

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

August 14, 2007

Charles R. Fulbruge III  
Clerk

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No. 06-30608

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GERARD GISCLAIR

Plaintiff - Appellant - Cross-Appellee

v.

LARRY GRIFFIN TOWING COMPANY, INC.; DREW GRIFFIN INC.

Defendants - Appellees - Cross-Appellants

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Appeals from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:05-CV-833

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Before JONES, Chief Judge, and REAVLEY and SMITH, Circuit Judges.

PER CURIAM:\*

Both parties have appealed from a modest verdict awarding Appellant Gerard Gisclair ("Gisclair") approximately \$27,000 in maintenance and cure damages for injuries he suffered while working aboard a vessel owned by Larry Griffin Towing Company ("Towing Company"). Gisclair asserts that the district court abused its discretion by denying the seaman's motion for a new trial based on implied juror bias on the part of juror/attorney Ellinghausen.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Assuming arguendo that this claim was properly preserved at trial, we find no error in the trial court's post-judgment explanation of its reasons for rejecting this claim.

The Towing Company, for its part, asserts that the district court abused its discretion by qualifying as an expert a surgeon who was not board-certified to perform orthopedic surgery. The Towing Company also asserts the evidence is insufficient to support the damage award. We find no error in either of these points. The surgeon, whether or not board-certified, could qualify under the rules of evidence to give expert testimony by virtue of his extensive and pertinent surgical experience. Further, as the district court aptly noted, judges are not in a position to psychoanalyze the jury verdict as the Towing Company would have us do. Because there is support in the record for the verdict, it must be upheld.

AFFIRMED.