

**JAMES W. GUSTAFSON, JR.**

**CURRICULUM VITAE**

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Date of Birth: September 14, 1966  
Place of Birth: West Palm Beach, Florida  
Married: Jocelyn Suzanne Ware March 6, 1999  
Children: James Winton Gustafson January 23, 2001

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:

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

EAGLE Sponsor, 2000 – 2005

EAGLE Patron, 2009 – 2010

EAGLE Benefactor 2011 –

Executive Committee, 2012 -

Board of Directors, 1999-2003; 2011-

Chair, Young Lawyers Section, 2000-2001

Board of Directors, Young Lawyers Section, 1997-1999

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

Lawyer of the Year 2013 Plaintiff's Personal Injury Litigation - Tallahassee

Florida Super Lawyers, 2010, 2011, 2012

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.

Capital City Justice Association, 2008 -

St. Petersburg Bar Association, 1997-2002

Chair, Trial Practice Section, 2001-2002

Palm Beach County Bar Association, 2002 – 2004

Southern Trial Lawyers Association, 2009 -

Tallahassee Bar Association, 2003 –

Tampa Bay Trial Lawyers, 2001 – 2007

Million Dollar Advocates Forum

Barney Masterson Inn of Court, Barrister, 1997-2000

William Stafford Inn of Court, Barrister, 2005 - 2007

PUBLICATIONS & SPEAKING ENGAGEMENTS:

“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

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

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

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

Confidentiality order

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