

# OF COUNSEL

A quarterly report to clients and attorneys.

VOLUME 05  
NUMBER 2

## *\$31 Million For Post-Surgery Infection Cases*

**Tenet Healthcare Corp. issued the following press release after the settlement of these cases.**

**D**ec. 23, 2004—Tenet Healthcare Corporation—a subsidiary which operates Palm Beach Gardens Medical Center in Palm Beach, Fla., has agreed in principle to settle 106 individual lawsuits filed against the hospital that alleged the plaintiff's had suffered post-surgical infections after having cardiac surgeries at the facility.

Under the agreement, Tenet will pay \$31 million to the plaintiffs and their counsel. The civil lawsuits were filed against Palm Beach Gardens Medical Center over an extended period between 1997 and 2002.

Tenet anticipates that individual settlement agreements will be signed by the plaintiffs within 30 days, and all the suits will be dismissed.



"This week, we have reached an equitable resolution of the two highest profile patient care legal issues that have confronted us for more than two years," said E. Peter Urbanowicz, Tenet's general counsel. "Together with the agreement we announced Tuesday to resolve the Redding Medical Center litigation, this Palm Beach Gardens settlement demonstrates the real progress we are making to put our legal challenges related to past events behind us. It is consistent with our stated goal of seeking a reasonable settlement of Tenet's issues from the past whenever possible, instead of engaging in protracted litigation that could take years."

*Continued on page three.*

## *Crash Death Results in \$12.5 Million Verdict*

**O**n June 26, 2001, Julia Kraus was driving her station wagon south on the Florida Turnpike near Southern Boulevard, West Palm Beach, Florida. Some debris on the highway brought traffic to a stop. Also driving south on the Turnpike was Junior Shirley, hauling sod for Agricultural Land Services to a Highway 441 construction project. Shirley was driving an 18-wheel tractor-trailer truck. Whether due to long work hours and exhaustion, inattention, or distraction, Shirley did not see the traffic back up and he plowed the 18-wheeler directly into the

back of Julia's car. The impact crushed her car and damaged five other cars stopped in the traffic back up. Julia was trapped in her car, every rib in her chest broken and a tear in her aorta. The 39-year-old loving wife and mother of two boys, ages 6 and 9, died within 26 minutes.

Julia's husband, Robert Kraus, 45, a contractor/developer, filed a wrongful death suit on behalf of Julia's estate and their two sons, Adam and Robert, Jr., claiming Shirley was negligent and Agricultural Land Services

*Continued on page two.*



**SEARCY  
DENNEY  
SCAROLA  
BARNHART  
& SHIPLEY PA**  
*Attorneys  
at Law*

WEBSITE: [www.searcylaw.com](http://www.searcylaw.com)



2139 PALM BEACH LAKES BOULEVARD  
WEST PALM BEACH, FLORIDA 33409  
TOLL FREE: 800-780-8607 • LOCAL: 561-686-6300  
FAX: 561-478-0754



THE TOWLE HOUSE, 517 NORTH CALHOUN STREET  
TALLAHASSEE, FLORIDA 32301  
TOLL FREE: 888-549-7011 • LOCAL: 850-224-7600  
FAX: 850-224-7602

ATTORNEYS AT LAW:

ROSALYN SIA BAKER-BARNES  
F. GREGORY BARNHART  
LAWRENCE J. BLOCK, JR.  
EARL L. DENNEY, JR.  
SEAN C. DOMNICK  
JAMES W. GUSTAFSON, JR.  
JACK P. HILL  
DAVID K. KELLEY, JR.  
WILLIAM B. KING  
DARRYL L. LEWIS  
WILLIAM A. NORTON  
DAVID J. SALES  
JACK SCAROLA  
CHRISTIAN D. SEARCY  
HARRY A. SHEVIN  
JOHN A. SHIPLEY  
CHRISTOPHER K. SPEED  
KAREN E. TERRY  
C. CALVIN WARRINER III  
DAVID J. WHITE

PARALEGALS:

VIVIAN AYAN-TEJEDA  
LAURIE J. BRIGGS  
DEANE L. CADY  
DANIEL J. CALLOWAY  
EMILIO DIAMANTIS  
RANDY M. DUFRESNE  
DAVID W. GILMORE  
TED E. KULESA  
VINCENT LEONARD  
J. PETER LOVE  
CHRISTOPHER J. PILATO  
ROBERT W. PITCHER  
KATHLEEN SIMON  
STEVE M. SMITH  
WALTER STEIN  
BRIAN P. SULLIVAN  
KEVIN J. WALSH

MANAGER: JOAN WILLIAMS

EDITOR: DIANE TRUMAN

ASSOCIATE EDITOR: ROBIN KRIBERNEY

CREATIVE DIRECTOR: DE CARTERBROWN

NOTE: The accounts of recent trials, verdicts and settlements contained in this newsletter are intended to illustrate the experience of the firm in a variety of litigation areas. Each case is unique, and the results in one case do not necessarily indicate the quality or value of any other case. Omitting clients' names and/or defendants' names are the result of requests for anonymity.

**\$12.5 Million Verdict in  
Woman's Death Caused  
By Tractor-trailor Crash**

*(Continued from page one.)*

was vicariously liable. Shirley initially contended that Julia's vehicle had suddenly cut in front of him and he was unable to stop. The day before the trial, Shirley and Agricultural Land Services admitted their liability and the trial proceeded on damages. The Kraus family was represented by Chris Searcy and Darryl Lewis.

Julia had been a successful pharmaceutical sales representative for 12 years. Testimony from an economic expert established that Julia's death was a considerable economic loss to the family. An even greater loss to the family was the loss of it's most central figure - the doting, loving mother of two young boys, and the emotional and spiritual partner to Robert. The loss of companionship, support and services, the loss of parental guidance, and the mental pain and suffering were enormous. Julia's sudden and violent death continues to devastate this family.

On January 13, 2005, after only three hours of deliberation, the jury returned a verdict of \$12.5 million for the Kraus family. ■

**\$12.5 Million  
Settlement:**

**CLAIM FOR  
WRONGFUL DEATH  
IN MOTOR VEHICLE  
CRASH**



Julia Kraus

*"An even greater loss to the family was the loss of it's most central figure, the doting, loving mother of two young boys, and the emotional and spiritual partner to Robert."*

Log onto...

[www.searcylaw.com](http://www.searcylaw.com)



...for the  
latest news and  
information about  
**Searcy Denney  
Scarola Barnhart  
& Shipley**



## \$31 Million Settlement:

106 PLAINTIFFS WITH POST-OPERATIVE INFECTIONS BEING TREATED AT SAME HOSPITAL

### Hospital Settles Suit for \$31 Million

(Continued from page one.)



#### SEARCY DENNEY SCAROLA BARNHART & SHIPLEY PA

*Attorneys  
at Law*

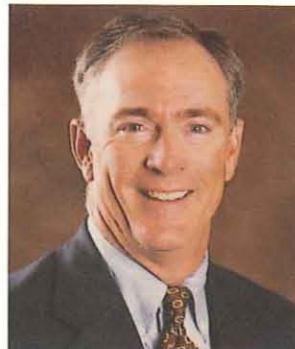
PERSONAL INJURY  
WRONGFUL DEATH  
MEDICAL MALPRACTICE  
PRODUCT LIABILITY  
AUTOMOBILE ACCIDENTS  
COMMERCIAL LITIGATION  
AIRLINE & RAILROAD DISASTERS

*For 25 years, a tradition of...  
taking Time to Care  
...in the profession,  
in the community.*

2139 PALM BEACH LAKES BLVD.  
WEST PALM BEACH  
800-780-8607

THE TOWLE HOUSE  
517 N. CALHOUN ST.  
TALLAHASSEE  
888-549-7011

WWW.SEARCHYLAWS.COM



*Cal Warriner*

The lead counsel for the plaintiffs, Calvin Warriner of Searcy Denney Scarola Barnhart and Shipley, said, "We appreciate the willingness of Palm Beach Gardens Medical Center to work with us to produce an equitable and honorable resolution for all concerned. This settlement permits these former patients to put a very painful matter behind them and get on with their lives."

Urbanowicz added, "Putting an end to this well-publicized litigation means that this fine hospital can now move forward confidently and focus all its energy and resources on delivering quality care to its patients."

Palm Beach Gardens Medical Center has made great strides in enhancing patient care over the past two years. It has received national recognition for these efforts. The hospital was rated in the top five percent in the nation for cardiac interventional procedures by HealthGrades, a leading health care ratings company. HealthGrades also awarded the hospital five stars for its treatment of heart attack and heart failure.

In addition, Palm Beach Gardens Medical Center was the only hospital in Florida this year to be commended by the American Heart Association for exceeding 85 percent compliance with AHA cardiac care guidelines for administration of aspirin, beta-blockers, ace inhibitors and statins, as well as its smoking cessation efforts.

Tenet Healthcare Corporation, through its subsidiaries, owns and operates acute care hospitals and related health care services. Tenet's hospitals aim to provide the best possible care to every patient who comes through their doors, with a clear focus on quality and service. Tenet can be found on the World Wide Web at [www.tenethealth.com](http://www.tenethealth.com).

Disclaimer issued by Tenet: Some of the statements in this release may constitute forward-looking statements. Such statements are based on our current expectations and could be affected by numerous factors and are subject to various risks and uncertainties discussed in our filings with the Securities and Exchange Commission, including our annual report on Form 10-K for the fiscal year ended Dec. 31, 2003, our quarterly reports on Form 10-Q and periodic reports on Form 8-K. Do not rely on any forward-looking statement, as we cannot predict or control many of the factors that ultimately may affect our ability to achieve the results estimated. We make no promise to update any forward-looking statement, whether as a result of changes in underlying factors, new information, future events or otherwise. Contact: Steven Campanini, 805-563-6838. ■



## The Meeting Corner:



### Jack P. Hill

**JACK P. HILL** is a native and third generation resident of Palm Beach County. He is a graduate of the Benjamin School. Mr. Hill completed undergraduate studies at Yale University, receiving his B.A. in political science. Mr. Hill earned three varsity letters in football while at Yale, and was selected both All-Ivy and academic All-American his senior year. After graduating with honors from the University of Florida College of Law, Mr. Hill was selected to deliver the response on behalf of newly admitted lawyers before the Fourth District Court of Appeal at his induction ceremony to the Florida Bar. This honor is reserved for the individual who achieves the highest score on the bar exam.

Before joining the law firm of Searcy Denney Scarola Barnhart & Shipley, Mr. Hill was a felony prosecutor in the Palm Beach County State Attorney's Office. While an Assistant State Attorney, Mr. Hill gained invaluable experience prosecuting in excess of fifty jury trials for crimes ranging from DUI to first degree felonies punishable by life. Additionally, Mr. Hill successfully prosecuted one of the first post-9/11 cases involving airport security to go to trial. The trial attracted national media attention and was covered by Court TV.

Mr. Hill is a member of the Academy of Florida Trial Lawyers, Association of Trial Lawyers of America, Palm Beach County Bar Association and Palm Beach County Trial Lawyers Association. Mr. Hill works with attorney Jack Scarola, focusing on personal injury, medical malpractice and commercial litigation. ■

## The Truth About Health Care Costs

**Malpractice costs amounted to "less than 2 percent of overall health care spending.** Thus, even a reduction of 25 percent to 30 percent in malpractice costs would lower health care costs by only about 0.4 percent to 0.5 percent, and the likely effect on health insurance premiums would be comparably small." (Congressional Budget Office, *"Limiting Tort Liability for Medical Malpractice,"* 1/08/04)

**Despite claims about "defensive medicine," Americans are not getting the care they need.** "Proponents of limiting malpractice liability have argued that much greater savings in health care costs would be possible through reductions in the practice of defensive medicine. However, some so-called defensive medicine may be motivated less by liability concerns than by the income it generates for physicians, or by the positive (albeit small) benefits to patients. On the basis of existing studies and its own research, CBO believes that savings from reducing defensive medicine would be very small." (Congressional Budget Office *"Limiting Tort Liability for Malpractice,"* 1/8/04)

**Medical errors kill as many as 98,000 Americans every year and cost as much as \$29 billion,** according to the Institute of Medicine. Other research suggests that the human toll may be far higher, with preventable errors and negligence taking the lives of 195,000 people each year. (*To Err is Human: Building a Safer Health System,* Institute of Medicine, 2000; *"Patient Safety in American Hospitals,"* HealthGrades, July 2004, [www.healthgrades.com](http://www.healthgrades.com))

**78% of people believe the quality of health care has stayed the same or worsened** over the past five years, and 55% say they are dissatisfied with the quality of their health care. ("National Survey on Consumers' Experiences With Patient Safety and Quality Information"—*The Kaiser Family Foundation/Agency for Healthcare Research and Quality/Harvard School of Public Health,* November 2004)

**High premiums are the direct result of bad insurance industry conduct.** A coalition of public interest organizations found that malpractice premiums increase when investment values decrease. "Since 1975, the data shows that in constant dollars, per doctor written premiums—the amount of premiums that doctors have paid to insurers—have gyrated almost precisely with the insurer's economic cycle, which is driven by such factors as insurer mismanagement and changing interest rates." (*Americans for Insurance Reform,* 10/10/02)



# Head-On Collision Takes One Life, Leaves Young Woman in Coma

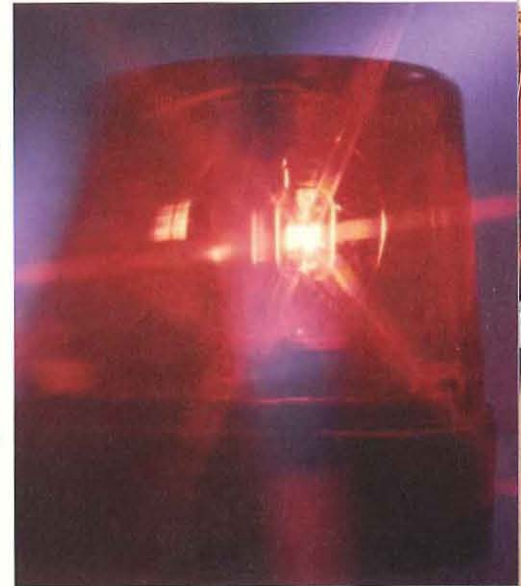
**While daughter clings to life, family fights for suitable settlement.**

Amy Fox, of Lake Worth, age 29, and her boyfriend Jason Sanguedolce, age 27, were driving home from a late dinner following a day-trip to the Florida Keys. Jason was driving a vehicle owned by his and Amy's employer, Forest Pharmaceuticals. Another car, driven by an 18-year-old heading in the opposite direction on the same highway, crossed the centerline and crashed head-on into Amy's and Jason's car.

Jason died in the accident. Amy suffered a broken hip and pelvis and severe head trauma. She was airlifted to Jackson Memorial Hospital Intensive Care Unit where she was immediately put on a respirator to sustain her life. Amy showed some signs of spontaneous breathing and reflexive movements of her extremities, but with extensive bleeding in the frontal lobes of her brain, Amy remains in a coma. She shows no signs of voluntary movement although she continues to receive coma stimulation therapy.

The at-fault driver's insurance carriers, National Surety Corporation and Fireman's Fund Insurance, sought to settle the case with both families for \$2.01 million. Given the catastrophic nature of Amy's injuries, a settlement of this amount, to be divided among several claimants, would never be adequate to cover just Amy's medical expenses alone.

After extensive negotiation with the insurance carriers, Chris Searcy and Bill Norton from Searcy Denney Scarola Barnhart and Shipley sought and received a settlement of \$2.01 million, the entire amount of insurance available in this case, solely for Amy and her parents. ■



**\$2+ Million Settlement:**  
ENSURING LONG-TERM CARE FOR TRAGIC COMA VICTIM

IN ORDER TO BETTER SERVE OUR SPANISH-SPEAKING CLIENTS, WE HAVE INSTALLED A TOLL-FREE NUMBER THAT WILL BE ANSWERED BY OUR SPANISH-SPEAKING PERSONNEL.

**SEARCY  
DENNEY  
SCAROLA  
BARNHART  
& SHIPLEY PA**  
*Attorneys  
at Law*



***Para atender mejor a nuestros clientes que hablan Español hemos instalado un numero de telefono 800 que será contestado en Español por nuestro personal.***

**800-220-7006**



# *Breakdown in Procedures and Failure To Act by Medical Staff Proves Deadly*

If all had gone according to hospital policy the night John G presented to a prominent South Florida hospital with sudden onset of chest pain that radiated to his back, hypertension, swelling in the chest cavity and a family history of aneurysms, medical experts would have given him an 85 percent to 95 percent chance of survival.

But that's not what happened in the fall of 1997 when John and Patricia, his wife of nearly 20 years, arrived at the hospital at 10 p.m.

What followed was a chain of events in which doctors and hospital staff failed this couple at every turn. From his initial arrival at 10:00 p.m. to the final pronouncement of his death the next morning at 11:00, John's aortic dissection was allowed to advance untreated for thirteen hours until his wife literally watched him needlessly die.

It all started correctly. The ER doctor ordered a CT scan to rule out an aortic dissection, but determined that John was allergic to the contrast dye necessary for imaging. Then, according to policy, the physicians notified the hospital's primary on-call radiologist who was serving two hospitals that night under a previously arranged contract. The radiologist ordered an MRI to be done immediately.

But instead of receiving John's MRI results to interpret, the radiologist never heard from the referring physicians again. Instead, the radiologic technologist, who was not a physician, called another doctor rather than calling the MRI technologist to come in and perform the study.

Thus began the breakdown in procedures, communications and standards of care that would ultimately cost John his life.

With no MRI technician en route, an entirely different radiologist was called to confer with the admitting physician. This secondary on-call radiologist was home in bed, sleeping, when the call came in asking for medical direction. This second radiologist, completely unaware that an MRI had already been ordered, or the primary on-call radiologist's availability to read it, decided after a consult with the admitting physician that John's condition could wait until the "early a.m."

This decision was contrary to all acceptable standards of care for these symptoms and the admitting hospital's own policies and procedures.

An aortic dissection is a tear in the inside wall of the aorta. Left untreated, the dissection or tear will advance until the aorta ruptures, causing immediate death. An aortic dissection is a surgical emergency, and the hospital that admitted John G didn't even have the capability to provide that surgery. No one ever told John G or his wife that he may have an aortic dissection, no one ever told them that an aortic dissection was life-threatening and required surgery, and no one ever told them that the hospital didn't have the capability to provide the treatment he needed, but that other area hospitals could.

It was now 1:10 a.m. By the time the MRI began at 8:10 a.m., it took roughly an hour and twenty minutes to diagnose John with the very same aortic dissection that the admitting physicians initially suspected and preliminarily diagnosed. But because the hospital didn't have the capability to provide the surgery to repair the dissection, it had to be performed at another hospital. This cost John and Patricia time they didn't have. At 11:05 that morning, while he waited to be transferred, John's aortic dissection ruptured. He died immediately.

In presenting the case, Patricia's attorneys, Lance Block and Jim Gustafson of Searcy Denney Scarola Barnhart and Shipley, argued that, "John died at a hospital that did not have the service capability to treat the dissection. John died after waiting some seven hours for a test that was to be performed on an emergency basis, and he died while awaiting transfer to a facility with the capability to treat his life-threatening condition, which required emergency surgical intervention. It is undisputed that, whenever there is a differential diagnosis of a dissection, the condition must be ruled out on an emergency basis. In John's case, the defendants failed to do that, and he died as a result."

After years of litigation, including the bankruptcy of an out-of-state insurer for one of the defendants that reduced the available recovery from that defendant to a mere \$300,000, a final, total settlement was reached in the amount of \$1.4 million. ■

## **\$1.4 Million Settlement:**

**FAILURE TO FOLLOW HOSPITAL PROCEDURES CAUSES DELAY AND DEATH**



# Physician Ignored Medical History and Symptoms, Causing Woman's Death

**\$1 Million Settlement:**  
IGNORING CRITICAL MEDICAL INFORMATION RESULTS IN WRONGFUL DEATH

Mr. and Mrs. A were newly married in August, 1998 when Mrs. A had what is known as a "syncopal" episode which is essentially a fainting spell. Mr. A took his wife to a local hospital where she was quickly evaluated and diagnosed with a pulmonary embolism. Proper treatment was initiated and Mrs. A was able to fully recover.

As part of her follow-up therapy, Mrs. A was given the blood thinner Coumadin by her treating physician at the local medical clinic. The Coumadin regimen requires the physician to take regular blood work to determine the clotting times of the blood, in order to gauge the drug's effectiveness. The Coumadin regimen was administered appropriately. Over the next several months, Mrs. A regularly went to her physician's office to have her blood tested and she seemed to recover fully.

On December 4, 1998, Mrs. A's physician decided to stop the Coumadin. No reason was given for this decision. On December 20, 1998, Mrs. A again had a fainting episode in her bathroom. Her husband immediately took her to the local clinic where Mrs. A was evaluated by her treating physician's partner. While there, they reported the entire history of her pulmonary embolism. The physician, however, assured the couple repeatedly that her problems were related to gastroenteritis and mild dehydration.

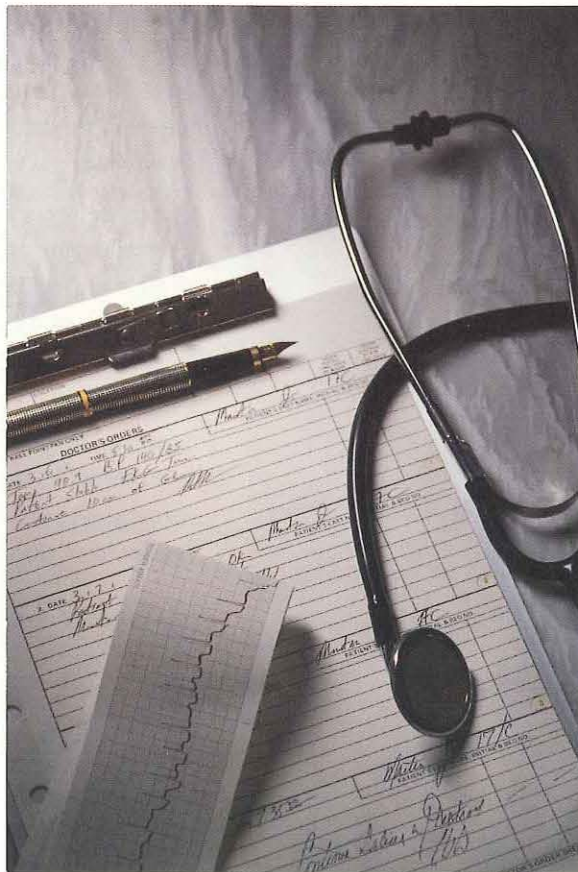
The next day Mrs. A awoke feeling very short of breath and excessively hot. She asked her husband for

a glass of water. When he returned, he found her unconscious. He took her to the local medical center where she had been treated the previous August. A VQ scan was ordered to definitively rule out the possibility of a pulmonary embolism. The scan revealed a "low probability" for pulmonary embolism. In spite of Mrs. A's other symptoms, the emergency room physicians did no further testing and discharged her with a diagnosis of acute diarrheal illness.

Two days later Mrs. A had a third fainting episode and an ambulance was called. She arrived at the same local medical center she had been in two days earlier and was immediately diagnosed with a massive pulmonary embolism. Despite heroic efforts of the medical team, Mrs. A's condition deteriorated and she died in the operating room.

Mrs. A is survived by her new husband and her two adult children who were under the age of twenty-five at the time of her death. The family hired attorneys Chris Searcy and Bill Norton

to represent them in arguing that her physicians failed to issue the correct diagnosis. The matter was vigorously contested. The defendant physicians and hospital argued that they had made the correct diagnosis at the time and, further, that Mrs. A had long suffered from a potentially fatal disease, primary pulmonary hypertension. After several years of litigation, this case was settled with all defendants for a total of \$1 million. ■





## Five Selected for Latest Edition of 'Best Lawyers in America'



**Chris Searcy**

Five attorneys from the law firm of **Searcy Denney Scarola Barnhart & Shipley** have been selected for inclusion in the 2005-2006 edition of *The Best Lawyers in America*. They are **Chris Searcy, Jack Scarola, Greg Barnhart, Chris Speed, and Sean Domnick.**



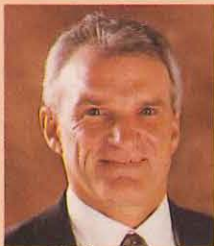
**Jack Scarola**

*"More than 18,700 leading attorneys throughout the country participated in the peer-review survey."*



**Greg Barnhart**

*The Best Lawyers in America* was first published in 1983. Mr. Searcy is one of 1,880 lawyers in the nation who have been listed in all eleven editions. Mr. Speed has been listed in each edition since 1987, Mr. Barnhart has been listed since 1995, and Mr. Scarola has been listed since 2003. This year's edition marks the first time that Mr. Domnick has been honored.



**Chris Speed**

More than 18,700 leading attorneys throughout the country participated in the peer-review survey. They nominated attorneys who deserve recognition as the best in specific areas of law. The nominations are based solely upon the abilities of the lawyers considered. Attorneys listed in *The Best Lawyers in America* do not pay for the privilege of being included in the publication. ■



**Sean Domnick**

## The Towle House Hosts Meeting for Florida Minimum Wage Amendment 5

Prior to the General Election last November, Lance Block and James Gustafson hosted a breakfast meeting at The Towle House in Tallahassee. The meeting was held to discuss the Florida Minimum Wage Amendment 5.

Presenters were John Podesta, President of the Center for American Progress and former Chief of Staff to President Bill Clinton and Robert Pollin, economist, of the Political Economy Research Institute at University of Massachusetts.

Other honored guests included: Brian Kettenring, Southern Regional Director for the Association of Community Organizations for Reform Now (proponents of Amendment 5) and Cindy Hall, President of the Florida AFL-CIO. ■



**(l-r) Brian Kettenring, Robert Pollin, John Podesta, Cindy Hall, Lance Block, and James Gustafson.**



## Accolades...



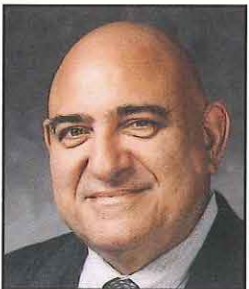
### Greg Barnhart

**Greg Barnhart** has been elected Secretary of "1000 Friends of Florida." He has served on the Board of Directors of the nonprofit membership organization since 1997. Based in Tallahassee with an office in West Palm Beach, "1000 Friends" was founded in 1986 to serve as Florida's growth management "watchdog." The organization monitors ongoing local, regional and state growth management activities. ■



### Harry Shevin

**Harry Shevin** has been elected Secretary of the Palm Beach County Trial Lawyers Association. He served as Chairman of the "Masters of Trial" seminar last November. ■



### Emilio Diamantis

**Emilio Diamantis** has been elected to serve as the Paralegal Representative on the Palm Beach County Trial Lawyers Board of Directors ■

*"Justice in the life and conduct of the State is possible only as first it resides in the hearts and souls of the citizens."*

- - Inscription over entrance to the U. S. Dept. of Justice building in Washington, DC.

## Speaking Opportunities:

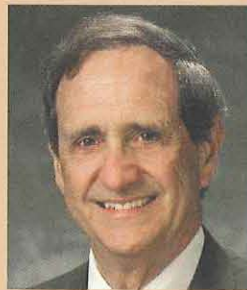


### Chris Searcy

**Chris Searcy** spoke at the "Law Education Institute/Colorado Bar Association's National CLE Conference" at Snowmass Village in Aspen. His topic: "*Vehicular Roof Crush*" cases (theory and basis of manufacturer liability when occupant is injured by a roof crush during a roll-over). ■

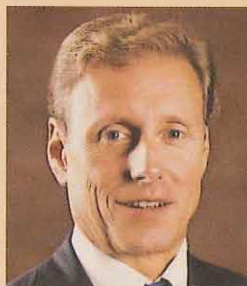
He also spoke at the "Masters of the Courtroom Seminar" sponsored by the Palm Beach County Trial Lawyers. His topic: "*Developing your Theme and Conditioning the Jury to Award the Full Measure of Damages.*" ■

He was a guest speaker at the AFTL 2005 Workhorse Seminar held in Orlando on the topic of "*Voir Dire and Challenges for Cause - Knowing the Law Cold; Understanding Critical Procedural Traps and Pitfalls; Formulating and Asking Precisely the Correct Questions in Order to Establish the Challenge for Cause; Knowing How and What to Argue to the Judge; Making and Meeting Objections; Waiving vs. Preserving Objections and Legal Positions; The Avoidance of Wasting Peremptory Challenges - Victory in Voir Dire.*" ■



### Earl Denney

**Earl Denney** was the guest speaker at the Board of Directors Meeting of the "Florida Alliance for Retired Americans." His topic: "*Pending Federal Legislation Attacking the U.S. Legal System.*" ■



### Greg Barnhart

**Greg Barnhart** spoke at the ATLA Conference in Boston. His topic: "*Voir Dire in the Era of Medical Malpractice Reform.*" An excerpt from his outline was also published in the *Journal of the Association of Trial Lawyers of America.* ■



# Taking... Time to Care

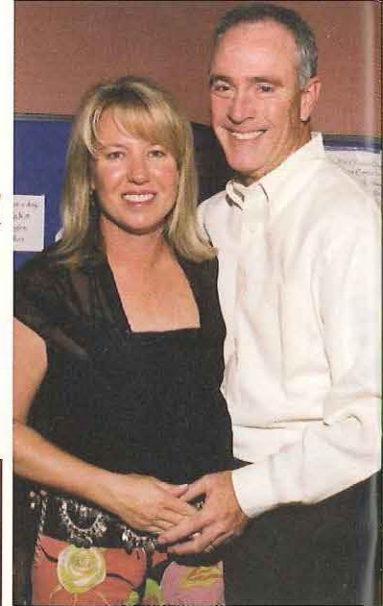
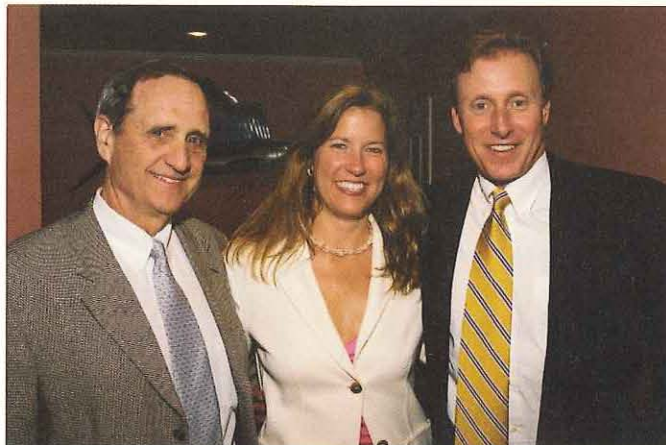
## Employees Share the Holiday Spirit

SDSBS employees and family members showed their compassion and generosity when they rallied to support four non-profit organizations over the holidays. Paralegal Laurie Briggs and accounting assistant Dawn Pitts organized the drive to bring holiday cheer to families in need. Gifts were distributed through organizations that included: **Child Outreach, Ed Healey Rehabilitation Center, Maya Guatemalan Center, and Operation Hope.** ■



## Adopt-A-Family's Gift Gathering Party

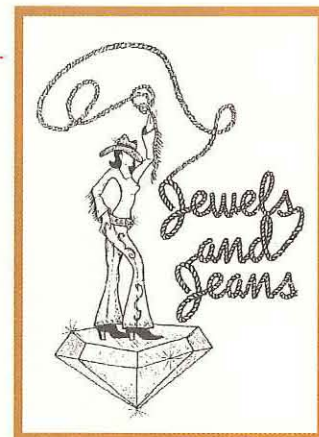
Cal and Rebecca Warriner and SDSBS sponsored a Gift Gathering Party to benefit Adopt-A-Family's upcoming Sunset in Morocco event. Adopt-A-Family is dedicated to restoring families in crisis to stability and self-sufficiency by providing access to all-encompassing services for families and their children. ■



**Above: Rebecca and Cal Warriner;**  
**Left: (l-r) Earl Denney, Karen Terry, Greg Barnhart.**

## The Arc's 8th Annual Hoedown

SDSBS was a Sapphire Sponsor of "Jewels & Jeans", The Arc's 8th Annual Hoedown which was held in October. Guests enjoyed a barbecue dinner and participated in live and silent auctions. During the event, The Arc raised approximately \$112,000 which will support the many programs they provide for individuals in Palm Beach County who have developmental disabilities. ■



## Susan G. Komen Race for the Cure

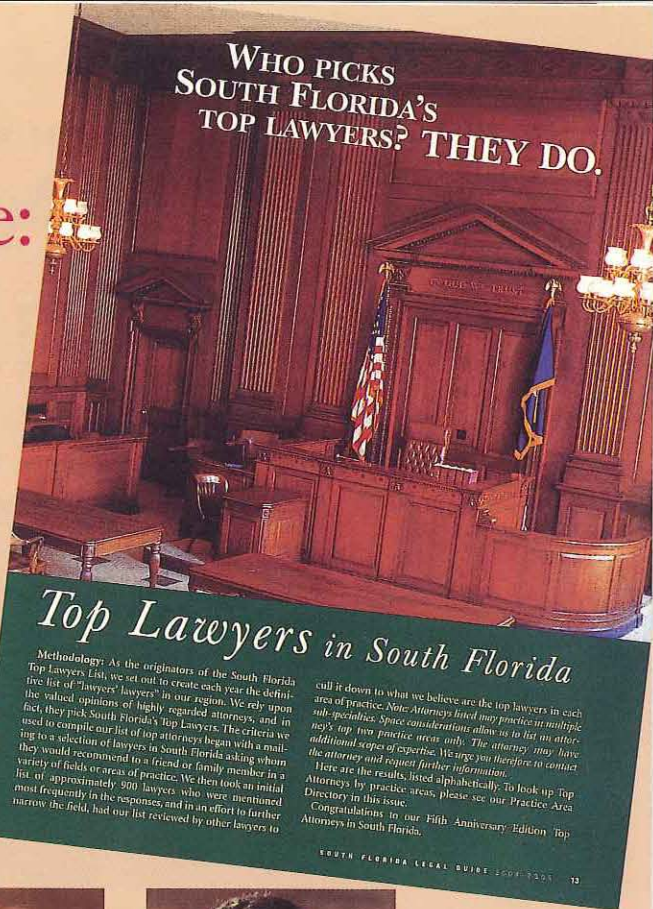
SDSBS was a sponsor of the 2005 Komen South Florida Race for the Cure which was held in January to benefit the Susan G. Komen Breast Cancer Foundation. Several members of the law firm participated in the walk/run. ■

**(l-r) Runners Laurie Briggs, Susan Hanlon, Kimberly and Linda Miller; participating walkers not shown: Mary Pirrotta, Vivian and Jesus Tejeda and Suzanne Valentage**



# So. Florida Legal Guide: Top Law Firm... Top Lawyers

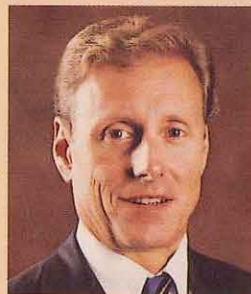
The law firm of **Searcy Denney Scarola Barnhart & Shipley** was selected by the *South Florida Legal Guide* as one of the top law firms in the area. Eight of the firm's attorneys — **Chris Searcy, Jack Scarola, Greg Barnhart, John Shipley, Bill Norton, David Sales, Chris Speed, and Cal Warriner** — were selected as top lawyers. In addition, attorneys **Sean Domnick, Darryl Lewis, Harry Shevin** and **Karen Terry** were selected for the Guide's "Up & Comer" category. The *South Florida Legal Guide* chooses the honorees by asking highly regarded attorneys to nominate others whom they respect the most and to whom they would refer a family member. Lawyers listed in the *South Florida Legal Guide* do not pay a fee to be included in the edition. ■



**Chris Searcy**



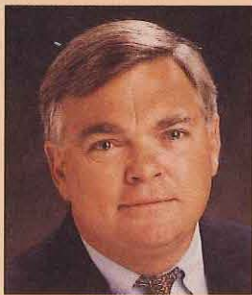
**Jack Scarola**



**Greg Barnhart**



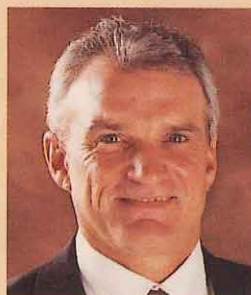
**John Shipley**



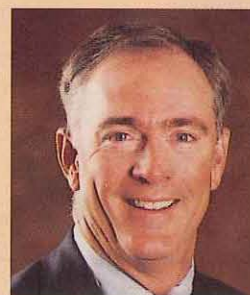
**Bill Norton**



**David Sales**



**Chris Speed**



**Cal Warriner**



**Sean Domnick**



**Darryl Lewis**



**Harry Shevin**



**Karen Terry**



# OF COUNSEL

Volume 05, No. 2

**SEARCY  
DENNEY  
SCAROLA  
BARNHART  
& SHIPLEY PA**  
*Attorneys  
at Law*

PRSR STD  
U. S. POSTAGE  
**PAID**  
ORLANDO,  
FLORIDA  
PERMIT NO.  
**1556**

P. O. DRAWER 3626  
WEST PALM BEACH  
FLORIDA 33402-3626

**ADDRESS SERVICE REQUESTED**



### **The Towle House Receives Florida Heritage Foundation Award**

The Towle House, our office in Tallahassee, has received an award from The Florida Heritage Foundation and The Tallahassee Trust for Historic Preservation for "Outstanding Achievement in Commercial Rehabilitation." ■

*Left: Lance and Carol Block receive award.*



### **In this issue:**

*Hospital Suits Settled  
for \$31 Million* Page one.

*Crash Death Results  
in \$12.5 Million  
Verdict* Page one.

*Five from Firm Selected  
for 'Best Lawyers in  
America'* Page eight.