

In Your Defense



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The Partners from left to right, top to bottom: Douglas McIntosh, Robert Peltz, Carmen Cartaya, A. Candace Marcus, James Sawran, Carol Finklehoffe, Terese Latham, Jason McGrath.

BIG WINS!

FIRM OBTAINS SUMMARY JUDGMENT ON BEHALF OF MEDICAL PROVIDERS IN DEFENSE OF CIVIL RIGHTS CLAIMS

We have successfully represented medical providers in several Sec. 1983 Civil Rights claims alleging violations of the 8th Amendment. The plaintiffs in these Federal Court actions alleged that physicians and nurses providing medical care at state correctional institutions were "deliberately indifferent to serious medical needs." The prisoners who had access to law libraries in the correctional facilities prepared very creative pleadings. A Magistrate Judge, assigned to "screen" the complaints filed by

the pro se prisoners and issue a Report and Recommendations to the District Court Judge, found that the complaints stated a cause of action. Therefore, we strategically prepared each case for disposition by summary final judgment in which we were successful in getting the claims dismissed.

The approach that we used was to take the prisoners' depositions and obtain expert medical reviews. Thus, we have been able to refute each of the allegations and establish that timely and appropriate medical treatment was provided and there were no violations of civil rights. We have achieved three summary judgments in favor of our clients and three involuntary dis-

missals; two claims were voluntarily dismissed by the prisoners recognizing that we were aggressively defending the case and they would not be able to establish liability. Presently, we are awaiting a Court Order Adopting the Magistrate's Recommendations that six final summary judgments be granted.

PRACTICE TRENDS

FIRM CELEBRATES 20 YEARS OF SERVICE

The law firm of McIntosh, Sawran, Peltz & Cartaya proudly celebrated its 20th anniversary on March 13, 2009. When Douglas McIntosh founded the firm in early 1989, he had a vision of a highly responsive



and service-oriented law firm. The Firm's mission was to produce a high caliber work-product reflecting quality, cost-effective legal services embracing the highest ethical framework. By also creating a cordial and collegial work atmosphere, the Firm would encourage true value proposition services to its clients.

Doug started his journey with three attorneys, which included Carmen Cartaya and three support personnel in a single office. The Firm offered litigation expertise in general negligence, products liability and professional negligence matters. The Firm quickly grew and relocated in 1990 to larger offices, with five lawyers and eight staff. Practice capabilities expanded in the arenas of medical malpractice and related litigation when James Sawran joined as Partner in 1993. Ms. Cartaya became a named Partner in 1998.

We opened additional offices in Miami in 1998 when Robert Peltz joined the ranks as a named Partner. He and Carol Finklehoffe, who became Partner in 2005, expanded the Firm's practice in areas such as admiralty and maritime defense and aviation litigation.

Over the years, the Miami branch has expanded its ability to handle a variety of litigation, including complex commercial disputes and construction litigation.

Two years later a West Palm Beach office was established. This addition expanded and enhanced the Firm's presence in the medical malpractice and healthcare law practice arenas under the direction of Mr. Sawran. Candy Marcus and Jason McGrath, who staffed the office, joined the Firm in 2000 and 2003 respectively, becoming Partners in 2005.

In 2005, the Firm expanded geographically and in practice expertise with the opening of a fourth office in the Orlando/Maitland area, and the addition of a new Partner, Terese M. Latham. Ms. Latham brought her years of experience with medical and professional negligence, general and product liability litigation, and has built a team ready for more client use in the years to come.

Today, the Firm is comprised of a cohesive team of 20 attorneys and additional support staff, including certified paralegals, legal nurse consultants, law clerks and office support. In 2008 it was ranked fourth state-wide for its diversity composition among professional staff. Through its highly responsive and talented team members, combined with the use of cutting-edge technology and multiple locations, the Firm delivers its highest quality legal service state-wide, as well as throughout the United States. Many of the Firm's professionals are "AV" rated by Martindale-Hubbell, the highest peer rating available. In addition, the Firm's dedication to community service and outreach has placed it among the top of all firms in the Florida marketplace.

The Partners, Associates and Staff express their thanks to Doug for his extraordinary leadership, and

to our valued clients for the confidence they have placed in the work of McIntosh, Sawran, Peltz & Cartaya, P.A. Hopefully, the strong foundation built over the past twenty years will sustain and enhance our ability to fulfill Doug's vision for decades to come.

2009 CLIENT SATISFACTION SURVEY

The annual McIntosh, Sawran, et al. Client Satisfaction Survey was conducted this March. As in recent years, an electronic message to valued clients provided a secure link to the Firm's Intranet. This facilitated quick and easy completion of the Survey on-line. We appreciate your continued participation as we strive to continue to deliver the highest quality legal services and remain responsive to our clients' needs.

WHO'S WHO?

WEST PALM BEACH EXPANSION

Manuel "Manny" R. Comras and Camille Blanton have joined the Firm as Senior Associates in the West Palm Beach office.

Mr. Comras is a trial attorney with over ten years of successful civil litigation experience. He completed his undergraduate degree at Brandeis University and his legal education at Stetson College of Law. Mr. Comras then worked for the Office of the Public Defender, and subsequently entered private defense practice. Prior to joining the Firm, he was a shareholder at a major medical malpractice firm where he specialized in the defense of physicians and medical professionals in all facets of litigation, including appeal. Mr. Comras is admitted to practice in the Eleventh Circuit Court of Appeal, as well as the Northern, Middle and Southern Districts of Florida. He has also successfully handled

many complex litigation matters including civil rights cases, commercial litigation disputes, employment matters and all types of personal injury cases.

Ms. Blanton earned her undergraduate degree from the University of North Carolina in Chapel Hill, NC and her J.D. from the University of Miami. She was admitted to the Florida Bar in 1998 and then worked as an Assistant Public Defender in Miami for over three years. Ms. Blanton subsequently entered private practice where she obtained a well-rounded defense background in a variety of practice areas. Her legal expertise includes medical, dental and legal malpractice, employment law, construction litigation, contracts, maritime and media law.

Mr. Comras and Ms. Blanton have been assigned to the Firm's Medical Malpractice/Healthcare Law Division under the direction of Partner James Sawran. Both will also provide assistance to other partners as required within their practice areas.

TOP RATINGS RECEIVED

Partner Carol L. Finklehoffe (Miami office) and Robert C. Weill, Senior Associate (Fort Lauderdale office) have received a Peer Review Rating of "AV," the highest given by Martindale-Hubbell, recognized as a definitive source within the legal profession. Ms. Finklehoffe and Mr. Weill join several other Firm members who have received this

rating which reflects the confidential opinions of peers as to excellence in both legal ability and ethical standards.

PARTNER PRESENTATIONS/ PUBLICATIONS

Managing Partner Douglas M. McIntosh (Fort Lauderdale office) presented "The Three R's: Rainmaking, Recruiting and Retention; Building Firms in Generation 'Y' and Beyond" at the annual Continuing Legal Education program of the Oklahoma Defense Counsel Association in Oklahoma City (OK). The program was co-sponsored by The Defense Research Institute, The Voice of the Defense Bar, for which Mr. McIntosh has served in various leadership positions.

Robert D. Peltz (Miami Partner) was a speaker at the Cruise Line International Association Annual Convention in Hollywood (FL). His presentation, "Medicine on the Seas Update," was based on his article (co-authored) which was published in the *Tulane Maritime Law Journal*, Vol. 27 (Spring 2003).

Mr. Peltz joined Partner Carol L. Finklehoffe (Miami office) in presenting at the annual conference of the Maritime Law Association in Long Beach (CA). Ms. Finklehoffe spoke on "Prosecuting and Defending Sexual Assault Claims"; Mr. Peltz addressed "Medicine on the Seas after Carlisle."

"The Long Reach of U.S. Law over Crimes Occurring on the High

Seas," co-authored by Robert D. Peltz, was published in the *Maritime Law Journal* (University of San Francisco Law School). The *Journal* is designed as a guide where practitioners can gain information on the latest developments in maritime law.

HONORS AND APPOINTMENTS

Douglas M. McIntosh has been selected Chair for the 2009 Defense Research Institute (DRI) Insurance Roundtable. The Roundtable brings together insurance industry leaders and defense organization and law firm leaders to discuss issues pertinent to the defense of civil litigation.

Robert D. Peltz was named for the fourth consecutive year as one of Florida's Super Lawyers in the Transportation and Maritime Field.

IN MEMORY

S. Ann Sawran, model employee, mother of Partner Jim Sawran and gracious friend to all, passed away December 17, 2008. Following a successful 25-year banking career, she agreed to Doug McIntosh's request to "help out for a few weeks" when he established the firm in 1989. The short-term help turned into 20 years of dedicated, professional work in the accounting department. Ann retired last year and was honored at a firm-wide reception. She is fondly remembered and missed by all who knew her.

In Your Defense Newsletter

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

OUR OFFICES

Fort Lauderdale, FL (MAIN OFFICE)

McIntosh, Sawran Building
1776 E. Sunrise Blvd.
Ft. Lauderdale, FL
33304-3067
Phone: (954) 765-1001
Fax: (954) 765-1005

Orlando, FL

Southhall Center
101 Southhall Lane, Suite 190
Maitland, FL 32751
Phone: 407-875-0261
Fax: 407-875-0263

Miami, FL

Biscayne Building
19 W. Flagler Street, Suite 920
Miami, FL 33130-4412
Phone: (305) 381-8922
Fax: (305) 381-6889

West Palm Beach, FL

Centurion Building
1601 Forum Place, Suite 1110
West Palm Beach, FL 33401-4025
Phone: (561) 682-3202
Fax: (561) 682-3206

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