 1976 Connecticut Supreme Court case *Katsetos v. Stamford Hospital* was known for a precedent-setting ruling that medical experts from various specialties could testify on the standard of care if it was common to all specialties. In addition, it also cemented a statewide standard of care.

In addition, Silver achieved a \$3.6 million verdict in *Pisel v. Stamford Hospital*, which was affirmed by the Connecticut Supreme Court in 1980. At the time, Silver said it was the largest award in Connecticut, and it was the first medical malpractice lawsuit in the state over \$1 million.

In 2013, Silver and partner Angelo Ziotas brought a birth injury case that led to a \$38.5 million verdict. The case, *Oram v. DeCholnoky*, alleged that a baby delivered by a cesarean section suffered major brain damage because the obstetrician waited too long to give the baby oxygen.

Silver said without those funds, the child would not have been able to have been taken care of properly. The verdict in *Oram* was the largest verdict in the state at the time, and Silver said it opened the door to further large verdicts in medical malpractice cases since then.

After 60 years of practicing law, Silver said his love for the law continues. Even with his passion for his profession, Silver said he has found avenues to balance caring for his family and the law. He has a son, a daughter and four grandchildren.

"I've always tried to balance the workload that a trial lawyer has," Silver said. "In other words, if I've been on trial for eight weeks or 16 weeks, I try to make up that time by doing things that really involve the family. Frankly, at my age now it's easier to work around my obligations."

With his focus on medical malpractice, Silver has taken to collecting antique medical devices.

"I wanted to demonstrate how medical devices have changed for the better, and the best way to do it is to show the evolution of medical devices, which means that there is improvement because of medical malpractice," Silver said.

Silver has seen many issues in the medical field improve, but a big problem he is seeing is a shortage of family physicians who stay in Connecticut and doctors in general on Native American reservations. It can be hard to address due to the high cost of medical school, Silver said.

This can lead to more injuries that could have been avoided with proper intervention.

"If you have a shortage of physicians, it's a big problem of people getting service," Silver said. "It's not the kind of mistake where you go to the hospital and they make a mistake. It's the kind of mistake where you have something that may not be so clear to a physician, and then going home."

As time has progressed, the legal landscape has changed, such as new technological developments with AI. Silver has fully embraced the benefits of this technology.

"I use it to analyze a case initially," Silver said. "When I want to look at a case, I can bring it up in a few minutes and review the whole case. It's a wonderful, wonderful system, and I've found it very accurate ... Now, on the other hand, our responsibility as lawyers is to prove everything, so you can't accept it as 100%, but in my experience, it has been very helpful."

Silver isn't worried about AI, but he is bothered by the Trump administration's attacks on law firms and judges, and how some firms have responded to the pressure.

"I was very concerned about the law firms who gave in to the administration on issues that I think that were very inappropriate," Silver said. "There are a number of law firms who have rebelled against this, and I am very in favor of what they're doing."

Silver said it's important to fight back when the government is going against the Constitution, even when it's difficult and there's the potential for a monetary penalty.

He said, "I'm very hopeful that the judiciary will withstand this."