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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.



## Blinded Woman Recovers \$1 Million

Verlee Rauth, 62, lived a quiet, satisfying life as a totally independent woman. She worked for the County tax department. One day at work she noticed a problem with her eyesight and immediately consulted her longtime optometrist. The optometrist instantly recognized that Ms. Rauth had a problem that needed to be attended to by an ophthalmologist specializing in retinal problems. He referred Ms. Rauth to Dr. Peter Lowe. Dr. Lowe diagnosed Ms. Rauth's problem as a macular pucker and scheduled her for surgery at Good Samaritan Hospital.

The surgery went well. Ms. Rauth had some improvement in her vision immediately. Two days later, a severe pain developed in the operated eye and she called Dr. Lowe. It was a Saturday and he did not see her. She talked to him twice that day and was told to increase her pain medication and use eyedrops.

By Monday morning the eye hurt so badly that she was taken to Dr. Lowe's office without an

appointment. An eye examination at that time revealed what was most likely an infection. Dr. Lowe, although well trained in ophthalmology, failed to appropriately treat the infection and, as a result, the eye was completely blinded. Blindness in one eye is a terrible injury, but the worst was yet to come. Ms. Rauth developed a rare complication known as sympathetic ophthalmia. This complication occurs in about one out of 10,000 cases as a result of a penetrating eye injury to the opposite eye. It has been known for centuries in medical literature, historically arising as a result of a war wound. Ms. Rauth became totally blind.

Our law firm's medical consulting service, Palm Beach Medical Consultants, found the best expert in America on retinal cases. Dr. Robert J. Brockhurst has been a professor at Harvard teaching retinal surgery to ophthalmological students for years. As an odd coincidence, Dr. Lowe was his former student. Although Dr. Brockhurst had never testified on behalf of an injured patient be-

**Continued on Page Seven**

## Settlement Approved By Court In Landmark Discrimination Case

**LITIGATION TOOK  
LONGER THAN THE  
WAR BETWEEN  
THE STATES**

Federal District Court Judge William Hoevler has announced his preliminary approval of one of the largest settlements ever obtained in a case of racial discrimination. \$13.5 million will be paid on behalf of the owners of Caulkins Indiantown Citrus Company to resolve the damage claims of African-American workers who were subjected for years to various forms of abuse and unfair treatment based on their race. The settlement was reached days after a federal jury returned verdicts in favor of the Plaintiffs after a six week liability trial.

The Plaintiffs' litigation team was led by Searcy Denney partners Moses Baker (now Circuit Court Judge Baker) and Jack Scarola who were assisted at trial by referring lawyer, Jeff Pheterson and Peter Helwig, Executive Director of Florida Rural Legal Services. The tens of thousands of documents generated during more than a decade of discovery were organized and computer indexed by Searcy Denney support staff members Doug Harris and Marjorie Morgan. They also handled the difficult logistics of coordinating the daily transportation of witnesses and clients between Indiantown and Miami. Frequently during the lengthy trial, three chartered buses made the daily four hour



round trip to facilitate the Plaintiffs' participation in the proceedings. The costs of litigation financed by the Plaintiffs' lawyers exceeded \$1,000,000.

With twelve years of pre-trial proceedings, this was undoubtedly the longest, the most intense and the most logistically complex litigation effort in the firm's history, according to Jack Scarola. "But it has also been the most rewarding," Scarola said. "Generations of African-American residents of Indiantown were subjected to a pattern of sys-

**Continued on Page Five.**

## The Meeting Corner:

### John A. Shipley



John A. Shipley is a partner of Searcy Denney Scarola Barnhart & Shipley, P.A. of West Palm Beach, Florida, serving as a Member of the Board and Vice President of the firm. He received his B.A. in 1968 from the University of Florida and was graduated from the University of Florida Law School in 1975.

Mr. Shipley has been actively involved in civil trial litigation in West Palm Beach for the past 18 years. He is a Board Certified Civil Trial Lawyer in the areas of personal injury and wrongful death. His primary practice consists of personal injury cases, with a heavy emphasis on complex medical malpractice. With considerable experience in both defending and prosecuting civil cases, he has obtained several multi-million dollar jury verdicts and settlements on behalf of injured plaintiffs.

Mr. Shipley is a lecturer on trial practice for statewide Continuing Legal Education seminars for the Academy of Florida Trial Lawyers and the Continuing Legal Education Committee of the Florida Bar Association. On numerous occasions he has been a guest lecturer at Stetson University Law School and, **Continued on page 7.**

### William H. Seabold



William H. Seabold is a Paralegal/ Investigator at Searcy Denney Scarola Barnhart & Shipley, P.A. He is a graduate of the University of Maryland with a bachelor's degree in psychology. Mr. Seabold received an LLB degree from the Mt. Vernon School of Law in Baltimore, Maryland.

In 1969, he began his career as a claims representative with the Hartford Insurance Company. He later became a claims manager for Gay and Taylor, Inc., an independent adjusting firm. Before moving to Florida in 1984, Mr. Seabold worked for Roadway Express, Inc. in Akron, Ohio for 5 years as their liability claims manager for the northeastern states. He has been with the law firm for almost 8 years and works primarily with John A. Shipley in the overall development and management of cases, trial preparation and communication with clients. ■

PAGE TWO

## Decisions...Decisions...Decisions...

### JOHN DOE vs. DOE HOSPITAL AND DOCTOR DOE

Plaintiff, a 65 year old retired truck driver, was involved in a rollover motor vehicle accident in Alachua County. He was found 30 feet from his car with the windshield and steering wheel broken. He was taken, immobilized on a back board, to the local defendant hospital where he was examined by the emergency room physician. Despite complaints of being unable to stand up, he was discharged several hours later with a diagnosis of trauma and musculoskeletal strain. He was carried to his car by hospital personnel and was taken home by relatives. At home, his condition deteriorated quickly.

By the next day he was admitted to a Veterans Administration hospital. He was diagnosed with quadriplegia, as a result of a 50% subluxation of his spine due to the rupture of ligaments in his neck. He remains paralyzed from his chest down and needs total care for all his acts of daily living.

Just prior to trial, Lois Frankel and Chris Searcy negotiated a \$3.2 million dollar settlement with the emergency room physician and hospital. ■

### KOULISIS vs. TRONZO

In one of the few defense actions handled by the law firm, local orthopedic surgeon, Raymond Tronzo, M.D. won an important victory in a lengthy battle against his former associate, Christo Koullisis, M.D. Koullisis initiated a suit against Dr. Tronzo in 1990 after Dr. Tronzo terminated Koullisis's employment. The action sought to require payment of hundreds of thousands of dollars alleged to be owed as a bonus based on receipts collected after the employment relationship ended. The claim was rejected in a non-jury proceeding in which Dr. Tronzo was represented jointly by Jack Scarola and West Palm Beach solo practitioner, Al LaSorte.

A jury trial on Dr. Tronzo's counterclaims against Dr. Koullisis is expected to be held before the end of the year. The counterclaims focus on allegations that Dr. Koullisis converted money and other property belonging to Dr. Tronzo. ■

### HATHAWAY vs. CONERLY

Robert Hathaway, 77, was struck by a car while taking an evening walk with his wife. He was admitted to the hospital with a fractured shoulder. As is often seen in geriatric patients suffering from a trauma, Mr. Hathaway stopped eating and acutely deteriorated. He died two months after the accident. He was a retired prominent trial lawyer who had been diagnosed with Alzheimers 2 years prior to his death. Greg Barnhart settled the suit prior to trial for \$200,000.

### JANE AND JOHN DOE ON BEHALF OF THEIR MINOR SON vs. THE PINES HOMEOWNERS ASSOCIATION, INC.

Plaintiff, a 6 year old boy, was playing with a friend around a drainage structure of a pond behind his family's townhouse. The boy slipped from the edge of the structure into the pond and, not being able to swim, sank to the bottom. His friend summoned help but it took over ten minutes to find the boy in the murky, deep water. He was resuscitated and transported via helicopter to the hospital. He suffered profound brain damage and now is unable to walk or talk and requires assistance with every aspect of life.

The pond did not conform with the building codes for underground slopes. The water dropped to a depth of eight feet only a couple of feet from shore. The code mandated that it should have been less than a foot deep. The steep drop off under water constituted a trap for any small child who fell into the water. The area around the pond was one of the few areas for children to play in the complex but there was no fence around the structure.

Bill Norton made a demand on the apartment complex for their policy limits of \$2 million, with the requirement that it be paid within thirty days. Allstate, the insurance company for the complex, settled the case for their policy limits on the last day of the demand period. Mr. Norton also settled with the engineers of the project for their policy limits of \$237,000. The case is still pending against several other defendants who constructed the pond. ■

### ADLER vs.

### RYDER TRUCK RENTAL, INC.

Mr. Adler, a 60 year old semi-retired man, was rear-ended by a truck while stopped at a red light. He suffered from soft tissue injuries to his neck and back. His cervical and lumbar MRI scans revealed bulging discs at various levels. He was also diagnosed as suffering from carpal tunnel syndrome in his dominant right hand, which required surgical repair. Post-surgery ganglion cysts developed necessitating additional intervention and excision. As a consequence of his spinal injuries and carpal tunnel symptoms, he was forced to terminate his fairly lucrative position as a part-time tie designer. James N. Nance settled his case for \$200,000. ■

*Decided cases are the anchors of the law, as laws are of the state.*

-Francis Bacon  
*De Augmentis Scientiarum, 1623*

**Decisions...Decisions...Decisions..**  
Continued

**STEPHENS vs.  
PALM BEACH  
AVIATION, INC.**

Joe Stephens, Michael Sperber and his son Matthew had spent a leisurely weekend in Walkers Key. They chartered a flight home with Palm Beach Aviation which operates out of Palm Beach International Airport. After an uneventful takeoff, the aircraft climbed 6500 feet. Suddenly, one engine made a noise and quit. Shortly thereafter, the other quit and the heavy, Aerocommander 500 became a glider. Sperber asked the pilot if they had fuel to which he replied "I think so." Before ditching in the gulfstream, the clients were surprised to find no raft or signalling device on board. Four adults were able to escape with only three Mae West style life jackets. For forty-two hours the group watched hopelessly as search planes passed close by. On the Coast Guard's likely last pass, the group signalled with a credit card and was rescued off Cape Canaveral. Charter flights have no minimum FAA insurance requirements. There isn't even an FAA rule that all charter flights over water carry life rafts. Cal Warriner settled the charter cases for \$100,000 each, the full policy limits carried for each passenger. ■

**SPRADLIN vs.  
DUGGAN AND  
JIM LEASING**

Dale Spradlin, 35, was on his way home after work one evening. As he traveled on his motorcycle down the dark residential road leading to his home, he collided with a semi tractor trailer illegally parked on the wrong side of the road facing the wrong direction. The truck did not have its lights on or any warning devices. Unable to avoid the collision, Mr. Spradlin, upon impact, was thrown into the truck and onto the roadway. The collision's impact ripped off his left leg and fractured his right leg and hip. As a result of his injuries he was unable to return to his occupation as an iron worker. The Canadian corporation and defendant Duggan failed to answer the Spradlin complaint. As a result, David Kelley, obtained a default judgement against the defendants. Judge Edward Jackson ruled that Mr. and Mrs. Spradlin should get \$10 million for his injuries. This is the largest compensable monetary award for a single injury in the history of Brevard County ■

**JANE DOE vs. CLARK**

Jane Doe brought suit on behalf of her 13 year old daughter, Mary Doe, after several explicit photographs were found of Mary, at age 5, being sexually abused by the defendants' 10 year old son. The defendants were sued for negligently su-



pervising their son and Mary while the children were supposed to be playing in the defendants' home. Other children were also present but it was never determined who took the photographs. The defendant-parents denied any knowledge of the abuse but were forced to

acknowledge the abuse upon seeing the photographs at their depositions. Lance Block settled the case soon after the defendants were deposed, for the amount of the homeowners insurance policy limits of \$125,000. ■

**JOHN DOE  
vs.  
PALM BEACH COUNTY  
SCHOOL BOARD  
and  
FLORIDA DEPARTMENT OF  
HEALTH AND REHABILITATION**

John Doe, a high school student and promising jazz saxophone player, was in class when an altercation broke out with another student. He was punched in the left side of the head and developed a large lump almost immediately. He was sent to the school clinic to have the lump examined. The clinic attendant had no first aid training and was not a nurse. John was told to put some ice on the lump and was sent to the principal for discipline. As John sat and waited to see the principal, his condition deteriorated. He started sweating profusely and became disoriented. When his condition was finally noticed, he was sent back to the school clinic for observation. John became drowsy and started to lose consciousness. Over two hours had passed since the incident. Fire Rescue was called and immediately took him to the hospital. John had developed a large subdural hematoma and had to have an emergency craniectomy to relieve the pressure on his brain caused by the subdural bleed. A second surgery, a cranioplasty, was later performed to repair the defect in his skull as a result of the first surgery. He was left with some decreased fine motor skills and diminished cognitive abilities. His grades suffered and his ability to learn and play music was reduced.

Michael Kennedy obtained a jury verdict in excess of \$440,000 against both the Palm Beach County School Board and HRS. They failed to have a qualified school clinic attendant, failed to follow their own written policies, protocols and procedures concerning the qualification of the clinic attendant and the evaluation and monitoring of a head injury.

The Fourth District Court of Appeals affirmed the verdict after the School Board appealed. ■

SEARCY  
DENNEY  
SCAROLA  
BARNHART  
& SHIPLEY, P.A.

*Attorneys  
at Law*

OF  
COUNSEL

FALL 1994 - QUARTERLY REPORT TO CLIENTS AND ATTORNEYS

## Neglect Charged To Humana Doctors

In early 1990, Mr. and Mrs. Van Wie enrolled in Humana Medical Plan, Inc.'s (HMP) Gold Plus Plan, a Medicare substitute. HMP, a federally certified HMO, operated under an agreement with the Health Care Finance Administration. HMP received monthly payments from the federal government based on the number of members enrolled in the Gold Plus Plan. HMP was to provide comprehensive health care services to Gold Plus Plan members such as Mrs. Van Wie. The comprehensive health care services were provided through primary care centers staffed by physicians known as affiliated providers. The affiliated providers have agreements with HMP to treat Gold Plus Plan members. The affiliated provider, also known as the primary care physician or "gatekeeper", is responsible for providing or coordinating all of the Gold Plus Plan members' health care needs pursuant to policies, protocols, and procedures established by Humana. The Gold Plus Plan member pays nothing for these health care services as long as he or she is treated by the gatekeeper or by another physician in HMP's provider network. The primary care physician, similar to HMP, is compensated by Humana in the form of a monthly capitation payment based on the number of Gold Plus Plan members then currently enrolled as patients of the primary care physician. Payments are made regardless of whether the patient is actually seen by the primary care physician during that particular month.

All health care services, diagnostic services, and referrals to physicians in the provider network, are reviewed by "utilization" specialists employed by HMP. Their job is to make sure that cost containment guidelines are observed by the individual physicians,



and that the primary care physicians do not "over-utilize" services. That is a euphemism for ensuring that the individual physicians are only providing health care services when they are "medically necessary" as opposed to when they may be "medically indicated". In this regard, an elaborate revenue sharing plan was in effect which provided significant financial incentives to the primary care physicians to save Humana money, decrease expenses, increase revenues, and put more money into the funds available for distribution to Humana and the individual primary care physicians. As a result, primary care physicians are effectively rewarded when they do less, and financially penalized when they do more for their patients.

Mrs. Van Wie, 69, was a diabetic with peripheral vascular disease. In April of 1990, she developed a small ulcerated lesion on her left foot for which she sought initial care from Dr. Saint Vil, the primary care physician. The ulcer did not heal because of poor circulation due to her diabetes. It was not until mid-June that Dr. Saint Vil, a family practice physician, referred her to a vascular surgeon, Dr. Carson, for a consult evaluation to determine whether vascular in-

sufficiency was responsible for her ulcer's failure to heal. Dr. Carson said that she needed vascular studies, but could not order them because he was only a "specialty provider," and not the "gatekeeper". Dr. Saint Vil then ordered the vascular studies, and sent her back to Dr. Carson to determine whether her circulation could be improved by vascular surgery, and thereby heal the ulcer. Without looking at either the arteriograms or the report, Dr. Carson told her that she was not a surgical candidate.

Mrs. Van Wie's foot ulcer persisted and gradually began to worsen despite repeated visits to Dr. Saint Vil's office. Dr. Saint Vil called in Dr. Haimon, a podiatrist, to examine her feet and cut her toe nails. Dr. Haimon made no recommendations concerning her left foot. Dr. Saint Vil then sent her to Dr. Karsh, an endocrinologist, for a consult evaluation in order to see whether her blood sugar control was related to her foot wound not healing. Both Dr. Haimon and Dr. Karsh's consults did not occur until August of 1990. On August 23, 1990 she once again returned to Dr. Saint Vil's office. Despite the fact that the wound was infected and enlarged, Dr. Saint Vil recommended no diagnostic studies or consults and did not consider putting her in the hospital.

After the August 23, 1990 visit, Mr. and Mrs. Van Wie opted out of the Gold Plus Plan, went back on Medicare, and immediately went to the hospital. She had developed osteomyelitis in her left foot. The foot could not be saved. She underwent a left below the knee amputation and now wears a prosthesis. Chris Searcy and Michael Kennedy negotiated a settlement of \$750,000 for Mr. and Mrs. Van Wie on the eve of trial.

Incidents of patient neglect such as this one are not uncommon within the Humana system. Humana Medical Plan, Inc. has been previously investigated by the Federal Government for alleged violations in the administration of their managed health care plans. ■

## Firm Members Receive Recognition Awards At AFTL Luncheon

Three of our partners, **Earl Denney**, **Greg Barnhart** and **Lance Block** received awards at the annual Academy of Florida Trial Lawyers Presidential Luncheon. They were recognized for their contributions of time, money and commitment to AFTL.



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

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.

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SEARCY  
DENNEY  
SCAROLA  
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*Attorneys  
at Law*

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

NIGHT & WEEKEND  
AVAILABILITY

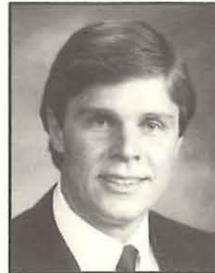
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## Announcements



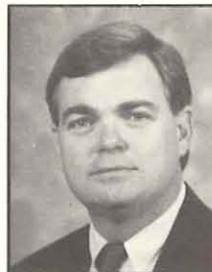
**Chris Searcy** has been appointed by William Blews, President of the Florida Bar, to the Committee on Professionalism and the Judicial Evaluation Committee of the Florida Bar Association. The Committee on Professionalism promotes a high level of professionalism among the bench and bar through heightened awareness of ethical issues. The Judicial Evaluation Committee is charged with suggesting procedures for improved evaluation of judges at all levels.



CHRIS SEARCY



T. MICHAEL KENNEDY



WILLIAM NORTON

**T. Michael Kennedy and William Norton** have become Florida Bar Board Certified Civil Trial Lawyers. ■

### BILL NORTON

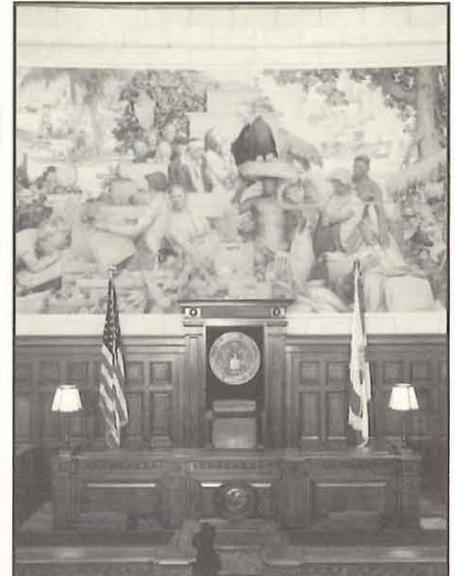
is available for free initial consultations on securities cases, including various types of limited partnerships and broker disputes.

*"The law itself is on trial in every case as well as the cause before it."*

- Harlan F. Stone  
1872-1946

### Landmark...

*Continued from Page One*



tematic degradation that was intended to rob them of their self-esteem and to relegate them to the least desirable and most menial job assignments. The successful prosecution of this case means far more to that community than can possibly be measured in money damages. They have been given confidence in a system of justice that had previously never worked for them. They have also been given the hope of a brighter future in which they and their children will be judged on merit rather than by the color of their skin."

In addition to individual compensation for an estimated 300 class members, the settlement will finance a scholarship fund to provide education and training for class members and their families enabling them to find an exit out of the poverty cycle. ■

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FALL 1994 - QUARTERLY REPORT TO CLIENTS AND ATTORNEYS

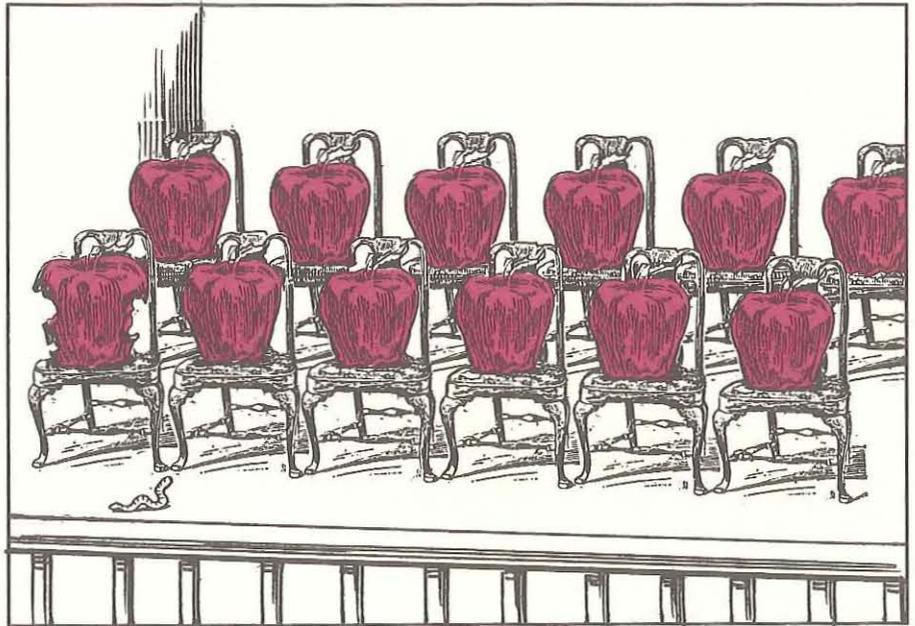
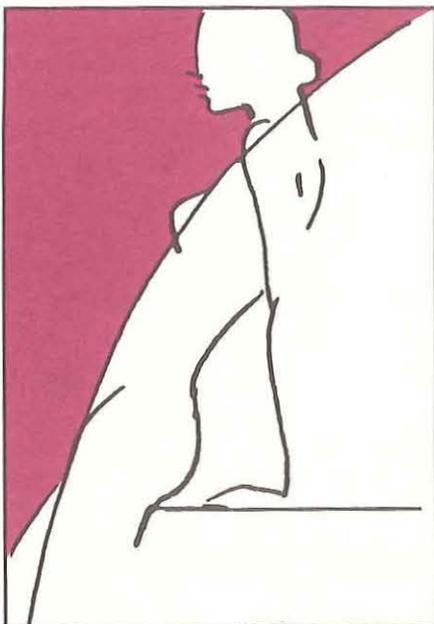
***"Jury service  
honorably performed  
is as important in the  
defense of our country,  
its Constitution and laws,  
and the ideals  
and standards  
for which they stand,  
as the service that is  
rendered by the soldier  
on the field  
of battle  
in time of war."***

--- George H. Boldt, American Jurist  
*United States v. Beck* (1959)

## **Breast Implant Update**

On September 1, 1994, Judge Pointer granted approval to the proposed breast implant settlement. Appeals were then filed by a group of New Zealand women and various insurance companies. The initial payment of \$800 million by the implant manufacturers will be delayed until these appeals are resolved.

Claims on behalf of 123 of our clients were filed with the Claims Administrator's office in Houston on September 15, 1994. Information as to how many claims have been filed, how long the review process will take, and the value of individual claims is expected to be available after January 1, 1995. ■



## **Jury Selection: One Bad Apple Spoils The Whole Barrel**

It is extremely difficult and often impossible to take a seriously injured plaintiff and make him whole again. With such injuries as brain damage, quadriplegia and death of a loved one, all the gold in Fort Knox will not heal the plaintiff. The lawyer's job is to see that such clients are helped to the fullest extent possible by monetary award. Selecting a fair and impartial jury is a crucial aspect of that job.

Many jurors are prejudiced against awarding a large verdict simply because it is a lot of money. About one-third of jurors in a given venire have been prejudiced against rendering full compensation for a negligently caused injury. If one such juror remains on the jury, the plaintiff will be unable to obtain a fair verdict. That juror has the potential of prejudicing the rest of the jury into rendering a very unfavorable result. One bad apple spoils the whole barrel.

Prospective jurors are examined under oath to determine any bias or prejudice as well as any relationships to the parties, attorneys or similar plaintiffs. The jurors' "voir dire" responses are the fundamental source for grounds of impartiality. The test used to determine juror competency is whether the juror can lay aside any bias or prejudice and render his or her verdict solely upon the evidence presented and the instructions on the law given by the court.

Florida courts take a progressive stance in permitting an open inquiry of the jurors on voir dire about exposure to and impressions of the so-called "litigation crisis". The contemporary trial attorney faces a critical function in the course of

his voir dire questioning to discover whether the sensationalist perceptions of a general "litigation crisis" will undermine a juror's ability to render a fair verdict. Once the potentially prejudiced jurors have been identified, one should explore a basis for a challenge for cause.

There is an art to identifying jurors who are prejudiced against plaintiff's personal injury cases and selecting a jury free from that type of juror. In general, good jurors share a number of common traits. Jurors who have suffered a similar injury are usually a big plus as are jurors who have endured substantial suffering or disability. Jurors who have been the plaintiff in a personal injury case previously are generally desirable. Jurors who like children, have children or want to have children are normally preferred. Accountants, bookkeepers and tellers are typically a minus as far as general damages are concerned, but they can be excellent jurors in a case involving large special damages. Wage earners tend to be better damage jurors than wage payers, while salespersons of any sort, and jurors who work for the government are often good damage jurors.

With an artful voir dire, a healthy respect for the damage that one prejudiced juror can do, and a trial judge who is not afraid to grant challenges for cause, it is still possible to impanel a non-prejudiced jury capable of rendering our clients a fair verdict.

*Note:* The above comments are excerpts from speeches Chris Searcy has given at trial lawyer seminars. ■

## Taking... Time to Care

Searcy Denney Scarola Barnhart & Shipley, P.A. believes financial contributions alone do not fulfill our commitment to the community. Of equal importance are the many volunteer hours we provide assisting local charities with their fund raising efforts. Our attorneys, paralegals and support staff continue to donate their personal time to improve the quality of life for people in our community.



Recently, our firm sponsored a race car team in the United Cerebral Palsy Mini-Grand Prix held in West Palm Beach. Our attorneys, paralegals and support staff revved their engines to raise funds for the programs and services of UCP, a non-profit organization benefitting children and adults with developmental disabilities.



Our firm also provided a team for the Palm Beach County Literacy Coalition's Third Annual Great Grown-Up Spelling Bee. The event helped raise funds and public awareness for the Coalition's efforts to promote literacy in our county. ■



## Blinded Woman... Continued from Page One

fore, he was willing to do so in this case. Dr. Brockhurst agreed to testify because he was aware that Dr. Lowe had previously experienced a similar problem with another patient who had called him with a complaint. Dr. Brockhurst reviewed the medical records and gave the opinion that Ms. Rauth had received inadequate, below standard medical care from Dr. Lowe.

Due to the preeminence of the medical expert obtained by the law firm, as well as significant assistance from post-injury treating physicians at Bascom Palmer Eye Institute, John A. Shipley was able to settle this case for Dr. Lowe's policy limits of \$1,000,000 shortly after the 90-day LOI period expired. Dr. Brockhurst never even had to give a deposition.

Eye infections are extremely dangerous and require prompt, aggressive treatment with antibiotics. This treatment cures infections in the great majority of cases. Ms. Rauth's personal tragedy was totally preventable if the doctor had only used state-of-the-art medicine. ■

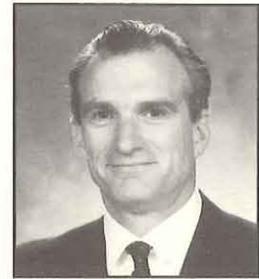
## Shipley... Continued from Page Two

from time to time, teaches a class on Premises Liability at Florida Atlantic University.

His community involvement has included membership on the Board of Directors of the Philharmonic Orchestra of Florida and the Morikami Museum. Mr. Shipley is currently on the Endowment Board for the Unity School and the Board of Directors of the Old School Square, both in Delray Beach.

As a member of the Academy of Florida Trial Lawyers and a Past Vice-President of the local Chapter of the American Board of Trial Advocates, Mr. Shipley stays involved with the fight to preserve the rights of victims to pursue justice in the courts. ■

## Welcome...



### CHRISTOPHER K. SPEED

Christopher K. Speed, our newest partner at Searcy Denney Scarola Barnhart & Shipley, P.A., comes to us from Northern Virginia where he has been a trial lawyer for 21 years, representing plaintiffs in suits involving personal injury, medical and legal negligence and defective products. He was a founding partner of the law firm Arthur & Speed, Ltd. where he practiced for the past 15 years.

Mr. Speed is a 1969 graduate of Georgetown University, where one of his housemates was Jack Scarola, another partner in the firm. He graduated from the George Washington University National Law Center in 1973.

Mr. Speed is licensed to practice law in the District of Columbia, and was admitted to the bar of the state of Florida in 1992. He is a member of the Virginia Trial Lawyer Association, the Academy of Florida Trial Lawyers and the Association of Trial Lawyers of America. He was also a founding member of the Northern Virginia Plaintiffs Bar, an organization of plaintiffs lawyers dedicated to improving the ability of injured persons to be sufficiently compensated for their losses. He has lectured on frequent occasions regarding civil jury trials in the field of plaintiff's personal injury and medical negligence.

He is listed as one of the best lawyers in America in a book entitled *The Best Lawyers in America* which was the result of an independent study and survey by several Harvard Law Professors. At the time of his initial inclusion in 1989, he was the youngest lawyer selected from Northern Virginia in his specialty of personal injury law. ■

SEARCY  
DENNEY  
SCAROLA  
BARNHART  
& SHIPLEY, P.A.

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OF  
COUNSEL

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## Firm Attorneys Named "Best Lawyers In America"

**Christian D. Searcy, F. Gregory Barnhart and Christopher K. Speed** have been named in the most recent edition of *Best Lawyers in America* in the personal injury field. The top 1% of the nation's lawyers are selected based on a peer vote. Evaluations are done by other lawyers within the same field. Searcy Denney Scarola Barnhart & Shipley, P.A., is honored that three attorneys in the firm have been recognized in this book. ■



Wishing  
you  
Happy  
Holidays!

SEARCY  
DENNEY  
SCAROLA  
BARNHART  
& SHIPLEY P.A.

*Attorneys*  
*at Law*

