



T H E

# ADVOCATE

## Leading Physician Joins Firm

CATHY THOMSON, M.D.



**H**ad she been an astronaut, Dr. Cathy Thomson just might have beaten Sally Ride into space. The Jupiter physician recently joined Lytal, Reiter, Clark, Fountain & Williams as the first doctor on its full-time staff. After a successful career as an orthopedic surgeon—which she gave up out of frustration with the constraints imposed by managed care and insurance companies—Dr. Thomson has chosen a new challenge that will allow her to utilize her medical knowledge and experience in a different environment that still requires a skilled and compassionate physician.

Her achievements and accomplishments include degrees from the College of William and Mary in Williamsburg, Va., and the University of Virginia in Charlottesville, and an impressive list of “firsts” in the field of orthopedic medicine.

Thomson demonstrated her penchant for forging ahead, against all odds, early in her career. She was one of the first women to graduate from the formerly all-male University of Virginia medical school.

“There were just a couple of girls ahead of me,” Thomson recounts. “And 186 guys in my class.”

After completing an internship at the University of California, San Francisco, Thomson was one of the first women to do a general surgery residency at the University of California, San Diego. She was also the first woman neurosurgery resident at UCSD and the first woman orthopedic resident there as well.

When she moved to Loyola University in Chicago, Thomson was—you guessed it—the school’s first woman orthopedic resident and the first woman selected for the prestigious

*Thomson was one of the first women to graduate from the formerly all-male University of Virginia medical school.*

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Tallahassee 2000

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LAW OFFICES LLP

FOR THOSE OF YOU WHO HAVE NEVER USED  
OUR SERVICES, WE'D LIKE TO INTRODUCE OURSELVES  
AND SHARE OUR FIRM'S PHILOSOPHY.

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**W**e are YOUR lawyers. You, the individual or you, the victim. Our firm does not represent insurance companies, major corporations or government agencies. On the contrary, we regularly fight these impersonal giants and their high-priced attorneys to champion the rights of our clients and obtain fair and just compensation.

Our lawyers, paralegals, investigators and litigation support staff are devoted exclusively to representing individuals and their families who have suffered injury or death as a result of medical malpractice, defective products, nursing home violations, or automobile, aircraft, marine or other accidents. We are a well-established Florida law firm: four of our five partners are native Floridians with deep family roots in Palm Beach County. Even the one exception, Joe Reiter, has lived here for 30 years. Our unique, extensive knowledge of Florida and its laws, plus our personal and professional commitments to Florida and Palm Beach County, have proven invaluable to our clients and delivered the kind of results that have built our firm and its reputation.

To those of you who know us and who have been represented by us, we thank you for your confidence and your trust. A large number of our clients come to us as referrals from former clients. We truly appreciate your thoughtfulness in referring your family and friends to us. We are also very grateful to our colleagues in the Florida legal community who refer cases to our firm.



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North American Traveling Fellow program, allowing her to lecture, meet residents and serve as a role model for up and coming physicians.

Thomson also served as the first woman fellow in hand surgery with the Louisville Hand Group in Louisville, Ky.

In 1979, Thomson came to Florida as an assistant professor at the University of Miami and was the first woman in surgery there. Several years later, Thomson relocated to Jupiter to find herself in familiar territory as the only woman in orthopedics at Jupiter Medical Center. It wasn't long before she rose to the position of first woman chief of staff at that institution.

At the law firm, Thomson's main duty is to evaluate cases, presenting her research and opinion to the attorneys long before they ever reach the courtroom, if they ever get there at all.

To do that, she is likely to carefully review the potential client's medical records, seek out the opinions of other experts, conduct Internet searches, as well as work with the nurse paralegals and personal injury paralegals the firm also has on staff.

"I don't rubber-stamp anything," Thomson said. "I end up playing devil's advocate fairly frequently."

Before the firm accepts a medical malpractice case, she explained, the attorneys must feel confident that a problem occurred in patient care. If that is not the case, then there simply *is* no case.



*Dr. Cathy Thomson shares her perspective on an injury with attorneys Don Fountain (left) and Kevin Smith (right).*

"The firm has the burden of proof in medical malpractice cases that the proper standard of care was not maintained," Thomson said. "I have to look at all sides of the equation; both sides of the case."

And if a case does lack sufficient merit, Thomson is not one to hold back or mince words.

"They need me to state my position very thoroughly, clearly, and accurately," Thomson said. "I have to research everything and document everything."

Though Thomson never expected to find herself in the legal profession as a full time consultant, she does not foresee yet another dramatic change in her professional direction. In other words, she does *not* see herself returning to the classroom to become a doctor of jurisprudence.

"I'm not going to law school," Thomson said. "This firm has plenty of outstanding lawyers and I love being a physician."

Her position with Lytal, Reiter, Clark, Fountain & Williams allows her to continue to care for patients, just in a different way.

"I am a physician," she said. "I took the Hippocratic oath. And now it's being put to use for those in our community who have suffered at the hands of others. I feel as if I can accomplish some important work here and I hope to serve the firm—and our community—for many years to come."

January–September 1999

R E C E N T  
**VERDICTS & SETTLEMENTS**  
 A T - A - G L A N C E

\$ 712,500	Medical Malpractice
\$ 640,000	Auto Crash
\$ 767,996	Product Liability
\$ 650,000	Auto Crash
\$ 1,157,500	Medical Malpractice
\$ 900,000	Auto/Truck Crash
\$ 1,702,500	Insurance Bad Faith
\$ 3,500,000	Auto/Motor Scooter Crash



\$ 5,037,603	Medical Malpractice
\$ 500,000	Premises Liability
\$ 1,820,000	Medical Malpractice
\$ 1,200,000	Auto Crash
\$ 1,850,000	Product Liability
\$ 2,237,328.97	Wrongful Death
\$ 1,450,000	Auto/Truck Crash
\$ 4,690,000	Improper Road Signage

## Major Verdict for Devastating Loss

**T**oni and George Hurley cannot bear to dismantle the nursery they lovingly prepared for their little baby boy, George Hurley Jr., who was destined to arrive into this world almost three years ago.

But what should have been a normal delivery of the couple's first child ended up in a stillbirth that jurors determined was caused by errors on the part of the attending physician.

Toni Hurley arrived at Bethesda Memorial Hospital that morning in 1996 having had a normal pregnancy overseen by her nurse-practitioner. After a prolonged labor, attending physician Dr. Alex Kammer began to berate Mrs. Hurley, according to witnesses in the birthing suite, telling her she was lazy and not pushing hard enough.

In spite of her pleas for a Cesarean section, the doctor instead opted for a procedure known as a vacuum extraction in which the baby is pulled from the womb with a suction device attached to its head.

The attempt was unsuccessful, but Dr. Kammer reassured Mrs. Hurley that everything was okay,



according to court testimony, while he literally pushed the baby back up into the birth canal and then performed an emergency C-section.

By then it was too late—the baby was stillborn with multiple skull fractures and brain hemorrhage caused by the attempted vacuum extraction.

The Hurleys sued Kammer in the death of their child. A jury returned a \$5.2 million verdict in the parents' favor against Dr. Kammer.

"It took jurors less than an hour to come back with their decision," said attorney Joe Reiter who handled the case with associate Yvette Murray.

"This should have been a normal, simple birth," Reiter said. "Instead, it developed into the unnecessary loss of a child; certainly one of the greatest of human tragedies."

## The Price of a Mother's Love

**T**immy Crawford will never know what it's like to have his mother send him off for his first day of school, or help him with his homework.



A mother should be there to wipe away tears, to cheer for her children on school athletic fields and to praise a performance in a school play.

The toddler lost his mother, Christie Annie Park, after a senseless

and tragic accident in September of 1997 as she was driving her Ford LTD along State Road 15 in the Glades. It was the middle of the day when the 22-year-old, a youth corrections worker and student in the medical assistant program at West Tech Vocational Center, was struck head-on by a United States Sugar Corporation truck driven by Norris Richbourg who had crossed the center line of the rural roadway. After several days of watching the once-vital young woman languish on life support with no hope of recovery, her family members were faced with the decision of removing her from the machines that artificially pumped life through her body.

Because of that loss of life, jurors awarded \$2,237,000 in damages to be paid by defendant U.S.

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## A Dangerous Delay

**J**oe Cephas was living what most would call a normal life—working hard and using his free time to enjoy those things that make life worth living. In his case, that meant quiet hours fishing, counterbalanced by one of his greatest joys—dancing. But those days are over.

Because of one doctor's failure to perform surgery when it was needed and another doctor's failure to perform the proper surgery, Joe, at 52 years old lost his right leg just below the knee.

As a diabetic, Joe was experiencing circulatory problems common to the disease. Back in January of 1996, he developed a sore on his toe that became infected. Tests performed under the care of Dr. Mark Letzter indicated that he needed a bypass operation that would have routed the blood supply in his leg around a blockage found in his right calf.

But instead of performing that surgery, Dr. Letzter decided to wait for authorization from the county's Health Care District.

During that delay—which dragged into the month of March—the infection spread and the condi-



*“These cases wrench your heart. You see a patient damaged for life because of delays that could easily have been addressed.”*

tion of Joe's leg worsened, sending him to the emergency room of Glades General Hospital. At that hospital, he was seen by Dr. Lucien Armand, who did perform surgery. But it was the wrong bypass surgery.

As a result, Joe's leg had to be amputated just below the knee.

Both doctors were sued, ending in a jury award of \$1.8 million in damages to Joe Cephas.

“He is totally and permanently disabled,” said attorney Mike Overbeck, who assisted attorney Lake Lytal in the case.

Joe now has a prosthesis, uses a crutch to walk and can never return to his former job as a maintenance worker. Not to be daunted, however, he has recently taken a part time position answering the phone at the local unemployment office. He may be able to drive in the future once he has a car specially outfitted for his needs. But his passion—dancing—is a distant memory and the sport of fishing is severely limited for him now.

“Walking, climbing stairs, just standing is difficult for him,” Overbeck said. “These cases wrench your heart. You see a patient damaged for life because of delays that could easily have been addressed.”

### PARTNERS ELECTED TO LEADERSHIP ROLES

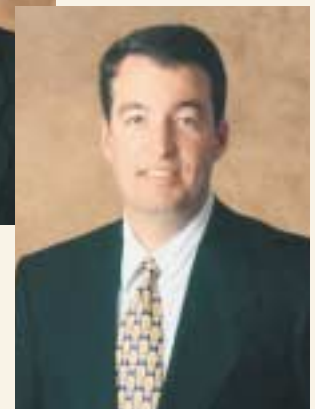
by Academy of Florida Trial Lawyers

Mark W. Clark and Donald R. Fountain, Jr. partners in the law firm of Lytal, Reiter, Clark, Fountain & Williams, LLP, were recently honored at the Academy of Florida Trial Lawyers annual convention in Miami.

The state-wide organization elected Clark Treasurer of the Academy and Fountain was elected to its Board of Directors.

The Academy of Florida Trial Lawyers is a professional association dedicated to preserving the protections of the civil justice system to ensure the safety and well being of all Floridians.

Mark W. Clark (left), Donald R. Fountain, Jr.



At the convention, the Academy also recognized

Clark by awarding him the prestigious Crystal Eagle Award which represents the highest level of commitment and lifetime giving in the battle to protect the safety of Florida families. At the presentation, Scott Carruthers, the Academy's Executive Director noted, “Mark's commitment to the legal safeguards that protect Florida's families and his outstanding leadership make him a model to which all lawyers should aspire. He is most deserving of this distinguished honor.”

*“I got everything  
I do not know what the poor people got,  
but the rich people  
are happy and I’m ready to go home.”*

# Big

## Business Wins at the Expense of Florida Citizens

A client of the firm sustained serious injuries to his neck and back when the trailer he was pulling was hit by a rental car in Melbourne that was operated by a drunk driver. Attorney Mark Clark was able to obtain a recovery on behalf of the firm’s client in the amount of \$1.2 million to compensate him for his losses and injuries caused by the negligence of the driver of the rental car.

If this unfortunate motor vehicle crash had occurred after July 1, 1999, the compensation our client was entitled to would have been severely reduced. Under the sweeping new tort reform legislation signed into law by Governor Bush on May 26, 1999, the liability of rental car agencies is now limited to \$100,000 per person, \$300,000 per incident plus an additional \$500,000 for economic damages if the lessee or operator of the rental car has less than \$500,000 in combined insurance limits. Under this new legislation, Clark’s client would have at best only received \$600,000 as compensation for his debilitating and permanent injuries.



Similarly, the bill also protects aircraft manufacturers by way of a 20-year statute of limitations. If a plane more than 20 years old crashes in Florida, the manufacturer would be protected from product liability. Such legislation was passed in spite of the fact that most 737s, the most utilized aircraft, have an average life span of 27 years.

At the end of the 1999 legislative session, Max Stipanovich, a well-paid lobbyist for big business interests, exulted, “I got everything. I do not know what the poor people got, but the rich people are happy and I’m ready to go home.”

According to Clark, this is a glaring example of the arrogance of big business and its lobbyists. “They don’t care about the average citizen, the consumer, the people who need help the most. We were all very frustrated and disappointed after the last legislative session,” he said. “It’s a sad state of affairs when legislation is passed purely for political reasons and not because it is good public policy. This tort reform bill is nothing but corporate welfare.”

# Courage in the Wake of Tragedy



**I**t was the summer of 1995 when a fun evening with a group of close friends turned into a nightmare which would forever alter the life of a south Palm Beach County teen.

Due to the defective design of a popular recreational vehicle, the young woman is now battling to come back—not to the old life which she can never recapture—but to a new one where she is learning to function and cope with the aftermath of an accident which left her with severe head injuries and total blindness.

For the then 18 year old and her friends, it was a typical summer Friday night. They were on their way to a local skating rink when the recreational vehicle in which they were riding flipped over on Interstate 95. The scenario took only seconds to play out. The driver hit a 6 inch drop in the roadway, over corrected and the car rolled over, ejecting the young woman out of the back seat, leaving her with “horrendous” injuries, according to her attorney Joe Reiter. One of the young woman’s friends, also a rear seat passenger, was killed while the driver and front seat passenger suffered minor injuries.

During her 3½ month stay in a local hospital, the young woman developed an infection in her skull, necessitating the surgical insertion of a plate in her head. She has lost her sight forever due to damage to the optic nerve, has undergone more than a dozen surgeries and has received extensive speech, physical and occupational therapies.

The firm filed a lawsuit against the car manufacturer, alleging the vehicle had inherent design defects which made it both top heavy and difficult to maneuver which subsequently caused it to roll over.

“She will never get her vision back,” said Reiter, who, with associate Yvette Murray, negotiated a confidential settlement in February of this year on behalf of the young woman, now 21 years old.

“She’s at home with her parents and learning to work with a seeing eye dog. She is a courageous young woman, working on her rehabilitation and learning how to do the simple tasks of life all over again.”

## TALLAHASSEE 2000

Although the next legislative session in the spring of 2000 may seem a long way off, the Academy of Florida Trial Lawyers has earmarked some important issues to be examined. One of the most important is hospital liens. Did you know that under current lien laws in some Florida counties, that even though a party has a successful claim, a hospital is entitled to collect its fees in full *before* the claimant can collect his financial recovery?

Using a simple example of a \$10,000 monetary award and a medical bill of \$8,000, in the



counties with the controversial lien law, \$8,000 would immediately go to the medical provider, leaving the injured party with only \$2,000. Such legislation, attorneys say, is unfair and eliminates the incentive for those injured to seek remedy through the civil justice system.

In the 2000 legislative session, the Academy will work to get an HMO Patients Bill of Rights. The proposed legislation may include a provision that would give HMO subscribers civil remedies against HMOs who deny them access to health care, and a provision calling for financial responsibility of Florida doctors who, at this time, are not required to carry medical malpractice insurance.

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Sugar. Now 3 years old, the boy is too young to understand what has happened to his life support—his mother—yet aware enough to recognize her in a photograph and sensitive enough to want to curl up with her at the funeral after being told his mother was sleeping.

The civil suit, filed by Timmy Crawford's father, was handled by partner Bill Williams and associate David Prather. Williams described the young boy as "the silent victim."

"What are the damages when he does not have a mother to hug him and tell him that he is loved day after day?" Williams asked jurors before they made their decision.

The monies awarded in the case will be administered by the court until Timmy Crawford reaches adulthood.

*The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.*

## Serving Our Community

At Lytal, Reiter, Clark, Fountain & Williams LLP, contributing to the advancement of our community is a fundamental part of our business philosophy. Each member of our firm is active in professional, civic, charitable and religious organizations that make South Florida a better place to live, work and raise a family.

We have supported the United Way and its 64 member agencies for more than eight years. This allows us to assist almost 400,000 Palm Beach County residents each year through their valuable programs. By volunteering our time and sponsoring initiatives such as televised public service announcements and an employee campaign every year, we extend the reach of the United Way to help those in our community who cannot help themselves.

Good neighbors can build a great community. We intend to continue to support the foundation of Palm Beach County's exciting future.



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