

Alabama Law Weekly

Presents

2018

Medical Malpractice Conference for Alabama Attorneys

When: Friday, April 27

Where: Birmingham

This program features Jefferson County Circuit Judge Elisabeth A. French, along with a faculty of leading defense and plaintiffs' attorneys, explaining the very latest developments in healthcare liability and sharing trial experiences.

Highlights include:

- Hospital liability issues for both defense and plaintiffs' attorneys
- How to best use technology to win at trial
- How to develop and use a compelling theme that drives a medical malpractice jury to your preferred conclusion
- How to defend a medical malpractice case
- Settlement keys – offers, timing, and pitfalls to avoid
- Jefferson County Judge Elisabeth A. French on best practices in the courtroom
- How to meet ethical obligations in medical malpractice cases, including HIPAA and confidentiality issues.

RESERVE YOUR SEAT AT MLEESMITH.COM/AMMC

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

EARN
CLE
CREDIT

7 hours of CLE
(6 hours of general and
1 hour of ethics)

Your Distinguished Faculty

Robert Cooper
Stockham, Cooper & Potts, P.C.

Mike Ermert
Hare, Wynn, Newell & Newton, LLP

Judge Elisabeth A. French
Jefferson County Circuit Judge

Stephen D. Heninger
Heninger Garrison Davis, LLC

Jasper Juliano
Parsons, Lee & Juliano, P.C.

Walter Price
Huie, Fernambucq & Stewart, LLP

Jennifer Devereaux Segers
Huie, Fernambucq & Stewart, LLP

Jason L. Yearout
Yearout & Traylor, P.C.

M. Lee Smith[®]
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BLR[®]
Learn. Comply. Succeed.

Get up to date on the hottest issues in Alabama healthcare liability law:

- How to prove your case using the smartest and most effective technology tools
- How a hospital can be liable for the actions of its employees and others
- How to find and develop a thematic narrative to pull your case from opening statement to verdict or settlement
- How to avoid courtroom disasters, from a sitting Alabama judge
- What's working in settlement negotiations, including how to get creative with offers and timing
- Ethics CLE session on avoiding medical malpractice case pitfalls

WHERE

Embassy Suites
Birmingham – Hoover
2960 John Hawkins Pkwy
Birmingham, AL
(205) 985-9994



WHEN

Friday, April 27, 2018
Registration: 8:00 A.M.
Conference: 8:30 A.M - 5:15 P.M.

CLE: Earn 6 hours general CLE and 1 hour of ethics

CONFERENCE FEES

\$337 for program, \$257 for additional attendees from the same firm, \$147 for materials. Program fee is fully refundable if you are dissatisfied with this event.

Register by March 17 and save \$50.

PRESENTED BY

Agenda

Tech Tips for Trial Triumph

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

Jason Yearout

Yearout & Traylor, P.C.

Are you using the most effective technology to make your arguments stick? Learn all the latest tools for communicating in the courtroom and simplifying issues for medical malpractice juries.

- When to use technology and when to avoid it
- New applications for presenting complex claims
- Tech hardware suggestions for reduced risk of failure
- Top 5 tech errors attorneys make
- Where to find step by step courtroom technology guidance

What's Your Theme? How to Develop and Deliver a Winning Case Structure

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

Stephen D. Heninger

Heninger Garrison Davis, LLC

Successful medical malpractice arguments have a strong underlying theme that pulls the jury to the inevitable conclusion. Learn how to find yours and apply it to your case strategy.

- How to select a theme that works in all phases of your case
- How to support the theme and increase juror acceptance
- Where to find a foundation in jury instructions
- How to integrate proof and argument to create a cohesive thematic experience

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

Defensive Weapons: Keys to Repelling a Medical Malpractice Claim in Alabama

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

Jasper Juliano

Parsons, Lee & Juliano, P.C.

Successfully defending a malpractice charge requires a mix of legal, technical, and communication skills -- and it all starts long before the case comes to trial. In this session, you'll get the latest on:

- Investigating the claim
- Attacking the causation proof of the plaintiff's medical malpractice action
- Special causation defenses
- Winning summary judgment
- Weakening the claim through effective depositions
- Preparing your clients for depositions

— 11:45 A.M. TO 1:00 P.M. LUNCH —
(ON YOUR OWN)

Courtroom Practices Success Tips from an Alabama Judge

1:00 P.M. TO 2:00 P.M.

Judge Elisabeth A. French

Jefferson County Circuit Judge

Where do attorneys fall short when claiming medical malpractice or defending claims? How can you avoid the strategic blunders that have ruined the most promising cases? Learn, from Jefferson County Circuit Judge Elisabeth

French, about the hottest issues medical malpractice lawyers currently face in the courtroom. Judge French has presided over civil disputes since 2011 and will share her invaluable insights into what's working – and what's not.

Hospital Liability in Alabama: Who Can Be Sued?

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

Walter J. Price, III, and Jennifer Devereaux Segers
Huie, Fernambucq & Stewart, LLP

If a client claims to have suffered as the result of errors in a hospital setting, both attorneys representing the client and those representing the hospital must know where the courts will limit liability and hinder the ability to recover damages. In this session, defense and plaintiffs' attorneys will learn how recently decided Alabama cases change the approach to take and when institutions are either vulnerable or immune.

- When is an Alabama hospital liable for employed physicians?
- Recent changes to traditional concepts of liability, and how they change your strategy
- The dangers of reliance on regulatory provisions when establishing nondelegable duty or agency
- Practical hospital liability considerations
- Alleged role of the Joint Commission

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

Keys to Settling Your Medical Malpractice Case: Timing, Offers, Depositions, and More

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

Michael Ermert
Hare, Wynn, Newell & Newton, LLP

To apply pressure on your opponent to settle the case now, you want to use whatever arrows are in your quiver. Learn from a seasoned Alabama malpractice attorney the best times, and the best ways, to make settlement attractive, and on your terms.

- How to evaluate the case and find settlement opportunities from the first client contact
- How to overcome common settlement obstacles and achieve better client outcomes
- To pro tanto or not pro tanto

Know Your Rights... and Wrongs: Ethical Issues Alabama Attorneys Face in Med Mal Cases

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

Robert E. Cooper
Stockham, Cooper & Potts, P.C.



Medical malpractice law is fraught with the potential for real or perceived ethical lapses. In this session, you'll benefit from an in-depth examination of where things can go wrong and ways to protect yourself from even the taint of impropriety.

- What is "competent" representation in medical malpractice cases
- How to meet your HIPAA and confidentiality obligations
- Ways to avoid conflicts of interest
- How to depose experts without become ensnared in ethical traps
- Compensating experts within accepted ethical guidelines
- How to use technology ethically in medical malpractice cases

Your Distinguished Faculty



Robert Cooper is a founder of Stockham, Cooper & Potts, P.C., in Birmingham. His clients include businesses and individuals in the manufacturing, commercial transportation, health care and medical device, and insurance industries, among others. He is a Fellow of the International Academy of Trial Lawyers and the Alabama Law Foundation and is a member of the American Board of Trial Advocates.



Michael D. Ermert is a partner with the law firm of Hare, Wynn, Newell & Newton, LLP in Birmingham. He has been selected by Benchmark Litigation as one of the top litigation attorneys in the state of Alabama; named an Alabama Super Lawyer, one of the Top 50 lawyers in Alabama; and is listed as one of the Best Lawyers in America.



Judge Elisabeth A. French began litigating complex civil cases. In 1999, Judge French managed cases ranging from medical malpractice actions to mass tort litigation including, diet drug litigation, hormone therapy cases, Vioxx, Celebrex, and Bextra. As an attorney, she tried multiple civil jury trials. In November of 2010, Judge French was elected as a judge for Jefferson County's Circuit Court.



Stephen D. Heninger is a founder of Heninger Garrison Davis, LLC, in Birmingham. He is a trial lawyer specializing in the litigation of personal and commercial tort actions. He is a "master bench" with the Birmingham Inns of Court, a "fellow" of the Alabama Law Foundation, and "Senior Fellow," Litigation Counsel of America.



Jasper Juliano is a founding member of Parsons, Lee, & Juliano, P.C., in Birmingham. He has tried many cases on behalf of hospitals, physicians, product manufacturers and the construction and insurance industries. Through his representation of medical caregivers and institutions and corporate clients, his career has been studied with cases resulting in major legal precedents.



Walter J. Price, III is a partner at Huie, Fernambucq & Stewart in Birmingham. He has put his specialized medical litigation experiences to work to defend hospitals, physicians and nursing homes in medical malpractice actions. He also focuses on pharmaceutical and medical device claims, mass torts and the defense of insurance bad faith cases.



Jennifer "JD" Devereaux Segers is of counsel at Huie, Fernambucq & Stewart in Birmingham. She focuses her practice on medical malpractice, dental malpractice, long-term care and nursing home liability, pharmaceutical liability, professional liability, and professional license defense.



Jason L. Yearout is a partner with Yearout & Traylor, P.C. He specializes in litigation in a variety of areas, including personal injury, consumer law, mortgage disputes, and business litigation. He has tried over 30 jury trials and has obtained millions of dollars in verdicts since 1999.

Learn more and register at mleesmith.com/ammc

Registration is easy!

- Web: mleesmith.com/ammc
- Phone: 800-727-5257
- Email: Eventsales@blr.com

Get up-to-date information on the latest and most significant developments affecting your clients and practice. Reserve your seat at the **2018 Medical Malpractice Conference for Alabama Attorneys**. Your registration includes the one-day conference, pages of valuable course materials, morning and afternoon snacks, and up to 7 hours of CLE credit. Your satisfaction is guaranteed.

Guarantee: If you are not completely satisfied, we will refund 100% of your registration fee-no questions asked.

Cancellation Policy

- A \$50 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.

10 reasons to attend Medical Malpractice Conference for Alabama Attorneys:

- Quality presenters.** Your presenters are all authorities in the field of healthcare liability.
- Judicial perspective.** You'll hear from Judge Elisabeth A. French, Jefferson County Circuit Judge.
- Balance.** You'll hear from both plaintiffs and defense attorneys.
- Practical information.** You'll get information you can put to use in your practice right away, such as effective use of technology, how to attack the causation proof of the plaintiff's medical malpractice action, and when to make a settlement offer for best results.
- Dynamic interaction.** You'll be encouraged to ask questions and present your own situations for discussion.
- Trial presentation.** You'll get tips on how to tell your client's story and control your case.
- Timely information.** You'll get up to date on the latest developments in the healthcare liability area, including hospital liability issues, recent changes to traditional concepts of liability, and how they change your strategy.
- Theme development.** You'll get tips on how to find and use the most effective themes in medical malpractice case presentation.

- Useful materials.** You'll receive a notebook of materials to take back to the office with you for future reference. And you'll be able to download the materials after the conference.
- CLE.** You can earn over one-half of your annual CLE credit, including one ethics hour.

Comments from past *Alabama Law Weekly CLE conferences*:

"I received current and relevant information."

"The topics were very practical and useful for everyday civil practice."

"I love hearing from experienced trial lawyers – plaintiffs' and defense."

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

"I liked the depth of coverage on topics."

When: Friday, April 27
Where: Birmingham

For registration assistance or to register additional attendees, call 800-727-5257 or visit us online at mleesmith.com/ammc