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Nova Southeastern University Shepard Broad College of Law
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EDUCATION:

Gonzaga University School of Law, Spokane, Washington
Degree: J.D., Cum Laude, May 1977
Activities & Honors: Law Review, Gonzaga University School of Law Four Year Academic Scholarship

Gonzaga University, Spokane, Washington
Degree: B.A. Political Science & Speech Communication, May, 1973. Magna Cum Laude.

BAR ADMISSION:

Admitted to practice in United States District Court, Middle District of Florida, 2000
Admitted to practice in the State of Florida, 1994,
Admitted to Practice in the United States Court of Claims, 1986,
Admitted to Practice in the United States Ninth Circuit Court of Appeals, Seattle, Washington,
1981
Admitted to Practice in the United States District Court, Western and Eastern Washington District Courts,
1978-79,
Admitted to Practice in the State of Washington, 1977.

EMPLOYMENT:

1987-Present: PROFESSOR OF LAW (tenured 1992), Nova Southeastern University Shepard Broad College of Law, Fort Lauderdale, Florida. Courses include Torts; Medical Malpractice; Products Liability; Uniform Commercial Code; Consumer Protection Law; Interviewing, Counseling and Negotiations; Civil Procedure; Pre-Trial Practice; Trial Advocacy; Director and Professor, Personal Injury Litigation Clinic; Director and Professor, Consumer Protection Internship; Director, Health Law Certificate Program; Professor, Masters in Health Law Program and Professor, Masters in Employment Law Program; Study Abroad Programs in Barcelona Spain and Granada Spain

1986-1987: ACTING ASSISTANT PROFESSOR OF LAW, University of Washington School of Law, Seattle, Washington. Civil Litigation Course. Taught legal research, writing and method, litigation skills including client and witness interviewing, pleadings, discovery, motions, negotiation, appellate practice, and selected substantive areas of civil procedure.

1985-87: ASSOCIATE ATTORNEY for Nourse & Associates, P.S. Primary emphasis in commercial and personal injury litigation. All aspects of litigation including discovery, trials and collections.

1981-1985: ASSISTANT ATTORNEY GENERAL for the State of Washington, Spokane, Washington, Section Chief Anti-Trust and Consumer Protection Division. Responsible for staff of 15 involved in the enforcement of state antitrust and consumer protection laws in eastern Washington. All aspects of litigation including investigation, negotiation, discovery, trials, appeals and collections.

1981 ASSISTANT ATTORNEY GENERAL for the State of Washington, Spokane, Washington. Represented the Department of Social and Health Services. Trial attorney representing the Department of Social & Health Services in juvenile dependency and parent termination proceedings, mental commitment proceedings, parole revocation hearings, personnel matters, support enforcement litigation and public entitlement litigation. All aspects of litigation including investigation, negotiation, discovery, trials, appeals and collection

1978-1981 ASSISTANT ATTORNEY GENERAL for the State of Washington, Olympia, Washington. Represented the Washington State Human Rights Commission. Primary trial attorney responsible for prosecuting violations of the Washington employment, housing, credit, insurance and public accommodation discrimination laws. All aspects of litigation including investigation, negotiation, discovery, trials, appeals and collections.

1977-1978 ASSISTANT ATTORNEY GENERAL for the State of Washington, Olympia, Washington. Represented Peninsula Community College, Olympia Technical Community College, Centralia Community College, the Office of the Superintendent of Public Instruction and state-wide educational service districts. Representation in the fields of personal injury; collective bargaining; unfair labor practices; employment discrimination; higher education personnel, tenure and civil service matters; corporate, contract and real property law at the administrative through appellate levels.

1973-1977 ADMINISTRATIVE & TEACHING ASSISTANT, Gonzaga University Political Science Department, Spokane, Washington. Responsibilities included coordinating the pre-law study program, research coordinator and teaching assistant.

PROFESSIONAL & PUBLIC SERVICE ACTIVITIES:

Presentation, NSU Medical School, Medical Malpractice Law Basics, 2016

Presentation, NSU Shepard Broad College of Law, International NITA Teaching Training, 2016

Presentation, Broward County, Car Dealer Buy Back Practice, 2016

Reviewer, Tenure Application for Dr. Eric Prier, Florida Atlantic University, 2016

Presentation, CLE NSU Shepard Broad College of Law, Deposition Despots, 2015

Presentation, Palm Beach County Commission, Taxi Ordinance, 2015

Presentation, Broward County Commission, Taxi Ordinance, 2015

Presentation, CLE International Aquatic Law Conference, Spoliation of Evidence, Fort Lauderdale, Florida, 2014

Presentation, Expert Depositions and Simulations, NSU Medical School, 2014

Presentation, NIPG Regional Conference, UCC Allocation of Loss, Miami, Florida, 2013

Presentation, Unlicensed Practice of Law, CLE, Palm Beach, Florida 2012

Presentation, Depositions in a Medical Malpractice Case, NSU Medical School, 2011

Presentation, Deposition Ethics, CLE, Aquatic Law Symposium, Fort Lauderdale, Florida 2010

Presentation, Deposition Ethics, CLE, Palm Beach, Florida 2009

Presentation, The Ethics of Client Solicitation, Webinar CLE, 2009

Presentation, Informed Consent in Florida, NSU Medical School, 2008

Public Television, Consumer Sense, Miami, Florida 2007

Presentation, Medical Malpractice in Florida, NSU Optometry School, 2007/2008

Presentation, Medical Malpractice Trial, NSU Medical School, 2007

Presentation, Bar Exam Studies, Barry University Law School, 2006 Presentation, Bar Exam Studies, FIU Law School, 2006

Speech, Medical Malpractice Crisis or Not, NSU Medical School, 2006

CLE Presentation, Broward County Trial Lawyers Association, Election Results, November 2004.

Speech, Damages Under the Florida Consumer Protection Act, Broward County Consumer Protection Board, 2003.

Speech, Consumer Refunds in Florida, Broward County Consumer Protection Board, 2003.

Speech, UCC and the Consumer Protection Act, Broward County Consumer Protection Board, 2002.

Speech, Charitable Solicitation Laws, Broward County Consumer Protection Board, 2002

Seminar, NIPG, Consumer Protection, Portland, Oregon, Summer, 2002

Seminar, NIPG, *UCC Article 2*, West Palm Beach, Florida, Spring, 2001

Seminar, Dade County Bar Association *Put Something Back Program, Telephone Solicitation Act*, Miami, Florida, November, 2000.

FAPPO Annual Convention, Negotiation Dynamics Seminar, Orlando, Florida, June 2000.

FAPPO Annual Convention, UCC Contract Formation Seminar, Orlando, Florida, June 2000.

FAPPO Seminar, UCC Contract Law, Lakeland, Florida, March, 2000.

NAPM Seminar, UCC Contract Law, New Orleans, Louisiana, February, 2000.

PLI Seminar, Travel Law Symposium, Liability Associated With the Rise of Golf Tour Packages, Ft. Lauderdale, Florida, October, 1999.

PLI Seminar, Travel Law Symposium, Moderator, Airline Consumer Protection and Anti-Trust Law, Ft. Lauderdale, Florida, October. 1999.

FAPPO Conference, UCC Contract Obligations, Orlando, Florida, May, 1999

FAPPO Conference, Negotiation Dynamics, Orlando, Florida, May, 1999. NAPM Seminar, Contract Warranties, Miami, Florida, May, 1999.

The Florida Bar CLE Speaker, *Covenants Not to Compete*, May 15, 1998.

NAPM Seminar *UCC Contract Obligations*, Miami, Florida, May 22, 1998.

Dade County Bar Association, *Put Something Back Program, Telephone Solicitations Act*, Miami, Florida, September 30, 1997

Dade County Procurement Department Seminar, *Writing UCC Contracts*, Miami, Florida, July 27, 1997

Dade County Pro Bono Lawyers Program, *Telephone Solicitation Sales at Workshop*, Miami, November, 1997.

Dade County Purchasing Department, *Writing UCC Contracts*, Miami, September, 1997. NAPM Seminar, *Finance Leases*, Miami, Florida, May 27, 1997.

NAPM Annual Convention, Keynote Speaker, *Communications in Negotiations*, Lancaster, Pennsylvania, May 21, 1997.

NILE Seminar, *Workshop for Pre-Law Students*, Fort Lauderdale, Florida, May 17, 1997.

Law Cast, *Lightning Strikes and Golf Course Liability*, May 5, 1997.

NAPM Seminar, *Writing UCC Contracts*, Miami, Florida, March 14, 1997.

CLE Speaker, *Winning Ways in Consumer Protection Law - Part II*, The Florida Bar CLE Committee, Miami, Florida, January 24, 1997.

Expert Witness, *Office of the Attorney General, State of Florida vs. Charles Williams, Co., et al.*, Palm Beach County Circuit Court Case No. CL-94-005720-AD, Fall, 1996.

Expert Witness, *Office of the Attorney General, State of Florida vs. Thomas & Lords, Inc., et al.*, Broward County Circuit Court Case No. 95-005735 CACE 04, Summer, 1996.

NAPM Seminar, *UCC Warranties*, Miami, Florida, May 28, 1996.

NAPM Seminar, *Contract Law Overview*, Florida Sun Coast Purchasing Association, Sarasota, Florida, November 17, 1995.

Aquatic 95' Seminar, *Aquatic Law*, Fort Lauderdale, Florida, May 25, 1995. NAPM Seminar, *Excusable Breach of Contract*, Miami, Florida, May 23, 1995.

Seminar, *Negotiation Skills*, Inphynet Corporation, Fort Lauderdale, Florida, May 17, 1995.

CLE Speaker and Panel Moderator, *Consumer Protection Law - Federal Remedies*, The Florida Bar CLE Committee, Miami, Florida, January 12, 1995

NAPM Seminar, *Contract Law: U.C.C. Article 2*, Florida Sun Coast Purchasing Association, Venice, Florida, July 15-16, 1994.

CLE Presentation, *Depositions*, Miami Legal Services, Miami, Florida, March 18-19, 1994.

CLE Presentation, *Construction Contracts and Contractors*, Dade County Bar Association, Miami, Florida, April 29, 1994.

CLE Presentation, *Agency*, National Association of Purchasing Managers, Miami, Florida, April 1993.

Conference Workshop Speaker, *Acceptance and Rejection of Goods Under the U.C.C. and the Obligations of Purchasing Managers under Agency Law*, NAPM Southeast Regional Annual Meeting, Miami, Florida, October 14, 1992.

CLE Chair and Speaker, *Consumer Protection Law: Practice Tips and Tactics*, The Florida Bar CLE Committee, Miami, Florida, March 11, 1992.

CLE Presentation, *Deposition Testimony Workshop*, American Society of Questioned Document Examiners, Orlando, Florida, August 4, 1991.

CLE Presentation, *The Buyer and the Law: A survey of Article 2 of the Uniform Commercial Code*, National Association of Purchasing Management, Miami, Florida, April 25, 1991.

CLE Presentation, *The Law and Rip Currents: Sea Symposium II*, Fort Lauderdale, Florida, April 24, 1991.

Florida Bar Video Cassette, Operation Consumer Protection, Consumer Protection Law Committee and the Military Law Committee of The Florida Bar, Continental Cablevision, March 1, 1991.

Television Program - Continental Cablevision, Pompano Beach, Florida, December 18, 1990, *Legal Rights - Consumer Protection*.

NAPM Seminar, *Acceptance and Rejection of Goods*, Miami, Florida, November 20, 1990. Television Program - WTVJ-NBC, Miami, Florida, October 18, 1990, *The Elderly Consumer*.

CLE Presentation, Nova Southeastern University Law Center, Fort Lauderdale, Florida, September 14, 1990, *Negotiation*.

The Florida Bar Association Annual Convention, Consumer Protection Law Committee Meeting, Miami, Florida, June 14, 1990, *Consumer Law Update*.

National Association of Women Business Owners, Fort Lauderdale, Florida, February 2, 1990, *Negotiation Practices*.

NAPM Seminar, *Warranties in Sale of Goods*, Miami, Florida, September 21, 1989.

Florida Gold Coast Purchasing Management Association, Fort Lauderdale, Florida, September 15, 1989, *Negotiation Dynamics*.

United States Lifesaving Association, Boca Raton, Florida, Sea Symposium 89, May 5, 1989, *Beach Hazards: An Overview of the Legal Liability for Dangerous Beach Conditions*.

Florida Gold Coast Purchasing Management Association, Fort Lauderdale, Florida, February 25, 1989, *The Buyer and The Law*.

Continuing Legal Education Seminar - Nova Southeastern University Law Center, Fort Lauderdale, Florida, April 23, 1988, *Medical Malpractice Litigation for Plaintiff and Defense Lawyers: Discovery Issues*.

Annual Meeting - Broward County Rotary Clubs, Panel Discussion Series, Fort Lauderdale, Florida, March 1988, *Legal Ethics, Medical Malpractice, and the Insurance Crisis in Florida*.

Continuing Legal Education Seminar - 1987 Attorney General's Conference, Seattle, Washington, September 19, 1987, *Practical Aspects of Discovery*.

Continuing Legal Education Seminar, Washington Arbitration Services, Seattle, Washington, February, 1985, *Current Trends in Consumer Protection Laws*.

Annual Meeting - National Association of Certified Public Accountants, June 8, 1984, *Consumer Scams*.

Annual Meeting - Warren G. Magnuson Club, Spokane, Washington, June 6, 1983, *Consumer Protection Enforcement*.

Annual Meeting - New Car Dealers Association, Spokane, Washington, April 11, 1983, *The Washington State Auto Repair Act*.

Continuing Legal Education Seminar - Yakima County Bar Association, Yakima, Washington, February 18, 1983, *Consumer Protection Enforcement*.

Annual Meeting - Counsel of Better Business Bureaus, Spokane, Washington, January 12, 1983, *Advertising Practice & Consumer Protection Laws*.

Annual Convention - Washington State Business Education Association, Spokane, Washington, October 8, 1982, *Consumer Protection Laws in Washington State*.

LECTURER:

Critical Skills and Bar Preparation Program, NSU, 2003-to Present

Health Professions Division, NSU, Medical Malpractice Litigation Simulations, 1994 to present

Nova Southeastern University Mediation Institute, Circuit Civil Mediation Certification Program, Faculty Member, 1992 to 1996.

National Institute for Legal Education, Faculty Member, 1990 to present.

Gonzaga University Law School; 1983 Consumer Transaction Classes

Spokane Washington School District 81; 1982-1985 Consumer Economics Classes

Whitworth College; 1981-1985 Business Management Classes

Eastern Washington University; 1981-1985 Consumerism & Business Management Classes
Spokane Community College; 1981-1985 Business Orientation Classes

Olympia Technical Community College; 1977-1979 Symposium: Legal Liability & Vocation Education.

MEMBERSHIPS:

City of Oakland Park Planning and Zoning Board, 2006 to 2008; Vice-Chair 2007

Broward County Trial Lawyers Association/Broward Justice Association 2001 to present

National Institute for Trial Advocacy, Associate Member, Instructor Trial Advocacy Program, Instructor and Team Leader Deposition Program, Program Director Florida Regional Deposition Program and Florida Child Advocacy program 1990 to present

Association of Trial Lawyers of America/American Justice Association 1978 to present

American Bar Association 1978 to present

The Florida Bar Association, Consumer Protection Law Committee, 1990-2000, Chair, 1997-1999; Trial Lawyers Section, 1987 to Present and Editor, THE ADVOCATE, Florida Bar Association, Trial Lawyers Section Magazine, 1987-2014.

Washington State Bar Association, 1977 to present; Committee Member, Continuing Legal Education, 1982-1983.

Academy of Florida Trial Lawyers/Florida Justice Association

Broward County Consumer Protection Board, 1997 to Present; Vice-Chair 2002; 2004, 2006, and 2007; Chair 2008 to present

WRITING:

Broward County, Taxi Ordinance, 2014 and 2016

Broward County Moving Ordinance, 2003

Trial, Appellate and Amicus Briefs

Statutory Revisions, Florida Charitable Solicitations Act, 1989

Statutory Revisions, Washington State Residential Landlord Tenant Act, 1983 Statutory Revisions, Washington State Small Claims

Court Act, 1983

Statutory Revisions, Washington State Automobile Repair Act, 1982

Statutory Revisions, Washington State Law Against Discrimination, 1980

Vocational Education Certification Regulations,

Washington Administrative Code, 1978

PUBLICATION:

"You Know, It's Just Marketing" – Unfair and Deceptive Trade practices in Car Dealer Buy-Back Offers," University of Dayton Law Review (accepted for publication 2016)

Aquatic Law, Reference Book, Chapter, Drownings (awaiting publication)

"The Unwritten Rules of Sports and Medical Malpractice," University of Maryland Journal of Health Care and Policy (accepted for publication in 2016)

"Trick or Treat: The Application of the State UDAP Statutes to Government Agencies in the Florida Dependency Process." 38 Nova Law Review 101 (2013)

Encyclopedia of Forensic and Legal Medicine, Elsevier Limited (2012-2014).

Medical Malpractice – Medico-Legal Perspective

Negligence Standard of Care

Negligence Duty of Care

Negligence Causation

Negligence Quantum

"Personal Foul...Roughing the Taxpayer: The IRS triple Penalty on Hardship Distributions," 16 Fordham Journal of Corporate & Financial Law (2011)

"The Fight For Information With The Obstructionist Lawyer," 23 American Journal of Trial Advocacy 275 (2009)

"This is the End...My Friend: Disgorgement, Dissolution and Sequestration as Remedies Under State UDAP Statutes," 21 Loyola Consumer Law Review 181 (2008).

"The Check Isn't In The Mail: The Inadequacy of State Prompt Pay Statutes," 10 DePaul Journal of Health Care Law 397 (2007).

"Lessons From Florida: Swing Low Sweet Charity," 19 St. Thomas Law Review 429 (2007).

The Legal Aspects of Public Purchasing, Leap Project/NIPG (with Buffington, 2004; 2nd Edition, 2006).

Encyclopedia of Forensic and Legal Medicine, Edited by J. Payne-James, R. Byard, T. Corley and C. Henderson, (Elsevier Limited (2005). The titles of my articles are:

Medical Malpractice – Medico-Legal Perspectives

Negligence Standard of Care

Negligence Duty of Care

Negligence Causation
Negligence Quantum

A Tribute to Larry Kalevitch, 28 Nova Law Review 303 (2004).

"All We Are Saying Is Give Business A Chance: The Application of State UDAP Statutes To Business-to-Business Transactions," 57 Consumer Finance Law Quarterly 60 (Revised with Slater, 2003).

"All We Are Saying Is Give Business A Chance: The Application of State UDAP Statutes To Business-to-Business Transactions," 15 Loyola Consumer Law Review 81 (with Slater, 2003)

"The Sign Said, 'Beware of Duffers' – The Liability of Golf Course Operators For Failing to Post Warning Signs," 12 Seton Hall Journal of Sports Law 1 (2002)

"The Healthy Debate: A Proposal for the Addition of Negligent Failure to Warn and Strict Liability Failure to Warn Jury Instructions to The Standard Florida Jury Instructions for Product Liability Cases," 25 Nova Law Review 269 (2000).

Litigation Legislation and Ethics, American Journal of Orthodontics and Dentofacial Orthopedics (September 2000, with Meister and Masella)

Standing To Sue Under The Federal False Claim Act: Supreme Court declines to take the whistle away from whistleblower, Florida Bar Journal (July/August 2000) with Nolan).

Full Faith and Credit in Magill's Legal Guide (Timothy L. Hall ed., 1999).

Joint and Several Liability, in Magill's Legal Guide (Timothy L. Hall ed. 1999). *Legal Malpractice*, in Magill's Legal Guide (Timothy L. Hall ed., 1999). *Negligence*, in Magill's Legal Guide (Timothy L Hall ed., 1999).

FORE! Liability Associated with the Rise of Golf Tour Packages, in Second Ann. Conf. Int'l Travel & Tourism: Law, Management & Regulation (Practicing Law Institute, 1999).

Book Review, 23 Legal Stud. F. 581 (1999) (reviewing Peter Bell and Jeffrey O'Connell, *Accidental Justice, The Dilemmas of Tort Law*, 1999).

Invoking What Rule? 24 Nova L. Rev. 367 (1999).

Protecting Patients from Physician Business Malpractice, *Trial*, November 1998, at 87.

Cart 54 Where Are You? The Liability of Golf Course Operators for Golf Cart Injuries, 14 Miami Ent. & Sports L. Rev. 127 (1997, Published 1999).

Physician Deceptive and Unfair Business Practices, Fla. B.J. July/August (1997), at 49.

Physician Business Malpractice, 20 Hamline L. Review 333 (1997).

Lightning: A Double Hit for Golf Course Operators, 6 Marq. Sports L.J. 132 (1995).

What is a Lifeguard To Do, International Journal of Aquatic Research and Education, Volume 1, Number 3, 1996.

Swim at Your Own Risk in the Atlantic But Not the Pacific, International Journal of Aquatic Research and Education, Volume 1, Number 2, 1996.

Lightning: A Double Hit For Golf Course Operators, 6 Marq. Sports Law Journal 133 (Fall 1995).

Consumer Tips: Home and Building Repair, Renovation and Reconstruction After Hurricane Opal, Pamphlet published by Nova Southeastern University Shepard Broad Law Center Hurricane Legal Response Project (Fall 1995).

The New Florida Deceptive and Unfair Trade Practices Act and Pyramid Schemes: Some Things Do Change, The Advocate (Summer 1995).

Principles of Aquatic Law: From the Beach to the Lifeguard, Aquatic Academy 95' Magazine (Summer 1995)

Deductibles and Florida No-Fault Automobile Insurance: We Regret To Inform You, 18 Nova Law Review 625 (1993).

Construction Contracts and Contractors: Hurricane Andrew Reteaches Consumers, 17 Nova Law Review 1093 (1993).

Book Review, 11 Trial Advoc.Q., Oct. 1992 at 49. (reviewing Ronald Mallen, Defense Counsel Practice Management Manual, 1992).

Consumer Tips: Home and Building Repair, Renovation and Reconstruction After Hurricane Andrew, Pamphlet published by Nova Southeastern University Shepard Broad Law Center Hurricane Legal Response Project (Fall 1992).

Uniform Commercial Code Express Warranties: Florida's 'Basis-Less' Bargain, Florida Bar Journal (July 1992).

Tactics and Tips For Mediators, Circuit Court Civil Mediation Training Manual, Nova Southeastern University Mediation Institute (April 1992).

The Measure of Damages Under Florida's Deceptive and Unfair Trade Practices Act: A Bounced Check,

Florida Bar Journal (April 1991).

The Application of Recreational Use Statutes to Beaches: Trap for the Unwary, 40 DePaul University Law Review 743 (1991).

Private Medical Insurance and the Collateral Source Rule: A Good Bet? 22 University of Toledo Law Review 39 (1990).

Guide for Deponent Preparation: The Rules of the Game, 14 American Journal of Trial Advocacy 97 (1990)

A Case of Negligence, Ocean Lifeguard (Summer 1990)

Florida Bar Association, *Secured Transactions in Florida*, Chapter 4 - Classification of Collateral and Chapter 8 - *Proceeds*, (1990); Supplement (1995).

Beach Hazards: An Overview of the Legal Liability for Dangerous Beach Conditions, Journal of Aquatic Safety and Education (1989).

Discoverability of Hospital Incident Reports and Taxing Expert Witness Fees in Medical Malpractice Litigation in Florida: Plaintiffs' Perspective, 13 Nova Law Review 189 (1988).

Per Se Violations of the Washington State Consumer Protection Act: Caveat Empty, 23 Gonzaga Law Review 309 (1988).

REFERENCES:

Professor Emeritus James Vache
Gonzaga University School of Law
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Dean and Professor Emeritus Joseph Harbaugh
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