

**JAMES W. GUSTAFSON, JR.**

**CURRICULUM VITAE**

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**ADMITTED TO PRACTICE:**

Florida, 1994  
United States District Court, Middle District of Florida, 1994  
United States District Court, Northern District of Florida, 2005

**LAW PRACTICE:**

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|---|----------------|
| Searcy, Denney, Scarola, Barnhart & Shipley, P.A.<br>Shareholder<br>The Towle House<br>517 North Calhoun Street<br>Tallahassee, Florida 32301 | 2002 – Present |
| Masterson, Rogers, Masterson & Gustafson, P.A.<br>St. Petersburg, Florida   | 1997 - 2002    |
| Freeman, Hunter & Malloy, P.A.<br>Tampa, Florida  | 1994 - 1997    |

**EDUCATION:**

Florida State University College of Law  
Juris Doctor with Honors, May, 1994

Honors & Awards  
Moot Court Team  
Phi Delta Phi

St. Edmund Hall, Oxford University, Oxford, England, 1992

Florida State University  
Bachelor of Arts, Cum Laude, with Honors, April, 1991  
Honors Thesis: “Walk Through the Bottomland: The Social and Political World of Victor Hugo’s Les Miserables”

Honors & Awards  
Phi Beta Kappa  
Golden Key National Honor Society

**MEMBERSHIPS & ASSOCIATIONS:**

Florida Bar Association  
Member, Trial Lawyers Section

American Board of Trial Advocates, 2010 –  
ABOTA 2010 Trial Lawyer of the Year

Florida Justice Association  
Secretary, 2013 - 2014  
Executive Committee, 2012 -  
Board of Directors, 1999-2003; 2011-  
Chair, Young Lawyers Section, 2000-2001  
Board of Directors, Young Lawyers Section, 1997-1999  
EAGLE Benefactor 2011 –  
EAGLE Patron, 2009 – 2010  
EAGLE Sponsor, 2000 – 2005

Jon E. Krupnick Award for Perseverance, 2013  
Shoe Leather Award, 2012  
Gold Eagle Award, 2012  
Bronze Eagle Award, 2001, 2013

American Association for Justice  
Sustaining Member  
Professional Negligence Section  
Chair, Professional Negligence Section, 2005-2006  
Editor, Professional Negligence Section Newsletter, 2001 – 2002

Diplomate, American Board of Professional Liability Attorneys, 2012

Best Lawyers in America, 2012, 2013, 2014  
Lawyer of the Year 2013 Plaintiff's Personal Injury Litigation - Tallahassee

Florida Super Lawyers, 2010, 2011, 2012, 2013

Florida Trend's Florida Legal Elite, 2011, 2012

The National Law Journal Top 100 Verdicts of 2010  
Horner v. R.J. Reynolds Tobacco Co.

Lawyers USA Top 10 Verdicts of 2010  
Horner v. R.J. Reynolds Tobacco Co.

The National Trial Lawyers, Top 100 Trial Lawyers, 2011 -

Capital City Justice Association, 2008 -

Southern Trial Lawyers Association, 2009 -

Tallahassee Bar Association, 2003 –

Million Dollar Advocates Forum

Barney Masterson Inn of Court, Barrister, 1997-2000

William Stafford Inn of Court, Barrister, 2005 - 2007

PUBLICATIONS & SPEAKING ENGAGEMENTS:

“Developing the Economic Loss Picture: The Obvious and No So Obvious Elements to Make the Aggressive Damages Argument” 360Advocacy, Damages: Go Big or Go Home, Las Vegas, Nevada June 2013

“Opening Statements” Southern Trial Lawyers Association, 2012 Mardi Gras Conference. New Orleans, Louisiana February 2012

Faculty, 2011 Al J. Cone Trial Advocacy Institute, Florida Justice Association. Cross Examination and Closing Argument. Tampa, Florida August 2011

“Top Verdicts of 2010: Opening Statements and Closing Arguments” American Association for Justice, June 2011

“Blind Faith” (co-authored with James Girards) Trial Magazine, American Association for Justice, May 2010

“Challenging Hospitals that Tolerate Incompetent Doctors” (co-authored with Thomas D. Masterson) Trial Magazine, Association of Trial Lawyers of America, May 2003.

“Summation for Plaintiff: Discussing Damages”, Handling Accident Cases, Summations, Vol. 2, Ch. 26, pp. 493 – 498, Cumulative Supplement, October 2002

“Opening Statement in Brain Injury Case”, Handling Accident Cases, Aspects of Head Injury, Vol. 7, Ch. 112, pp. 447 – 452, Cumulative Supplement, October 2002

“Suing the Hospital When Superdoc Falls” (co-authored with Thomas D. Masterson) Trial Magazine, Association of Trial Lawyers of America, May 2002

“Recovering Non-Economic Damages Without Overcoming the Threshold Defense” Journal of the Academy of Florida Trial Lawyers, August 1999

“Personal Injury, Wrongful Death and Insurance” (co-authored with Gary D. Fox) Florida Bar Course on Board Certification in Civil Trial Law, 1998

“Expert Witness’ Preparation Time Is Not Compensable” Journal of the Academy of Florida Trial Lawyers, March, 1998

“First Party Bad Faith”

Florida Bar Continuing Legal Education, 1993

MILITARY SERVICE:

U.S. Army, 82d Airborne Division, 1984-1987

504th Parachute Infantry Regiment

Fort Bragg, North Carolina

Honorable Discharge 1987

JURY VERDICTS & SETTLEMENTS:

Horner v. R.J. Reynolds Tobacco Co.

\$80,000,000

Jury verdict for wrongful death and punitive damages

November 2010

Liu v. trucking company

\$17,760,000

Confidentiality order

January 2010

Fries v. manufacturer

\$13,000,000

Confidentiality order

October 2012

Family v. automobile manufacturer

\$12,900,000

Roof crush/quadriplegia

Confidentiality order

June 2011

Estate v. automobile manufacturer

\$12,500,000

Seatbelt failure

Confidentiality order

September 2008

Kee v. automobile manufacturer

\$12,000,000

Roof crush/quadriplegia

Confidentiality order

June 2006

Golden v. Schneider

\$10,231,869

Jury verdict for paralysis following knee replacement surgery

April 1999

Arbor Properties v. insurance companies

\$9,500,000

Hurricane Katrina property damage/insurance bad faith

Confidentiality order

May 2007

Hannon v. Shands at Live Oak Hospital

\$8,000,000

Jury verdict for wrongful death of teenage boy from shunt malfunction

February 2010

Family v. hospital, surgeons and radiologist

\$6,650,000

Wrongful death, blood loss after heart surgery

Confidentiality Order

July 2011

Gafney v. Lorillard Tobacco Company and R.J. Reynolds Tobacco Company

\$5,800,000

Jury verdict for wrongful death

September 2013

Buchanan v. Philip Morris-USA, Inc. and Liggett Group, LLC

\$5,500,000

Jury verdict for wrongful death

December 2012

Anderson v. Hospital

\$5,400,000

Birth injury to infant

Confidentiality order

May 2012

Landino v. automobile manufacturer

\$5,125,000

Roof crush/incomplete quadriplegia

Confidentiality order

March 2010

Michaux v. Atwater

\$5,060,000

Jury verdict for brain injury from car wreck

September 2001

Ray v. Abruscato

\$5,009,000

Jury verdict for wrongful death of teenage girl from car wreck

December 2010

Yera v. physicians and medical center

\$4,251,000

Wrongful death, delay in treatment of chicken pox

Confidentiality order

September 2005

Huish v. RJ Reynolds Tobacco Company and Philip Morris – USA, Inc.

\$3,750,000

Jury verdict for wrongful death and punitive damages

February 2011

Armstrong v. manufacturer

\$2,925,000

Wrongful death of mother

Confidentiality order

October 2012

Ward v. R.J. Reynolds Tobacco Company and Liggett Group, L.L.C.

\$2,700,000

Jury verdict for wrongful death and punitive damages

January 2012

Johns v. surgeon, anesthesiologists and hospital

\$2,500,000

Elective back surgery resulting in total blindness

Confidentiality order

February 2009

Hackland v. pediatrician and radiologist

\$2,300,000

Wrongful death of child, failure to treat shunt malfunction

Confidentiality order

January 2003

Diehl v. North Florida Women's Physicians, P.A. and Jean Cook, M.D.

\$2,114,340

Jury verdict for wrongful death, delay in diagnosis of endometrial cancer

October 2007

Lalinde v. hospital and neurosurgeon

\$1,950,000

Wrongful death of child, failure to treat shunt malfunction

Confidentiality order

February 2003

Ballew v. neurosurgeon, otolaryngologist and hospital

\$1,900,000

Paraplegia following sinus surgery

Confidentiality order

July 1997

Rahenkamp v. family physician, ER physician and hospital

\$1,775,000

Wrongful death, failure to diagnose abdominal aortic aneurysm

Confidentiality order

January 2004

Hoffmaster v. surgeons, anesthesiologist and hospital

\$1,750,000

Wrongful death, elective spine surgery

Confidentiality order

November 2006

Defeo v. hospital, radiologist and internist

\$1,700,000

Wrongful death, delay in treating aortic dissection

Confidentiality order

September 2004

Arre v. nurse practitioner and radiologist

\$1,220,000

Delay in diagnosis of breast cancer

Confidentiality order

August 2006

Golden v. anesthesiologists and hospital

\$1,050,000

Paraplegia following knee replacement surgery

Confidentiality order

November 1998

Dunn v. hospital

\$1,000,000

Wrongful death of child from digoxin overdose

Confidentiality order

December 2011



Hammett v. surgeon

\$1,000,000

Pulmonary injuries from laparoscopic small bowel obstruction surgery

Confidentiality order

March 1999

Mendelson v. Miami International Cardiology Consultants, Inc.

\$946,700

Jury verdict for wrongful death from stent thrombosis

April 2012

Jones v. physician and hospital

\$775,000

Delay in diagnosis of colon cancer

August 1999

Bridgeford v. clinic and medical assistant

\$610,000

Delay in diagnosis of cauda equina

Confidentiality order

April 2005

Jenesky v. ER physicians and hospital

\$600,000

Wrongful death, delay in treatment of necrotizing fasciitis

Confidentiality order

July 2003

Peterson v. hospital

\$575,000

Delay in diagnosis of quadriplegia following neck surgery

Confidentiality order

February 2000

Dillard v. obstetrician

\$500,000

Negligent delivery of child causing Erb's palsy

Confidentiality order

October 2005

Montesino v. physician

\$500,000

Wrongful death, delay in diagnosis of liver cancer

Confidentiality Order

February 2003

Michaux v. Atwater

Brain injury from car wreck (consortium claim)

\$500,000

July 2001

Russo v. lawyers

\$500,000

Legal malpractice arising from wrongful death case

Confidentiality order

March 1998

Baldini v. physician

\$495,000

Wrongful death, failure to diagnose heart failure

Confidentiality order

June 2011

Jones v. uninsured motorist carrier

\$485,000

Back injuries from car wreck

Confidentiality order

March 2000

Tredo v. pathologist

\$450,000

Removal of lung due to incorrect diagnosis of cancer

Confidentiality order

May 2007