

# Tort Law Conference

for Alabama Attorneys

This conference features Jefferson County Circuit **Judge Joseph Boohaker** along with a faculty of leading Alabama tort law attorneys discussing the latest changes and decisions of critical interest to your successful practice.

## HIGHLIGHTS

- **Effective use of expert and lay witnesses**—selection and qualification of expert, preparation of expert, analyzing lay witnesses, and more
- **Pursuing what really matters in discovery and trial presentation**
- **Evaluating a potential product liability case**
- **A refresher on the recently enacted amendments to the Alabama Rules of Evidence**
- **Practical tips on evidentiary issues that frequently arise in trial**
- **Practical tips from a trial judge**
- **Update on recent significant cases on tort law and evidentiary issues**
- **Ethical issues**—researching and avoiding conflicts of interest, medical records and HIPAA compliance, and protecting the client's confidentiality

***BONUS: Attendees will receive a binder of the materials covered during the seminar and will be able to download the materials after the conference.***

Call 800-727-5257 to register risk-free  
or visit [MLeeSmith.com/al-tort-DM](http://MLeeSmith.com/al-tort-DM)



**WHEN** Friday, September 11, 2015

**WHERE** Birmingham Marriott



***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 Alabama attorneys.***

## SPEAKERS

**Judge Joseph L. Boohaker**  
Jefferson County circuit judge, Birmingham

**Thomas Coleman, Jr.**  
Smith, Spires, and Peddy PC, Birmingham

**Chris Glover**  
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.,  
Montgomery

**Stephen Heninger**  
Heninger Garrison Davis, LLC, Birmingham

**Jeremiah M. Hodges**  
Hodges Trial Lawyers, P.C., Huntsville

**Terry McCarthy**  
Lightfoot Franklin White, LLC, Birmingham

**Scott M. Salter**  
Starnes Davis Florie LLP, Birmingham

EARN  
CLE  
CREDIT  
HOURS

**Earn 7 hours of CLE**

(6 hours of general and  
1 hour of ethics)

## WHERE

### Birmingham Marriott

3590 Grandview Parkway (Hwy 280)  
Birmingham, AL 35243

FREE PARKING



FREE WI-FI



For complete directions, visit

<http://www.mleesmith.com/al-tort-DM>

## WHEN

### Friday, September 11, 2015

8:30 A.M. TO 5:15 P.M.

Registration begins at 8:00 a.m. The conference begins at 8:30 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 hours of CLE

(6 hours of general and 1 hour of ethics)

Price: \$327 for program, \$247 for additional attendees from the same firm, \$147 for materials only.

**Register by July 31 and save \$50**

## TOPICS

- Tort law update
- Amendments to Alabama Rules of Evidence
- Product liability
- Expert and lay witnesses
- Discovery and trial preparation
- Tips from a trial judge
- Medical records and HIPAA compliance

## WHAT MAKES THIS SEMINAR UNIQUE?

- **Outstanding faculty.** The faculty includes both plaintiff and defense attorneys who are seasoned speakers and recognized as the best in their areas.
- **Judge's perspective.** Attendees will hear from Judge Joseph Boohaker, a Jefferson County circuit judge since 2001.
- **Valuable updates.** A top authority will update attendees on recent case law developments in tort law.
- **Practical topics.** Attendees will get practical tips on how to pursue what really matters in discovery and trial presentation, how to select and qualify experts, how to use expert reports, and how to evaluate a potential product liability claim.
- **Evidence.** Attendees will get an update from a leading authority on the recently enacted amendments to the Alabama Rules of Evidence and practical tips on evidentiary issues that frequently arise in trial.
- **Ethics.** You'll get insight on ethical considerations that must be taken into account when using e-discovery.
- **Useful resource.** Attendees will receive a binder of the materials covered during the seminar and will be able to download the materials after the conference.
- **CLE.** Attendees can satisfy over half of their annual CLE requirement, earning 6 hours of GENERAL credit and 1 hour of ETHICS credit.

# Tort Law Conference

for Alabama Attorneys



## AGENDA

### How to Use Expert and Lay Witnesses Effectively

8:30 A.M. TO 9:30 A.M.

Thomas Coleman  
*Smith, Spires, and Peddy PC*

- Red flags and flaws to look for
- Selection and qualification: Experience/qualifications/background
- Working with different experts
- IMEs
- Preparation of experts
- Expert deposition techniques
- Using expert reports
- Analyzing lay witnesses
- Taking the plaintiff's deposition
- Past lawsuits?
- Which witnesses should be deposed (and which ones should not)
- Case law update

### Pursuing What Really Matters in Discovery and Trial Presentation

9:30 A.M. TO 10:30 A.M.

Stephen D. Heninger  
*Heninger Garrison Davis, LLC*

- Selecting an effective theme that matters
- Avoiding chasing rabbits
- Focusing on finding your voice for what really matters

10:30 A.M. TO 10:45 A.M. MORNING BREAK

### Jury Selection: From Voir Dire to Jury Deliberations

10:45 A.M. TO 11:30 A.M.

Terry McCarthy  
*Lightfoot Franklin White, LLC*

- A refresher on the recently enacted amendments to the Alabama Rules of Evidence
- Practical tips on evidentiary issues that frequently arise in trial
- An update on recent cases from the Alabama appellate courts on evidentiary issues

11:30 A.M. TO 12:45 P.M. LUNCH  
(ON YOUR OWN)

### Tort Law Update

12:45 P.M. TO 2:00 P.M.

Scott Salter  
*Starnes Davis Florie LLP*

Mr. Salter will review recent significant cases from the Supreme Court of Alabama and the Alabama Court of Civil Appeals that affect the practice of Alabama tort lawyers. He will give the case's holding and explain its significance.

### Ethical Issues Faced by Attorneys in Tort Law Cases

2:00 P.M. TO 3:00 P.M.

Jeremiah Hodges  
*Hodges Trial Lawyers*

ETHICS CREDIT

- Researching and avoiding conflicts of interest
- Attorney fees
- Medical records and HIPAA compliance
- HIPAA orders
- Protecting confidentiality

3:00 P.M. TO 3:15 P.M. AFTERNOON BREAK

**EARN CLE CREDIT**  
(7 hours of CLE, including 6 hours of general and 1 hour of ethics)

## Tips from a Judge: Mistakes to Avoid

3:15 P.M. TO 4:15 P.M.

Judge Joseph L. Boohaker  
*Jefferson County circuit court*

- How a witness ruins a “good” case
- Expert witnesses
- Introducing evidence at trial
- The proper way to object in court
- Learning when not to object
- When is a side bar appropriate?

## How to Spot a Product Liability Claim

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

Chris Glover  
*Beasley Allen Law Firm*

Mr. Glover has tried product liability claims throughout his career. These cases can be extremely complex and tedious, so it is important to evaluate them thoroughly and correctly. Good first questions for attorneys to keep in mind when evaluating a potential product liability case include:

- Whether or not the client has a catastrophic injury,
- Whether the client or attorney has the product accused of causing the injury in question available for examination, and
- Whether or not the claim is within the statute of limitations and statute of repose.

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to register risk-free or visit  
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## Your Distinguished Faculty:



**Judge Joseph L. Boohaker** became a circuit judge for Jefferson County in January 2001. Judge Boohaker obtained his B.S. in 1976 and his J.D. in 1979 from the University of

Alabama. He served as a judicial law clerk to the Judges of the 11th Judicial Circuit in Florence, Lauderdale County, Alabama, from 1979 to 1980. He worked in private practice from 1980 until 2000 before serving as a judge. Judge Boohaker is active in the American Bar Association, the Birmingham Bar Association, and the Circuit Judges' Association.



**Thomas Coleman, Jr.** is a partner at Smith, Spires, and Peddy PC in Birmingham. He received his B.A. from Washington & Lee University in 1982.

He received his J.D. from the Cumberland School of Law at Samford University in 1987. He was a member of the *American Journal of Trial Advocacy* from 1984 to 1986. He is a member of the Birmingham and Alabama Bar Associations and the Alabama Defense Lawyers Association. He is a practicing member of the U.S. District Courts for the Northern, Middle, and Southern Districts of Alabama.



**Chris Glover**, with the Beasley Allen Law Firm in Montgomery, has dedicated his practice to protecting the rights of survivors of catastrophic personal injury and victims of wrongful

death. He has spoken across the country on issues concerning commercial truck litigation, defective products, trial skills, and effective leadership. In 2011 and 2013, he was selected as Beasley Allen's Lawyer of the Year for the Product Liability section. He is a Martindale Hubbell AV Rated attorney, and was named to the *Super Lawyers* “Rising Stars” list in 2011-2014 and to the *Super Lawyers* list in 2015.



**Stephen Heninger** with Heninger Garrison Davis, LLC in Birmingham, authored “Bad Faith in Alabama: An Infant Tort in Intensive Care” in the *Alabama Law Review*. He

has served as President of the Birmingham

Bar Association and the American Board of Trial Advocates (ABOTA) Alabama Chapter. He has been listed by *Super Lawyers* as one of the Top 10 Lawyers in Alabama for the past four years. He has been listed in *Best Lawyers in America*® since 1991. He is a “fellow” of the Alabama Law Foundation which limits its membership to the top 1% of the State Bar.



**Jeremiah Hodges**, with Hodges Trial Lawyers, P.C. in Huntsville, handles personal injury lawsuits and civil litigation, both plaintiff and defense. He served as the Chair of the Emerging

Leaders for the Alabama Association for Justice and President of the Huntsville Young Lawyers. In 2011, 2012, and 2013, he was chosen as a *Super Lawyers* Rising Star. He was also selected by the National Trial Lawyers as one of the top 40 lawyers in Alabama under the age of 40 in 2012 and 2013. In 2012, the Society of Legal Advocates named him one of its Top 40 Lawyers under 40.



**Terry McCarthy** is with Lightfoot Franklin White LLC in Birmingham. He has an AV Peer Review Rating from Martindale-Hubbell and has been listed multiple times in the Alabama

edition of *Super Lawyers* for civil litigation defense. He has taught Evidence courses at Birmingham School of Law, the University of Alabama School of Law, and Cumberland School of Law. He was appointed by the Alabama Supreme Court to serve on the Advisory Committee to the Alabama Rules of Evidence, in which he serves as co-chair of the sub-committee on Hearsay.



**Scott M. Salter** is a partner in the Birmingham-based law firm of Starnes Davis Florie LLP. He primarily practices in the areas of direct representation of insurance

companies and medical malpractice defense. Mr. Salter has been selected for inclusion in *Best Lawyers in America*® since 2010 and was named an Alabama *Super Lawyer* in 2012, 2013 and 2014. He is a frequent speaker in the areas of trial tactics, ethics, insurance issues, and defense of medical malpractice litigation.

Produced by  
Rachel Mayo, CLE Specialist  
M. Lee Smith Publishers, a division of BLR

## 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 Alabama tort law, all while gaining CLE credit, including an hour of ethics credit. Please reserve my seat at **2015 Tort Law Conference for Alabama Attorneys**. My registration includes the one-day conference, pages of valuable course materials, morning and afternoon refreshments (lunch is not included) and 7 hours of CLE credit. If I am dissatisfied, I am entitled to a 100% refund. Fee: \$327 for program, \$247 for additional attendees from the same firm, \$147 for materials only.

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### 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 Mandatory Continuing Legal Education Commission of Alabama for a maximum of 7 hours' credit, including 1 hour of ethics.

### FEES

\$327 for program  
(\$277 when registered by July 31)

\$247 for additional attendees from the same firm  
\$147 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.

## WE MAKE REGISTERING EASY!

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800-727-5257

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service@blr.com

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800-785-9212

## DYNAMIC INTERACTION

Unlike other one-way presentations, you'll be encouraged to ask questions and present your own situations for discussion, while interacting with both the speakers and your peers.

## QUALITY PRESENTERS

Your presenters are all authorities in Alabama tort law. Their experience, skill, and familiarity with issues of specific concern to Alabama attorneys make this the perfect learning event for practitioners who represent injured parties or defend tort actions.

## ATTORNEYS WILL LEARN:

- The latest rulings from the Alabama appellate courts on tort law and evidentiary issues
- How to pursue what really matters in discovery and trial preparation
- How to spot a product liability case
- How to tackle evidentiary issues that frequently arise in trial
- How to select and qualify expert witnesses
- How to determine which witnesses should be deposed
- What mistakes to avoid when trying a case
- Ethical considerations for tort lawyers

## WHAT YOUR COLLEAGUES SAID ABOUT LAST YEAR'S SEMINAR

*"All the speakers were excellent."*

*"The speakers provided relevant information."*

*"I like the open format allowing attendees to ask questions."*

*"I liked the selection of topics."*

*"I enjoyed Judge Boohaker's presentation."*