

NCADA 2016 Fall Seminar Agenda

7 a.m. Registration & Continental Breakfast

8:15 - 8:30 a.m. **Welcome & Announcements**
A. Todd Brown, Hunton & Williams LLP, President
Brady A. Yntema, Goldberg Segalla, Program Chair

8:30 - 9:30 a.m. **Recent Decisions of Relevance**
Dixie T. Wells, Ellis & Winters LLP, Greensboro

9:35 - 10:15 a.m. **Breakout Sessions -- Block 1**

Construction: Practice Tips for Pursuing Additional Insured Coverage
Robert C. deRosset, Young Moore & Henderson, P.A.

Everyone is pushing for adjusters and counsel to pursue additional insured coverage in construction defect suits, but how do you accomplish this task? This session will take a look at the practical steps to take if you are seeking coverage as an additional insured. From effective tender letters to strategic use of discovery, this session will focus on handling additional insured claims in everyday litigation.

Employment: EEOC Alternative Dispute Resolution ("ADR") Program
Jimmy Jones, ADR Coordinator, EEOC-Charlotte District Office

We conducted an internal investigation of the charge, we don't think we did anything wrong, why should my client mediate? Is it really helpful to ask a Charging Party what they want to settle their charge before deciding whether we want to mediate or not? This session will help you guide your clients through the process.

Government: Civil Rights Actions and Prison Litigation under 42 U.S.C. §1983
Emily Lewis, Pro Se Law Clerk, Western District of NC

An overview of pro se § 1983 actions in law enforcement cases, focusing on the increase in pre-trial detainee and prisoner excessive force cases surviving summary judgment after the Supreme Court's decisions in *Wilkins v. Gaddy* and *Kinglsey v. Hendrickson*.

Product Liability: Daubert is the Law, Once and for All...Assessing the State v. McGrady
Thomas A. Packer, Gordon & Rees & C. Rob Wilson, Hedrick Gardner Kincheloe & Garofalo, LLP

10:15 - 10:30 a.m. **Morning Networking Break & Visit Exhibitors**

10:30 - 11:15 a.m. **Bad Faith—Modern Problems...Practical Solutions (Sponsored by DRI)**
Mike Weston, Lederer Weston Craig, P.L.C.

This presentation will review the law of first and third party bad faith claims, the evolution of nuances in the torts and how to deal with them, along with practical tips for the defense of bad faith litigation.

11:15 - 12:30 a.m. **2016 Judicial Candidates' Forum**

12:30 - 1:30 p.m. **Networking Lunch**

1:35 - 2:15 p.m. **Breakout Sessions -- Block 2**

Paralegals: Missing Puzzle Pieces in Complex Medical Records
Lynne DeVenny, NCCP

Medical records are the crux of serious injury cases, and missing key records can result in serious problems at all phases of litigation, from case evaluation and expert review to mediation to trial. But in a busy practice, thousands of pages of records can appear overwhelming, like a 5,000 piece jigsaw puzzle that appears impossible to complete. Understanding where to start and what pieces are most important to find first can make all the difference to quickly and efficiently complete the puzzle. This session will explore frequently overlooked items and tricks for reviewing and summarizing complex medical records.

Trucking & Transportation: Combating the Reptile Theory in a Trucking Case

Christopher M. Kelly, Gallivan, White & Boyd, P.A.

This session will discuss strategies for discovery, depositions, pre-trial motions and trial objections when defending against the Reptile Theory.

1:35 - 2:15 p.m. **Breakout Sessions -- Block 2 (cont'd)**

Medical Malpractice: Who's Really on Trial? The Defendant or the Medical Record?

Tricia Morvan Derr, Lincoln Derr, Beth A. Stanfield, Lincoln Derr, and Scott M. Stevenson, Shumaker Loop & Kendrick, LLP

Workers' Comp: The New Commission—Patterns and Trends at the DC Level and the FC Level

Tracey L. Jones, Teague Campbell Dennis & Gorham, LLP and Melissa K. Walker, Hedrick Gardner Kincheloe & Garofalo, LLP
A survey of new Deputy Commissioner Opinions and Full Commission Opinions.

2:20 - 3:05 p.m. **Time in the Courtroom**
James P. Cooney III, Womble Carlyle Sandridge & Rice, PLLC

Time—when things happen — is a common critical element in most cases. Building a chronology based upon available sources of time is critical to understanding what happened when and constructing a defense. In the modern era, there is an abundance of electronic evidence that creates the opportunity for timelines that do not depend on testimony after the fact. This presentation will use and an example the Duke Lacrosse Case and the way in which the defense team recreated the events of the night using cell phone records, video and digital images and other objective and verifiable evidence to prove that the alleged assault could not have happened.

3:05 - 3:15 p.m. **Afternoon Networking Break & Visit Exhibitors**

3:15 - 4:00 p.m. **Tidbits: Uncommon Common Interest Work Product Doctrine, Second Chance SJ Motions, Unpublished Orphans & Waiting for Interlocutory's End**
Ken Kyre, Pinto Coates Kyre & Bowers PLLC

This session will discuss the state of the law of the common interest work product doctrine, exceptions to the usual prohibition of second chance SJ motions, how unpublished opinions are viewed by courts, and the appeal of what had been an interlocutory order after the case has ended.

4:00 - 4:45 p.m. **"Using" an Automobile So As To Trigger Automobile Liability Insurance: The Consequence of Undefined Terms and Broad Judicial Interpretation**
William J. Robinson, National General

Automobile insurance policies provide coverage when an insured becomes "legally responsible because of an auto accident", and typically provide coverage for the named insured for the "ownership, maintenance or use" of an auto, and for anyone else who is "using" the insured vehicle. Those policies, though, don't define "use" or "using", leaving it up to the finder of fact to interpret them. This session will explore the court's liberal interpretation of the terms, including *Integon Nat. Ins. Co. v. Helping Hands Specialized Transp., Inc.*, 758 S.E.2d 27, 32 (N.C. Ct. App. 2014) a case in which the court found coverage "even though we might believe that the extension of coverage...goes beyond the common-sense application of the principles of a causal connection."

4:45 p.m. **Adjournment**

