



## Clyde D. Bergstresser Shareholder

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Clyde Bergstresser is a shareholder in the Boston office of Campbell Campbell Edwards & Conroy. He is a fellow of the American College of Trial Lawyers. After graduating *magna cum laude* from Newark Institute of Technology, Mr. Bergstresser earned his law degree from Boston College Law School. He is admitted to practice in all courts of Massachusetts.

Mr. Bergstresser represents plaintiffs in major personal injury litigation, including medical malpractice, legal malpractice, psychiatric malpractice and other professional liability. An experienced trial lawyer, he served as trial and appellate counsel in *Glicklich v. Spievack*, 16 Mass.App.Ct. 488 (1983), the first reported decision in Massachusetts addressing the issue of causation in a case involving "delayed diagnosis" of cancer.

Mr. Bergstresser periodically lectures for Massachusetts Continuing Legal Education (MCLE), Massachusetts Bar Association, Massachusetts Association of Trial Attorneys, Harvard Risk Management, Massachusetts Psychiatric Association, Massachusetts Psychological Association, Harvard Continuing Medical Education, Boston University Law School, and Boston College Law School, among others. He continues to be invited to speak in training sessions for medical and psychiatric staff at are hospitals including New England Medical Center, McLean Hospital and Massachusetts General Hospital.

Boston, MA

Philadelphia, PA

Portland, ME

Bedford, NH

Providence, RI

Hartford, CT

Woodbury, NJ

## CURRICULUM VITAE

### Professional:

Shareholder. Trial counsel in the Boston office of Campbell Campbell Edwards & Conroy, a nationally recognized law firm dedicated to the litigation of complex, high stakes cases throughout the United States. Mr. Bergstresser's practice focuses on the handling of complex medical and professional malpractice and negligence matters.

### Previous Associations

1974-1975	Associate: Frank, Kowal & Shubow Boston, Massachusetts
1975-1976	Partner: Shubow, Stahlin & Bergstresser Boston, Massachusetts
1976-1994	Member and Officer: Stahlin & Bergstresser, P.C. Boston, Massachusetts
1994-2001	Senior Member: Bergstresser and Associates, P.C. Boston, Massachusetts

### Education:

1971	B.S., <i>magna cum laude</i> , Newark Institute of Technology
1974	J.D., Boston College Law School

### Bar Admissions:

1974	Massachusetts and U.S. District Court, District of Massachusetts
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### Professional Organizations:

American College of Trial Lawyers

Fellow

Association of Trial Lawyers of America

Boston Bar Association

Massachusetts Association of Trial Attorneys (MATA)

Massachusetts Bar Association

Chair, Section Council, Individual Rights and Responsibilities, Massachusetts Bar Association(1998)

Massachusetts Bar Foundation

Fellow

## Publications:

Lawrence D. Shubow and Clyde D. Bergstresser, "Handling The Psychiatric Witness," Trial Magazine (July 1977)

"Mental Disabilities - The Legal Response," M.C.L.E., N.E.L.I., Chapter: Right to Refuse Treatment

"Annual Survey of Massachusetts Law," Boston College Law School, Law Review, Chapter: Torts (1978-1979)

"Massachusetts Practice", Summary of Basic Law, Third Edition; ed. Alpern and Shubow, West Publishing Company, 1996, Chapter on Medical Malpractice:

"Practicing Psychiatry Without Fear, A Clinical Guide for Liability Prevention", Chapter: The Perspective of the Plaintiff's Attorney, Harvard University Press.

Charles H. Baron, Clyde D. Bergstresser, Dan W. Brock, Garrick F. Cole, Nancy S. Dorfman, Judith A. Johnson, Lowell E. Schnipper, James Vorenberg, and Sidney Wanzer, "A Model State Act To Authorize and Regulate Physician Assisted Suicide", Harvard Journal on Legislation, (Winter 1996).

## Description of Professional Practice:

**a)** Focus of practice has been on major plaintiffs personal injury litigation, including medical malpractice, legal malpractice, other professional liability, psychiatric malpractice, premise liability, workplace liability, products liability and lead poisoning.

**b)** Trial and appellate counsel in *Glicklich v. Spievack*, 16 Mass.App.Ct. 488 (1983); the first reported decision in Massachusetts addressing the issue of causation in a case involving "delayed diagnosis" of cancer.

**c)** Trial counsel in *Rogers v. Okin*, 478 F.Supp.1342 (D.Mass.1979), 634 F.2d 650(1st Cir.1980); *Mills v. Rogers* 457 U.S.291(1982); *Rogers v. Commissioner of Mental Health*, 390 Mass.489, 458 N.E.2d 308 (1982): This case involved the first major class action on behalf of mental patients in a state facility alleging the constitutional right to refuse invasive drug treatment and the use of locked seclusion in non-emergencies. After a 74 day trial, the district court found for the plaintiffs on the underlying constitutional rights and issued a permanent injunction to enforce their newly created rights. The Commonwealth appealed the case to the First Circuit, where the decision was essentially affirmed. The U.S. Supreme Court accepted certiorari and later remanded to the First Circuit. The case was then referred to the Supreme Judicial Court for consideration of effects of state law on the issues presented. All of plaintiffs' claimed rights were upheld on the basis of state law. Thereafter the First Circuit also found federal constitutional "liberty" interests to support the underlying claims. "Rogers" hearings are now routinely held in all Probate and District Courts before administering anti-psychotic medication to institutionalized patients.

**d)** Periodic lecturer for Massachusetts Continuing Legal Education (MCLE), Massachusetts Bar Association, Massachusetts Association of Trial Attorneys, Harvard Risk Management, Massachusetts Psychiatric Association, Massachusetts Psychological Association; Harvard Continuing Medical Education; Boston University Law School, Boston College Law School, among others.

- e)** Invited Guest Speaker in training sessions for medical and psychiatric staff at New England Medical Center,(1998), McLean Hospital, 1985 - 1993 and Massachusetts General Hospital, 1994,1998-present, among others.
- f)** Participant in filming of the "Model Commitment Hearing" sponsored by MHLAC in the role of the patient's attorney. This film is to be used and has been used in training sessions for lawyers, law students and other professionals (1977).
- g)** Hearing Officer (Administrative Law Judge), under contract with the Department of Public Health (March 1979 - 1987).
- h)** Assisting counsel to William Homans, Esq., listed second on the principal brief of the defendant in *Commonwealth v. Robert O'Neal*, ultimately resulting in the decision finding capital punishment in violation of the Constitution of the Commonwealth of Massachusetts: (1975) 367 Mass. 440 369 Mass. 242.

#### Reported Cases:

- U.S. Liability Ins. Co. v. Selman*, 70 F.3d 684 (1st Cir. 1995)
- Liberty Mutual v. Tabor*, 407 Mass. 354 (1990)
- Commonwealth v. Watson*, 377 Mass. 814 (1979)
- Commonwealth v. Jackson*, 369 Mass 904 (1976)
- Glicklich v. Spievack*, 16 Mass. App. Ct., 485 (1983)