

February 8, 2024

## **CURRICULUM VITAE**

**NAME** : Bruce Keplinger  
**BIRTHPLACE** : Kansas City, Kansas  
**DATE OF BIRTH** : February 4, 1952

**OFFICE ADDRESS** : Jay Daugherty Mediation and Arbitration  
4717 Grand Avenue  
Kansas City, Missouri 64112  
(816) 931-6300 office  
(913) 908-6355

**E-MAIL:** [bruce@jaydaughertymediation.com](mailto:bruce@jaydaughertymediation.com)

**WEB PAGE:** [www.jaydaughertymediation.com](http://www.jaydaughertymediation.com)

### **CURRENT EMPLOYMENT**

Employed at Jay Daugherty Mediation and Arbitration since June 2022 practicing full time as a mediator and arbitrator. Have now conducted in excess of 100 mediations and a number of arbitrations to full hearing

### **ADR EXPERIENCE**

**Multi-Day Arbitrators** – ten plus (as counsel)  
**Multi-Day Arbitrators** – ten plus (as arbitrator)  
**FINRA Arbitrator** – conducted 20+ FINRA arbitrations  
**Mediations** – 100+ mediations conducted in almost every area of the law

### **JURY TRIAL EXPERIENCE**

#### **Success Rate**

Medical Malpractice: 93%<sup>1</sup>  
(99 jury trials for Health Care Providers)

Overall (152 multi-day jury trials): 92%<sup>1</sup>

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<sup>1</sup> Complete defense verdicts. Verdicts for plaintiff for less than last settlement offer are still counted as losses.

YEAR	NAME OF CASE	TYPE OF TRIAL
2021	Sharp v. Kimmell, M.D.	Medical Malpractice
2021	Harned v. Spurlock, M.D.	Medical Malpractice
2020	Wellman v. Stull, M.D.	Medical Malpractice
2019	Colton v. Meritas	Medical Malpractice
2019	Piatt v. Rosbrugh, M.D.	Medical Malpractice
2019	Long-Young v. Goergen, D.O.	Medical Malpractice
2018	Linton v. Carter, M.D.	Medical Malpractice
2018	Webb v. Naik, M.D.	Medical Malpractice
2018	Chapkin v. Dugan, M.D.	Medical Malpractice
2018	Kouba v. Langford, M.D.	Medical Malpractice
2017	Ogilvie v. Calcote, M.D.	Medical Malpractice
2016	Bodenhausen v. Kushangi, M.D.	Medical Malpractice
2016	Gantt v. King, M.D.	Medical Malpractice
2016	Shaffer v. Solano, DDS	Dental Malpractice
2016	Hurst v. Eubanks, M.D.	Medical Malpractice
2015	Murillo v. Rapley, M.D.	Medical Malpractice
2015	Lundeen v. Lentell, M.D.	Medical Malpractice
2015	Payton v. Lu, M.D.	Medical Malpractice
2014	Shen v. Decker, M.D.	Medical Malpractice
2014	Waters v. Mitchell, M.D.	Medical Malpractice
2014	Burnette v. Eubanks, M.D.	Medical Malpractice
2014	Schlaikjer v. Kaplan, M.D.	Medical Malpractice
2013	Hager v. Eubanks, M.D.	Medical Malpractice
2013	Sherrer v. Raghuv eer, M.D.	Medical Malpractice
2013	Welch v. Schroll, M.D.	Medical Malpractice
2012	Frisbie v. Johnson, M.D.	Medical Malpractice
2012	Roberts v. Katta, M.D., et al.	Medical Malpractice
2011	Reynolds v. Hawa, M.D., et al.	Medical Malpractice
2011	Haley v. SMMC, et al.	Nursing Malpractice
2011	Brown v. Cassella, ARNP	Nursing Malpractice

2011	Goines v. Rupp, M.D.	Medical Malpractice
2011	Pfister v. Boice, D.O.	Medical Malpractice
2010	Brigham v. Colyer, M.D.	Medical Malpractice
2010	Bowser v. Meurer, M.D.	Medical Malpractice
2009	Wolf-Force v. Myers, M.D.	Medical Malpractice
2009	Newallis v. Harlow, M.D.	Medical Malpractice
2009	Burks v. Brandt, D.O.	Medical Malpractice
2009	Bahr v. King, M.D.	Medical Malpractice
2009	Taylor v. Roh, M.D.	Medical Malpractice
2009	Carter v. Reardon, M.D.	Medical Malpractice
2008	Khadavi v. Lankachandra, M.D.	Medical Malpractice
2008	Beach v. Nemmers, M.D.	Medical Malpractice
2008	Hatfield v. Wal-Mart Stores, Inc.	Premises Liability
2008	Topper, M.D. v. HCA	Employment Contract (Plaintiff)
2008	Larkin v. Boyle, M.D.	Medical Malpractice
2007	Conwell v. Neubauer, M.D.	Medical Malpractice
2007	Swindell v. Abney, M.D.	Medical Malpractice
2007	Cetto v. McClung, M.D.	Medical Malpractice
2007	Frazier v. Lemberger, M.D., et al.	Medical Malpractice
2007	Fitzhugh v. King, M.D., et al.	Medical Malpractice
2007	Srubas v. Sharp, M.D., et al.	Medical Malpractice
2006	Wiseman v. Schroll, M.D.	Medical Malpractice
2006	Miller v. Johnson, M.D.	Medical Malpractice
2006	Battles v. Frederickson, M.D.	Medical Malpractice
2006	Walston v. Piquard, M.D.	Medical Malpractice
2006	Cossey v. Shipman, M.D.	Medical Malpractice
2006	Todd v. Lockard, M.D.	Medical Malpractice
2006	Pitts v. McKittrick, M.D., et al.	Medical Malpractice
2005	Blevens v. Holcomb, M.D.	Medical Malpractice
2005	Etter v. Sabih, M.D., et al.	Medical Malpractice
2005	Barnes v. Moore, M.D., et al.	Medical Malpractice

2005	Davis v. DeWolfe, M.D., et al.	Medical Malpractice
2005	Warhurst v. Stevens, M.D.	Medical Malpractice
2004	Marion v. Lackamp, M.D.	Medical Malpractice
2004	Meyer v. Lockard, M.D.	Medical Malpractice (Retrial)
2004	Armstrong v. Rigden, M.D., et al.	Medical Malpractice
2004	Kerr v. Parmar, M.D.	Medical Malpractice
2004	Rodman v. Sicat, M.D.	Medical Malpractice
2004	Carlson v. Burks, M.D.	Medical Malpractice
2003	Gingerich v. Kline, M.D.	Medical Malpractice (Retrial)
2002	Vitatoe v. Wegner, M.D.	Medical Malpractice
2002	Carter v. Hopkins, et al.	Legal Malpractice
2001	White v. Zipper, D.O., et al.	Medical Malpractice
2001	Anna Santa Maria v. Krystof Godlewski, M.D.	Medical Malpractice
2001	McHenry v. ICON Health & Fitness, Inc.	Personal Injury/Products Liability (Plaintiff)
2001	Seippel-Cress v. LacKamp, M.D., et al.	Wrongful Death (Retrial)
2001	Mast v. Braverman, M.D., et al.	Medical Malpractice
2000	Lawver v. Nemmers, M.D.	Wrongful Death
2000	Gingerich v. Kline, M.D.	Medical Malpractice
2000	Polaski v. Wal-Mart	Wrongful Death
2000	Haley v. Henehan, D.D.S.	Dental Malpractice
2000	Ruddick v. Wal-Mart	Wrongful Death
1999	Portis v. Greenhaw, M.D., et al.	Medical Malpractice
1999	Hanley v. Cowsert, D.D.S.	Dental Malpractice
1999	Gholkar, M.D. v. Westport Anesthesia	Physicians' Business Dispute (Plaintiff)
1999	Cottrell v. Tetwiler	Legal Malpractice
1999	Monroe v. Walden, M.D., et al.	Medical Malpractice
1998	Blomberg v. Greenlaw, M.D., et al.	Medical Malpractice
1998	Seippel-Cress v. LacKamp, M.D., et al.	Wrongful Death
1998	McCann v. Geha, M.D.	Medical Malpractice (Plaintiff)
1997	DRC Advertising v. Day Advertising	Commercial Litigation (Plaintiff)

1997	Flynn v. Gossett, D.D.S.	Dental Malpractice
1997	Magnet, Inc. v. C.B. Specialties	Commercial Litigation (Plaintiff)
1997	Dalrymple v. Harrison	Personal Injury (Plaintiff)
1997	Riley v. Hindupur, M.D., et al.	Medical Malpractice
1997	1st Choice Realty, Inc. v. Birmingham Fire Insurance of Pennsylvania	Insurance Coverage Dispute
1997	Bitzenburg v. Advanced Transportation Products	Products Liability (Plaintiff)
1996	Tomes v. Dobson, et al.	Personal Injury
1995	Givens v. Greenhaw, M.D.	Medical Malpractice
1995	Thoren v. Anesthesia, P.A.	Medical Malpractice
1994	Farney v. Ropp, M.D.	Medical Malpractice
1994	Hale v. Miller-Stauch	Construction Liability
1994	Krough v. Bruce Hahn, M.D.	Medical Malpractice (Plaintiff)
1993	Patel v. Clark Plumbing & Heating Co.	Product Liability
1993	Ralston v. William L. Womack, D.O.	Medical Malpractice
1993	Barrett v. Miller, M.D.	Medical Malpractice
1992	Smith v. Varnum-Armstrong-Deeter	Architectural Design Liability
1992	Smith v. Upsher Laboratories, Inc.	Medical Malpractice
1992	Pfeiffer v. Eagle Manufacturing, Inc.	Product Liability
1991	Youngstrom v. Western International	Product Liability
1991	Osborn v. Collins, M.D.	Medical Malpractice
1990	Vanderfeltz v. Csaki, M.D.	Medical Malpractice
1989	Anderson v. Industrial Bearing & Transmission	Product Liability
1989	Combs v. College Avenue Building Co.	Wrongful Death
1989	Rockwell v. Emerson	Product Liability
1988	Henning v. Csaki, M.D.	Medical Malpractice
1988	Freeman v. Kmart Corporation	Business Tort
1988	Madget v. Western Casualty	Construction Claim
1988	Hagaman v. Merrell Dow	Product Liability
1988	Johnston v. Elkins, M.D.	Medical Malpractice
1988	Childers v. Kmart Corporation	Premises Liability

1988	Clay v. Hannah, M.D.	Medical Malpractice
1987	Rudell v. Merrell Dow (second chair)	Product Liability
1987	Stevenson v. Van Food Center	Premises Liability
1987	Prall v. Styer	House Fire
1987	Barnum v. W.Z.W.	Securities Fraud (Plaintiff)
1987	Nelson v. Hyster	Product Liability
1987	Berry v. Haynie, M.D.	Medical Malpractice
1986	Dupree v. Kmart Corporation	False Arrest
1986	Farmers Insurance v. Scheve	House Explosion (Plaintiff)
1986	Miller v. Johnson County Alarm	Wrongful Death
1986	Guetterman v. Fram	Product Liability
1986	Dziadora v. Renner	Automobile Negligence
1986	Lawless v. Dahl	Wrongful Death
1985	Cox v. Blue Cross	Health Insurance Claim (Plaintiff)
1985	Pippin v. Midwest Dynamics	Brake Repair/Product Liability
1984	Pyle v. Parcell	Automobile Negligence
1984	Jones v. Barr, M.D.	Medical Malpractice
1984	Lehman v. Farmers Insurance Group	Automobile Negligence
1983	Shaughnessy v. State Farm Insurance	House Fire
1983	Sparks v. Johnson County, Kansas (second chair)	Highway Design (Plaintiff)
1983	Hyskell v. Vohs	Automobile Negligence
1982	Rombaugh v. Ross	Personal Injury (Plaintiff)
1980	Monsanto Enviro-Chem v. Black & Veatch(member of trial team)	Engineering Claim
1979	Beggs v. Wheels Unlimited	Negligence
1978	Smith v. Concordia Co-op	Fraud
1978	Davis v. Clark (second chair)	Fraud and Undue Influence
1977	Barlow v. G & M Masonry	Construction Liability

## **ORAL ARGUMENTS TO FEDERAL COURTS OF APPEAL**

ELEVEN

## **ORAL ARGUMENTS TO STATE APPELLATE COURTS**

FORTY PLUS

## **TRIALS TO COURT**

SIXTY PLUS

## **EDUCATION**

**Law School:** Southern Methodist University  
(Hatton W. Sumners Scholar)  
J.D. 1977, cum laude

### **Organizations:**

Notes and Comments Editor,  
Journal of Air Law & Commerce  
Barristers (Chief Baron)  
Order of the Coif  
Phi Delta Phi

**College:** University of Kansas (Summerfield Scholar)  
B.A. in Philosophy, History and English Honors 1974,  
with highest distinction

### **Organizations:**

Sachem Circle of Omicron Delta Kappa  
Phi Beta Kappa  
Student Senate  
Sigma Nu Fraternity

**High School :** Shawnee Mission South High School  
National Merit Scholar

## **PERSONAL**

**Married:** Carol A. Keplinger

**Children:** Mark (10/10/76)  
Marie (11/11/80)  
Kristen (7/6/86)  
Kailyn (11/18/91)  
Courtney (9/19/92)

## **AFFILIATIONS**

Norris Keplinger Hicks & Welder, L.L.C. 1994-2022  
Overland Park, Kansas  
Manager

Payne & Jones, Chartered 1982-94  
Overland Park, Kansas  
Partner

Blackwell, Sanders, Matheny, Weary & Lombardi 1979-82  
Kansas City, Missouri  
Associate

Clark, Mize & Linville 1977-79  
Salina, Kansas  
Associate

## **ORGANIZATIONS**

Fellow, National Academy of Distinguished Neutrals  
Fellow, American College of Trial Lawyers  
Fellow in the International Society of Barristers  
Kansas Bar Association  
Chairman, Insurance Committee: 1990-92  
Chairman, Kansas Lawyers Service Corporation: 1992-2001  
Kansas Association of Defense Counsel  
Director, 1990-1994  
President-Elect, 1992-93  
President, 1993-94  
The Missouri Bar  
American Board of Trial Advocates  
International Association of Defense Counsel  
Association of Defense Trial Attorneys-  
Member, Executive Council (1999 - 2002)  
Kansas Chairman (1997 to 2012)  
Defense Research Institute  
Master, Earl E. O'Connor American Inn of Court (1990 to 2005)  
Membership Chair (1999 - 2000)  
Nominating Chair (2000 - 2001)  
American Bar Association (1977 - 1995)



United Methodist Church of the Resurrection Board of Trustees (2002-2005), Church Council (2006), Staff Parish Committee (2006-2009), Building Committees (2012 – present)

## **HONORS**

Best Lawyers in America – since 1995  
Rated AV Preeminent by American Registry of Attorneys  
Best Lawyers in Kansas City, Kansas City Magazine, since 2000  
Best Lawyers in Kansas City, Ingram's, since 1998  
Listed in Super Lawyers, Missouri and Kansas, since 2002  
Listed in Super Lawyers, Corporate Counsel Edition, since 2009  
Who's Who in America – since 1995  
Who's Who in American Law – since 1990  
Who's Who in the World – since 1992  
Outstanding Defense Bar Leader Award - 1994 (awarded by Defense Research Institute based on service as President of Kansas Association of Defense Counsel)  
International Who's Who of Professionals  
Top Attorneys in Missouri & Kansas  
Kansas Health Care Stabilization Fund “Workhorse of the Year” award – 2007, 2009, 2012, 2013, 2014, 2015, 2016 and 2017  
U.S. News & World Report Best Law Firms  
AV Preeminent Rating with Martindale-Hubbell  
Marquis Who's Who 2019 Lifetime Achievement Award Recipient

## **PUBLICATIONS**

Case Note, 41 Journal Air Law & Commerce 524 (1975)

Comment, "An Examination of Traditional Arguments on Regulation of Domestic Air Transport", 42 Journal Air Law & Commerce 187 (1976)

"Must the Same Ten Jurors Assent to Every Part of a Special Verdict?", 53 Journal of Kansas Bar Association, No. 2 (1984)

"Preserving a Parapet - Privity in Purely Commercial Transactions", Newsletter of Kansas Association of Defense Counsel (Summer, 1986)

"Reflections on a Drug Product Liability Trial", Newsletter of Kansas Association of Defense Counsel (Winter, 1988)

"Wrongful Pregnancy: A House Divided", 23 Tort & Insurance Law Journal 496 (1988)

"Preserving Contribution Claims", 45 Journal of the Missouri Bar, No.2 (1989)

"Defense Practice in the 1990's - A Bridge to the Future", Newsletter of Kansas Association of Defense Counsel (April, 1993)

"Our Statutory System for Actual Damages in Tort: Kansas in Wonderland?", Journal of the Kansas Bar Association (January, 1994)

"Tort Reform Update", Newsletter of Kansas Association of Defense Counsel (November, 1994)

"The Malpractice Crisis - Have the Doctors Won?", Together (March, 1995)

"The Restatement 3d of Torts", Journal of the Kansas Association of Defense Counsel (Spring, 1996)

"Exercising the Citizen's Prerogative", (Together, Fall, 1996)

"DRI Recommends Case Handling Guidelines for Insurers," The Association Press (Summer 2000, Vol. 7, No. 2, p. 8)

"Multiple Damage Caps for Claims Against Healthcare Providers," Journal of The Missouri Bar, (May/June, 2004).

"Defining the Standard of Care With Medical Experts As Part of Plaintiff's Case-in-Chief: An Opportunity For Defendants," For the Defense, (November 2006).

"Direct Examination of Expert Witnesses: Examining Experts Expertly," For the Defense, (September 2007).

## **PRESENTATIONS**

"Annual Review of Kansas Decisions", Kansas Association of Defense Counsel (Summer, 1987)

"Demonstrative Evidence", Kansas Legal Assistants Society (1988)

"Personal Injury Litigation Practice in Kansas", National Business Institute (1990)

"Missouri State Legal Expense Fund", Missouri Medical Insurance Company (September, 1993)

"Insurance Basics for the Kansas Lawyer", Kansas Bar Association (November, 1993)

"Damages in Kansas", Kansas Association of Defense Counsel (December, 1993)

"Conflicts of Interest, the Tri-Partite Relationship", Missouri Medical Insurance Defense Lawyers Seminar (September, 1995)

"Topics in Federal Multi-District Litigation", ADTA Annual Meeting, Bermuda (April, 1997)

"Preserving the Patient/Physician Relationship", Kansas City Medical Society (May 15, 1997)

"Local Federal Rules in Kansas", Lorman Education Services, Kansas City, Missouri (June 13, 1997)

"Causes of Actions for Lost Chance of Survival", Missouri Medical Insurance Company Seminar, Lake of the Ozarks, Missouri (October 3, 1997)

"Enriching Physician Patient Communication and The Anatomy of a Lawsuit", Missouri Medical Insurance Company Risk Management Program, Kansas City, Missouri (May 13, 1998)

"Local Federal Rules in Kansas", Lorman Education Services, Kansas City, Missouri (June 23, 1998)

"Local Federal Rules in Kansas", Lorman Education Services, Kansas City, Missouri (June 18, 1999)

"Who's Hot in Personal Injury Litigation", KCMBA, Kansas City, Missouri (November 9, 2001).

"Developments in Hospital Agency and Damages Caps", Medical Assurance Seminar, Kansas City, Missouri (October 16, 2002).

Moderator, "Practical Solutions to Ethical Problems," The Earl E. O'Connor American Inn of Court Fourth Annual Ethics in Litigation Forum (May 29, 2003)

"Special Problems: Medical Bills, Liens and Agency," Missouri Bar Seminar, The Defense of Medical Malpractice Cases After Tort Reform, July 13, 2007, Kansas City, Missouri.

"Efforts to Preserve the Monetary Limit or 'Cap' on Non-Economic Damages Recoverable Against Healthcare Providers in Kansas," ProAssurance Defense Attorney Seminar, October 17, 2007, Branson, Missouri

"Production of Expert Witnesses' 1099 Tax Forms and Schedule C," ProAssurance Defense Attorney Seminar, October 17, 2007, Branson, Missouri

"Direct Examination of Expert Witnesses: Examining Experts Expertly," Health Care Stabilization Fund Defense Counsel Seminar, May 2, 2008, Overland Park, Kansas

“Jury Trial Innovations Panel: Can the Jury Trial be Improved?,” KBA Annual Meeting, June 18, 2009, Overland Park, Kansas

“The Less-Than-Perfect Doctor-Patient Relationship: Case Studies and Tips” – Medical Protective Risk Management Seminar, Spring 2010, Overland Park, Kansas

“Trial Skills 101 – Voir Dire & Opening Statements” – Johnson County Bar Association, March 31, 2011, Johnson County Courthouse, Olathe, Kansas

“Kansas Education Day” – Adventist Care Centers, May 4, 2011, Overland Park Rehab & Nursing Facility, Overland Park, Kansas

“Noneconomic Damage Caps in Kansas: The View From Both Sides” – 2011 KBA Annual Meeting and Joint Judicial Conference, June 10, 2011, Capitol Plaza Hotel & Convention Center, Topeka, Kansas

“KADC Large Damage Cases,” Annual Conference of KADC, December 3, 2011, Kansas City, Missouri

“Damage Caps in Kansas,” 2012 KBA Litigation CLE, April 20, 2012, Lawrence, Kansas

“Understanding Hospitalists’ Communication Risks,” The Doctors Company CME for IPC Hospitalists, June 12, 2012, Leawood, Kansas.

“Legal Obligations When Your Patient Falls,” Shawnee Mission Medical Center Breyfogle Conference for Healthcare Providers, September 10, 2013, Overland Park, Kansas

“Impact of Disclosures on Claims and Claims Defense,” Medical Protective Seminar for Healthcare Providers, October 8, 2013, Overland Park, Kansas

“Litigation Overview,” Shawnee Mission Medical Center for recent nursing graduates, July 8, 2016, Overland Park, Kansas

“New Technologies in Fetal Heart Monitoring: Developing Strategies for Proper Interpretations of Readings,” 18<sup>th</sup> Annual Advanced Forum on Obstetric Malpractice Claims, American Conference Institute, June 26, 2019, Philadelphia, Pennsylvania

“High Conflict/Multi-Party Cases/Insurance ADR”, Mediation and Assessment Program Bench-Bar CLE, October 25, 2023, Kansas City, Missouri

“New Techniques to Improve the Informed Consent Process,” American Society of Pain and Neuroscience, National Webinar, November 16, 2023