



# 2016 Fall Seminar For Insurance Claims Managers & Defense Counsel

Friday, September 30, 2016

Grandover Resort & Conference Center, Greensboro NC



The annual NCADA Fall Seminar will be here before we know it! I look forward to seeing you in Greensboro at the Grandover Resort on Friday, September 30, 2016.

As is the tradition with the Fall Seminar, written and oral presentations are designed not only for the NCADA's attorney members, but also for insurance claims professionals. This year's Seminar will include the popular bi-annual Recent Decisions Case Law Update, tips on how electronic evidence can be used to create critical timelines in litigation, a discussion of legal issues and tactics that could catch you unaware, an update on bad faith litigation, and an analysis of recent broad judicial interpretations given to terms of the standard personal auto policy.

Our Practice Groups are again planning substantive breakout sessions on topics relevant to your practice. This year, the General Liability breakout session will focus on Trucking & Transportation law, and our Paralegals Group will feature a discussion on "the missing puzzle pieces" in medical records.

Being an election year, the NCADA is inviting candidates running for the North Carolina Supreme Court and Court of Appeals to participate in our **9<sup>th</sup> biennial Judicial Candidates' Forum**.

Don't miss this opportunity to share in the great fellowship and practical education offered by the NCADA.

Register Today! Don't forget to invite a claims client to meet you there too.



Brady A. Yntema, Goldberg Segalla  
Program Chair

## Judicial Candidates' Forum

11:15 a.m.—12:30 p.m.

Our ninth biennial Judicial Candidates' Forum will be held in conjunction with this year's fall seminar. The Forum will feature judicial candidates in statewide elections for seats on the North Carolina Supreme Court and North Carolina Court of Appeals.

The **Judicial Candidates' Forum** provides members of the bar, the business community and the public an opportunity to learn about the candidates who wish to serve the state at the appellate court level. Each candidate will have the opportunity to briefly discuss his or her qualifications for the position and answer brief questions regarding areas of concern for businesses, civil defense attorneys and their clients. NCADA members are encouraged to invite clients to attend the Forum and reception.

**Early Registration Deadline:**  
September 19, 2016. Registrations received after September 19, 2016 are an additional \$50.

**Refund Policy:**  
Due to guarantees being placed, we will not be able to offer refunds after September 19, 2016.

**Continuing Credit Information:**  
Requests for continuing education credits have been submitted to the N.C. State Bar and the N.C. Department of Insurance Agent Services Division.

**Total Credit Hours:**  
(pending approval by NC State Bar and NC Dept. of Insurance)

MCLE: 6.25 Hours  
ICEC: 6.0 Hours

**Program Materials:**  
Seminar materials will be provided electronically and emailed to registered attendees one week in advance of the seminar. Internet access will be provided in meeting rooms along with outlets for laptops or tablets. Please be mindful of your internet usage by using only one device. Printed materials are available for an additional \$35 fee.

**Hotel Information:**  
A block of rooms has been reserved for your convenience at the Grandover Resort & Conference Center at a reduced rate of \$174 single or double occupancy; \$212 for a junior suite. The reservation deadline date for these rates is **September 1, 2016**. The hotel *may* honor the reduced rate after September 1<sup>st</sup> based on availability. To make reservations, please call the Grandover at 336-294-1800 or 1-800-472-6301. The Grandover Resort is located at One Thousand Club Road off of I-85 in Greensboro.

## 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





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I am a 1st Time Attendee!

- \$ 325 Member Attorney
- \$ 475 Eligible Non-Member Attorney
- \$ 225 Government Members
- Judges & Speakers Complimentary
- \$ 150 Insurance Claims Manager/ Supervisor\*
- \$ 150 Paralegals/Legal Assistant \*
- \$ 225 Eligible Non-Member Paralegals/Legal Asst.
- \$ 35 Printed Materials

**\*Special Discounts:** Non-attorney Insurance Claims Managers and Paralegals may attend at the special rate of 2 for 1. Registrations must be received at the same time to receive the discount.

Yes, we want to take advantage of the 2 for 1 discount!

NCSB # \_\_\_\_\_ National Producer #/NPN \_\_\_\_\_

Name: \_\_\_\_\_

Call Name for Badge \_\_\_\_\_

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Street Address: \_\_\_\_\_

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- I need BOTH ICEC and MCLE credits.  I prefer a vegetarian entree.
- SELECT BREAKOUTS:**
- SESSION 1:**  Construction  Employment  Government  Product Liability
- SESSION 2:**  Med Mal  Paralegals  Trucking & Transportation  Workers' Comp.

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**Payment Information:** Checks payable to: NCADA Attn: Bookkeeping, 3700 National Drive, Ste. 212, Raleigh, NC 27612 or email to [admin@ncada.org](mailto:admin@ncada.org)

Credit Card Payment:  MasterCard  VISA  AMEX Exp. Date: \_\_\_\_\_ CVV#: \_\_\_\_\_

Account #: \_\_\_\_\_ Cardholder Name \_\_\_\_\_

Street Address & Zip Code of Cardholder \_\_\_\_\_ Signature \_\_\_\_\_

**Children's Book Drive:** Please bring a new children's book to the conference. The books will be donated to a private, non-profit organization promoting literacy development. All of the donated books will remain in North Carolina and assist NC children and families. Thank you for your support!

**The Fine Print—Early Registration Deadline:** September 19, 2016. **NO refunds** after September 19, 2016. **Late &/or on-site registration fees for Member Attorneys - \$375; Non-member Attorneys - \$525; Insurance Representatives & Paralegals - \$175. Credit Information:** Requests for continuing education credits will be submitted to the N.C. State Bar and the N.C. Department of Insurance Agent Services Division. The credit hours applied ICEC's and MCLE hours pending **Hotel Information:** A block of rooms has been reserved for your convenience at the Grandover Resort & Conference Center at a reduced rate of \$174 single or double occupancy; \$212 for a junior suite. The reservation deadline date for these rates is **September 1, 2016** The hotel may honor the reduced rate after September 1, 2016 based on availability. To make reservations, please call the Grandover at 336-294-1800 or 1-800-472-6301. The Grandover Resort is located at One Thousand Club Road off of I-85 in Greensboro.

\*An eligible non-member is an attorney or paralegal who meets the practice requirements stated in the NCADA's Bylaws Article III, Section 2.



**NORTH CAROLINA ASSOCIATION OF DEFENSE ATTORNEYS**

3700 National Drive, Ste. 212

Raleigh, NC 27612-4842



**BRING A CHILD A BOOK!**

**HELP A CHILD TO READ!**

Please bring a new children's book to the conference and help us promote reading and childhood literacy. The books will be donated to a private, non-profit organization promoting literacy development. All donated books will benefit North Carolina's children and families.

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**Button & Associates, LLC**