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Kansas Defense Journal is a quarterly publication of the Kansas Association of Defense Counsel. If you have any questions, comments, or ideas for future articles, please contact the *Journal's* editor:

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SELECTING APPELLATE JUDGES: THE DIFFICULTY OF MAXIMIZING COMPETENCE, ACCOUNTABILITY AND INDEPENDENCE AND MINIMIZING SPECIAL INTEREST POLITICS

If there were black and white answers to the toughest of human controversies, we lawyers would be out of a job. We learn, sometimes the hard way, that particular facts, human emotions, personal frailties, persuasive jurors, among other factors, make even a seemingly simple case worthy of further analysis and discussion.

Certainly we learn that very few conflicts can be resolved with a simple "you win" or "you lose."

Indeed, most advances in the practice of law and the profession we love come from the subtle nuances where economics, politics, law, ethics, logic, morality and human experience converge.

Nowhere is the tension between the desire for straightforward solutions and the realities of a self-governing society more dramatic than when an appellate court is asked to decide an issue on which society as a whole is divided.

Not some breach of contract dispute where one of two parties loses and the other wins. Rather, a dispute over a fundamental con-



Greg L. Musil
Polsinelli Shughart PC

(Continued on page 7)

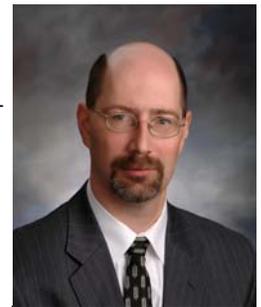
KADC 2010 ANNUAL MEETING: JOIN YOUR COLLEAGUES FOR ANOTHER TOP-NOTCH CLE

KADC looks forward to seeing its members at the 2010 Annual Meeting, which will be at the Marriott Country Club Plaza on December 3 and 4, 2010. Visit the brand new KADC website and look for details on the Conference as well as online registration at www.kadc.org.

We will kick the program off with Greg Lee presenting on the Supreme Court's decision in *Martinez v. Milburn Industries, Inc.*, regarding the admission of the amounts of medical bills and medical bill write-downs in personal injury cases.

This year, KADC is pleased to present Robert Musante, who has taught the logic essential to taking great adverse depositions – of fact witnesses and experts – to more than

35,000 litigators in 41 states. Mr. Musante has made in-house presentations to the attorneys-general of 11 states and to the partners and associates of nearly 80 litigation law firms as well as to sister State and Local Defense Organizations. On Friday morning, Mr. Musante will present the "Great Adverse Deposition: Principles and Principle Techniques."



David R. Cooper
Fisher Patterson
Saylor & Smith LLP

(Continued on page 9)

KADC Officers and Board of Directors

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DRI REPRESENTATIVE
Michael G. Jones

PRESIDENT'S MESSAGE

Before I joined the Board of KADC, beginning in October and continuing through November I always had an internal debate – should I attend the KADC Annual Conference? It is always a busy time of year with more things on the personal “to do” list than possible to achieve. In addition, for some, it comes at a time of year when partners are reviewing billable hours and receipts looking for shortcomings, clients want things wrapped up before the end of the year, desks are piled high with motions that need to be filed, responses that need to be drafted, letters to be written, depositions to attend and trials looming on the calendar. I will admit it, taking 1-2 days out of the office for a conference in Kansas City seemed like just one more thing I did not have time to do.

Since joining the Board of KADC I have faithfully attended despite all the same time pres-

ures and I am a better attorney for it. Over the years, I have learned that we attorneys are never so good that we cannot benefit from a refresher course on some of the basics. We are never so brilliant that there is nothing new to learn. We are never so old that we can't learn a few new tricks. We are never so independent that we can't benefit from a couple of days spent with colleagues younger and older, male and female, quiet and boisterous. So, I encourage you, go ahead, register for the Conference, take the time to join us in Kansas City, December 3 and 4 – you will be a better attorney for it. ▲



Tracy Cole
Gilliland & Hayes

KADC BOARD APPROVES SUPPORT OF MERIT SELECTION

At the September KADC Board meeting in Salina, the KADC Board of Directors expressed its continuing support for the merit selection of Kansas appellate judges.

WELCOME NEW KADC MEMBERS

Rachelle Breckenridge, Foulston Siefkin LLP, Wichita
Brett Legvold, Martin Pringle Oliver Wallace & Bauer, LLP, Wichita

GILLILAND & HAYES, P.A. Proud Supporter of KADC

John F. Hayes - Founding Member
and Past President

Gerald L. Green - Past President

Tracy A. Cole - President

DRI LIAISON REPORT

DRI's Annual Meeting was held at the San Diego Marriott Hotel and Marina on October 20-23, 2010. As promised, it was an event not to be missed, with block-buster speakers, unparalleled networking, world-class CLE and a fantastic setting. Over 1,300 counsel and clients attended the four-day event, and there was more than enough to do for everyone. The multiple, overlapping events could at first seem overwhelming, but with the help of great materials and (for those interested) a cool iPhone or Blackberry app, it was easy to identify and schedule the items of most interest for each attendee.

The highlights started with Thursday's blockbuster speaker Marcus Luttrell, former US Navy SEAL and author of "Lone Survivor." He gave a chilling history of his training and harrowing missions in Afghanistan, leaving the crowds humbled and stunned. Thursday evening's event was a fantastic party aboard the USS Midway, a decommissioned aircraft carrier that was named after the battle of Midway and was in active service between 1944 and 1992. Fine food and drink on the deck of the carrier with a great live band, fireworks and dozens of airplanes – with the skyline of San Diego on one side and a beautiful sunset over Coronado on the other – made for a memorable evening with hundreds of DRI friends.

Friday morning's headliner was to have been CNN's Soledad O'Brien but she was injured and her replacement Former US Secretary of Labor Robert Reich was stellar. While the topic of economics might seem dry, his dry wit and professorial style made it compelling, timely and understandable. Whether or not you agree with his political perspective or that of the Clinton administration in which he served, his intellect, knowledge and delivery style were supremely entertaining to witness.

Several regional, committee and leadership meetings were held, along with panel counsel meetings and too many networking opportunities to list. Individualized and specialized CLE opportunities were present at every turn. We also witnessed the transition from outgoing DRI President Cary Hiltgen (a former Kansas boy who relocated to OKC) to incoming President R. Matthew Cairns from New Hampshire. Leadership in DRI has always been top notch.

KADC leadership was present through President Tracy Cole, President-Elect Jim Robinson, Treasurer David Cooper, Executive Director Scott Heidner and board members Mark Katz and yours truly, Mike Jones. Our own Dan Diepenbrock concluded his term as Kansas State Representative and was presented with a well-deserved award for his years of service. Dan handed the torch to me as DRI State Representa-

tive for the next three years, and I hope with my initial task of this small article, I am beginning to fulfill my mission of making sure the defense bar in Kansas understands the value and importance of active membership also in DRI. The annual meeting is only one of many benefits DRI brings, which will vastly enhance your practice and enjoyment of the profession. You can expect to hear more from me on this front as my term progresses. While our voices were strong, our Kansas numbers at the DRI Annual Meeting need to improve. In fact, I firmly believe that all KADC members should also be DRI members, and active ones, at that.

While I personally had to leave the meeting Friday evening, National Public Radio's Mara Liasson was the headliner Saturday morning and the President's Gala Saturday evening is always a great event. Next Year's Annual Meeting will be October 26-30, 2011 in our nation's capitol. Mark your calendars now and plan for this coming year to be the one where you begin to receive the benefits of active membership and participation in both KADC and DRI. ▲



**Michael G. Jones
Martin, Pringle,
Oliver, Wallace &
Bauer, L.L.P.**

KADC SUMMARIZED COURT OPINIONS NOW AVAILABLE ONLINE

The KADC court summaries are now available for your online viewing. In addition to your regular KADC email notifications of released Court of Appeals and Supreme Court opinions, each month we will send an email notification when the opinions have been summarized. Thank you to KADC member Jacqueline Sexton of Foland, Wickens, Eisfelder, Roper & Hofer, P.C., for summarizing the opinions!

KADC AMICUS COMMITTEE REPORT

Martinez Update

On September 13, 2010, the Kansas Supreme Court denied the plaintiff's request for rehearing in *Martinez v. Milburn Enterprises, Inc.*, Case No. 100,865. As Greg Lee explained in his article in the Summer 2010 edition of the *Kansas Defense Journal*, *Martinez* held that both the amount billed for medical expenses and the write-off amount accepted in full satisfaction of the amount billed are admissible to determine the reasonable value of those expenses in a personal injury action. The KADC had previously filed an amicus brief in the case, authored by Lyndon Vix of Fleeson, Gooing, Coulson & Kitch, L.L.C.

The appellate court clerk's office issued the *Martinez* mandate on September

14, 2010 – one day after the request for rehearing was denied – rendering the *Martinez* decision final. The *Martinez* decision is reported at 290 Kan. 572, 233 P.3d 205 (2010).

Other Pending Cases

The KADC has filed amicus briefs in two other cases currently pending before the appellate courts. *Miller v. Johnson*, Case No. 99,818, which involves the constitutionality of the noneconomic damage caps in K.S.A. 60-1903 and K.S.A. 60-19a02, was argued before the Kansas Supreme Court on October 29, 2009. *Critchfield Physical Therapy v. The Taranto Group, Inc.*, Case No. 101,949, in which the Supreme Court is considering the “rigorous analysis” requirement of the class action certifi-

cation factors under K.S.A. 60-223, was argued on January 28, 2010.

The Supreme Court has yet to render a decision in either of these cases. The Amicus Committee will keep KADC members apprised when opinions are issued or other notable developments occur.

As always, if any member has a request for amicus support, or is aware of a case involving an issue of interest to KADC members, please contact me by phone at (785) 841-4554, or via e-mail at todd.thompson@trqlaw.com. ▲



Todd N. Thompson
Thompson Ramsdell & Qualseth, P.A.

Have you trained your associate today?

Give your young colleagues the gift of experience by registering them for KADC's Fourth Annual

TRIAL SKILLS WORKSHOP

Thursday, December 2 from 1-5 p.m.

This session will be devoted to developing trial skills for attorneys of any age or experience. As opportunities to actually try cases continue to diminish, opportunities to learn how to handle exhibits is a trial skill that lawyers miss out on the most. This year's trial skills workshop will focus on selection, preparation, and admission of exhibits, emphasizing new court-room technologies and electronic document handling. The faculty will include attorneys and a district court judge of one of Kansas' most technologically advanced court-rooms.

Registration: Free for participants who also register for the KADC Annual Meeting, \$150 for all others. (As space in the Trial Skills Workshop is limited, registrants will be taken on a first-come, first-serve basis with priority given to those who also register for the Annual Meeting.)

Register today: <http://kadc.org/NewsEvents/KADCAnnualConference.aspx>

EXECUTIVE DIRECTOR'S REPORT

Greetings from KADC headquarters! I hope you are enjoying the fall weather and have plans underway for the holidays. We are gearing up for a FANTASTIC Annual Conference. I hope you plan to attend. If you have not done so already, you can review the program and register by clicking this link:

www.kadc.org While the Annual Conference itself is certainly the highlight of the year for KADC, I want to touch briefly on three things that coincide with Annual Conference planning each year. These are important items which should not be overlooked.

First is the Trial Skills Workshop that precedes the Annual Conference. It's free for anyone attending the Annual Conference, and a nominal fee of \$150 for other members. This is always a great and highly-rated session that provides a rare opportunity to get simulated "real court" time. These workshops are at least the equal of similar sessions put on by many nationwide organizations, and at no cost. It truly is

an incredible bargain, and unfortunately seems to be one of our best kept secrets. We hope that this changes as we continue to provide high value workshops and more of our members take part.

The second item is the KADC awards process. Each year at the Annual Conference, we present awards including the Silver Helmet for work in the legislative arena, the Distinguished Service Award for service over an extended period of time in a variety of capacities, the Kahrs Lifetime Achievement Award in recognition of a career's worth of contributions to the profession, and the always exciting Benedict Arnold award for a member who has obtained a substantial award/verdict for a plaintiff in the past year. These awards are one of our only opportunities to recognize our volunteer members who give so generously of their time and talent to this organization. If you know members that deserve consideration, I would encourage you to be proactive in letting your

KADC officers know your thoughts.

The third item is the work of the nominating committee to select the next candidate to enter the KADC officer track and incoming directors. Barring interruption, the selection of a new officer begins a five year commitment to the Board. It is a tremendous honor, but also a substantial commitment. The officers and directors guide every activity of the association. If you have an interest in serving, I would again encourage you to be proactive in contacting the KADC President to share your interest.

I hope to see many of you next month at the Annual Conference, and hope that you will consider these additional items each year as well!! ▲



Scott Heidner
Executive Director



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For more additional information and requests, please contact:

Reinhard Kretzel, CPA, CFE, CVA, CFF
630.725.9220 (Chicago Office)

Eric Ficken, CPA, CVA, CFF
314.469.7445 (St. Louis Office)

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SEE YOU AT THE KADC ANNUAL CONFERENCE!

**Marriott Country Club Plaza
December 3-4, 2010**

FRIDAY, DECEMBER 3, 2010

- 8:00 a.m. **Continental Breakfast with Vendors**
- 8:15 - 8:30 a.m. **Welcome and Introductions**
- 8:30 - 9:20 a.m. **Collateral Source and Private Health Insurance Write-offs**
Greg Lee, Topeka, KS, *Martinez v. Milburn Enterprises, Inc.*
- 9:20 - 12:05 p.m. **Great Adverse Deposition: Principles and Principle Techniques**
Robert Musante, Alamo, CA
- High-quality adverse depositions require the conscious and conscientious application of the integrated set of logical cross-examination rules. This seminar wastes no time on entry-level wisdom, code chatter, idiosyncratic war stories, or tired maxims. Instead, it teaches how to take adverse depositions as never before ... the one, right, logical way: as an intellectually rigorous discipline.
- 10:10 - 10:25 a.m. **Break with Vendors**
- 12:05 - 12:20 p.m. **John Hayes Libation Break**
- 12:20 - 1:15 p.m. **Luncheon**
- 1:15 - 2:05 p.m. **Elements of Persuasion**
Bill Sampson, Kansas City, MO, Shook Hardy & Bacon LLP
- 2:05 - 2:55 p.m. **Amendments to Federal Rules**
Professor Steven S. Gensler, Norman, OK
- 2:55 - 3:10 p.m. **Break with Vendors**
- 3:10 - 4:00 p.m. **BIG E....little e: Ethics and the Trial Lawyer**
Mark S. Olson, Minneapolis, MN
- 4:00 - 4:50 **Case Law Update**
Steve Kerwick, Wichita, KS
- 5:00 p.m. **Cocktail Reception**

SATURDAY, DECEMBER 4, 2010

- 8:00 a.m. **Continental Breakfast with Vendors**
- 8:30 - 9:20 a.m. **Trucking and the Black Box**
Stan Oglesby, Midwest Accident Reconstruction Services, L.C.
- 9:20 - 10:10 a.m. **Where's the Added Value from My Engineering Expert?**
Greg Dix, Engineering Systems, Inc.
- 10:10 - 10:25 a.m. **Break with Vendors**
- 10:25 - 12:05 **Attacking Adverse Deponent's "I Don't Remember and I Don't Know"**
Robert Musante
This seminar teaches how to best attack these toughest-to-successfully-attack answers--"maybe" answers: the "I don't know" or the "I don't remember"--whether at deposition or in trial.
- 12:05 p.m. **Adjourn**

[REGISTER NOW: WWW.KADC.ORG](http://WWW.KADC.ORG)

Selecting Appellate Judges*(Continued from pg 1)*

cern of human society, particularly a concern of those with the most political and personal passion.

Kansas appellate courts have had their share of these types of issues over the past decade, from school finance to enforcement of the death penalty, from a lightning-rod Attorney General's persistent prosecution of alleged violation of state abortion laws to determination of the validity of caps on non-economic damages.

Every party to those disputes and many, many individual Kansans believed passionately and sincerely in one side or the other of those arguments. And each "losing" side could find fault with some aspect of the court's reasoning, application of statute, interpretation of precedent, or view of the Constitution.

This is hardly a new phenomenon. In America, at least since *Marbury v. Madison*, we have experienced a similar anxiety, frustration, discomfort and disagreement when a "final" court made a "final" determination in a way we thought was wrong legally, politically, spiritually or morally. Questions have abounded over not just the decision but the decision-making process in *Dred Scott v. Sandford*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Miranda v. Arizona*, *Roe v. Wade*, *Bush v. Gore*,

and *U.S. v. Lopez*, to mention but a few U.S. Supreme Court controversies.

Similar spirited debate has followed a number of Kansas Supreme Court decisions.

So what's really new about today's the-Supreme-Court-did-what environment? Perhaps nothing, or perhaps everything. Today when a ruling is perceived to have "dissed" one political interest or another, the political machine that gears up is unlike any in the past. More money, more air time, more attention is focused on individual decisions than ever before. Decisions and the judges or justices who made them are more transparent than ever.

More importantly, though, is that political interests are no longer just interested in seeking a political remedy through legislation for real or imagined wrongs by Kansas appellate courts, but are seeking to fundamentally alter how appellate judges are selected and retained.

Not since 1957, when Kansas voters amended the Constitution to require merit selection and six-year retention elections for Supreme Court Justices, has there existed such pressure to seek a selection process that openly injects greater political influence into the outcome.

The most likely proposal from folks who deem the current system "back door

politics" and "lawyer dominated" is to impose on Kansas the federal system, where the Governor has free range to nominate anyone he or she believes fit for the office and the Senate would then be required to confirm the nomination.

(Although there are forces seeking outright direct partisan election of appellate judges, it seems unlikely that effort would be successful. But don't assume it is not a favored alternative to merit selection for many political activists.)

Remembering my opening thought – that there are no black and white answers to most of life's complicated questions – let's all acknowledge that judicial selection has no single best method.

What we should be looking for is the "better" method, understanding that any one system can be criticized on a particular point or at a particular time.

The question for Kansans is whether the constitutional system used in our state for over 50 years is so flawed that it should be replaced? Alternatively, is the system that has worked since 1789 in our federal courts clearly superior to the merit system chosen by Kansas voters in 1957?

Proponents of change seem to rely heavily on a few arguments. First, the

(Continued on page 8)



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Selecting Appellate Judges*(Continued from pg 7)*

current system has at least the perception of placing too much reliance on lawyers and too little on lay citizens. I agree with this point and would readily agree to changes ensuring a majority of lay citizens on the nominating commission. The fact that such a proposal gains no traction with those who want wholesale change suggests to me it is not a real motivation behind their desires.

Second, those seeking change believe that the political branches (legislative and executive) deserve a greater say in who interprets and applies the laws and regulations and policies of those branches.

It is this argument that speaks to the heart of the complaints about our current courts. The core support for today's challenge is a notion that a Governor is entitled to his or her ideological soul mates on the appellate courts.

This argument effectively seeks to change the outcome of politically sensitive and controversial decisions of the Court to ensure decisions match the political views of a particular point in time.

Perhaps it is this motivation that should cause us to pause before entering any serious discussion about changing the current merit system. Do we, as attorneys charged with protecting, reforming and preserving a system we know a lot about, want a court system where appellate decisions may even appear preordained by the politics of the appointing Governor or the appointed judge?

A final argument I have heard is that there is no real accountability in the system that relies on retention elections of judges and justices. We do know from the November 2 election that even in the face of a strong, statewide campaign against four sitting justices the Kansans appear satisfied with their Supreme Court.

We also know that four Iowa Supreme Court justices were "un-retained" on November 2 based on a highly-charged political decision on gay marriage.

Ultimately the question arises as to how much accountability must there be before it actually affects the independence and objectivity of the judge making the decision. Based on the statements of supporters of the federal system in Kansas, it would have to include lifetime appointment. Thus, accountability would be reduced with that change.

I am confident our State will survive whether we adopt the federal system or retain the merit system that has worked well. But my support for a judicial branch that can exercise actual independence tells me that the current system is "better" and will serve Kansans "better" than any change proposed thus far. ▲

ARE YOU ENROLLED IN THE KADC LISTSERVE?

Membership in KADC offers you a moderated, secure listserv where you can exchange information with your peers regarding expert witnesses and other issues. It offers an invaluable way to reach out to the almost 250 members of KADC.

To join your KADC list serve go to <http://groups.yahoo.com/group/kadclistserv/> and click the "Join this Group" button or email Brandy Johnson at brandy@kadc.org and she will add you to the group.



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KADC 2010 Annual Meeting
(Continued from pg 1)

Bill Sampson will keep us awake after lunch with his excellent presentation on "Elements of Persuasion." For those unaware, the Federal Rules of Civil Procedure have been amended effective December 1, 2010. Professor Steven S. Gensler, the author of Federal Rules of Civil Procedure: Rules and Commen-

tary (West), will address the amendments. Mark S. Olson, of DRI and from Minneapolis, MN will present on "BIG E....little e: Ethics and the Trial Lawyer." Steve Kerwick will provide his ever popular and entertaining "Case Law Update." We will end Friday afternoon with a cocktail reception.

Saturday morning will find us learning about "Trucking and the Black Box" and

getting added value from your engineering expert with insight from straight engineers. Robert Musante will return and address the topic of "Attacking Adverse Deponent's 'I Don't Know,' 'I Don't Remember,' & 'I Do Remember.'" We look forward to see you at the Annual Meeting.▲

We look forward to see you at the Annual Meeting.▲

THE KADC AMICUS COMMITTEE WEIGHS IN ON APPELLATE CASES SIGNIFICANT TO OUR MEMBERSHIP

- Interested in volunteering your time to author an amicus brief on behalf of KADC?
- Would you like to request amicus support on an appellate issue?

Contact amicus chair Todd Thompson at todd.thompson@trqlaw.com

To review past KADC amicus briefs go to: <http://kadc.org/NewsEvents/AmicusBriefs.aspx>



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TRIAL RESULTS FOR KADC MEMBER BILL COATES

Hatch v. BNSF Railway Company

Bill Coates of Coates and Logan, LLC, obtained a defense verdict on behalf of BNSF Railway Company on December 11, 2009. The suit was brought under the Federal Employers' Liability Act in the District Court for Wyandotte County, Kansas, Judge R. Wayne Lampson presiding (Docket # 08-1878).

Plaintiff was a locomotive engineer who claims he tripped over a stack of boxes that were improperly stacked in a railroad office building hallway. Defendant denied negligence and causation.

Plaintiff alleged a C-5, 6 disc herniation with left upper extremity radiculopathy

and claimed damages of \$650,000 past and future wage loss.

Plaintiff was represented by Steven L. Groves (Holland, Groves, Schneller & Stoltze, St. Louis, MO) and Jeffrey Goodwin (Kansas City, Kansas). Plaintiff's medical evidence came from Dr. William Hopkins, an orthopaedic surgeon from Prairie Village, KS (deposition); Dr. Charles Striebinger (medical records); Dr. William Walters (medical records); and Dr. Donald Miskew, Shawnee Mission Medical Center (medical records). Defendant's medical evidence came from Dr. Ernest Neighbor, Independence, MO (deposition).

Plaintiff's settlement demand was \$750,000.00, and defendant made no offer. The jury returned a defense verdict on December 11, 2009.

Davila v. BNSF Railway Company

Bill Coates and his co-counsel, Angela Angotti, both of Coates and Logan, LLC, obtained a favorable result on behalf of BNSF Railway Company on July 29, 2010. Suit was brought under the Federal Employers' Liability Act in the District Court for Wyandotte County, Kansas, Judge Daniel A. Duncan presiding (Docket # 09-1460).

(Continued on page 11)

SHARE YOUR TRIAL RESULTS WITH FELLOW MEMBERS OF KADC

Provide a summary of your trial so that it may be published in the
Kansas Defense Journal.

Please include the following information:

Type of Suit
Case Title
Court Docket No.
Attorneys for each party
Date Decided
Result
Significant Holding or Finding
Liability and Injury Facts
Verdict or Settlement Amount
Comments

Email to: Amy E. Morgan, Editor, Kansas Defense Journal amorgan@polsinelli.com

Trial Results*(Continued from pg 10)*

Plaintiff and co-worker had a physical altercation at work in which plaintiff claimed the co-worker "head-butted him" in the face. Plaintiff sued his employer under the Federal Employers' Liability Act, alleging the employer failed to furnish him a reasonably safe place to work by failing to enforce its policy against workplace violence. Defendant denied negligence, causation, and the

nature and extent of plaintiff's damages.

Plaintiff alleged injuries of aggravation of pre-existing depression and other psychiatric conditions, including bi-polar disorder. Plaintiff alleged damages of \$697,584-\$932,799 past and future wage loss, past and future medical expenses of \$100,000, plus past and future non-economic loss.

Plaintiff's experts were Dr. Dennis Owens (Psychiatrist) and Leroy

Grossman of St. Louis (economist). Defendant's experts were Dr. Manny Tau (Clinical psychologist, San Clemente, CA), Ernest Frazier (Security expert, Wilmington, DE); and Dr. William Logan (Psychiatrist, Kansas City, MO).

Plaintiff's settlement demand was \$875,000 and defendant made an offer before trial of \$25,000. The jury found the plaintiff 45% at fault and the defendant 55% at fault. Damages were evaluated at \$151,050 and the net verdict was \$83,077.50. ▲

KADC LEGISLATIVE COMMITTEE SEEKS YOUR INVOLVEMENT!

The KADC Legislative Committee stays on top of issues of concern to our membership!

Interested in testifying to the Kansas Legislature on issues that impact KADC members?

Contact one of the committee members today!

Jim Robinson: robinson@hitefanning.com

Anne Kindling: akindlin@stormontvail.org

Scott Nehrbass: snehrbass@foulston.com

Pat Murphy: pmurphy@wsabe.com

To review past KADC legislative testimony and other information visit: <http://www.kadc.org/Legislation.htm>

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Kansas Association of Defense Counsel

Application for Attorney Membership

Category for individual attorney membership in KADC:

- Defense Attorney – \$190 / yr
- Government Attorney – \$100 / yr
- Young Lawyer – \$100 / yr (*admitted to the Bar for five or fewer years*)

Mr. Ms.

Name _____ Title _____

Organization _____

Address _____

Phone _____ Fax _____

Email _____

Date admitted to the Bar in the State of Kansas _____

Primary area(s) of practice _____

Bar associations, professional organizations or law societies to which you belong _____

Legal or public offices held _____

Are you a member of the Defense Research Institute (DRI)? Yes No

Referred by (*name of referring KADC member(s), if applicable*) _____

I have read the above and hereby make application for individual membership. I devote a substantial amount of my professional time to the defense of litigated cases.

Signature of Applicant _____ Date _____

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- ◆ Representation to the Defense Research Institute (DRI)
- ◆ One year free membership in DRI for new KADC Attorney members who have not previously been a member of DRI
- ◆ With both KADC and DRI membership you have the opportunity for exchange of ideas with some of the best attorneys in the state, region and nation

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Kansas Association of Defense Counsel

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Mr. Ms.

Name _____

Law School _____

Address _____

Phone _____ Fax _____

Email _____

Permanent Mailing Address _____

Expected graduation date _____ (*Student membership expires 6 mos after graduation*)

Future area(s) of practice, if known _____

Associations, professional organizations or student law societies to which you belong _____

Are you a student member of the Defense Research Institute (DRI)? Yes No

Referred by (*name of referring KADC member(s), if applicable*) _____

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