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OF COUNSEL

QUARTERLY REPORT TO CLIENTS AND ATTORNEYS - VOL. 99, NO. 1

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Long Legal Saga of Noel Berk Ends Successfully

On May 20, 1993, Noel Berk suffered devastating quadriplegic injuries. Mr. Berk had attended a minor league baseball game in Jacksonville that evening and was traveling home on his motorcycle when a vehicle pulled in front of him from a side street controlled by a stop sign. The driver of that vehicle did not see Mr. Berk's motorcycle approaching from his left until he was blocking nearly the entire lane of travel. Mr. Berk skidded in an attempt to stop, was thrown from his motorcycle and suffered a broken neck.

When Mr. Berk was taken to the hospital, routine blood work was drawn. One of the tests run was an alcohol screen, which indicated Mr. Berk was above the legal limit for intoxication. Mr. Berk's fall caused him traumatic amnesia and he did not have a recollection of drinking any excessive amount of alcohol that evening. All of the witnesses with him confirmed that they never saw him drinking excessively, nor did he appear intoxicated when he left the ball park. It was this questionable test result which caused the defendants to vigorously fight Mr. Berk's claim.

A second hurdle in attempting to obtain compensation for Mr. Berk was the fact that the car operator had insufficient insurance limits of $100,000. The insurance carrier, Atlanta Casualty Company, made ***continued on page four***

Early Discharge Results In $6,050,000 Settlement

Testimony reveals that additional testing should have been ordered.

Dustee Parrish was a healthy full term baby born in St. Petersburg on Dec. 21, 1994. She was born just before 10:00 p.m., and was discharged the following day at approximately 3:30 p.m. Her stay at St. Petersburg Hospital was just under 18 hours. It had become common in 1994 for mothers and babies to be discharged within 24-hours of birth, rather than the more customary discharge after two days. It was felt at that time, if a baby and mother were healthy, it would save on medical costs and resources to have newborns discharged early.

During the first night after discharge, Dustee began to exhibit some signs of irritability and lack of appetite. The following day her parents became aware that Dustee ***continued on page three***

Pictured L-R Heather Parrish, Dustee Parrish, Attorney Chris Speed, Brent Parrish

The Meeting Corner:

Sean C. Domnick

Sean C. Domnick is a native Floridian, born and raised in Miami. He is a "Double-Gator," obtaining a degree in finance from the University of Florida before graduating from the University of Florida College of Law. In recognition of his high score on the Florida Bar exam, Mr. Domnick spoke on behalf of the new admittees at a ceremony held by the Third District Court of Appeal in Miami. He is admitted to practice in both Florida state and federal court.

Mr. Domnick began his law career with a defense firm, first in West Palm Beach and then transferring to the main office in Miami. During that time he gained four years of trial experience defending all classes of personal injury cases, including wrongful death, medical malpractice and products liability cases.

In 1993, Mr. Domnick became a named partner in the Miami firm of Ford & Domnick, P.A. During that time, he primarily represented victims of medical malpractice and nursing home abuse and neglect. He successfully litigated numerous cases resulting in million dollar settlements.

While in law school, Mr. Domnick clerked for Searcy Denney Scarola Barnhart & Shipley, P.A. He has come full circle now and returns to the West Palm Beach firm.

Mr. Domnick is currently President of the Dade County Trial Lawyers Association. He serves on the Board of Directors of the Academy of Florida Trial Lawyers. He is a recipient of the Academy's prestigious Silver Eagle Award. He is also a member of the Association of Trial Lawyers of America's Nursing Home Litigation Group. Mr. Domnick frequently lectures to trial lawyers on how to successfully litigate and try cases.

Harry A. Shevin

Harry A. Shevin graduated with honors from the University of Florida (J.D. 1993, B.A. 1990). In law school he was a member of the Trial Competition Team and the Moot Court Team. He won the University of Florida Moot Court Competition (Spring 1992), served as an Appellate Advocacy Instructor (Fall 1992 and Spring 1993), and was Awarded Best Negotiator (Spring 1993).

Mr. Shevin specializes in medical malpractice, personal injury and toxic tort litigation. Mr. Shevin was trial counsel in McKenna vs. Owens-Corning Fiberglas, in which his client was awarded the largest single compensatory verdict in the nation for any person suffering from asbestosis.

From 1993 to 1996, Mr. Shevin was an Assistant State Attorney in Dade County, Florida, and prosecuted numerous first degree felonies punishable by life, and was recognized by M.A.D.D. for outstanding D.U.I. prosecutions.

He is currently a member of the Million Dollar Advocacy Forum, Association of Trial Lawyers of America, Academy of Florida Trial Lawyers, and the Palm Beach County Bar Association.

Mr. Shevin has been married to his wife, Michelle, since 1995. They have one son, Tyler, 1. His hobbies include travel and sports. ■

Domnick *(continued.)*

Mr. Domnick has been married to his wife, Kelly, since 1993. They have two children, Katie, 3, and Sean, 1. His hobbies include golf, travel and playing with his kids. ■

Early Discharge Results In $6,050,000 Settlement

(continued from page one)

was running a fever. They called the hospital and were told to try to cool the baby down. When that did not work, they took the baby to All Children's Hospital for treatment.

At All Children's Hospital, an immediate spinal tap revealed that Dustee had developed a group b strep infection, causing her meningitis. Once treatment for meningitis was begun, Dustee's condition stabilized. However the effects of the meningitis had caused Dustee significant brain injury, causing her a substantial loss of cognitive and motor functions. She now experiences seizures, encounters feeding problems and has significant sleep problems. She is under continued medical care and treatment, receives speech therapy, occupational therapy and physical therapy on an ongoing basis. Dustee has already had surgery for the placement of a feeding tube and has had two surgeries regarding contractures in her hips. The cost of medical care provided to Dustee had exceeded $250,000.

The primary hurdle that attorneys Chris Searcy and Chris Speed faced as they pursued this case was proving that there was some indication during Dustee's original hospital stay that should have caused the pediatrician and the hospital to keep her under observation for an additional 24-hours. Mr. Speed eventually learned through the deposition of the defendant pediatrician, Dr. Gallagher that there was some discrepancy in the timing of certain nurses' notes at St. Petersburg Hospital. Dr. Gallagher confirmed that she had made rounds in the hospital earlier than was noted by the nurse, and that there were additional findings made by the nurse that were not present during her morning visit. The doctor stated under oath that she would have ordered additional testing on Dustee prior to discharge had she been made aware of those changes in the baby's condition by the nursing staff at St. Petersburg Hospital.

However the effects of the meningitis had caused Dustee significant brain injury, causing her a substantial loss of cognitive and motor functions.

With those facts, it became the plaintiff's position that the additional testing would have required Dustee to be kept as a patient for an additional evening. Competent physician and nursing care would have then recognized the onset of her symptoms of meningitis. Treatment at that early stage would have prevented the meningitis from causing significant trauma to Dustee's brain.

Following the deposition of Dr. Gallagher, the lawyers for the hospital requested a second mediation, which took place several months prior to the scheduled trial date. The parties did not settle at that mediation, but significantly closed the gap. Through the efforts of counsel and the mediator over the next three weeks, Mr. Speed and Mr. Searcy resolved Dustee's case for a total of $6.05 million. A substantial portion of the net proceeds for Dustee are being used to purchase a lifetime annuity which will provide her with vastly improved daily care. Her parents can now provide a greater quality of therapy and nursing supervision. Part of the proceeds of the settlement will go towards the purchase of a new home which will be fully handicap-accessible.

Although devastated by the terrible injury suffered by their child, Brent and Heather Parrish are thankful that they can now provide for the needs of their child--needs which had not been previously met by insurance benefits or government assistance. ■

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

1-800-220-7006

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.

Long Legal Saga of Noel Berk Ends Successfully

(continued from page one)

a serious mistake when it failed to supply requested information concerning the insurance that existed on the Defendant's automobile. On three separate occasions, attorney Lance Block wrote to Atlanta Casualty asking for specific information, and on each occasion Atlanta Casualty failed to respond. A lawsuit was therefore filed against Mr. Jones, the driver of the automobile.

In early deposition testimony, Mr. Jones contended that part of the reason he entered the intersection through the stop sign was because of dense foliage on the corner property to his left. He stated in deposition testimony that the foliage blocked his view. Attorney Chris Speed therefore filed an Amended Complaint suing the land owner for the violation of a Jacksonville Municipal Code which prohibited a land owner from allowing foliage to grow in such a way as to obstruct the vision of drivers within twenty five feet of an intersection. Mr. Speed also made a claim against the City of Jacksonville for the inappropriate placement of the stop sign at that intersection.

After significant delays due to extensive pretrial discovery, Mr. Searcy and Mr. Speed began on Jan. 25, 1999, what was anticipated to be a five week trial. The Defendants at that time were Jones and Kraft Foods, the owner of the foliage-covered property. The City of Jacksonville had already settled its claim for an amount just below the sovereign immunity limitations set by state statute.

On the morning of trial, a settlement was effectuated with Kraft Foods. The trial then began against Mr. Jones, who was the only remaining defendant. Mr. Searcy and Mr. Speed sought to obtain a significant verdict against the driver Mr. Jones, and then file a bad faith law suit against Atlanta Casualty on behalf of Mr. Jones for its failure to comply with statutory requirements back in 1993. Atlanta Casualty's acts of bad faith forced the plaintiffs to sue Mr. Jones, rather than settling with him and releasing him from the case.

Significant legal research and expert testimony was developed to attack the credibility and trustworthiness of the alcohol test results taken on the night of Mr. Berk's accident. On the second day of trial, the judge ruled that the Defendants had not been able to establish an appropriate basis for the admission of that blood alcohol test, and that without some further offer of proof, it would not come into evidence.

Atlanta Casualty then recognized the potential exposure it had. On the third day of trial, it agreed to pay $1.25 million on behalf of Mr. Jones despite his $100,000 policy limit. The total recovery Mr. Searcy and Mr. Speed achieved for Noel Berk and his wife Sharron, was $3.275 million.

Mr. Berk will be receiving a substantial part of his settlement in cash, with the remainder being used to purchase a lifetime annuity for his future care. There are substantial modifications needed in his home to accommodate his quadriplegic status, as well as the purchase of a new wheelchair-accessible van. The settlement provides the opportunity to hire additional daily care for Mr. Berk, thereby relieving Mrs. Berk from the strain of being his primary caretaker. With the funds now available to him, Mr. Berk's quality of life will be greatly improved. ■

Legislation Limits the Rights of Floridians

The Florida legislature has made substantial changes to Florida statutes which they refer to as "tort reform." However, the changes proposed concerning minimum insurance requirements for rental vehicles do not fall within the meaning of true reform: no insurance crisis exists which would justify limiting citizens rights, no one is abusing a statute which simply requires financial responsibility by owners of motor vehicles, and no evil is being practiced by requiring rental car companies be responsible for injury caused by the vehicles they own and from which they profit handsomely.

The Florida courts long ago determined that motor vehicles are "dangerous instrumentalities" and the purpose of the law as it existed was to make the owners and lessors of cars responsible for injuries caused by their vehicles, and also to require minimum levels of insurance coverage. The statute provided that companies leasing vehicles for a period of 12 months or more are exempt from liability, provided the person leasing the vehicle maintains adequate insurance limits. Specifically, the lessor must carry bodily injury protection of not less than $100,000 per occurrence, $300,000 in the aggregate, and $50,000 coverage for property damage. In the alternative, lessors can carry not less than $500,000 in combined bodily injury and property damage coverage. If a company leases a vehicle for less than 12 months (rental car companies), the company is deemed to be the owner of the vehicle for liability purposes, and under the current law would be responsible for all damages caused by their dangerous instrumentality. The law also required a rental company to carry a minimum of $1 million in coverage.

The new amendments proposed to the law are nothing more than protectionism for companies who make their profits by putting hundreds of vehicles on Florida roadways every day.

The new amendments proposed to the law are nothing more than protectionism for companies who make their profits by putting hundreds of vehicles on Florida roadways every day, usually driven by nonresidents who are confused, inexperienced, and trying to have a good time on vacation. The newly passed law now adds rental car companies to a class of protected corporations. The revisions to the law would place a limitation of $500,000 for all recoverable economic damages which an injured person may collect from the rental car company. Although $500,000 may seem a substantial sum, it pales in relation to the cost of caring for tragically injured victims, such as a young person rendered a quadriplegic by the negligent driver of a rental car.

Citizens should carefully monitor a legislature and governor who are motivated to provide substantial financial protection in favor of billion dollar companies, while placing arbitrary limitations on amounts which seriously injured citizens can recover when hurt by cars owned by companies who profit through the rental of these dangerous instrumentalities. ■

Punitive Damages-- The Cost of Corporate Irresponsibility

The Florida Legislature has recently passed a law and sent it to the Governor for signature which will have the effect of rewarding corporations for their outrageous conduct and will virtually eliminate the tools available to prevent them from practicing cost versus profit analysis of human lives. The legislature has determined to limit the award of punitive damages to no more than $2 million in any case.

No one can have forgotten the cases involving the Pinto, where Ford executives consciously chose to save more than $600 million by predicting over 360 deaths and serious bodily injuries per year as the result of Pinto fires and explosions caused by rear end collisions. The executives reasoned that a recall would cost more than $137 million per year for an eight year period (more than $1 billion). The executives delayed a recall, but the lawsuits flowing from the deaths and burn injuries was estimated to cost them approximately $49.5 million per year (more than $390 million). Through a cold, calculated, and greed driven plan, Ford determined they could make a profit by not recalling the Pinto for eight years and, thus, not warning the public that many were driving on the road with a Molotov cocktail on wheels.

Certainly the Pinto cases are the best known, but sadly they were certainly not the last examples of corporations who are habitually driven by profit. They lose sight of the human suffering and the cost of human life that many of their decisions cause. Punitive damages were intended to be awarded in cases where the conduct of defendants was so callous, so reckless, so self motivated that the ***continued on page 10***

Decisions...Decisions...Decisions...

MRS. SMITH vs. DR. X and HOSPITAL

In 1998, Mrs. Smith came to attorney Greg Barnhart for help. In June of 1997, Mrs. Smith, a 78-year-old widow, consulted Dr. X, an anesthesiologist, for purposes of pain management. She had been involved in an automobile accident approximately 30 years ago. Despite two surgeries performed years ago, she continued to have a deteriorating lumbar spinal condition and continued to experience chronic back pain. She was, however, able to live independently and attend to all of her own personal needs. Prior to June 1997, her pain level had elevated to the point where she required constant use of narcotic medication to remain functional. Her continuing use of narcotics to control the pain became a concern for her. It was suggested that she consider surgical placement of an intrathecal morphine pump so that pain relieving medication could be delivered directly to the nerve roots, thereby relieving the pain and avoiding the expense and side effects of oral narcotics. In order to determine if she would have a positive result from the localized delivery of morphine, an external pump was inserted on a trial basis. Mrs. Smith received excellent pain relief and consented to the surgery to insert the pump internally.

Mrs. Smith drove herself to the hospital on the date of surgery. She walked into the hospital, but never walked again. She was cleared for surgery and was appropriately anesthetized. As the surgeon attempted to place the pump, his attempts to properly place it were visualized under fluoroscopy, requiring the injection of a radiopaque dye into the spinal column. The dye that was injected in this case, however, was inappropriate for intrathecal injection. The injection of this dye into Mrs. Smith's spinal cord caused an ionic reaction with the cells of the spinal cord and resulted in significant nerve damage to the lumbar area of the cord, an injury called Cauda Equina Syndrome. Paralysis of the lower extremities and loss of bowel and bladder control was the ultimate outcome for Mrs. Smith. Since the morphine pump was improperly inserted, Mrs. Smith continues to experience chronic back pain just as she had prior to the surgery. Mrs. Smith's overall health also began to decline after the botched procedure.

Discovery in the case revealed that the surgeon failed to follow the appropriate protocols in operating room procedure. He failed in calling for the appropriate solution, failed in visualizing the bottle containing the dye solution, failed to confirm that the solution was the correct solution ordered, and failed to actually watch the surgical nurse draw the solution or pour it into another container or beaker before injecting it. The surgeon testified that while he had recognized the inappropriate solution in the surgical suite prior to the beginning of the operation, he had ordered the nurses to remove it. It should be noted that this operation was Dr. X's first at this hospital.

Despite a hard-fought defense by the hospital and the surgeon regarding negligence and the causation of Mrs. Smith's injuries, Greg Barnhart negotiated a settlement in the amount of $595,000 at a mediation conference prior to the testimony of expert witnesses. ■

OMITTING CLIENTS' AND/OR DEFENDANTS' NAMES ARE RESULTS OF REQUESTS FOR ANONYMITY.

SMITH vs. CAREY

On March 18, 1995, Dana Smith traveled from his home in Gainesville to attend his sister's wedding in nearby Satellite Beach. He was a groomsman in the wedding, which required him to wear a tuxedo. After the wedding and reception, Mr. Smith and a friend decided to take a taxi to a nearby nightclub. Mr. Smith decided to stay at the club after his friend left later that evening. Mr. Smith's motel was two miles away, and he decided to walk home at the end of the evening.

As he walked down A1A, wearing his black tuxedo in an unlit area, he was struck from behind and killed by a car driven by a physicist from Alabama working in the area on a short term assignment. At autopsy, it was determined that Mr. Smith's blood alcohol content was more than three times the legal limit for drivers in the State of Florida.

The driver of the car testified that he thought he hit a bird or some other animal and continued driving down the road a significant distance before stopping. The driver stated that he never left the roadway and there were no witnesses to offer testimony as to Mr. Smith's location. Mr. Smith's black suit made him very difficult to see in the dimly lit area. Additionally, there was ample room for Mr. Smith to walk beside the paved roadway.

Despite all these difficulties, attorney William Norton was able to settle this case at mediation for $425,000. The bulk of the money will be placed in an annuity to provide for Mr. Smith's young son, Tyler, well into his adulthood. ■

"The best way to win an argument is to begin by being right."

-- Jill Ruckelshaus
member, U.S. Commission
on Civil Rights, 1981

KLUCKER vs. MERCADO

James Klucker and his wife had moved to Florida after Mr. Klucker's long career of military service. Mr. Klucker landed a job with a large defense contractor, and the couple happily settled into their new lives.

Unfortunately, Mr. Klucker began to experience chest pains on Jan. 29, 1995. He was admitted to Holmes Regional Medical Center, where he showed signs of coronary artery disease. He was discharged from Holmes Regional Medical Center on Jan. 31, 1995, under the care of his general practitioner, Eddie Mercado, M.D., and scheduled for a stress test.

On Feb. 9, 1995, a cardiac stress test was positive for stress induced cardiac angina. These results were immediately transmitted to Dr. Mercado's office. However, medical records confirmed that Mr. Klucker was not seen by Dr. Mercado until Feb. 20. At that time, Dr. Mercado noted the findings and referred Mr. Klucker to a cardiologist. Mr. Klucker saw a cardiologist on Feb. 24, 1995, who immediately recognized the severity of Mr. Klucker's condition and scheduled an invasive cardiac procedure to be performed as soon as possible. Unfortunately, Mr. Klucker died of a massive heart attack shortly after leaving the cardiologist's office.

Attorney William Norton filed suit on behalf of Mr. Klucker's family and immediately set the deposition of Dr. Mercado to find out why he was so lax in his treatment of a man who clearly needed acute care. During the deposition, Mr. Norton uncovered the existence of office notes for Feb. 16, 1995, which were not reflected in the record. During that time, Mr. Klucker came into the office clearly exhibiting signs of angina for which he should have been immediately hospitalized. Instead, Dr. Mercado prescribed a medication for indigestion and sent Mr. Klucker home. Dr. Mercado was not able to give a credible explanation for the existence of the unproduced record.

Attorney William Norton filed a demand for policy limits of $1 million which were tendered shortly thereafter. ■

NEWBORN BECOMES BLIND WHILE UNDER THE CARE OF PEDIATRICIANS IN TWO SEPARATE HOSPITALS

Baby Girl was born premature on March 25, 1995, in South Georgia after 25-weeks gestation. Baby Girl was airlifted to Central Florida where she was a patient in the neonatal intensive care unit for two months. Baby Girl was then transferred back to South Georgia to a local hospital under the care and treatment of her pediatrician. While a patient in the neonatal intensive care unit in Central Florida, Baby Girl was not evaluated for retinopathy of prematurity, nor was she evaluated for that condition while a patient in the local hospital in South Georgia.

After discharge from the South Georgia hospital, Baby Girl remained under the care and treatment of her pediatrician. In November 1995, Baby Girl was diagnosed as having bilateral retinal detachments due to retinopathy of prematurity. Retinopathy of prematurity is a disease that occurs in premature infants and affects the blood vessels of the developing retina.

Premature infants such as Baby Girl, need to be evaluated at 6-weeks of age and then re-evaluated. Treatment for retinopathy of prematurity includes cryotherapy (ice treatments) and laser treatment. If the retinopathy is not treated, the blood vessels develop in such a way as to detach the retinas causing blindness.

Baby Girl was diagnosed as being blind in both eyes in November 1995, and no remedial treatment was available to her.

During the pendency of this case, a pediatric ophthalmologist and pediatrician were prepared to testify that both the local pediatrician and the physicians at the Central Florida hospital were negligent in not evaluating Baby Girl for retinopathy of prematurity. A nationally recognized neuropsychiatrist in North Carolina was employed to orchestrate a multi-disciplinary evaluation consisting of a pediatric psychologist, pediatrician experienced in the needs of blind children, language therapist, physical therapist, and occupational therapist. The neuropsychiatrist prepared a life plan which detailed Baby Girl's future needs in terms of educational requirements, therapeutic needs on a social and emotional basis, as well as the impact of blindness on her future employability.

Attorneys Chris Searcy and David White were prepared to try this case in South Georgia. However, after mediation, the case was settled. Baby Girl will be financially secure for the rest of her life, although, she will remain blind with no hope of visual improvement. In addition to settling with the treating pediatrician in South Georgia, a settlement was also reached with the Central Florida hospital. ■

Floridians To Receive Information About Medical Practitioners On The Internet

On July 1, Floridians who would like information about a particular medical doctor, chiropractor or podiatrist, will be able to receive information through the worldwide web. The internet site (internet address will be assigned on July 1) will include the names of 56,000 medical practitioners throughout the state. Information about the doctors will include their education, years of practice, board certification, any types of disciplinary actions and malpractice claims greater than $5,000.

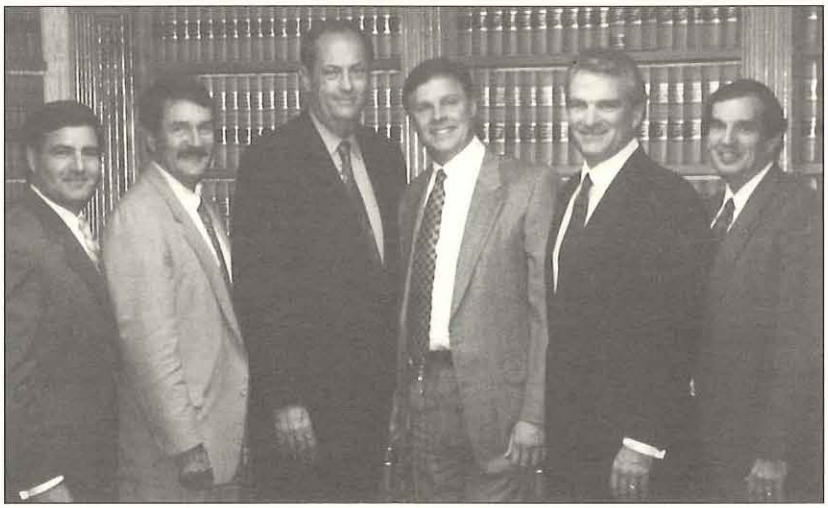
In March, the Florida Department of Health mailed questionnaires to 56,000 medical practitioners throughout the state. To date, approximately 40,000 have filled out and returned the questionnaire. The 16,000 remaining practitioners who do not respond to the questionnaire can be fined $50 a day. ■

Floridians who currently wish to receive information about a particular medical doctor can call
(850) 488-0595.
After July 1, they will be able to receive more detailed information by calling (850) 410-3359 or visiting the website.

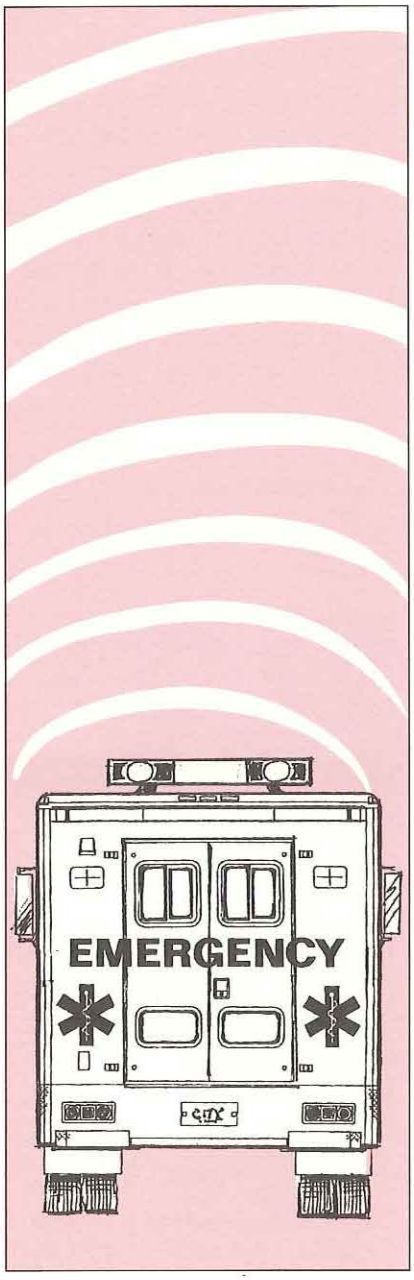
Announcing...

Ellen F. Brandt

Ellen F. Brandt has been named an Associate with Searcy Denney Scarola Barnhart & Shipley, P.A. Ms. Brandt works primarily with Jack Scarola, assisting him in his extensive commercial litigation practice, in state and federal courts.



Former New Jersey **Senator Bill Bradley** attended a luncheon hosted by our firm to discuss his plans to run for President of the United States in 2000. (Pictured L-R **Jack Scarola, John Shipley, Bill Bradley, Chris Searcy, Chris Speed** and **Bill King)**



INSURANCE AND YOU

Sobering Facts and Figures About Driving In Florida

- 115 people die every day in motor vehicle crashes (as many as a DC-9 crash). That's an average of a fatality every 12 1/2 minutes.
- Traffic crashes are the leading cause of death for persons 5-27 years of age.
- Males are two times more likely than females to die in car crashes, and seven times more likely than children.
- Motorcyclists are about 16 times as likely to die in crashes than occupants of cars.
- Almost one in three traffic fatalities are alcohol-related.
- In 1997, Friday was the most popular day of the week for motor vehicle crashes to occur; Sunday was the least popular. Saturdays had the highest number of fatalities. The most popular time of day to have a crash was 5:00 p.m., and most fatalities occurred around 6:00 p.m.
- Florida law requires the operator of a motor vehicle to carry only two forms of insurance coverage -- Personal Injury Protection (PIP) and property damage liability. PIP pays for accident-related medical expenses for the policyholder. Property damage liability pays for damage to property caused by the operator of the car. Bodily injury liability, which pays for injuries to people caused by the insured vehicle, is not a required coverage, nor is uninsured motorist. Most states require vehicle owners to carry uninsured motorist coverage, but Florida isn't one of them.
- On average, about 1 in 5 non-commercial vehicles on the road in Florida is uninsured.
- It is estimated that over 650 people per day are added to the population of Florida. That means more cars, more traffic, and more collisions.

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Punitive Damages --
The Cost of Corporate Irresponsibility

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defendant needed to be punished for its conduct and, most importantly, as an example to all other corporations in order to discourage similar conduct in the future. It would be impossible to calculate how many lives have been saved, how many seriously injured have been spared, as the result of manufacturers' and corporations' fear of punitive damages.

Whenever the discussion of punitive damage awards comes up, many people first think of the spilled coffee case, but few of them know how substantially the appellate court reduced that verdict on review. Even fewer are aware of the testimony relating to the prior knowledge of the danger to injury versus the consideration to profit which was considered by the corporate defendant even before the plaintiff ultimately suffered third degree burns.

The unfortunate result of the legislature's rewards to corporations is that no multi-million, or multi-billion dollar corporation will have much fear of a $2 million limit on punitive damages. When those executives sit in previously smoke filled rooms now, they will be able to weigh the cost of doing the right thing against the cost of being punished for sacrificing lives for the sake of the bottom line. When they are faced with correcting a problem at the cost of a billion dollars or gambling on the final cost of human lives, they win and everyone loses. You see, corporations do not have any mothers, daughters, sisters, wives, or other loved ones to care about. They have only the counting house. ■

Taking... *Time to Care*

Legal Aid Society of Palm Beach County, Inc.

Jack and **Anita Scarola** hosted a "Gift Gathering Gala" in their home for the Legal Aid Society. The gifts were used for an auction during the Society's Pro Bono Recognition Evening at the Kravis Center in West Palm Beach.

Shown in the photo are Jack and Anita Scarola who are co-chairs of the event.

The Legal Aid Society is a non-profit organization offering free legal services to the poor, disabled, elderly and youth living in Palm Beach County. The Legal Aid Society provides legal services to more than 7,000 yearly. Formed in 1949, the Legal Aid Society provides legal counsel to society's most vulnerable individuals and works to ensure justice in the community. ■

The Arc

The Arc (formerly the Association for Retarded Citizens) of Palm Beach County recently held their annual meeting to honor supporters of the organization and showcase the accomplishments of children and adults whom they serve.

Senator Tom Rossin was recognized as The Arc's "Legislator of the Year" for the work he has done with children and adults who have special needs.

The Arc is a private, non-profit organization celebrating over forty years of service to children and adults in Palm Beach County who have developmental disabilities.

Shown in the photo: L-R **Lance Block**, President of the Board of Directors of the Arc and partner at Searcy Denney Scarola Barnhart & Shipley with **Sen. Tom Rossin**. ■

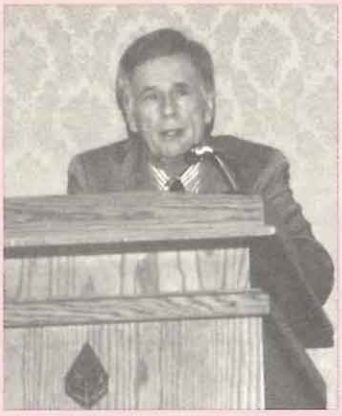
International Academy of Trial Lawyers

From March 24-28, 1999, more than 100 members of the International Academy of Trial Lawyers (I.A.T.L.) conducted their annual meeting at the Four Seasons Resort in Palm Beach. The I.A.T.L. is an elite group of attorneys who possess an exceptional degree in trial and appellate practice. Limited to 500 Fellows from the United States and representing more than 30 countries worldwide, members must promote the best interests of the legal profession and exhibit qualities of excellent character and absolute integrity. Members must be invited to become part of this prestigious group of attorneys. In 1987, attorney Chris Searcy of the law firm of Searcy Denney Scarola Barnhart & Shipley, was admitted into membership.

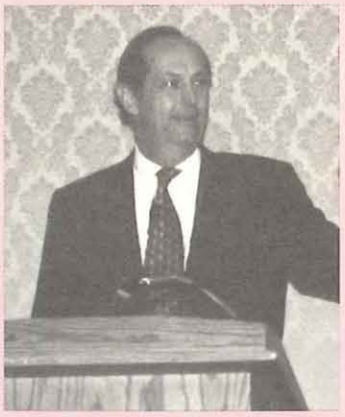
During the annual meeting, three keynote speakers were invited to speak on Friday, March 26. They included Stephens Jones, an attorney from Enid, Okla., who represented Timothy James McVeigh during the Oklahoma City bombing case; Don Wright, Pulitzer Prize winning political cartoonist from The Palm Beach Post in West Palm Beach; and Bill Bradley, presidential hopeful (year 2000), former United States Senator from New Jersey (1978 - 1997), and professional basketball player with the New York Nicks (1967 - 1977). Jones shared personal and professional insights about his involvement with the Oklahoma bombing; Wright offered reflections and comment on how attorneys and the media can create positive images; and Bradley spoke about his hopes to win the race for President in November 2000.

Following the meeting, members gathered at the home of Chris and Priscilla Searcy in North Palm Beach, for a "Swing Back to the 1940's," party, complete with a swing band, dancers and vintage automobiles representative of that era. ■

Stephen Jones, Oklahoma Attorney



Don Wright, Political Cartoonist



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