



# THE GAVEL COURSE CATALOG



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THE GAVEL COURSE CATALOG

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# COURSE SELECTION



## HOW TO SELECT A COURSE

There are 3 ways to select a course:

1. Contact the Law Firm Member who provided this catalog to you

2. Identify the Member that offers the course and contact the dedicated member:

- **Website Directory:** visit our electronic directory of Law Firm and Specialist Members at [www.TheGavel.net](http://www.TheGavel.net), and identify the **dedicated-contact member** indicated by an asterisk
- **The Gavel Members Directory:** browse the new directory included in this email with a detailed listing for each **dedicated contact**

3. Contact The Gavel to review your selection:

- **By telephone:** 561.419.7500 (direct) – ask for the Education Department
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# ALABAMA

## **Advocacy for the Injured Employee: How doing the Right Thing pays Big Dividends for all Involved**

This presentation will examine why claims which initially appear normal degenerate into protracted and expensive litigation. The panelists will provide their experience from the different perspectives of the Employer/Risk Manager, the Carrier/TPA and litigation counsel, along with their recommendations for best practices to avoid common traps for claims professionals and attorneys. Attendees will hear how advocacy for the injured employee can result in better outcomes, in less time, with reduced overall cost. While it may sound too good to be true, industry data on the subject is changing how many employers and their carriers and TPAs approach claims handling. The term "advocacy" is being used more frequently to describe superior customer service and claims techniques to ensure the best possible outcomes. The benefits of advocacy - ensuring that the claimant understands his or her role in the system and what to expect - will be explored during this session. We will also discuss how these strategies can prevent litigation, ensure the appropriate treatment is provided and achieve the best possible outcome.

## **Appropriate Use of Narcotics in Workers' Compensation**

Use of narcotics/opioids can be safe and effective as part of a comprehensive treatment approach with clear functional goals. Because of the serious potential risks to injured employees and the impact on claim costs, the use of narcotic/opioids must be actively managed and monitored. A number of medical treatment guidelines have been developed to assure appropriate use of narcotics/opioids that all agree on a similar approach. The July 2011 Workers' Compensation Research Institute (WCRI) study, Interstate Variations in Use of Narcotics found that despite medical guidelines recommendations, few longer-term narcotics users get the recommended services for monitoring.

## **Claims Management in an Unbundled Market**

Do you really know what's under the hood of that sporty looking Alternative Risk Plan? (Or) It's midnight; do you know where your Alternative Risk Program is? (Or) Do you want fries with that Alternative Risk Program?: Alternative Risk Programs allow Risk managers the freedom to orchestrate internal and external resources in a way most advantageous to their organization. This roundtable panel will promote a discussion on considerations for the successful selection and management of an unbundled ARP. ARP's include: Captive Insurance programs; Self-Insured Retention policies; Large Deductible policies; and Guaranteed Cost programs. These alternative programs provide obvious benefits, including: Reduced cost of insurance; Stabilized pricing; Coverage where otherwise not available; Access to reinsurance markets; Reduction of government interference and regulations; Improved claim handling and control; Selection and management of loss control; and Selection of claim management program.

## **Coverage Issues**

Classification Limitations, Construction defect coverage issues, Checklist for RORs and Denials and Bad Faith Topics.



## **Duties Owed by Primary Carrier to the Excess Carriers**

This course will cover the general rule throughout the country regarding the duties of primary carriers to excess carriers and the implications such as hammer letters. It will also cover conflicts of laws which are imperative in terms of insurance coverage and analysis but also implicate Alabama's minority position regarding duties owed by primary to excess carriers.

## **Head Injuries, Concussions and Traumatic Brain Injuries - The Latest on the Medical Science, Diagnostic Protocols and Treatment**

This presentation will address best practices for addressing claims involving head injuries. These include traumatic brain injuries and concussions. The panelists bring a wealth of experience and perspective on this controversial and challenging area. Prompt, thorough evaluation is critical. Initial investigation presents a crucial opportunity to shape the claim and achieve necessary understanding and insight regarding the validity and viability of the claim. The panelists will discuss best practices for identifying and obtaining relevant information. Hear tips on conducting an effective investigation which recognizes the sensitive nature of brain injury claims while fulfilling the need for a thorough review of the accident facts and medical history. Those involved in the claims process have an obligation to identify claims based upon symptoms which may be unrelated, exaggerated or even fabricated while recognizing the potential severity of the injuries and the claims presented. Knowing which rocks to look under and how best to do so can make a substantial difference in the outcome of these claims.

## **Insurance Fraud: Stopping the Liars, Cheaters and Thieves**

Millions of dollars are lost each year to fraud in the workers' comp system, but did you know that when all types of fraud are considered, the total cost impacts are staggering. At a time when businesses are doing more with less, few can afford the strains posed by fraudulent actions. In the WC arena, provider and employer fraud is more costly. These types of WC fraud can be as expensive or more so and harder to detect. But organizations are fighting back with new tools such as social media and predictive modeling. This session will explore the broader issue of fraud in American business and address the different types of fraud, the red flags to identify them, and strategies to stop fraud in its tracks.

## **Leveraging Artificial Intelligence to Attack Plaintiff's Damages**

Artificial intelligence and technology are hot topics, primarily for interpreting large sets of data and determining statistical patterns and metrics. Historically these processes were expensive and required a great deal of technical expertise. However, technological advances have now brought the costs down appreciably. Affordable algorithms now exist for assessing Plaintiffs damages claims, particularly valuation of future medicals. Objective evaluation of life care plans and creation of alternative life care plans are now easily prepared as a tool to attack Plaintiffs future medical figures. Special algorithms can be created to assess Plaintiffs medical records, identifying such things as differential diagnoses, drug interactions, and failure to follow established diagnostic protocols. These algorithms can also be used to assist counsel in preparing cross examination of physicians and other experts and identifying conflicting or contradictory information from the medical records to assist in preparing impeachment and cross examination of the Plaintiff. The algorithms can also be used to identify conflicting and contradictory statements from the patient regarding medical history which can then be used for evidentiary motions to exclude. Leveraging these technologies provides valuable tools for use at mediation to secure settlement on reasonable terms effective trial preparation. These advances provide defense counsel with the means to coordinate both the team of medical and damages experts with the team of jury selection and trial preparation experts in order to most effectively harness the information and effectively use it to discredit Plaintiffs claims in an objective fashion.

## **Liability for Criminal Acts of Third Parties**

Historically, the courts have refrained from implicating business owners and property owners for criminal acts of third parties that they could not control. However, as the song goes, "the times they are a changing". Now more and more courts are creating new duties for property owners and business proprietors that did not exist a decade ago. This course will cover those states and the general rule as well as the exceptions to the general rule.

## **Medicare Secondary Payer Issues in Your Mediation: Don't Let MSP Issues Prevent You from Settling**

The claimant is a current Medicare beneficiary. His liability/no-fault/work comp claim is set for mediation. As the mediator, do you know what Medicare Secondary Payer issues should be discussed at mediation? As either claimant or defense counsel, do you know what information you will need so that MSP issues do not prevent the parties from reaching a settlement? The panel will discuss real life examples of mediation situations involving Medicare compliance issues. They will provide a breakdown of the MSP components every mediator and counsel participating in such mediations must take into consideration as they walk into and away from that mediation conference. From mandatory reporting, to reimbursement of conditional payments, to set aside allocations, the panel will present MSP points every mediator and advocate should be ready to discuss at their next liability/no-fault/work comp mediation conference.

## **New Thinking in Risk Management: The Power of Integration and Collaboration**

This session will call upon the participants to critically examine conventional management models for risk management and human resources and their respective programs for addressing employee benefits. Historically, benefits programs have been managed through human resources and risk management issues have been handled by risk management in separate and discreet worlds. Rarely do the two communicate and there is little coordination among the siloed functions of these inter-connected areas. Program efficiencies and cost savings can be achieved when the two functions are combined and integrated. Employee conditions, illness and injuries require treatment, regardless of whether the condition or injury occurred at home or at work. Technology, services, and healthcare advancements available today are facilitating conversations and cooperation between human resources and risk management more than ever before. The improved employee experience and cost savings achieved by those who implement an integrated program are significant. This session is designed to promote a conversation regarding best practices for developing an integrated approach to meet the needs of these two related areas in the efficient and effective delivery of benefits and for designing programs for use in an existing siloed management structure. The panelists will share examples of how integrated programs produce improved outcomes for the employee with medical recovery and return to work, along with increased efficiency and cost savings for the employer.

## **Opiates - Separating Fact from Fiction: Legislation, Law Enforcement, and Science**

This session will address Opioids from the standpoint of medical science, consumer fraud associated with the marketing of opiates, legislation and law enforcement, with a focus on the controversial issue of Polypharmacy from the perspectives of the medical community and the claims/legal community.

## **Polypharmacy and Opiates: What Does Science Say?**

This session will address the controversial issue of Polypharmacy from the perspectives of the medical community and the claims/legal community.

## **Psycho-Social Issues and Other Co-Morbidities: Their Impact on Disability and Return to Work**

Research shows that mental health issues and other co-morbidities result in increased workers' compensation exposure; increased incidents of injury; prolonged periods of disability; increased medical costs; and poorer outcomes. This panel will examine the hidden cost of poor hiring, the effects of Psycho-Social Issues on productivity, accident frequency, accident severity, return to work and disability. The discussion will include steps to evaluate and effectively treat the whole person, together with best practices for screening potential employees and address HR Issues and employment law issues. Providing comprehensive medical treatment for the injured employee which recognizes and addresses psychological or mental health issues and other co-morbidities often provides the only realistic opportunity to obtain a favorable outcome and return the injured employee to work.

## **Punitive Damages under Alabama Law**

Alabama's Punitive Damage Statute as well as the standard of care have been a trap for many defendants over the years. This course will cover the various causes of action which allow punitive damages, the standard of care that will allow punitive damages to be imposed against defendants and the statutory caps which are in place which may assist defendants in certain situations. More importantly, this course will also cover the punitive damages as it relates to Alabama's unique wrongful death statute.

## **Putting the Cow Back in the Barn: Solutions for Addressing and Curbing Harmful and Excessive Medical Treatment**

Medical care in workers' compensation often includes treatment not considered in a health insurance/non-litigation setting. The discussion will address the differences and identify treatments unique to Work Comp- for example compounded drugs focused on topical creams for pain management. The panel will identify the mix of motivators including the higher/no fee schedules in WC and efforts to return the injured worker to the doctor's office rather than to work. The discussion will shift to the practical use of treatment guidelines and other tools to see that necessary treatment is provided, while avoiding excessive or clinically inappropriate services. The roundtable will examine the use of outcome predictors to prevent medical practitioners from performing unnecessary and counterproductive treatments and surgeries. The discussion will focus on the various options for effectively using these predictors in litigated claims, thereby sparing the injured worker from the potential harm caused by such treatments and avoiding the unnecessary and often substantial expense. Since the panel includes an Insurance VP of Managed Care, an employer claims manager, a treatment guidelines expert and a defense lawyer, the content will be both thorough and actionable. The fourth panelist will be Patricia Brookey; VP of Managed Care for PMA Insurance - she will join CLM as a fellow.

## **Rapid Response for Transportation/Trucking Claims**

Checklist for counsel and preservation issues.

## **Statute of Limitations in Child Sexual Abuse Cases and Statute of Limitations Compendium**

Has this state eliminated the statute of limitations for all felony sex crimes? Crimes are usually classified as either a misdemeanor or a felony. Felonies are regarded as more serious than misdemeanors, and often involve violence. If convicted of a felony crime, an offender will typically face imprisonment of more than a year in addition to financial penalties. Murder, rape, and burglary are examples of felonies, whereas crimes like shoplifting, drunk driving, and assault may be misdemeanors. Almost all sex crimes are felonies, and the focus of RAINN's statutes of limitations tool.

## **That Can't Be Right! - Addressing Controversial Diagnoses and Controversial Treatments: Fibromyalgia; Post-Concussion Syndrome; CRPS; Neuropathic Pain**

Ever looked at a medical record and thought "no way that is work-related"? Ever feel like workers' compensation has become the dumping ground for the medical problems which cannot be explained? Ever received a request for surgery or pain management and thought "that will never work"? You may be right, particularly for controversial diagnoses such as Fibromyalgia, Neuropathic Pain, CRPS/RSD, and Post-Concussion Syndrome. The clinical standards for medical causation are receiving closer scrutiny and the spread of objective medical guidelines is providing a broader range of tools for claims professionals and lawyers. While it may appear causation, standards are in a state of transition, the protocols for addressing causation objectively and clinically remain constant. What may be undergoing change is how the workers' compensation tribunals approach the issue of causation in an age of expanding research and objective data. Learn how to harness the latest clinical research and use objective diagnostic protocols to gain the leverage needed to eliminate or mitigate controversial medical "diagnoses". Learn how to identify and respond to requests for controversial treatments which remain standard practice even though the latest clinical research shows they do not improve outcomes and will likely do more harm than good. Hear about outcomes-based approaches involving ancillary providers. Participate in a discussion about how to advocate treatments which are not only more cost effective for the employer/carrier but are more likely to result in better outcomes and improved function for the injured worker.

## **The Seven Deadly Syndromes: Complex Regional Pain; RSD; Fibromyalgia; Chronic Pain; Post-concussion; Carpal tunnel; Failed Back Syndrome**

Continuing controversy -- sometimes in heated rhetoric -- continues to surround the above "syndromes." Why? As to the first five, if they are invalid -- either per se or as applied -- why in 2019 are they so seemingly difficult to discredit/disprove, given current state-of-the-art knowledge bases? Nevertheless: whether invalid per se or as applied: in each instance iatrogenesis (discussed in our Day-1 presentation) is the seeming inevitable outcome -- a medical path to nowhere good in the claims environment. Finally, the deceptively simple term "causation" continues to vex all at the junction of claims, law and medicine! Many states unwittingly compound the problem trying to solve it, creating the kinds of judicial "briar patches" injured workers' attorneys thrive in (usually by demanding strict adherence to evidence-based medicine via legal tests, often on percentage bases, that are not amenable to the same). How do we fairly but forthrightly address pre-existing conditions without turning employers into 24/7 insurers of health -- on often arbitrary or inconsistently applied grounds?

## **Two Healthcare Strategies: Using Treatment Guidelines to Control Excessive and Potentially Harmful Medical Services; and Using Predictive Outcomes to Prevent Unjustified Treatment for Chronic Pain with Spinal Cord Stimulators, Pain Pumps, Etc.**

A roundtable discussion will examine two closely related issues: Employers and carriers often pay for treatment in the workers compensation setting that would not be considered in a health insurance setting. Medical experts will start the ball rolling by discussing the Official Disability Guidelines Treatment in Workers Compensation (ODG) and the American College of Occupational and Environmental Medicine (ACOEM) guidelines. The focus will then shift to practical ways of using these guidelines for employers, carriers, and attorneys to see that necessary treatment is provided, while avoiding excessive or unnecessary services. The second portion of the roundtable will examine the use of outcome predictors to prevent medical practitioners from performing unnecessary and often counterproductive treatments and surgeries. The discussion will focus on the various options for effectively using these predictors in litigated claims, thereby sparing the injured worker from the potential harm caused by such treatments and avoiding the unnecessary (and substantial) expense.

## **Using AI to Forecast Medical Exposure for Life Care Plans Used in Litigation**

For those high exposure litigated claims, a medical cost projection or Life Care Plan is used to evaluate future medical exposure, but are conventional methods accurate? We discuss, using research outcomes, the validity and integrity of existing methods and offer a use case for machine learning algorithms that improve the accuracy of medical valuations and real case studies demonstrating comparative outcomes.

## **What Constitutes Bodily Injury for Coverage Analysis Under Alabama Law**

This course covers the general rule across the country regarding bodily injury coverage under CGL policies. However, Alabama is an exception and as a result, many claims professionals fall into a trap of believing that certain claims may not trigger the bodily injury provisions in the insuring agreement. This session covers those standards and pleadings which will trigger the insuring agreement for bodily injury and the implications from a coverage analysis.

## **Workplace Violence — a Clear and Present Danger!**

Even though mass casualty accidents may take and impact more lives – and may also have been preventable -- they are not as senseless and are not preempted by the same methodologies. The Bureau of Labor Statistics reports that in 2015, 15% of all work-related fatal occupational injuries resulted from violence. To impact this fateful chart, we must intensify focus on new and better prevention, as well as our approach to aftermaths. This sober panel presentation looks at the problems principally from the claims perspective but also from the legal. Tangible proposed solutions and methodologies are offered toward avoidance and mitigation in the first part, while legal analysis of the extent of liability for the consequences is presented in the second.

## **Workers' Compensation Alternatives - Opting Out, Non-Subscriber and Other Options**

Claims management and financing options around workers compensation insurance are evolving. While, for over 100 years now, handling employee injury claims in Texas has been possible (and even common) outside the state's workers compensation statute (if an employer is a qualified nonsubscriber), a variation of this "option" has emerged in Oklahoma (effective February 2014) and is currently being pursued in Tennessee. Workers compensation is dictated by separate statutes in every state. Only Texas and Oklahoma offer the freedom to "opt out" of the statute, though municipal employees in Tennessee also currently have this option. In each case, the way the option system functions is distinct. In Texas, opting out is known as "nonsubscription" and has been in existence for more than 100 years. Most participant employers have achieved better outcomes and dramatic cost savings for many claims. Over time, nonsubscribers also often experience significant reductions in frequency and length of disability. These and other outcomes are what employers work hard to achieve within a traditional workers compensation system, but their efforts are often impeded by statutory requirements that can bring bureaucracy and controversy to what should otherwise be easily resolvable claims.



# CALIFORNIA

## **Fair Claims Settlement Practices Act CE / Update**

The California Department of Insurance requires adjusters handling claims in California to complete, prior to September 1, a specific course of continuing education on the California Fair Claims Settlement Practices Act. This course fulfills that requirement and provides updated information on California Department of Insurance claim handling regulations and related cases.

## **Summary Judgment Pros & Cons**

Summary judgment or, in the alternative, summary adjudication, is often a useful way to shorten litigation and obtain the right result without incurring the cost of trial preparation and trial. The rules for summary judgment, and the judicial temperament toward dispositive motions, in general, like most facets of California law and procedure, have unique nuances that a claims organization can benefit from knowing before considering whether and, if so, when to pursue dispositive motions. This course will provide a fundamental road map for the claims handler and counsel to use in determining whether to pursue dispositive motions in California.

## **Anti-Indemnity Statute - application to "construction-related" agreements**

California's indemnity statutes are required knowledge when pursuing or defending indemnity claims in California, especially in the construction context. Working hand-in-hand with the Right to Repair Law (also known as SB800), the Anti-Indemnity Statute is a powerful weapon in the arsenal of the defense attorney and a mandatory consideration for the attorney representing a putative indemnitee. This course will provide a basic understanding of the Anti-Indemnity Statute and its application to both residential and construction claims.

## **Right to Repair Act for Construction Claims - After the Initial Court Challenges**

This course discusses the status and applicability of California's seminal Right to Repair Act following some significant legal challenges by the plaintiffs' bar. Claims professionals and counsel alike will take away useful updates and tips on applying the statute to your construction dispute.

## **Employer Exemption from Indemnity Claims relating to injured Employees covered by Worker's Compensation**

California's worker's compensation scheme includes strong protections for the employer from employee actions against the employer in connection with work-related injuries. This course will cover the protections afforded and walk through some applications in specific situations – as well as identify the situations in which they do not apply.

# FLORIDA

## **Adjuster Ethics Webinar**

This 2 hour webinar will accommodate adjusters handling claims in many different states. Various state approaches are address by applying the model laws and regulations from the National Association of Insurance Commissioners (NAIC). The webinar will contribute to an adjuster's understanding of the complexities of ethical decision making within the context of insurance transactions and his/her ethical responsibilities. It will review various claims scenario examples of "good" licensee conduct as well as "bad" licensee conduct. The 2 hour session is designed for all licensed claims and risk Professionals as well as Attorneys. The session discusses the ethical responsibilities of the insurance adjusters in the evaluation, handling and negotiation of insurance claims. It also covers the Florida Insurance Adjuster's Code of Ethics and "good faith" and the Civil Remedies statute and unfair claims settlement practices

## **Automobile Liability: Evaluating and Defending BI Soft Tissue Claims**

This 1 hour seminar discusses medical providers, medical tests and diagnostics as a defense tool. The defense and value of typical bodily injury automotive liability claims, with an emphasis on risk and exposure in defending such claims, neck and low back injuries, threshold requirements, set-offs and economic and non-economic damages are covered.

## **Claims Administration Act: Coverage Defenses, Reservations of Rights and Waiver**

This 2 hour seminar is intended to assist the claims professional in handling claims that have potential coverage defenses that arise by the insured's conduct or exclusions in the policy. It will discuss both duties to raise coverage defenses timely, reservation of rights letters and coverage by Estoppel. This course is highly recommended for any claims professional that issues reservation of rights letters in the course and scope of their employment.

## **Coblentz Agreements: When an Insurer Denies Coverage or Refuses to Defend**

This 1 hour seminar is designed to educate the insurance professional about the potential for extra contractual liability or exposure arising from a failure to defend the insured or the decision to deny coverage. The course will discuss an overview of the current state of the law and provide tips on handling claims that may involve a denial of coverage or a refusal to defend.

## **Construction Defects: Defending Against Claims**

This 1 hour seminar will address Florida's Revised Construction Defect Statute, its application and discuss evaluating and defending against the growing list of construction defects claims.

## **Determining Impairment Ratings**

This 1 hour course provides the legal perspective on impairment ratings and discusses Florida Statute 440. The manner in which doctors are supposed to calculate and assign impairment ratings and the guides used are addressed. Common errors will be reviewed as will the formulas to be used to combine ratings for different parts of the body.

## **Discovery and Trial Testimony of “Hybrid” Experts: Treating Doctors who give Expert Opinions**

This 2 hour seminar will discuss the six elements of spoliation, discovery sanctions, spoliation as a defense, timing of a cause of action, and other states' approach to spoliation. The seminar will review the current Florida case law and provide tips to avoid spoliation. The seminar is designed to increase adjuster and attorney competence in preventing spoliation and convey awareness of the ongoing need to preserve evidence.

## **Florida PIP Concepts**

The 2 hour seminar will cover Florida PIP statute 627.736(1) and make insurance adjusters aware of common unusual or complicated issues that arise and/or can arise in the adjusting of a claim for Florida No-Fault Benefits.

## **Immediate Aftermath: Media Madness in Trucking Claims**

This 75 minute seminar explores media relations and managing crisis publicity in the high profile trucking accident. How does the motor carrier and counsel best respond to press inquiries? How do you prep your driver to handle a catastrophic event at the scene before counsel arrives? How can bad publicity be turned into good publicity? Do you pay more for a claim enveloped in publicity? How do you defend a case that has already been mired in publicity? The course will present various trucking accident communications scenarios along with different outcomes derived from communication preparedness and engage attendees in a discussion of effective protocols that mitigate damages and salvage industry reputations.

## **Insurance Coverage Issues**

This 1 hour seminar will discuss insurance coverage issues, duty to indemnify, dismissing/staying coverage issues and the advantages and disadvantages in federal and state court. Policy defense versus coverage defense and how to respond to policy or excess demand will be discussed. The seminar will also cover vertical and horizontal immunity and the rule of contributory negligence.

## **Litigation Success: From the Accident, Investigation, Discovery to Trial**

This 2 hour seminar will provide the company with a legal perspective on how to enjoy litigation success from the time the accident occurs, through the pre-suit claim investigation process onto discovery and trial. Learn how to help your counsel help you win your cases or keep damages down.

## **Mediating High Severity Claims**

This one hour seminar will present various MVA cases involving catastrophic injuries or wrongful death and will dissect effective and bad mediation tactics used by Defense Counsel in each claims scenario. Attendees will vote on whether claims scenario animation was prepared by Plaintiff or Defense. Strategies for figuring out the bottom line, reaching the mediator and extraordinary mediation tactics like Ex Parte Lien resolution will be discussed. The presentation will provide approaches and effective techniques for getting to the result.

## **Medical and Professional Liability: An Overview**

This 1 hour seminar is intended to provide an overview to the claims professional handling both medical and professional liability claims. It will discuss both procedural substantive limitations for medical claims, as well as standards of proof and standards of care with respect to a variety of professional errors and omissions claims.

## **Medicare Secondary Payer Compliance and Best Practices**

The defense perspective is provided along with risk analyses and early identification strategies that will help primary payers decide how to proceed and how to limit potential exposure in general liability settlements. Best Practices tips for the practitioner and responsible reporting entities are provided.

## **Navigating Discovery Issues**

This two hour seminar is designed to help claims professionals and insurance adjusters understand the phases of litigation and complicated issues that arise in discovery and considerations surrounding the legal ramifications of social media content and how to avoid the pitfalls. The seminar addresses factors to weigh in choosing jury or non-jury trial, jury selection considerations, evidence and common mistakes, discovery and testimony of hybrid experts, proving Economic and Non-Economic Damages and delivering a powerful closing argument.

## **Navigating Florida: The Good Faith Webinar**

"Bad Faith" setups today go far beyond simply making a time limit policy demand. The webinar discusses the many nuances of Florida third party bad faith case law and provides best practices for time limit policy demands and tenders. The webinar will provide an informational guide on bad faith setups and how to avoid bad faith in Florida.

## **Navigating Spoliation Risks Void of a National Standard**

Void of a national standard, this 65 minute seminar discusses various state approaches and investigation protocols and best practices in preventing spoliation. Claims professionals will receive tips to avoid imposition of sanctions for destruction of evidence in pending lawsuits. Attendees will walk away with answers to key questions: How do you advise an insured on these issues? Can you spoliator evidence that you don't possess? If evidence is negligently lost, will it result in a spoliation remedy? If you're on notice, what should be preserved? What spoliation remedies exist? What do the courts consider in determining the appropriate sanctions to impose?

## **Negligent Security**

This seminar is designed for the claims representative as well as the property owner or property manager. It will discuss the new tort reform with respect to statutory security measures as well as liability and exposure for claims of negligent security.

## **Negligent Security Claims in the U.S. – The current problem and trends and ways to Minimize your Risk and Mitigate your Losses**

This 60-minute course will discuss the current trends and verdicts across the U.S. and advise underwriting, claims and insureds how they can Minimize their Risk and Mitigate existing Losses.

## **Neuropsychological Claims: Evaluating and Defending Closed Head Injuries**

This two-hour webinar/seminar will acquaint the claims representative or attorney with the law surrounding the admissibility of neuropsychological testing and opinions, the types of testing done and how best to challenge opinions of traumatic brain damage (TBI).

## **Premises Liability in Florida**

This seminar discusses developments in the law on premises liability for dangerous conditions, including burdens of proof, summary judgment and the defense of such claims.

## **Product Liability**

This 1 hour course will discuss the major differences between the Restatement (Third) of Torts and the Restatement (Second) of Torts. It will also discuss differences as it relates to design defects, duties to warn, alternative designs and failure to warn issues.

## **Public Entity Liability: Sovereign Immunity, Waivers and Liability for Public Entities**

This 1 hour seminar will provide an overview of public entity liability in the State of Florida including sovereign immunity, discretionary and operational negligence, investigation requirements, pleading requirements and different areas of liability and exposure. This course is essential to any claims representatives handling claims made against governmental agencies.



## **Roadway Construction: MUTCD, Standard Indexes, the Green Book and Legal Implications**

This 1 hour seminar is designed for both the insured and the claims representative. It will cover liability and exposure relating to owner, designer, general contractor, engineers and subcontractors with respect to roadway construction and construction zone accidents. It will also discuss maintenance of traffic plans and Federal and State requirements regarding design standards and work zones.

## **Rules of Professional Conduct**

This one hour course discusses adjuster ethics and the professional rules of conduct.

## **Spoliation of Evidence Law in Florida**

The 2 hour seminar will cover Florida PIP statute 627.736(1) and make insurance adjusters aware of common unusual or complicated issues that arise and/or can arise in the adjusting of a claim for Florida No-Fault Benefits.

## **Strategies for Dealing with High Medical Billing in Auto and GL Claims**

This 2 hour seminar discusses the problems with Letters of Protection (LOP) and how they affect your case; what is needed to defend cases with LOP, how we use them in trial, how we verify that the amounts billed are reasonable. The role CPT codes play in the defense of cases with LOP is reviewed.

## **Tort Reform Update**

This seminar is designed to educate the claims professional with the new tort reform as it occurs on a bi-annual basis in the state of Florida. This course will cover all of the enhancements and changes to tort reform so that the claims representative is aware of additional defenses or changes in the law which may affect exposure and reserves.

## **Trial Strategies for Millennial Jurors**

The course is intended to increase understanding and competency in presenting evidence to millennials. Attendees will learn how to synthesize messaging that appeals to millennials jurors while still effectively engaging older jurors.

## **Workers' Compensation Immunity**

The one hour webinar will discuss workers' compensation, immunity, exceptions, and relevant case law. A brief multi-state survey of workers' compensation will be provided. The webinar will assist adjusters and attorneys handling bodily injury claims in dealing with the intricacies of Florida Chapter 440 and pertinent case law.

# GEORGIA

## **Trucking Liability for Acts of Independent Contractors**

Provides an overview of theories of liability against companies for hiring independent contractors and how the Gig economy cases are eroding some of the long-standing defenses.

# MISSISSIPPI

## Answering the Midnight Call

Preservation of evidence following a catastrophic accident and steps for response. Learn top 10 tips on what to do and what not to do. Handling the driver, first responders, drug testing, reconstruction and more.

## Cargo - Handle with Care

Learn the basics about cargo claims, fundamental legal issues necessary to analyze the claim and how to best protect your company or your insured. This program can be presented to insurance professionals or in-house motor carrier claim departments.

## Compliance with FMCSA and DOT Alcohol and Controlled Substance Testing Requirements Following an Accident

Evaluate scenarios concerning the application of the testing rules and regulations, what to do when your driver is injured, and how to make the right decisions when time is of the essence.

## Drafting a Compliant Reservation of Rights Letter

For new and experienced claims adjusters and managers. Learn and understand the necessary content of the ROR letter, how to prepare a comprehensive ROR, what your defense counsel needs to know, and an overview of various state requirements.

## Mississippi Claims Handling Overview

Perfect for claims professionals that handle Mississippi claims. You will learn Mississippi law necessary to evaluate claims in Mississippi including limitations, comparative negligence, non-economic and punitive damage caps on damages, basic uninsured motorist claims handling, independent counsel obligations and other factors to consider in Mississippi.

## Navigating Claims of Negligent Hiring and Retention

Learn why claims of negligent hiring and retention are dangerous, how the claim is used to expand the case via discovery and use of the reptile theory of litigation in conjunction with this claim. This presentation covers defense strategy, affirmative motion practice to minimize or dismiss claims and addresses the risk of the corporate representative's deposition. Particularly applicable to transportation companies, it can be applicable to other vicarious liability claims as well.

## **Navigating Excess Exposure Claims - When Claims Exceed the Coverage**

Identification of an excess claim or probable excess claim is critical to addressing it properly. Learn how to employ preventative measures to avoid excess claims, duties to the insured, risk mitigation and risk transfer analysis and handling a demand within limits. This presentation will also address an overview of global settlement strategy, pro rata settlement distribution, and declaratory judgment actions or interpleader.

## **Prevention and Defense of FLSA and State Wage Claims; Independent Contractor and Employee Wage Claims**

Discusses the current risks of FLSA and State Wage Claims for motor carriers and other gig economy businesses. Specifically focused on independent contractors, minimum wage claims by contractors, update on sleeper berth time claims and risk mitigation.

## **Principled Negotiation Strategies**

How to use logic, mathematics, and reason in negotiating settlements, and how to see through faulty negotiating tactics.

## **The MCS-90 Endorsement: Don't Call It Insurance**

Learn the common misunderstandings and proper application of this specialized endorsement on motor carrier policies. It is required by federal law and often misunderstood. Appropriate for beginners and experienced claims professionals.



# NEBRASKA

## **Ding Dong, It's Bacteria: Avoiding Food Safety Litigation During the COVID-19 Pandemic**

With increases in ordering delivery and utilization of third-party delivery services such as Grubhub or UberEats during the COVID-19 pandemic, restaurants and food-based retail establishments may see an uptick in food contamination litigation due to issues with food handling and maintaining food quality and integrity during the delivery process. This article and presentation is targeted toward restaurateurs and grocers, and explores the expansion into the delivery market and use of third-party delivery services, what impact the increase of delivery services may have with food safety litigation, a fun case study discussion to explore potential increased liability issues, and practical tips for avoiding food safety litigation when expanding into the delivery market.

# NEW YORK CITY

## **Nuclear Verdicts**

This webinar will discuss the prevalence of nuclear verdicts for pain and suffering in personal injury cases. Nuclear verdicts hamper a variety of industries, rendering it challenging if not impossible to operate in certain jurisdictions. Defendants and the insurance industry have been fighting back, targeting improper “anchoring” by the plaintiff bar. We will discuss the issues pertaining to nuclear verdicts, anchoring, and the status of fight against nuclear verdicts.

## **New York Construction Injury Litigation**

A Discussion of Indemnification, Insurance Coverage Clauses and Action-Over Issues: This presentation will address the New York Court’s interpretation of indemnification agreements, clauses providing for partial indemnification and indemnity for one’s own negligence and additional insurance clauses. It will also address limitations on action over claims against employers.

## **The Workers Compensation Bar**

Third Party Actions Against Plaintiff’s Employer: This presentation will include a multi-state analysis of when third-party claims can be brought against the plaintiff’s employer. We will also discuss the types of claims that can be asserted.

## **The Product Misuse Defense**

In this presentation we will discuss the “product misuse” defense. We will define the defense and explain what a manufacturer must show to establish the defense. Finally, we will provide examples of the defense in case law throughout the country.

## **Protecting Privilege in a Pre-Suit Investigation**

This webinar will discuss the prevalence of nuclear verdicts for pain and suffering in personal injury cases. Nuclear verdicts hamper a variety of industries, rendering it challenging if not impossible to operate in certain jurisdictions. Defendants and the insurance industry have been fighting back, targeting improper “anchoring” by the plaintiff bar. We will discuss the issues pertaining to nuclear verdicts, anchoring, and the status of fight against nuclear verdicts.

# OKLAHOMA

## **Fair Claims Handling in Oklahoma**

This seminar provides the do's and don'ts of claim handling in Oklahoma, including an analysis of proper techniques in preparing claim notes, contacts with insureds and pitfalls given Oklahoma's bad faith climate.

## **Traumatic Brain Injuries**

This seminar provides insight into properly investigating and evaluating claims of traumatic brain injuries, including discussion of what a TBI is, and is not, and the resources required to handle claims and litigation involving this increasingly growing area of injury.

# PENNSYLVANIA

## **Avoiding Spoliation**

Best practices are preserving documents, data, vehicles, employee records, logs, etc. after an accident. The webinar includes a discussion of various jurisdiction penalties for spoliation and how to avoid the same.

## **Defending Traumatic Brain Injury Cases**

Overview of the cause, treatment, and diagnosis of traumatic brain injuries and how to best defend.

## **Post-Accident Investigation**

General accident recon/rapid response basics for adjusters/potential clients not entirely familiar with the process. Topics would include the process of gathering data/working with experts, technology involved, early evaluation of claims, and how to avoid spoliation.

## **Reservation of Rights Letters in PA**

Overview of PA ROR law based on recent case decisions identify a need for greater specificity in all reservation of rights letters.

## **Risk Transfer: Review of Commonly Seen Scenarios And Insurance Coverage Implications**

1 hour discussion of risk transfer methods in the specific contexts of clickwrap agreements, construction defect, and premises liability claims. Identification of common pitfalls to avoid for effective risk transfer

## **Trucking Liability for Acts of Independent Contractors**

Provides an overview of theories of liability against companies for hiring independent contractors and how the Gig economy cases are eroding some of the long-standing defenses.



# TEXAS HOUSTON

## **Vehicle Restraints & Biomechanics of Injuries**

Provides an overview of defensive theories and investigation of cases involving the failure to use vehicle safety restraints, misuse of restraints and child safety seats as well as the mechanism of injuries from a biomechanical perspective and how to identify those cases in which the failure to use restraints could be an issue.

## **Neuropsychologist and Strategies to Combat TBI Claims**

Provides an overview of issues concerning Traumatic Brain Injury claims, and strategies for defending against opinion testimony of Neuropsychologists, their testing, evaluation, and opinions.

## **The Myth of Cell Phone Distraction – Defending Distracted Driving Claims**

This course discusses and analyzes old research versus new government funded research on cell phone use while driving involving naturalistic driving studies and the use of the new studies in defending distracted driving claims and eliminating or discrediting opposing experts using old research and data.

## **Claims Handling Under CGL Policies**

The learning objectives in the presentation of this course are to enable insurance adjusters who participate to obtain a better understanding and working knowledge of key issues involved in handling Commercial General Liability claims. More specifically, the knowledge, skills and abilities that licensed adjusters are expected to gain or improve from this course are: initial coverage analysis using the standard policy language including what is an "occurrence", "bodily injury", and/or "property damage", how to analyze exclusions including intentional injury, injury to an employee, contractual liability and damage to the insured's property or work, analysis of the duty to defend and the duty to indemnify, and analysis of additional insureds in instances of contractual indemnity and additional insured endorsements.

## **Ethical Considerations in Reservation of Rights and Denial Letters**

The issuance of reservation of rights letters and coverage denial letters are fraught with multiple legal concerns. They are also fraught with ethical considerations that can be difficult to spot. The presentation covers the ins and outs of navigating both the legal, ethical and practical concerns that arise from reservation of rights letters and denial letters.

## **Ethics in Claims – Utilizing Social Media**

Social media has become an integral part of everyday life. As a result, social media research has become an integral part of claims handling and litigation. This presentation covers not only how to conduct the most effective social media research, but also how to do so legally and ethically.

## **T.C.P.R.C. Section 41.0105 (PAID OR INCURRED) and Related Issues**

The learning objectives in the presentation of this course are to enable insurance adjusters who participate to obtain a better understanding and working knowledge of Texas Civil Practice & Remedies Code, Section 41.0105 (paid or incurred) and related issues.

## **Supervising and Handling First Party Claims**

The learning objectives in the presentation of this course are to enable insurance adjusters who participate to obtain a better understanding and working knowledge of Texas Insurance Code, chapters 541 and 542 and related issues.

## **Insurers' Extra-Contractual Liability for Third Party Claim-Handling**

The learning objectives in the presentation of this course are to enable insurance adjusters who participate to obtain a better understanding and working knowledge of the Stowers doctrine and related issues.

## **Transportation Law in Texas**

The learning objectives in the presentation of this course are to enable insurance adjusters who participate to obtain a better understanding and working knowledge of key issues involved in commercial transportation claims.

## **Evidentiary Issues in Texas**

The learning objectives in the presentation of this course are to enable insurance adjusters who participate to obtain a better understanding and working knowledge of key issues involved in handling evidence, especially during the initial stages of claim investigation and related lawsuits.

## **Damage Caps and Related Issues**

The learning objectives in the presentation of this course are to enable insurance adjusters who participate to obtain a better understanding and working knowledge of key issues involved in statutory damage caps and other damage issues frequently faced in insurance claims.

## **Accident Reconstruction in Litigation**

The learning objectives in the presentation of this course are to enable insurance adjusters who participate to obtain a better understanding and working knowledge of key issues involved in the use, retention of, challenges with and legal requirement related to the use of accident reconstruction experts in different areas of litigation.

## **Medical Factoring**

The learning objectives in the presentation of this course are to enable insurance adjusters who participate to obtain a better understanding and working knowledge of key issues involved in the use, retention of, challenges with and legal requirement related to the use of accident reconstruction experts in different areas of litigation.

## **Texas UM/UIM Insurance Coverage Update**

The learning objectives in the presentation of this course are to better enable the insurance adjusters who participate in it work more efficiently in gathering information for claims specific to the underinsured and uninsured motorists which will improve the likelihood of success in potential litigation situations.

## **Introduction to FMCSA**

The learning objectives in the presentation of this course are to enable insurance adjusters who participate to obtain a better understanding and working knowledge of key issues involved in commercial transportation claims.

# VIRGINIA

## **Building a Perfect Tender**

When and How to take advantage of your contract language and effectively force a third party to defend and indemnify your claims.

## **Changing Landscape in Motor Carrier Litigation**

Discussing recent trends in litigation pertaining to motor carrier cases.

## **Concurrent Coverage Claims: CGL and Auto**

How to handle allegations by plaintiff's counsel that both a CGL and auto policy can apply to the same loss.

## **Contribution/Indemnity/Equitable Indemnity**

Addresses topics related to offloading burden in litigation through claims for contribution and idemnity.

## **Handling Traumatic Brain Injury Cases**

The handling, evaluation and defense of traumatic brain injury claims from the time of the loss through trial.

## **How the Changing Mindset of Millennials Affects Your Case**

A discussion of the characteristics and mindsets of each generation and how the addition of Millennials to the jury pool is shaping case outcomes. (30 mins - 1 hour)

## **Information Sharing to Combat Fraud**

Examines various ways to legally share information and touches on the impact of immunity laws, HIPAA and GLBA.

## **Mediation Fundamentals**

Discussion of the process, advantages/disadvantages and tips.

## **Nuclear Verdicts**

Discussing what is driving the rash of verdicts in excess of \$10 million, strategies to avoid them and potential legislative efforts to reduce them.

## **Paratransit Claims**

Discussing claims and defenses unique to paratransit claims and cases.

## **Post Concussive Syndrome**

Identifying signs that your claim is going to be a TBI case and how to minimize the impact.

## **Public Livery Exclusion**

What does and does not qualify.

## **Recorded Statements in Worker's Compensation Cases**

How to Take an Effective Recorded Statement.

## **Subrogation in Workers' Compensation**

Subrogation Rights Against Third Party Recoveries, Recovery of Liens, Applicable Statutes, Consent to Settlement, Calculation of Lien Recovery, Waiver of Liens.

## **Terminating Awards in Workers' Compensation Cases**

Termination by agreement without agreement, grounds for filing, employer's applications.

## **The Art of Building a Post Accident Investigation File**

Tips on what your employees and investigators should do and what they should not do at the scene of an accident.



# WASHINGTON

## **Ethical issues in a Global Pandemic**

This presentation discusses potential ethical issues presented during a global pandemic, i.e. COVID-19. The presentation addresses issues of confidentiality in the remote workplace setting, competency, and an attorney's duty to communicate and diligently represent his or her client during a pandemic.

## **Insurance Coverage Considerations in response to the Coronavirus**

This presentation addresses insurance coverage considerations in response to Coronavirus claims. The presentation provides an overview of first and third party coverages which may be considered, key insuring language to consider in commercial property policies, whether COVID - 19 is "physical loss or damage", duties to mitigate, potential policy exclusions, initial state legislature responses, early litigation trends, and claim investigation considerations.

## **Insurance Coverage and Bad Faith Claims in Washington**

This purpose of this presentation is to provide attorneys and claims professionals an understanding of insurance coverage and extra-contractual ("bad faith") claims in Washington. The presentation discusses bad faith claims handling and litigation; unfair claims handling/settlement regulations; extra-contractual causes of action; an insurer's good faith a duty to investigate, defend, and settle claims; bad faith "set up" and covenant judgments; and potential extra-contractual damages.

## **Legal Ethics**

The purpose of this presentation is to assist attorneys in fulfilling and complying with their ethical obligations in the representation of clients. This presentation discusses and provides tips for avoiding conflicts of interest; duties owed to clients; ethical issues surrounding attorney fees; an attorney's obligation to communicate with clients and to keeping clients informed; an attorney's fiduciary duties; protection of client confidentiality and privileges; and ethical issues in dealing with witnesses.

## **Remote Negotiations: Tactics and Strategies**

COVID-19 brought on the need for alternatives to in-person mediation/negotiations. This presentation addresses remote negotiation tactics and strategy, including a comparison of in-person and remote mediations, remote mediation platforms and preparation tips, addressing concerns with remote mediation, handling of settlement documents, and pre-mediation considerations and strategies.

## **Slip and Fall Fundamentals**

The purpose of this presentation is to introduce the legal principals underlying slip and fall cases. The presentation discusses duties owed to person injured on an owner's [possessor's] property/premises, discussion of different types and slip and fall cases and corresponding legal issues, and common fall related injuries.

## **UIM Coverages and Exclusions**

The purpose of the presentation is to provide an introduction and overview of Uninsured / Underinsured Motorist law. The presentation discusses UM / UIM coverage and exclusions, including “who is an insured under the policy”; policy interpretation, and the necessary questions to be answered to determine UM / UIM coverage is applicable. The presentation also addresses UM / UIM damages and liability limits, potential setoffs, and offsets, and potential UM / UIM policy exclusions.

## **Using Video to Prepare, Evaluate, and Settle cases**

The presentation will discuss, and provide examples, of how video can be used by attorneys and claims professionals to prepare, evaluate, and resolve cases. The presentation discusses video depositions, using video to prepare and evaluate witnesses during litigation and for trial, surveillance, videotaped independent medical examinations, and sources of video evidence.

## **When can Truck Broker or Shipper be held liable in Catastrophic Personal Injury cases**

This presentation discusses when a truck broker or shipper can be held liable in a personal injury case. This presentation addresses the applicable statutes and their impact on the transportation industry, Plaintiff's sample allegations, potential defenses to Plaintiff's claims and causes of action, and practice tips to avoid liability.

## **Zoom Jury Selection**

The presentation addresses remote (via Zoom) jury selection / voir dire due to the uncertainties and social distance requirements presented by COVID-19. The presentation discusses the remote jury selection process, use of jury questionnaires, voir dire, juror hardships, and handling preemptive challenges and other jury selection issues remotely.

# ENVISTA

## **Claim Handling and Ethics in the time of COVID-19**

This course will provide attendees with ethical principles required to be successful in claims handling, scene preservation and evidence handling and collection during COVID-19. They will discuss the key ethical principles and challenges COVID19 presents that every claims adjuster and litigation professional needs to know, as well as strategies for making good decisions when handling claims for successful and ethical resolutions.

## **Determining Liability in Motor Vehicle Fire Investigations**

This presentation will provide an overview of the investigation process following a motor vehicle fire. The presenter will introduce the common failure modes resulting in motor vehicle fires and will discuss these failures in context of the applicable state and federal rules and regulations. Mechanical and electrical systems will be discussed in depth. Scientific fire investigation techniques will be included, and case studies will be utilized to illustrate expert strategies for effective investigations and best practices.

## **Discovering Construction Defects in Property Damage Claims**

This course is designed to educate the importance of identifying construction defects, if present, as they relate to typical property damage claims. The course takes attendees through a boiler plate matter, from retention, to providing opinions. The principal focus of the class relates to defects discovered during civil, structural, mechanical, electrical, and/or fire investigations. Attendees will gain knowledge of steep and low-pitched roof coverings, exterior cladding systems, windows, foundations, building framing, HVAC systems, electrical systems, and plumbing systems.

## **Fire Investigation: Undetermined Cause is the Beginning not the End**

This presentation will provide tools to analyze potential subrogation and recovery theories when local authorities deem the cause of a fire "undetermined." The course will address the detection, suppression, and spread of fire. The presentation will examine common construction issues and code violations, building monitoring and security, and other items unrelated to the cause of the fire, focusing more on the cause of the damage rather than the cause of the fire. Additionally, potential theories of recovery in arson, and in "undetermined" or "probable" causes will be evaluated based upon a comprehensive investigation. Finally, we will discuss the possible theories relating to control of the premises of origin and/or "res ipsa loquitor".

## **Fire Scene Preservation and Subrogation**

This course is designed for matters involving scene preservation, evidence spoliation and the protocols and standards that go along with them after a fire or explosion. Today, many firefighters and first responders are trained on NFPA and ASTM guidelines on scene preservation in terms of salvage, overhaul, boarding and scene security, documentation, and the importance of evidence, but what does all of this mean? What happens when those protocols are not followed? How can each affected party work better in tandem to preserve evidence?

## **Hurdles and High Jumps: Hot Button Topics in CD Claims & Litigation**

When evidence is spoiled or altered, what does that mean for the insured, for the manufacturer, for the carrier, and other invested parties? Attendees will hear key issues affecting these types of incidents, what to do to ensure evidence is preserved and what questions to ask, as well as common pitfalls or issues that could arise to be wary of.

## **Product Liability Claim Investigations**

The purpose of this course about the fundamentals of the design process and how it relates to product liability failure investigations. The engineering design process is complex and involves several steps that are important to the safety, reliability, and use of a product or system. When things go wrong, you need to know where to look. This webinar will detail how to investigate losses and determine if product liability plays a role in the accident. Several case studies will be used as part of the presentation to demonstrate the points of interest.

## **Trucking Accidents Claim Investigations: The use of Digital Forensics in Distracted Driving Cases**

Vehicle Accident Reconstruction And the Use of Digital Forensics in Distracted Driving Cases combine in this webinar to discuss the urgency and importance of preserving potentially critically pertinent evidence and information gathered from cell phones before, during and immediately after an accident that can be used by insurance professionals and attorneys when adjusting and litigating these types of vehicle accident reconstruction claims.

## **Workplace Accident Injury Claims**

The purpose of this course focuses on the fundamentals of workplace safety investigations and accident prevention. Special considerations for workplace incidents are reviewed along with how to effectively liaise with regulatory authorities and other stakeholders involved. Methodologies and best practices are reviewed. How to find important information available that is unique to workplace investigations. Common and unique equipment hazards, and safety solutions are provided. Case histories are reviewed. Finally, this seminar will detail how to avoid pitfalls unique to workplace accident investigations.

# ENGLE MARTIN

## Current Challenges and Pitfalls in the Appraisal Process

This presentation covers key pitfalls in the appraisal process including: Determining whether a claim is appropriate for resolution by appraisal, impact of coverage issues and appraisal policy language, responding to an appraisal demand when appraisal is not an appropriate means of resolution, evaluating whether appointed appraiser and umpire are "qualified" (competent and impartial requirement) and vacating an appraisal award and recent case law.

## Exploring Contractor Liability & Construction Defects

This presentation focuses on real-world case studies and examples of damage, liability, and cost of repairs while exploring the ever evolving trends within the construction defect markets. How to sort out and identify all the players, contractors, sub-contractors, subs of subs to make it easier for them to know who to target and focus investigation/defense strategy, how to determine time lines of construction project, i.e windows, when did the framing get done, who provided the windows, who installed and when, when was painting or stucco or caulking done, how to secure all documents relevant, which include contracts, emails, texts, permits, pay stubs and even securing chats on phone applications and how an IA can aid in tracking down sub-contractors no longer in business to secure information on projects that were built long ago.



# DJS ASSOCIATES

## Electronic Data for investigations: Infotainment & Cell Phones, The Dynamic Duo

The pace of technological development in today's world is nearly beyond comprehension. On every level and at every stage one of the main "foods" fueling this movement is "data." "Data" solidifies itself as an uncontrollable, modern "force of nature" partially due to the fact that, as a certain quantity of data enters the system as "fuel"—there is even more "data" which comes out on the back end. With storage becoming physically smaller yet technologically more expansive our personal devices can better capitalize on the most robust data stream of all—its human owner. The breadth of data which our devices collect combine with the quantity of devices we utilize to create an environment where it is functionally impossible to know what data of yours is being stored or the number of devices which have stored your personal data. To help us manage this expanding concern there are more and more efforts to restrict a third parties ability to access data on a given device—and, while this may be a benefit in our personal lives it can also be a challenge in our professional lives especially for those involved in insurance and litigation. While companies like Apple have made strides in limiting access by mobile forensic analysts such as we, auto manufacturers are focused on end goals which produce additional data sources and storage rather than promote the need for security. Telematics and Infotainment, both sources of vehicular data, go hand in hand with modern smartphones. These technologies communicate with one another seamlessly and rely on a treasure trove of data which must be stored within the system. This data can be accessed and interpreted and includes elements such as GPS location; search and browser history; event data, call histories, text messages, photographs, videos, and more. This seminar will provide the attendee with an understanding of the history/progression of infotainment systems and cellular phones; how to identify vehicles and devices supported for data extraction; the practical and theoretical obstacles surrounding the acquisition of mobile devices; and the appropriate methodologies to which data is collected, analyzed, and utilized.

## Infotainment Data and Accident Investigation

In depth review of Infotainment data, how it is extracted, data that is provided and how it can be used in identifying driving history and facts of accidents.

## The Forensic Engineering Analysis of Surveillance Video: A Real-World Example

In today's society where video is routinely captured by phones, surveillance cameras, vehicle cameras and other sources, the ability to translate video information into data for use in a forensic analysis is critical. The presentation, using a real-world, adjudicated, pedestrian/motor vehicle collision event, will systematically review the data required to complete a proper three-dimensional analysis; the sources of the data; the manner in which the data needs to be collected and processed; the software required; the expected accuracy level of the analysis and how the results of the analysis can be presented to the trier of fact. This presentation will demonstrate how the video is "corrected" to remove the curvature from the lens; how the video is camera matched within an accurate, three-dimensional environment; how objects in the video are "tracked" within the environment, and how the combination of these processes combine to create an accurate, three-dimensional environment illustrating the movements defined in the video from which speeds, spatial relationships and sight distances can be evaluated.

# APPELLATE

## FLORIDA

Neuropsychological Claims: Evaluating and Defending Closed Head Injuries

## NEW YORK CITY

Nuclear Verdicts

## OKLAHOMA

Traumatic Brain Injuries

## PENNSYLVANIA

Defending Traumatic Brain Injury Cases

## TEXAS - HOUSTON

Neuropsychologist and Strategies to Combat TBI Claims

## VIRGINIA

Handling Traumatic Brain Injury Cases

Nuclear Verdicts

Post Concussive Syndrome

# AUTO/FLEET

## ALABAMA

**Head Injuries, Concussions and Traumatic Brain Injuries – The Latest on the Medical Science, Diagnostic Protocols and Treatment**

**Two Healthcare Strategies: Using Treatment Guidelines to Control Excessive and Potentially Harmful Medical Services; and Using Predictive Outcomes to Prevent Unjustified Treatment for Chronic Pain with Spinal Cord Stimulators, Pain Pumps, Etc.**

**What Constitutes Bodily Injury for Coverage Analysis Under Alabama Law**

## FLORIDA

**Automobile Liability: Evaluating and Defending BI Soft Tissue Claims**

**Florida PIP Concepts**

**Strategies for Dealing with High Medical Billing in Auto and GL Claims**

## MISSISSIPPI

**The MCS-90 Endorsement: Don't Call It Insurance**

## OKLAHOMA

**Traumatic Brain Injuries**

## PENNSYLVANIA

**Defending Traumatic Brain Injury Cases**

**Post-Accident Investigation**

# AUTO/FLEET

## TEXAS - HOUSTON

Neuropsychologist and Strategies to Combat TBI Claims

The Myth of Cell Phone Distraction - Defending Distracted Driving Claims

Vehicle Restraints & Biomechanics of Injuries

## VIRGINIA

Changing Landscape in Motor Carrier Litigation

Concurrent Coverage Claims: CGL and Auto

Handling Traumatic Brain Injury Cases

Nuclear Verdicts

The Art of Building a Post Accident Investigation File

Post Concussive Syndrome

## WASHINGTON

UIM Coverages and Exclusions

## DJS ASSOCIATES

Infotainment Data and Accident Investigation

The Forensic Engineering Analysis of Surveillance Video: A Real-World Example

## ENVISTA

Determining Liability in Motor Vehicle Fire Investigations

# CLAIMS MANAGEMENT

## ALABAMA

**Claims Management in an Unbundled Market**

**Duties Owed by Primary Carrier to the Excess Carriers**

**Leveraging Artificial Intelligence to Attack Plaintiff's Damages**

**Medicare Secondary Payer Issues in Your Mediation: Don't Let MSP Issues Prevent You from Settling**

**New Thinking in Risk Management: The Power of Integration and Collaboration**

**Putting the Cow Back in the Barn: Solutions for Addressing and Curbing Harmful and Excessive Medical Treatment**

**Rapid Response for Transportation/Trucking Claims**

**Using AI to Forecast Medical Exposure for Life Care Plans Used in Litigation**

## CALIFORNIA

**Anti-Indemnity Statute - application to "construction-related" agreements**

**Fair Claims Settlement Practices Act CE / Update**

**Right to Repair Act for Construction Claims - After the Initial Court Challenges**

**Summary Judgment Pros & Cons**

## FLORIDA

**Adjuster Ethics Webinar**

**Automobile Liability: Evaluating and Defending BI Soft Tissue Claims**

**Claims Administration Act: Coverage Defenses, Reservations of Rights and Waiver**



# CLAIMS MANAGEMENT

**Coblentz Agreements: When an Insurer Denies Coverage or Refuses to Defend**

**Determining Impairment Ratings**

**Discovery and Trial Testimony of “Hybrid” Experts: Treating Doctors who give Expert Opinions**

**Immediate Aftermath: Media Madness in Trucking Claims**

**Insurance Coverage Issues**

**Litigation Success: From the Accident, Investigation, Discovery to Trial**

**Mediating High Severity Claims**

**Navigating Spoliation Risks Void of a National Standard**

**Navigating Discovery Issues**

**Navigating Florida: The Good Faith Webinar**

**Negligent Security**

**Neuropsychological Claims: Evaluating and Defending Closed Head Injuries**

**Premises Liability in Florida**

**Rules of Professional Conduct**

**Spoliation of Evidence Law in Florida**

**Strategies for Dealing with High Medical Billing in Auto and GL Claims**

**Trial Strategies for Millennial Jurors**

## MISSISSIPPI

**Answering the Midnight Call**

**Drafting a Compliant Reservation of Rights Letter**

**Mississippi Claims Handling Overview**

**Principled Negotiation Strategies**

**Prevention and Defense of FLSA and State Wage Claims; Independent Contractor and Employee Wage Claims**

**The MCS-90 Endorsement: Don’t Call It Insurance**

## NEBRASKA

**Ding Dong, It’s Bacteria: Avoiding Food Safety Litigation During the COVID-19 Pandemic**

## NEW YORK CITY

Nuclear Verdicts

Protecting Privilege in a Pre-Suit Investigation

The Product Misuse Defense

## OKLAHOMA

Fair Claims Handling in Oklahoma

Traumatic Brain Injuries

## PENNSYLVANIA

Avoiding Spoliation

Post-Accident Investigation

Reservation of Rights Letters in PA

Risk Transfer: Review of Commonly Seen Scenarios And Insurance Coverage Implications

## TEXAS - HOUSTON

Claims Handling Under CGL Policies

Ethical Considerations in Reservation of Rights and Denial Letters

Ethics in Claims – Utilizing Social Media

## VIRGINIA

Building a Perfect Tender

Contribution/Indemnity/Equitable Indemnity

How the Changing Mindset of Millennials Affects Your Case

Information Sharing to Combat Fraud

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## WASHINGTON

Ethical issues in a Global Pandemic

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# CLAIMS MANAGEMENT

**Zoom Jury Selection**

## **DJS ASSOCIATES**

**Electronic Data for investigations: Infotainment & Cell Phones, The Dynamic Duo**

**The Forensic Engineering Analysis of Surveillance Video: A Real-World Example**

## **ENVISTA**

**Claim Handling and Ethics in the time of COVID-19**

**Hurdles and High Jumps: Hot Button Topics in CD Claims & Litigation**

**Workplace Accident Injury Claims**

# CLASS ACTION

## ALABAMA

Head Injuries, Concussions and Traumatic Brain Injuries – The Latest on the Medical Science, Diagnostic Protocols and Treatment

Punitive Damages under Alabama Law

## FLORIDA

Florida PIP Concepts

Navigating Florida: The Good Faith Webinar

Product Liability

Tort Reform Update

## GEORGIA

Trucking Liability for Acts of Independent Contractors

## MISSISSIPPI

Navigating Excess Exposure Claims - When Claims Exceed the Coverage

## NEW YORK CITY

Nuclear Verdicts

## PENNSYLVANIA

Trucking Liability for Acts of Independent Contractors

# CLASS ACTION

## VIRGINIA

**Nuclear Verdicts**

**Paratransit Claims**

## ENVISTA

**Determining Liability in Motor Vehicle Fire Investigations**

**Fire Investigation: Undetermined Cause is the Beginning not the End**

**Fire Scene Preservation and Subrogation**



# CONSTRUCTION DEFECT

## ALABAMA

Coverage Issues

Punitive Damages under Alabama Law

## CALIFORNIA

Anti-Indemnity Statute - application to “construction-related” agreements

Right to Repair Act for Construction Claims - After the Initial Court Challenges

## FLORIDA

Construction Defects: Defending Against Claims

Roadway Construction: MUTCD, Standard Indexes, the Green Book and Legal Implications

## GEORGIA

Trucking Liability for Acts of Independent Contractors

## MISSISSIPPI

Answering the Midnight Call

## NEW YORK CITY

New York Construction Injury Litigation

## PENNSYLVANIA

Risk Transfer: Review of Commonly Seen Scenarios And Insurance Coverage Implications

# CONSTRUCTION DEFECT

**Trucking Liability for Acts of Independent Contractors**

## **VIRGINIA**

**The Art of Building a Post Accident Investigation File**

## **ENGLE MARTIN**

**Current Challenges and Pitfalls in the Appraisal Process**

**Exploring Contractor Liability & Construction Defects**

## **ENVISTA**

**Claim Handling and Ethics in the time of COVID-19**

**Discovering Construction Defects in Property Damage Claims**

**Hurdles and High Jumps: Hot Button Topics in CD Claims & Litigation**

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