

JANICE L. MERRILL

SHAREHOLDER



AREAS OF PRACTICE

Long-Term Care Liability
Health Care Liability
Electronic Medical Record and Audit Trail
Litigation
Employment Law
General Liability
Miscellaneous Professional Liability
Automobile Liability
Commercial Litigation
Lawyers' Professional Liability

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Orlando, FL 32801

ADMISSIONS

Florida
1997

U.S. District Court Middle District
of Florida
1998

U.S. District Court Southern
District of Florida

EDUCATION

Loyola Law School (J.D., 1984)

University of Southern California
(B.A., 1981)

OVERVIEW

Janice focuses her practice in the areas of medical negligence, long-term care, employment law, professional liability, premises liability and motor vehicle negligence. She represents clients in the Central Florida and Tampa areas.

Janice has handled complex litigation matters in state and federal courts and before administrative agencies in Florida and California since 1985. She has successfully tried numerous cases to verdict before juries and judges, and in arbitration. In addition, Janice has handled appeals in the District Courts of Appeal for Florida.

In her career, Janice has handled cases in multi-district litigation. She has represented physicians, nurses, hospitals, mental health professionals, skilled nursing facilities and assisted living facilities in health care liability matters. Additionally, Janice has defended employers, particularly health care providers, sued for employment-related claims including wage and hour, discrimination, harassment and retaliation claims. Janice has also represented property owners and businesses in premises and general liability matters.

HONORS & AWARDS

The Best Lawyers in America®,
Litigation - Health Care
2023-2024

ASSOCIATIONS & MEMBERSHIPS

Central Florida Medical
Malpractice Claims Counsel

Florida Society for Healthcare Risk
Management and Patient Safety

Orange County Bar Association

THOUGHT LEADERSHIP

Senate Bill 72 May Be Effective “Vaccine” Against COVID-19-Related Claims

Health Care Liability
Long-Term Care Liability
Public Entity and Civil Rights Litigation
April 7, 2021

Protecting Your Facility From Responsibility for Unavoidable Pressure Ulcers

Orlando
Health Care Liability
Long-Term Care Liability
July 1, 2012

Board Of Contributors: Florida Supreme Court Invalidates Arbitration Provisions In Nursing Home Admission Agreements

Orlando
Long-Term Care Liability
December 23, 2011
Daily Business Review, December 23, 2011

Defense counsel failed to preserve a claim of improper argument for plaintiff's counsel where defendant failed to advance in the trial court the specific ground of objection.

Health Care Liability
April 1, 2010

The Supreme Court found that the District Court erred in granting a new trial on the basis of an improper argument by plaintiff's counsel during closing argument. Case Law Alert - 2nd Qtr 2010

Durable power of attorney was broad enough to authorize agreement for binding arbitration of claim against skilled nursing facility.

Health Care Liability
April 1, 2010

The Fifth District Court of Appeals found that a durable power of attorney was broad enough to authorize the nursing home resident's daughter to enter into an agreement for binding arbitration. Case Law Alert - 2nd Qtr 2010

CLASSES/SEMINARS TAUGHT

The Pitfalls of Pressure Injury Litigation, nursing client presentation, February 21, 2023

Adversity in the World of Adverse Incident Reporting: A Panel Discussion on Reporting Requirements and Addressing Related Discovery, Florida Society for Healthcare Risk Management & Patient Safety Annual Meeting & Education Conference, Orlando, FL, August 13, 2021

Risky Business: Transitions of Care and Avoidable Hospital Admissions and Readmissions, Florida Society for Healthcare Risk Management & Patient Safety webinar, November 19, 2019

Case Law Update, Florida Society for Healthcare Risk Management & Patient Safety 2019 Conference, Orlando, FL, August 16, 2019

Looking Under the Hood: Is It Time for an Admission and Arbitration Agreement Tune-Up?, Florida Assisted Living Association Annual Conference, Orlando, FL, August 7, 2019

Strategies for Optimizing Risk Management & Patient Safety in Long-Term Care, Florida Society for Healthcare Risk Management and Patient Safety, Orlando, FL, March 8, 2019

Risky Business: Transitions of Care and Avoidable Hospital Readmissions, Florida Society for Healthcare Risk Management & Patient Safety 2018 Conference, Tampa, FL, August 16, 2018

EDs, EMRs & E-Discovery, Oh My! Addressing Related Concerns While Maintaining Optimal Provider Communication, Best Care Practices in the Post-Acute and Long-Term Care Continuum, Lake Buena Vista, FL, October 13, 2017

EDs & EMRs & E-Discovery, Oh My! How to Stay on the 'Yellow Brick Road' When the Threat of Litigation Arises, Florida Assisted Living Association 2017 Annual Conference & Tradeshow, Orlando, FL, August 15, 2017

The Defense Bar Strikes Back: EMRs & eDiscovery Risk Management, Florida Society for Healthcare Risk Management and Patient Safety Annual Meeting & Education Conference, Lake Buena Vista, FL, August 10, 2017

EMR & eDiscovery: Managing It, Tools to Generate It, and the Most Effective Ways to Fight It, American Conference Institute's 6th Annual Forum on Long-Term Care Litigation & Risk Management Strategies, Miami, FL, January 22, 2016

You Must Remember This: Memory Care Units and Acuity Creep, DRI Nursing Home/ALF Litigation Seminar, Las Vegas, NV, September 11, 2015

Lessons Learned: How to Prevent and Minimize Liability in Long Term Care Cases, Clear Choice Health Care Annual Meeting of Directors of Nursing, June 2015

Outsmarting Smart Technology: Legal Ramifications in the Assisted Living Setting, Florida Assisted Living Association Annual Conference and Tradeshow, August 11, 2014

Documentation in the Age of Corporate Negligence, Lifespace Communities Administrator and Director of Nursing Conference, Celebration, FL, May 2, 2013

PUBLISHED WORKS

"Senate Bill 72 May Be Effective "Vaccine" Against COVID-19-Related Claims," *Orlando Medical News*, April 7, 2021

"Protecting Your Facility From Responsibility For Unavoidable Pressure Ulcers," *South Florida Hospital News and Healthcare Report*, August 2012

"Board of Contributors: Florida Supreme Court Invalidates Arbitration Provisions in Nursing Home Admission Agreements," *Daily Business Review*, December 23, 2011

Case Law Alerts, regular contributor, 2010-present

MEDIA COMMENTARY

"How to Identify and Defend Against Malicious Lawsuits," *Healthcare Risk Management*, October 2023

"Nursing Homes Face Tough Market," *Business Insurance*, February 16, 2022

"Choose Outside Counsel Carefully; Avoid Common Mistakes," *Healthcare Risk Management*, March 2020

RESULTS

Directed verdict in Florida med-mal case.

Health Care Liability

April 13, 2022

We obtained a directed verdict in a medical malpractice case after successfully challenging the plaintiff's nursing expert's qualifications to render standard of care opinions against a certified emergency nurse. The plaintiff, a 61-year-old female with an undisclosed history of seizures, returned to the emergency department with complaints of nausea, vomiting and abdominal pain. While she was being worked up, she got out of bed without calling for assistance, had a seizure and fell face forward. She sustained a subarachnoid hemorrhage and subdural hygromas.

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained a defense verdict in a product liability case on behalf of a gas nozzle manufacturer where a design defect and insufficient warnings were alleged.

Obtained a directed verdict on behalf of a gas station operator and major oil company where it was alleged gas was contaminated with water causing engine damage.

Obtained a defense verdict on behalf of a nursing home at arbitration where issue was failure to prevent and adequately treat pressure ulcers.

Obtained dismissal with prejudice of action for violation of assisted living facility rights when plaintiffs failed to substitute proper party.

Successfully defeated at trial a claim radiologist failed to diagnose cardiac condition.

Successfully defeated at trial a claim cardiologist failed to diagnose and treat primary pulmonary hypertension.

Successfully defeated at trial a claim cardiologist failed to properly treat syncope.

Successfully defeated at trial a claim pediatrician failed to adequately treat upper respiratory infection which resulted in death of infant.

REPRESENTATIVE CASES

Lynx Transp. v. Atkinson, 720 So. 2d 600 (Fla. 5th DCA 1998)

Butterworth v. Assi, 824 So. 2d 224 (Fla. 1st DCA 2002)

Spindler v. Staton, 827 So. 2d 998 (Fla. 2d DCA 2002)

Vucinich v. Ross, 893 So. 2d 690 (Fla. 5th DCA 2005)

Certified Marine Expeditions v. Freeport Shipbuilding, 914 So. 2d 983 (Fla. 1st DCA 2005)