BYRNE CANAAN LAW



Michael R. Millstein

Attorney
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Michael Millstein devotes his practice to supporting medical professionals and facilities in malpractice and administrative matters. Michael is committed to providing the highest level of work at each stage of the litigation process in order to alleviate as much stress from his clients as possible. As a certified personal trainer, Michael knows what it means to dedicate oneself to serving others' health and health care and is passionate about defending those who do so.

Prior to joining the team at Byrne Canaan Law, Michael gained a wide variety of experience – interning with a judge, assisting in a violent crimes unit, and working in private practice focused on estates and corporate law. Through these experiences, Michael gained a broad understanding of the legal system, which he uses to diligently represent his clients.

Michael received his undergraduate degree from the University of Maryland, and his Juris Doctor from the University of Richmond School of Law. During law school, Michael served as the manuscript editor for the Journal of Law & Technology and assisted in teaching courses covering Negotiations and Interviewing & Counseling.

Michael serves as Chairman of both the Medical Malpractice Section and the Wellness Section of the Virginia Association of Defense Attorneys (VADA).

Michael's favorite hobbies outside of work are weightlifting, running, and other outdoor activities with friends

REPRESENTATIVE EXPERIENCE

- Defense Verdict for an obstetrician/gynecologist and practice group after patient suffered vascular injury during LEEP procedure. Plaintiff demanded $1,000,000 and alleged negligent pre-procedure planning and intraoperative technique. Defense presented expert testimony that the provider met the standard of care and that the vascular injury was a well-recognized risk of the procedure.

- Summary Judgment awarded for a radiation oncologist and practice group after the patient suffered allowed downstream complications following treatment. Plaintiff demanded $2,600,000. Defense authored and argued before the court, compelling arguments on why the records demonstrated that no reasonable juror could find in favor of Plaintiff, resulting in the Court granting summary judgment and dismissing the case with prejudice.

- Michael has defended corrective medicine healthcare workers in cases resulting in published judicial opinions which have helped define the legal landscape surrounding claims of deliberate indifference brought under the Eighth and Fourteenth Amendments to the United States Constitution.

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- Pledger v. Clarke, United States District Court for the Western District of Virginia, Case No.: 7:23-cv-313 (2025)

    - The US District Court granted the Defense Rule 12(b)(6) motion to dismiss on the grounds that where nursing staff takes affirmative steps to evaluate and assess a patient's injuries, and in the exercise of their clinical judgment reach a decision on next steps in treatment, the Court cannot second guess their medical judgment for purposes of a deliberate indifference claim.

- Williams v. Allen, United States District Court for the Western District of Virginia, Case No. 7:24-cv-00127

    - The US District Court granted the Defense Rule 12(b)(6) motion to dismiss Plaintiff's Complaint. The Court held that the Plaintiff's central allegations boiled down to disagreements with the clinical course of treatment prescribed by nursing staff, including their decisions not to order radiographic imaging or supply an icepack. Those allegations cannot sustain a claim for deliberate indifference.

PUBLICATIONS AND PRESENTATIONS

- Minor Consent & HIPAA Privacy in Virginia, Maryland, and DC, presented to Trusted Doctors. 2026.
- Cryptocurrency Meets Gambling – Assessing the Risks of a 'Crypto-Casino', U. Rich. J. L. & Tech. (2021), https://jolt.richmond.edu/2021/09/30-Cryptocurrency-Meets-Gambling-Assessing-the-Risks-of-a-Crypto-Casino/.
- Personal Jurisdiction, Shifting From International Shoe to "International Zoom", U. Rich. J. L. & Tech. (2021), https://jolt.richmond.edu/2021/10/25-shifting-from-international-shoe-to-international-zoom/.
- Bail's (Not) To Mendy, Conduct Detrimental (2022), https://www.conductdetrimental.com/post-bail-s-not-to-mendy.

PRACTICES

- Medical Malpractice Defense
- Health Care Investigations & Enforcement Actions
- Medicaid/Medicare & Private Insurance Audits
- Civil Rights Defense
- Risk Management
- Appellate Advocacy
- Long Term Care Defense

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LICENSURE

- Virginia
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Western District of Virginia

ACADEMIC CREDENTIALS

- University of Maryland, Communications, B.A.
- University of Richmond School of Law, J.D., *cum laude*

ASSOCIATIONS & PROFESSIONAL MEMBERSHIPS

- American Society for Healthcare Risk Management, Virginia Chapter
- Virginia Association of Defense Attorneys
  - Chairman, Medical Malpractice Section (2026-2027)
  - Chairman, Wellness Section (2026-2027)
- Richmond Bar Association
- Virginia Bar Association
- Virginia State Bar