

YOUR DISTINGUISHED FACULTY

WORKERS' COMP JUDGES

Judge Marshall Davidson
 Judge Pamela Johnson
 Chief Judge Ken Switzer

TENNESSEE BUREAU OF WORKERS' COMPENSATION

Troy Haley

WORKERS' COMP/EMPLOYMENT LAW ATTORNEYS

Christopher Barrett, King & Ballou
 Leslie Bishop, Lewis, Thomason, King, Krieg, & Waldrop, P.C.
 Bob Boston, Waller Lansden Dortch & Davis, LLP
 Kitty Boyte, Constangy, Brooks, Smith & Prophete, LLP
 Catherine Dugan, Peterson White, LLP
 Frank Gallina, Parker, Lawrence, Cantrell & Smith
 Howard M. Kastrinsky, King & Ballou
 Rockforde (Rocky) D. King, Egerton, McAfee, Armistead & Davis, P.C.
 Charles (Chuck) J. Mataya, Bradley Arant Boult Cummings LLP
 Marshall McClarnon, Ponce Law
 Terrence L. Olsen, Olsen Law Firm
 Mallory Schneider Ricci, Constangy, Brooks, Smith & Prophete, LLP
 Michael Russell, Russell Dispute Resolution, PLLC
 Steven N. Snyder, Jr., McAngus Goudelock & Courie
 Kenneth D. Veit, Leitner, Williams, Dooley & Napolitan PLLC
 Duane Willis, Morgan & Akins, PLLC

OTHERS

Wendy Fisher, Safety Compliance Manager with Tennessee OSHA
 Dr. Jeffrey Hazlewood, Board Certified in Physical Medicine and Rehabilitation, subspecialty Board Certification in Pain Medicine
 Dawn Trojan-Randle, Claim Specialist at Brentwood Services



Topics covered include:

- ✓ The medical and legal determinations of causation in a workers' comp case
- ✓ Challenges faced by employers when dealing with social media in the workplace
- ✓ Tips on how to avoid the imposition of penalties
- ✓ A doctor's perspective on the opioid epidemic Interplay between workers' comp, the ADA, and the FMLA
- ✓ Termination and retaliation issues
- ✓ And more.

Highlights:

- Expert insight from judges on the Court of Workers' Compensation Claims and the Workers' Compensation Appeals Board
- A panel discussion with attorneys and physicians on the medical and legal determinations of causation in a workers' comp case
- An attorney track that includes a session on what's new with Medicare set-asides; ethical issues arising during mediation; medical issues in a workers' comp claim; the settlement process; "hot topics" from the plaintiff's perspective; and a panel discussion featuring defense and plaintiff's attorneys
- An employer track that covers issues on management of a claim from start to finish; the role of handbooks, policies, and training; accident investigations and responding to fraudulent claims; third party work injury claims; conducting effective surveillance; scope of employment issues; preventing workplace injuries; and handling the medical aspects of a claim
- A review of the latest cases from the Workers' Compensation Appeals Panels, Workers' Compensation Appeals Board, and Court of Workers' Compensation Claims

When you attend this comprehensive event for attorneys and employers, you will:

1. Hear from Chief Judge Ken Switzer and Judge Pamela Johnson, with the Court of Workers' Compensation Claims, as well as Judge Marshall Davidson, presiding judge of the Workers' Compensation Appeals Board.
2. Gain insight on causation issues under the new law from a panel of attorneys and physicians.
3. Discover when it is legal to fire an employee who has filed a workers' comp claim.
4. Receive a comparison of how workers' comp interacts with two employment-related laws, i.e., the ADA and the FMLA.
5. Learn about the unique challenges employers face in dealing with social media in the workplace.
6. Get an update on the latest rulings from the Workers' Compensation Appeals Panels, the Workers' Compensation Appeals Board, and the Court of Workers' Compensation Claims.
7. Hear from a Bureau of Workers' Compensation representative on how to avoid the imposition of penalties in the workers' comp arena.
8. Hear from a pain management specialist about the long term impact of opioid use on employers, employees, and society in general.
9. Get up to date on relevant issues, such as managing claims under the new law, traps to avoid when investigating an accident or responding to a fraudulent claim, and ethical issues arising during ADR.
10. Access an interactive program, including panel discussions – the speakers welcome your questions and feedback.

When: Wednesday-Friday, November 7-9, 2018
Where: Nashville, TN

Here's what your colleagues said about last year's **Tennessee Workers' Comp Conference:**



"This is by far the best workers' compensation seminar in the state."

"Topics were great and really diverse. I appreciate how the course materials covered all aspects of a workers' compensation claim."

"Very knowledgeable group of speakers. I really appreciated the fact that all the speakers were willing to answer questions and engage with the audience!"

"The information was timely, interesting, and very well presented."

"Loved the notebook of materials I received!! Awesome as always!!"

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Tennessee
 Attorneys Memo

2018

Workers' Comp Conference For Tennessee Attorneys

WEDNESDAY-FRIDAY, NOVEMBER 7-9 | NASHVILLE

This conference puts you in contact with judges from the Workers' Compensation Appeals Board and the Court of Workers' Compensation Claims, leading workers' comp attorneys, representatives from the Bureau of Workers' Compensation, and other key players in the workers' comp system.

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2018 Workers' Comp Conference For Tennessee Attorneys

HIGHLIGHTS:

- Insight from judges on the Court of Workers' Compensation Claims and the Workers' Compensation Appeals Board
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- Review of the latest cases from the Workers' Compensation Appeals Panels, Workers' Compensation Appeals Board, and Court of Workers' Compensation Claims

Agenda

FOR FULL AGENDA DETAILS, VISIT MLEESMITH.COM/TN-WC

WEDNESDAY, NOVEMBER 7

Tennessee's Court of Workers' Compensation Claims: Practices & Procedures

1:00 p.m. to 2:30 p.m.
Chief Judge Kenneth Switzer,
Court of Workers' Compensation Claims
Judge Pamela Johnson,
Court of Workers' Compensation Claims

The creation of the Court of Workers' Compensation Claims was a significant part of the 2013 reforms. Since that time, the number of trial judges has expanded to twelve; statutes, regulations, and rules have been tweaked a couple of times, and cases are now moving steadily through the trial system. This session will provide an update on the trial procedures and practices, including tips from the bench on trial practice, settlement approvals and closing medical benefits, what you can and cannot do by rule in the Court, and highlight some pitfalls to avoid.

- Petition for benefit determination
- Mediation requirements
- Dispute certification notice
- Initial hearings
- Catastrophic injury
- Expedited hearings
- Discovery
- Time requirements
- Settlements

Break

2:30 p.m. to 2:45 p.m.

Causation: Medical or Legal Determinations, Panel and Case Law Discussions

2:45 p.m. to 4:00 p.m.
Kitty Boyte, *Constangy, Brooks, Smith & Prophete, LLP*,
along with a panel of other attorneys and physicians

Causation is a key concept in Tennessee Workers' Compensation Law that consists of both medical and legal components. Understanding what medical facts need to be expressed by the physician to support the application of the legal standard by attorneys and judges for medical causation will be the focus of a panel discussion. The panel, which will be led by Ms. Boyte and will include other attorneys and physicians, will explore situations such as work injuries that are the primary cause for a need for medical treatment but an underlying pathology already existed. The panel will discuss what findings must be present in an individual's medical record to support a conclusion that factors other than work activity caused an injury or a need for treatment.

Termination and Retaliation Issues

4:00 p.m. to 5:15 p.m.
Chuck Mataya, *Bradley Arant Boulton Cummings, LLP*

- Recent case law
- Whistleblowers
- When is termination a legal option?
 - Available leave?
 - Unrelated employee conduct or policy violation
 - Dealing with RIFs
 - Wrongful termination y, King & Ballou

THURSDAY, NOVEMBER 8

ATTORNEY TRACK

Navigating the Workers' Compensation Appeals Board

8:00 a.m. to 9:15 a.m.
Judge Marshall Davidson,
Presiding Judge, Workers' Compensation Appeals Board

Interplay Between FMLA, ADA, and Workers' Compensation

9:15 a.m. to 10:15 a.m.
Howard Kastrinsky,
King & Ballou

Morning Break

10:15 a.m. to 10:30 a.m.

Ethical Challenges in Worker's Compensation

10:30 a.m. to 11:30 a.m.
Dawn Trojan-Randle,
Claim Specialist, Brentwood Services Administrators, Inc.
Duane Willis,
Morgan & Akins, PLLC

LUNCH *(lunch is included with registration)

11:30 p.m. to 12:30 p.m.

Penalty Program

12:30 p.m. to 1:30 p.m.
Troy Haley,
Director of Penalty Program – Bureau of Workers' Compensation

The Workers' Comp Settlement Process

1:30 p.m. to 2:30 p.m.
Rocky King,
Egerton, McAfee, Armistead & Davis, P.C.

Afternoon Break

2:30 p.m. to 2:45 p.m.

Employment Law Update

2:45 p.m. to 3:45 p.m.
Christopher Barrett,
King & Ballou Law Offices

Medicare Set-Asides 2018

3:45 p.m. to 4:45 p.m.
Steve Snyder,
McAngus Goudelock & Courie LLC

EMPLOYER TRACK

Claims Management Tips for Employers

8:00 a.m. to 9:00 a.m.
Leslie Bishop,
Lewis, Thomason, King, Krieg, & Waldrop, P.C.

Medical Issues and Their Role in a Workers' Comp Claim

9:00 a.m. to 10:00 a.m.
Frank Gallina,
Parker Lawrence, Cantrell & Smith

Workers' Compensation Updates

10:00 a.m. to 10:30 a.m.
Dawn Trojan-Randle,
Claim Specialist, Brentwood Services Administrators, Inc.
Duane Willis,
Morgan & Akins, PLLC

Morning Break

10:30 a.m. to 10:45 a.m.

Interplay Between FMLA, ADA, and Workers' Compensation

10:45 a.m. to 11:30 a.m.
Howard Kastrinsky,
King & Ballou

LUNCH *(lunch is included with registration)

11:30 p.m. to 12:30 p.m.

2018 Workers' Compensation Legislative & Case Law Update

12:30 p.m. to 1:30 p.m.
Catherine Dugan,
Peterson White, LLP

Preventing Workplace Injuries

1:30 p.m. to 2:30 p.m.
Wendy Fisher,
Safety Compliance Manager, Tennessee OSHA

Afternoon Break

2:30 p.m. to 2:45 p.m.

The Role of Handbooks, Policies, and Training

2:45 p.m. to 3:45 p.m.
Mallory Schneider Ricci,
Constangy, Brooks, Smith & Prophete, LLP

Hot Topics in Workers' Comp: The Plaintiff's Perspective

3:45 p.m. to 4:45
Marshall McClarnon,
Ponce Law

FRIDAY, NOVEMBER 9

If Not Opioids Then What?

8:00 a.m. to 9:15 a.m.
Dr. Jeffrey Hazlewood,
Board Certified in Physical Medicine and Rehabilitation, subspecialty Board Certification in Pain Medicine

The usage and appropriateness of opioids is now coming under great scrutiny, especially given the failure rates and poor outcomes in the injured workers. Dr. Hazelwood will discuss updates on the opioid crisis, understand when they are appropriate, and what to do to treat chronic pain when they have risks that outweigh benefits. Recommendations of alternative treatments, based on evidence based medicine, will be discussed. He will look at options such as manual physical therapy, acupuncture, cognitive behavioral therapy, yoga, H-wave units, better nutrition, sleep hygiene, and hemp oil. Real case examples will be used. There is still hope for these chronic pain patients!

ICE is Knocking at the Door, and is not Going Away: How to Perform I-9 Compliance Self Audits, and Prepare for ICE Raids, and Inspections

9:15 a.m. to 10:15 a.m.
Terrence L. Olsen, *Olsen Law Firm*

In this session, Mr. Olsen will discuss:

- Congressional Immigration Proposals
- New ICE Raid and Inspection Developments
- Current I-9 immigration audit and investigation practice & process
- The Nuts and Bolts of Conducting an I-9 Compliance Self Audit
- Strategies for I-9 Compliance and Corrections

Morning Break

10:15 a.m. to 10:30 a.m.

Hot Topics in Wage and Hour Law

10:30 a.m. to 11:30 a.m.
Bob Boston,
Waller Lansden Dortch & Davis, LLP
Michael Russell,
Russell Dispute Resolution, PLLC

Michael Russell and Robert Boston will provide their opinions from both plaintiff and defendant's side on employment law issues. Some issues discussed include: class action waivers, the new (or dead) overtime regulations, and the question of deference.

Scope of Employment Issues

11:30 a.m. to 12:30 p.m.
Kenny Veit,
Leitner Williams Dooley Napolitan, PLLC

Mr. Veit will review the scope of employer liability issues, including who is covered under workers' compensation and what injuries are compensable, including:

- Idiopathic injuries
- Injuries occurring on the way to work or on the way home from work
- Injuries occurring as the result of the actions or conduct of a third party

WHEN: Wednesday-Friday, November 7-9, 2018

WHERE: Nashville School of Law

4013 Armory Oaks Dr.

Nashville, TN 37204

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INVESTMENT:

\$547 (full program)

\$477 (full program for additional attendees)

\$347 (Thursday only)

\$247 (Materials only)

PROGRAM AT-A-GLANCE:

Full program is 15 hours – Day 1 (4 hours), Day 2 (6.75 hours), and Day 3 (4.25 hours).

Simultaneous tracks, one for employers and one for attorneys, on Thursday.

Joint tracks (for both groups) on Wednesday afternoon and Friday morning.

Approved for 15 hours of CLE (14 hours of general and 1 hour of dual).

Registration begins at 12:00 p.m. (noon) on Wednesday, November 8.

The conference begins at 1:00 p.m. and concludes at 5:15 p.m. on Wednesday.

The conference begins at 8:00 a.m. and concludes at 4:45 p.m. on Thursday.

SPONSORSHIP:

To sponsor this event, please contact Olivia Al-Sadi at OAL-Sadi@blr.com.

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