

FLORIDA DISTRICT COURT OF APPEAL, SECOND DISTRICT

William Blackshear, M.D., and William M. Blackshear, Jr., M.D., P.A.
v. Betty Jean Haynes

Blackshear v. Haynes · No. 2D2024-0011 · Decided December 31, 2025

SUMMARY

The Florida Second District Court of Appeal reversed a medical-negligence judgment against William Blackshear, M.D., and his medical practice and remanded for a new trial on two counts. The court held that the trial court improperly permitted a nephrologist to testify regarding the professional standard of care applicable to a vascular surgeon under Florida's same-specialty requirement. The court further concluded that the error was not harmless because the necessity of the diagnostic tests was central to the parties' competing expert opinions.

CASE DETAILS

COURT	Florida District Court of Appeal, Second District
WRITING FOR THE COURT	Smith, Judge; Smith, J.; Silberman, J.; Villanti, J.
JURISDICTION	Florida District Court of Appeal, Second District
DECIDED	December 31, 2025
DOCKET	2D2024-0011
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a final judgment entered after a jury found that Dr. Blackshear committed medical negligence and ordered unnecessary diagnostic tests. The appellants challenged evidentiary rulings and the denial of motions for directed verdict and a new trial.
STANDARD OF REVIEW	A trial court's decision to admit or exclude expert testimony is reviewed for abuse of discretion. Whether the erroneous admission of expert testimony was harmless is evaluated under Florida's harmless-error standard, with the beneficiary of the error bearing the burden to show that the error did not contribute to the verdict.
PRECEDENTIAL VALUE	published
PARTIES	William Blackshear, M.D., William M. Blackshear, Jr., M.D., P.A. v. Betty Jean Haynes

TOPICS

medical malpractice

expert testimony

standard of care

appellate procedure

harmless error

PRACTICE AREAS

medical malpractice

health law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred by allowing a nephrologist who was not in the same specialty as the defendant vascular surgeon to testify about the professional standard of care and the medical necessity of diagnostic tests and procedures.
2. Whether any error in admitting the nephrologist's testimony was harmless because a vascular surgeon also testified for Haynes on the standard of care.
3. Whether Blackshear waived his objection to the nephrologist's testimony or consented to an unpleaded theory by failing to make contemporaneous objections after receiving a standing objection.

HOLDINGS

1. A nephrologist who does not practice in the same specialty as a defendant vascular surgeon may not testify that the vascular surgeon should not have ordered diagnostic tests or procedures when the necessity of those tests depends on the professional standard of care applicable to the vascular surgeon's specialty.
2. The error was not harmless because the necessity of the tests was central to the claims and the experts presented competing opinions on medical necessity and the applicable standard of care.
3. Blackshear preserved the objection because the trial court granted a standing objection to testimony that even hinted at a standard-of-care opinion.

KEY QUOTATIONS

“There is no realm of relevancy in this medical negligence case against a vascular surgeon as to what a nephrologist would or would not have done if the roles were reversed.” (9)

“Dr. Helderman's testimony from the standpoint of a nephrologist was mere smoke and mirrors and thus improperly encroached on the standard of care in a case against a vascular surgeon, running afoul of section 766.102(5).” (10)

“Accordingly, we reverse the final judgment and remand for a new trial on counts one and four.” (12)

FACTUAL BACKGROUND

Haynes was referred to vascular surgeon William Blackshear after a bruit was detected in her carotid artery. Blackshear ordered multiple diagnostic tests and performed renal-artery angioplasty and stenting based on suspected fibromuscular dysplasia. Haynes later suffered loss of blood flow and atrophy in her right kidney and sued, alleging medical negligence and that Blackshear ordered unnecessary diagnostic tests. At trial,

nephrologist Harold Helderman testified that the testing and procedures were not clinically indicated and that he would not have ordered them as a nephrologist.

PROCEDURAL HISTORY

Haynes sued Blackshear on medical-negligence and unnecessary-testing claims. After a jury returned a verdict for Haynes on counts one and four and awarded \$175,000, the trial court denied Blackshear's motion for a new trial. The Second District reversed the final judgment and remanded for a new trial on counts one and four. The court later denied rehearing and substituted this opinion for the September 26, 2025, opinion.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the final judgment and conduct a new trial on counts one and four.

CASES CITED

- 743 Mahoney, LLC v. MDC 5, LLC, 204 So. 3d 116, 117 (Fla. 2d DCA 2016)
- Eagle's Crest, LLC v. Republic Bank, 42 So. 3d 848, 850 (Fla. 2d DCA 2010)
- Riggenschach v. Rhodes, 267 So. 3d 551, 555-56 (Fla. 5th DCA 2019)
- University of Florida Board of Trustees v. Carmody, 372 So. 3d 246 (Fla. 2023)
- Saunders v. Dickens, 151 So. 3d 434, 441 (Fla. 2014)
- Jackson v. United States, 469 F. Supp. 2d 1068, 1082 (M.D. Fla. 2006)
- Bush v. United States, 703 F.2d 491, 496 (11th Cir. 1983)
- Clare v. Lynch, 220 So. 3d 1258, 1260-62 (Fla. 2d DCA 2017)
- Myers v. Pasco County School Board, 246 So. 3d 1278, 1279 (Fla. 1st DCA 2018)
- Edwards v. Sunrise Ophthalmology ASC, LLC, 134 So. 3d 1056, 1058-59 (Fla. 4th DCA 2013)
- Liberatore v. Kaufman, 835 So. 2d 404, 407 n.3 (Fla. 4th DCA 2003)
- Derouin v. Universal American Mortgage Co., 254 So. 3d 595, 603 (Fla. 2d DCA 2018)
- Special v. West Boca Medical Center, 160 So. 3d 1251, 1256 (Fla. 2014)
- Barrio v. Wilson, 779 So. 2d 413, 414-15 (Fla. 2d DCA 2000)
- Witham v. Sheehan Pipeline Construction Co., 45 So. 3d 105, 109 (Fla. 1st DCA 2010)
- Linn v. Fossum, 946 So. 2d 1032, 1041 (Fla. 2006)

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