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Medical Liability and Health Care Law

NEW **LITIGATION SKILLS WORKSHOP** Advanced Strategies for Cross-Examination of the Life Care Planner *See page 2 for details*

- Extended session on shoulder dystocia and brachial plexus claims, including challenges to expert testimony
- Getting the most out of a mock trial or focus group: pre-mediation and through trial
- Effective strategies to cross-examine plaintiffs' experts and "make them blush"
- An overview of nephrology, anesthesia, and emergency room medicine
- Ethical considerations for end-of-life decision making



March 20–22, 2019

Hilton Nashville Downtown

Nashville, TN

Join your colleagues in historic Nashville for the 2019 DRI Medical Liability and Health Care Law Seminar.

The annual two-day seminar has something for everyone, with comprehensive instruction by leading attorneys, physicians, and in-house counsel on the hottest topics. Networking events include a Women in the Law luncheon, a Young Lawyers-sponsored gathering in downtown Nashville, a DRI for Life-sponsored run/walk, and a community service project with Operation Gratitude, mailing care packages to overseas military service men and women. Arrive early and participate in the first-ever, in-depth, and interactive session with both the DRI Litigation Skills and Medical Liability and Health Care Law Committees on cross-examination of a life care planner. Register now to ensure your place at this cutting-edge seminar.



Erika L. Amarante
Program Chair



J. Richard Moore
Committee Chair



Andrew DeSimone
Program Vice Chair



Albert Barclay Wong
Committee Vice Chair



Stephen O. Plunkett
Law Institute

PRESENTED BY **DRI's Medical Liability and Health Care Law Committee**

Register online now at dri.org or complete the form in the back.

What You Will Learn



- Emerging litigation trends related to ambulatory surgery centers
- Best practices for finding, preserving, and using social media at trial
- A primer on reporting medical providers to the National Practitioner's Data Bank
- Strategies for defending claims against midwives

Members Get More

- Access to **LegalPoint**™ at **dri.org**: Committee newsletters, seminar course materials, and other publications.
- Access to the **DRI Medical Liability and Health Care Law Committee Community**: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to **dri circles**, where lawyer-to-lawyer connections happen. Search **dri circles** in your app store:



Use dri™ Dividends Points to **reduce your registration fee**:

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- Participate on a committee
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Visit **dri.org**, go to **My DRI** and click on **DRI Dividends** to see your balance.

Get engaged, get recognized, and get rewarded.

PROGRAM SCHEDULE

View faculty bios on the [Medical Liability and Health Care Law Seminar webpage](#); click on “View speakers” button.

WEDNESDAY, MARCH 20

LITIGATION SKILLS WORKSHOP

Wednesday, March 20, 1:00 p.m.–5:00 p.m.

Advanced Strategies for Cross-Examination of the Life Care Planner

Experienced trial attorneys know that plaintiffs rely heavily upon their life care planners to increase their verdicts. This unique, interactive, half-day session will provide tips and techniques to confront these professional witnesses effectively. Together with the Litigation Skills Committee (formerly Trial Tactics), we are excited to offer DRI’s first Medical Liability and Health Law Litigation Skills Workshop. Participants in this program will receive practical tips for challenging a life care report and have the opportunity to practice cross-examination of an expert life care planner in small groups with faculty of highly skilled trial

attorneys. One-on-one and focused group exercises will enhance skills and prepare participants to tackle these critical witnesses.

For more information, please contact Jim Craven at jcraven@wiggin.com. *Space is limited to 30 attendees and spots will go fast!* See registration form for pricing.

Joseph A. (Joe) Farchione, *Wheeler Trigg O’Donnell LLP*, Denver, CO

Ralph F. Valitutti, Jr., *Kitch Drutchas Wagner Valitutti & Sherbrook*, Mount Clemens, MI

Dawn Cook, RN, *Cook Life Care Plan*, Las Vegas, NV

Additional clinical faculty to be determined.

Community Service Project: Operation Gratitude

5:30 p.m. | Each year, **Operation Gratitude** sends more than 300,000 individually addressed care packages to military service men and women deployed overseas; to their children left behind; and to first responders, new recruits, veterans, wounded heroes, and their care givers. Each package contains snacks, hygiene products, entertainment, and handmade items, as well as personal letters of support.

Join us as we help organize care packages for shipment to our military service men and women. Monetary donations appreciated. For more information, please contact Stephanie M. Wurdock at swurdock@sturgillturner.com. Please see registration form to sign up. #DRICares

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

SPONSORED BY **Wilson Elser Moskowitz Edelman & Dicker LLP**

8:30 p.m. **Young Lawyers Networking Event** | Meet with friends on the roof of Nashville’s legendary Nudie’s Honky Tonk (409 Broadway) for music and networking. All are welcome. Contact David Whisenand at dwhisenand@crowleyfleck.com for more information.

THURSDAY, MARCH 21

DRI for Life

Get up early for a run/walk with colleagues and friends. Route and time to be determined. For more information, please contact Richard Moore at richard@bleekedilloncrandall.com.

7:00 a.m. **Registration**

7:00 a.m. **First-Time Attendee Breakfast**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Brennan Wasden & Painter LLC**

8:00 a.m. **Welcome and Introductions**

Erika L. Amarante, *Wiggin and Dana LLP*, New Haven, CT

Stephen O. Plunkett, *Bassford Remele PA*, Minneapolis, MN

8:10 a.m. **A Look Inside Ambulatory Surgery Center Litigation**

Outpatient care in ambulatory surgery centers (ASCs) is on the rise. Mr. Kearns and Ms. Maiello will explore the issues faced by ASCs, their insurers, and defense counsel during liti-

gation, providing their unique perspectives on handling ASC-related claims.

Patrick J. Kearns, *Wilson Elser Moskowitz Edelman & Dicker LLP*, San Diego, CA

➤ **Christine M. Maiello**, *Allied World Assurance Co*, Farmington, CT

9:10 a.m. **Shoulder Dystocia and Brachial Plexus Claims: The Science**

This presentation will illustrate how shoulder dystocias occur and the maneuvers used to resolve them. Maternal forces of labor, traction, and the biomechanics of brachial plexus injuries will be explored.

◆ **Michele J. Grimm, PhD**, *Wayne State University*, East Lansing, MI

✦ **Michael G. (Mike) Ross, MD, MPH**, *David Geffen School of Medicine at UCLA*, Los Angeles, CA

Meghan H. Yanacek, *Goodell DeVries Leech & Dann LLP*, Baltimore, MD

10:00 a.m. **Refreshment Break**

SPONSORED BY **Bassford Remele Ellis & Winters LLP**

10:25 a.m. **Shoulder Dystocia and Brachial Plexus Claims: Motions to Preclude and Daubert Challenges**

Birth injury claims boil down to a battle of the experts. Hear the latest legal developments and strategies for precluding the plaintiff's experts via *Daubert* while protecting your own experts.

◆ **Michele J. Grimm, PhD**, *Wayne State University*, Park Ridge, IL

✦ **Michael G. (Mike) Ross, MD, MPH**, *David Geffen School of Medicine at UCLA*, Los Angeles, CA

Meghan H. Yanacek, *Goodell DeVries Leech & Dann LLP*, Baltimore, MD

11:15 a.m. **The ABCs of NPDB Reporting**

Reporting a provider to the National Practitioner's Data Bank (NPDB) is never easy. This presentation will provide the nuts and bolts of the latest NPDB guidebook, issued in 2015.

➤ **Megan Gaffney Ouellette**, *Hartford HealthCare*, Hartford CT

Matthew T. (Matt) Wiley, MPH, PMP, *Division of Practitioner Databank*, Rockville, MD

12:00 p.m. **Lunch (on your own)**

12:00 p.m. **Women in the Law Luncheon (extra charge)**

Please join us for the always-popular networking lunch open to women registrants at the "Pharmacy Room" in the historic Merchants Restaurant, just steps away from the conference hotel. Attendees will have the opportunity to meet and network with other women practicing in the field of medical liability and health care without missing any of the presentations! Estimated cost per person is \$50. Space will be limited, so register early! For more information, contact Katherine Otto at kotto@messner.com.

1:30 p.m. **Nephrology 101: Kidney Concepts for Lawyers**

Dr. Thakur will discuss the anatomy and function of the kidneys, how to assess for chronic or acute injury, and common issues that arise in claims and litigation.

✦ **S. Smiley Thakur, MD, FRCPC**, *Transplant and Nephrology Northwest PLLC*, Seattle, WA

2:30 p.m. **Dress Rehearsal: Successful Strategies and Tips for Conducting Mock Trials**

Mock jury exercises provide vital insight into how jurors may perceive your case. Explore the advantages and challenges of various mock jury exercises to test major case themes and concepts so that you can hit all the right notes at trial.

Steven R. (Steve) Schwegman, *Quinlivan & Hughes PA*, Saint Cloud, MN

➤ **Tracy L. Zuckett**, *MedPro Group*, Fort Wayne, IN

3:30 p.m. **Refreshment Break**

SPONSORED BY **Wiggin and Dana LLP**

4:00 p.m. **Social Media Investigation and Admissibility**

The presenters will discuss the latest techniques to locate, preserve, and analyze evidence from popular social media platforms, as well as provide practical tips to optimize its use and admissibility at trial.

Joseph (Joe) Buchholz, *Aspen Litigation Support*, Denver, CO

Katherine Otto, *Messner Reeves LLP*, New York, NY

- 5:00 p.m. **Adjourn**
- 5:05 p.m. **Medical Liability and Health Care Law Committee Meeting** (*open to all*)
- 6:00 p.m. **Networking Reception**
SPONSORED BY **Goodell DeVries Leach & Dann LLP**
- 7:00 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). Electronic sign-up details to come.

FRIDAY, MARCH 22

- 7:00 a.m. **Registration**
- 7:00 a.m. **Continental Breakfast**
SPONSORED BY **Wright Lindsey & Jennings**
- 7:00 a.m. **Young Lawyers Breakfast** | Decoding HIPAA: What Every Health Care Lawyer Should Know
Health care entities must comply with HIPAA. What does that mean for their attorneys? This presentation will explain HIPAA basics, including the interplay of HIPAA and litigation, outside counsel’s independent obligations, and the financial costs of noncompliance.
Jamie W. Dittert, *Sturgill Turner Barker & Moloney PLLC*, Lexington, KY
- 8:00 a.m. **Announcements**
Andrew DeSimone, *Sturgill Turner Barker & Moloney PLLC*, Lexington, KY
- 8:05 a.m. **Avoiding Anesthesia-Related Adverse Events**
In this presentation, Dr. Robertson will provide an overview of strategies to reduce anesthesia-related adverse events, including difficult airway management, supervision of CRNAs and trainees, and providing safe anesthesia care in non-OR settings.
Amy Robertson, MD, *Vanderbilt University*, Nashville, TN
- 9:05 a.m. **Making the Plaintiff’s Expert Blush: Effective Cross-Examination Strategies**
While plaintiffs’ attorneys are often blamed for outrageous verdicts, the truth is that med-

- ical experts are the key. This presentation will explore ways to neutralize plaintiffs’ experts to leave them blushing.
Joseph A. (Joe) Farchione, *Wheeler Trigg O’Donnell LLP*, Denver, CO
- 10:00 a.m. **Defending a Claim Against a Midwife**
This presentation will examine the scope of practice and philosophy that midwives offer their patients and common cases and claims against midwives, while offering considerations for a successful defense.
Cara Osbourne, SD, MSN, CNM, *Baby + Co.*, Bentonville, AR
- 10:55 a.m. **Refreshment Break**
SPONSORED BY **Sturgill Turner Barker & Moloney PLLC**
- 11:30 a.m. **Challenges in Effective Emergency Room Evaluation**
Dr. Carlton will discuss the diagnostic difficulties that often lead to litigation, including sepsis, spinal epidural abscesses, and other hot topics in emergency medicine.
Frederick B. (Rick) Carlton, Jr., MD, *University of Mississippi Medical Center*, Grenada, MS
- 12:30 p.m. **Ethical Issues and End-of-Life Decisions**
This presentation will provide an overview of medical ethics and discuss several common scenarios with which providers and hospitals often struggle. End-of-life decisionmaking, do-not-resuscitate orders, and declining to provide care in both pediatric and adult populations will be examined.
Mark R. Mercurio, MD, MA, *Yale University School of Medicine*, New Haven, CT
Jonathan D. (Jon) Rubin, *Kaufman Borgeest & Ryan LLP*, New York, NY
- 1:30 p.m. **Adjourn**

 Denotes the **DRI CLIENT CONNECTION**: In-house and claims professional speakers

-  Denotes medical professional
-  Denotes expert

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar.

Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.

Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **16.25** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please **check the DRI website at dri.org** for the latest information for your state.

Registration Policy

Save \$100 when you register by February 19, 2019. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the

course materials in advance, DRI must receive your registration by **February 26, 2019** (*please allow 10 days for processing*). Registrations received after **February 26, 2019**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **February 26, 2019**. Cancellations received after **February 26** and on or before **March 5, 2019**, will receive a refund, less a \$100 processing fee. Cancellations made after **March 5** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **February 19, 2019**. After **February 19**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Medical Liability and Health Care Law Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at **Hilton Nashville Downtown, 121 4th Avenue South, Nashville, TN 37201** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$299 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Medical Liability and Health Care Law Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 615.620.1000** and mention the **DRI Medical Liability and Health Care Law Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **February 19, 2019**, to be eligible for the group rate. Requests for reservations made after **February 19** are subject to room and rate availability.

FACULTY

Erika L. Amarante, Wiggin and Dana LLP, New Haven, CT

Joseph (Joe) Buchholz, Aspen Litigation Support, Denver, CO

✦ **Frederick B. (Rick) Carlton, Jr., MD**, University of Mississippi Medical Center, Grenada, MS

✦ **Dawn Cook, RN**, Cook Life Care Plan, Las Vegas, NV

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➤ **Christine M. Maiello**, Allied World Assurance Co, Farmington, CT

✦ **Mark R. Mercurio, MD, MA**, Yale University School of Medicine, New Haven, CT

J. Richard Moore, Bleeker Dillon Crandall, Indianapolis, IN

✦ **Cara Osbourne, SD, MSN, CNM**, Baby + Co., Bentonville, AR

Katherine Otto, Messner Reeves LLP, New York, NY

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✦ Denotes medical professional

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➤ **Megan Gaffney Ouellette**, Hartford HealthCare, Hartford, CT

Stephen O. Plunkett, Bassford Remele PA, Minneapolis, MN

✦ **Amy Robertson, MD**, Vanderbilt University, Nashville, TN

✦ **Michael G. (Mike) Ross, MD, MPH**, David Geffen School of Medicine at UCLA, Los Angeles, CA

Jonathan D. (Jon) Rubin, Kaufman Borgeest & Ryan LLP, New York, NY

Steven R. (Steve) Schwegman, Quinlivan & Hughes PA, Saint Cloud, MN

✦ **S. Smiley Thakur, MD, FRCPC**, Transplant and Nephrology Northwest PLLC, Seattle, WA

Ralph F. Valitutti, Jr., Kitch Drutchas Wagner Valitutti & Sherbrook, Mount Clemens, MI

Matthew T. (Matt) Wiley, MPH, PMP, Division of Practitioner Databank, Rockville, MD

Albert Barclay Wong, Drewry Simmons Vornehm LLP, Carmel, IN

Meghan H. Yanacek, Goodell DeVries Leech & Dann LLP, Baltimore, MD

➤ **Tracy L. Zuckett**, MedPro Group, Fort Wayne, IN

View faculty bios on the **Medical Liability and Health Care Law Seminar webpage**; click on “View speakers” button.



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives,

backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.

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November 29–30, 2018
Professional Liability
Sheraton New York, New York, NY

January 23–25, 2019
Women in the Law
Hotel del Coronado, Coronado, CA

January 31–February 1, 2019
Civil Rights and Governmental Tort Liability
San Antonio Marriott Rivercenter, San Antonio, TX

March 14–15, 2019
Toxic Torts and Environmental Law
Sheraton New Orleans, New Orleans, LA

March 20–22, 2019
Trial Skills and Damages
Park MGM Las Vegas, Las Vegas, NV

April 3–5, 2019
Insurance Coverage and Claims Institute
Loews Chicago Hotel, Chicago, IL

April 3–5, 2019
Life, Health, Disability and ERISA
Swissôtel, Chicago, IL

April 10–12, 2019
Construction Law
Caesars Palace, Las Vegas, NV

May 8–10, 2019
Employment and Labor Law
Pointe Hilton Tapatio Cliffs Resort, Phoenix, AZ

May 8–10, 2019
Retail and Hospitality Litigation and Claims Management
Loews Sapphire Falls/Royal Pacific Resorts at Universal, Orlando, FL

May 14–15
Cannabis Law
Renaissance Washington DC Downtown, Washington, DC

July 19, 2019
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Are you a first-time attendee at this DRI seminar? Yes No

How many attorneys _____ What is your primary
are in your firm? _____ area of practice? _____

REGISTRATION FEE

Registration fee includes seminar attendance, networking receptions, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. Only members of DRI will have access to the PowerPoint presentations after the seminar.

	On or before Feb. 19, 2019	After Feb. 19, 2019
<input type="checkbox"/> Member	\$875	\$975
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<input type="checkbox"/> Claims Executive Member*	FREE	
<input type="checkbox"/> Group Discount*	\$775	\$875
<input type="checkbox"/> Community Service Project**	FREE	

*For inclusion on the preregistration list and to receive course materials in advance, **register by February 26, 2019.***

Litigation Skills Workshop

- Workshop Discounted Fee** \$300
- Workshop ONLY \$475

*** Must be registered for the Medical Liability and Health Care Law Seminar*

* As defined on page 5

** See description on page 2

PAYMENT METHOD

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Medical Liability and Health Care Law Seminar

March 20-22, 2019
Hilton Nashville Downtown
Nashville, TN

*DRI is the place to secure lawyer-
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