

REGISTRATION FORM. FOR ASSISTANCE, CALL 800-727-5257.

☒ **Yes!** I want to get the latest information on changes affecting my practice, my clients, and the state of Tennessee tort law, all while gaining CLE credit, including an hour of DUAL credit. Please reserve my seat at **2013 Tort Law Conference for Tennessee Attorneys.** My registration includes the one-day conference, pages of valuable course materials, summaries of recent tort law cases, morning and afternoon refreshments (lunch is not included) and 7.5 hours of CLE credit. If I am dissatisfied, I am entitled to a 100% refund. Fee: \$377 for program, \$297 for additional attendees from the same firm, \$197 for materials only.

☐ In addition to Tennessee, I need CLE for the state(s) of _____
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WE MAKE REGISTERING EASY!

ON THE WEB: MLeeSmith.com/ tn-tort-law	BY PHONE: 800-727-5257	BY E-MAIL: service@blr.com	BY MAIL: Detach form and mail	BY FAX: 800-785-9212
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WHY ATTEND THIS CONFERENCE?

- **Quality presenters**
Your presenters are all authorities in the field of tort law.
- **Judicial perspective**
You'll hear from Nashville Circuit Judge Tom Brothers on how to submit e-discovery properly.
- **Balance**
You'll hear from both plaintiffs' attorneys as well as defense attorneys.
- **Practical information**
You'll get information you can put to use in your practice immediately.
- **Dynamic interaction**
You'll be encouraged to ask questions and present your own situations for discussion.
- **Timely information**
You'll get up to date on the latest developments in tort law, including the latest developments on procedural requirements in medical malpractice cases.
- **Useful materials**
You'll receive a comprehensive notebook of materials, as well as summaries of tort cases from the past year, with links to the full text of the opinions.

- **Convenient location**
The Nashville School of Law is located just off I-65 and I-440, near the downtown Nashville area, and provides you with plentiful, free parking.
- **Internet access**
The Nashville School of Law has free wireless internet access in its classrooms, allowing you to stay in touch with your office.
- **CLE**
You can earn one-half of your annual CLE credit, including one dual hour.

WHAT YOUR COLLEAGUES SAID ABOUT LAST YEAR'S SEMINAR

"All speakers were very good—made the seminar informative and interesting."

"Good, interesting speakers and excellent topics."

"The seminar was well organized, and it provided useful information."

"Good seminar—I'll be back."

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Suite 300,
Brentwood, TN 37027

100% GUARANTEE

If you are not completely satisfied after attending an M. Lee Smith event, let us know, and we will refund 100% of your registration fee—no questions asked.

CLE INFORMATION

This program has been approved by the Tennessee Commission on Continuing Legal Education for a maximum of 7.5 hours, including 1 DUAL hour.

FEES

\$377 for program
(\$327 when registered by November 1)
\$297 for additional attendees from the same firm
\$197 for materials

Cancellation Policy

- A \$50 processing fee applies to ALL conference cancellations.
- Registrants are responsible for the entire program fee for a cancellation made after 5:00 p.m. three weeks prior to the event (whether or not you attend the program or fail to cancel).
- An alternate may attend in place of the original registrant.

Tennessee Attorneys Memo

presents

Tort Law Conference

for Tennessee Attorneys

This conference features **Nashville Judge Tom Brothers** and a faculty of leading Tennessee tort law attorneys discussing the latest changes and decisions of critical interest to your successful practice.

HIGHLIGHTS

- **Medical malpractice**—compliance with pre-suit notice and certificate of good faith requirements and the locality rule after *Shipley*
- **Slips, trips, and falls**—gathering evidence, trial tactics, and use of experts
- **Litigating governmental liability claims**—traffic controls, streets and sidewalks, care or control of animals, prison litigation, and police misconduct
- **E-Discovery**—ESI issues to address in the courtroom, including proportionality, when to collect, popular search mistakes, privilege and privilege logs, social networking, cloud computing, and foreign discovery
- **Pursuing different theories in automobile accident cases**—vicarious liability, the family purpose doctrine, negligent entrustment, and John Doe cases
- **Procedure**—why your citations are probably wrong, why your final order may not be final for purposes of appeal, and how you may be inadvertently violating rules in routine matters
- **Case law update**—get up-to-date on the latest decisions from the Tennessee appellate courts
- **Ethical considerations**—avoiding malpractice, maintaining client confidentiality, and dealing with conflicts of interest when representing multiple clients and when collecting attorney fees

BONUS: Summaries of recent tort cases from the Tennessee appellate courts.

Call 800-727-5257 to register risk-free
or visit MLeeSmith.com/tn-tort-law



WHEN **Friday, December 13, 2013**

WHERE **Nashville School of Law**

Don't miss this CLE learning and networking event targeting the most complex and significant tort decisions, relevant laws, and emerging trends, all just for Tennessee attorneys.

SPEAKERS

Laura Baker
The Law Offices of John Day, PC

Brandon E. Bass
The Law Offices of John Day, PC

Judge Thomas W. Brothers
Davidson County circuit court

Robert M. Burns
Howell & Fisher, PLLC

Daniel L. Clayton
Kinnard, Clayton & Beveridge

Keith C. Dennen
Dickinson Wright PLLC

Candi Henry
Dodson Parker Behm and Capparella PC

Bryan Moseley
Moseley & Moseley

EARN
CLE
CREDIT
HOURS

Earn 7.5 hours of CLE
(6.5 hours of general and one hour of dual)

WHERE

Nashville School of Law

4013 Armory Oaks Dr.
Nashville, TN 37204

FREE PARKING  FREE WI-FI 

For complete directions, visit
<http://www.mleesmith.com/tn-tort-law>

WHEN

Friday, December 13, 2013

8:00 A.M. TO 5:15 P.M.

Registration begins at 7:30 A.M. The conference begins at 8 A.M. and concludes at 5:15 P.M.
(There will be morning and afternoon breaks, and attendees will have 1 hour and 15 minutes for lunch on their own)

CLE: 7.5 hours of CLE

(6.5 hours of general and one hour of DUAL)

Price: \$377 for program, \$297 for additional attendees from the same firm, \$197 for materials only.

Register by November 1 and save \$50

TOPICS

- E-discovery
- Medical malpractice
- Slips, trips, and falls
- Governmental liability claims and defenses
- Procedural rules
- Family purpose doctrine
- Vicarious liability
- Negligent entrustment
- Case law update
- Ethical considerations

WHAT MAKES THIS SEMINAR UNIQUE?

- **Outstanding faculty.** The faculty includes leading tort law attorneys who are seasoned speakers and recognized as the best in their areas.
- **Judge's perspective.** You'll hear from Nashville Judge Tom Brothers on e-discovery.
- **Timely topics.** You'll learn the latest developments in the medical malpractice area and strategies in premises liability cases.
- **Valuable update.** You'll get a review of the most important tort law decisions handed down by Tennessee's appellate courts.
- **Practical topics.** You'll gain practical advice in different areas of tort law, including claims and defenses in suits against the government and theories you may be able to pursue in automobile accident cases.
- **Useful resources.** You'll receive a binder of the materials covered during the seminar, plus summaries of recent tort law cases from the Tennessee appellate courts.
- **CLE.** You'll earn half of your CLE credit for the year, including one hour of DUAL credit.

Tort Law Conference

for Tennessee Attorneys

PROGRAM AGENDA



Tort Law Update

8:00 A.M. TO 9:00 A.M.

Brandon E. Bass

The Law Offices of John Day, PC

Mr. Bass will review tort law cases from the Tennessee appellate courts, dealing with such issues as:

- Preemption of claims premised on lack of passenger seatbelts and use of tempered glass in side windows of bus
- Negligence of county in not timely releasing plaintiff who was attacked by cellmates
- Liability of employer when on-call employee is involved in accident while traveling to work
- Award of zero damages in case in which plaintiff suffered injury in automobile accident that caused encapsulation around her breast implants to rupture
- Whether chair with caster wheels on uncarpeted title floor constitutes dangerous condition

Hot Topics in Medical Malpractice

9:00 A.M. TO 10:00 A.M.

Daniel L. Clayton

Kinnard, Clayton & Beveridge

Mr. Clayton will review recent developments in medical malpractice, including recent appellate court decisions on compliance with pre-suit notice and certificate of good faith requirements, proving an expert is familiar with the standard of care in the community after *Shipley*, and lack of adequate staffing as a basis for recovery.

10:00 A.M. TO 10:15 A.M. MORNING BREAK

Litigating Governmental Liability Claims: Common Causes of Actions and Popular Defenses

10:15 A.M. TO 11:15 A.M.

Robert M. Burns

Howell & Fisher, PLLC

- Personal and real property
- Trees, traffic controls, and street lighting
- Streets and sidewalks
- Care, custody, or control of animals
- Prison litigation
- Police misconduct: Excessive force, use of restraints, police pursuits, and Taser cases
- Heck doctrine
- Rooker/Feldman doctrine
- Statute of limitation, notice of claim, and accrual
- Release-dismissal agreements

The Rules You Don't Know You Don't Know

11:15 A.M. TO 12:00 P.M.

Candi Henry

Dodson Parker Behm

and Capparella PC

It's the little things that can sometimes trip you up in the practice of law. In this presentation, Ms. Henry will tackle matters including why your citations are probably wrong, why your final order may not be final for purposes of appeal, and how you may be inadvertently violating rules in routine matters. She'll discuss some rules you may not know exist, go over when the Rules of Civil Procedure apply to General Sessions matters, and talk about circumstances when Tenn. R. Civ. P. 11 doesn't apply at all. She'll also go over some fairly new rule revisions that may have escaped your notice, like judicial recusal and electronic trial records. Plus, she'll discuss free legal resources that every lawyer should know about.

12:00 P.M. TO 1:15 P.M. LUNCH
(ON YOUR OWN)

Tips for Litigating Slip, Trip, and Fall Cases

1:15 P.M. TO 2:15 P.M.

Bryan Moseley

Moseley & Moseley

- Proving liability—unsafe and dangerous conditions, notice of conditions, negligence per se, and duty to inspect
- Sample checklist and inspection practices
- Plaintiff's responsibility to take due care
- The use of experts to prove liability
- Quantifying damages—medical records/bills and damages experts

Judge's Perspective on E-Discovery

2:15 P.M. TO 3:15 P.M.

Judge Tom Brothers

Nashville circuit court

- Preparation
- Coordination with the court
- Presenting your e-discovery properly
- Electronically stored information issues to address in the courtroom: Proportionality, when to collect, popular search mistakes, privilege and privilege logs, social networking, cloud computing, and foreign discovery
- Cooperation in the courtroom
- Sanctions and e-discovery

3:15 P.M. TO 3:30 P.M. AFTERNOON BREAK

Ethics in Tort Law

3:30 P.M. TO 4:30 P.M.

Keith C. Dennen

Dickinson Wright PLLC

- Rules of Professional Conduct
- Avoiding grievances and malpractice
- Maintaining client confidentiality
- Conflicts of interest: Attorney's fees and representing multiple clients

Pursuing Different Theories in Automobile Accident Cases

4:30 P.M. TO 5:15 P.M.

Laura Baker

The Law Offices of John Day, PC

- Vicarious liability by statute
- Family purpose doctrine
- Negligent entrustment
- John Doe cases

Your Distinguished Faculty:



Laura Baker, a member of the Law Offices of John Day in Brentwood, helps people who have been injured due to the fault of others. She has experience in cases involving

medical malpractice, product liability, and other acts of negligence; but she focuses her practice on assisting victims of automobile and trucking accidents against drivers whose carelessness caused harm. She has assisted individuals who have suffered serious injuries, including amputation of limbs, spinal fractures and spinal cord injuries, traumatic brain injuries, and orthopedic injuries.



Brandon E. Bass was named a Shareholder in the Law Offices of John Day in Brentwood in 2010. Mr. Bass focuses on helping people who have been badly injured

or lost a loved one. His core practice areas include product liability, medical malpractice, and trucking lawsuits. He frequently writes on personal injury and wrongful death legal issues. In addition, he is Associate Editor of the *Tennessee Trial Law Report—Tort Edition*. The *Trial Law Report* is a monthly newsletter on tort law, evidence, civil procedure and trial in Tennessee.



Judge Thomas W. Brothers

was appointed to a term on the Davidson County Circuit Court in February 1989, was elected in 1990, and was reelected in 1998 and 2006. He practiced

law in Nashville as a solo practitioner (1978-89) in the law offices of Jack Norman. Judge Brothers is a member of the Tennessee, Nashville and American Bar Associations and L.A.W. He is a member of the ABA Judicial Division's Technology Committee.



Robert M. Burns, a member of Howell & Fisher, PLLC, has defended a wide variety of professional liability, civil rights and municipal liability claims. In his professional liability

practice, he has successfully defended physicians, nurses, dentists and health care entities in personal injury and wrongful death suits. He also has successfully represented a number of municipalities, municipal

employees and elected officials across Tennessee on claims alleging theories of civil rights violations, discrimination, harassment and negligence.



Daniel Clayton, with Kinnard, Clayton and Beveridge in Nashville, was named 2012 Best Lawyers—Lawyer of the Year—Nashville in the area of Medical Malpractice. In

addition, he is listed by *Best Lawyers in America*® in the areas of Personal Injury and Product Liability. He was named to the *Nashville Post's* 2011—Top 101 Lawyers and Mid-South Super Lawyers Top 100 List. He is a Past President of the Tennessee Association for Justice. He is certified as a Civil Trial Specialist and a Medical Malpractice Specialist.



Keith C. Dennen, a member of Dickinson Wright PLLC, concentrates his practice in the areas of health care law, intellectual property law, estate

and probate, employment law, corporate and transactional law and litigation. He has represented clients in a range of matters including in administrative, regulatory, corporate governance, contract disputes, patent infringement, and more.



Candi Henry is Of Counsel with Dodson Parker Behm & Capparella, PC. She advises municipal agencies, companies, and individuals on a wide range of business, employment, and

contract matters. Her litigation practice focuses on handling appeals. She served for over two years as a judicial law clerk to the Honorable William C. Koch, Jr., clerking for Justice Koch on both the Tennessee Court of Appeals and the Tennessee Supreme Court.



J. Bryan Moseley is a partner in the Murfreesboro law firm of Moseley & Moseley, where his main areas of practice are civil litigation,

premises liability, and consumer protection. Mr. Moseley is a frequent speaker on personal injury/auto injury topics for the National Business Institute. Mr. Moseley is a member of the Nashville Bar Association and the Tennessee Association for Justice.

BONUS: Summaries of recent tort cases from the Tennessee appellate courts.

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