

**PROGRAM DATE:** Friday, January 27, 2017

**REGISTRATION:** 8:00 a.m.

**Early Registration Deadline:** January 20, 2017

**No Refunds:** after January 20, 2017

**CLE CREDIT:** 6.5 Hours, including 3.25 hr Ethics/Professionalism\*, 1 hr substance abuse/mental health\* (pending approval) **ICEC Credit:** 7 hours (5 hours General & 2 hours Ethics, pending approval)

*\*1.25 ethics for Employment Session; 1 hr Substance abuse optional Video Replay*

**LOCATION:** The Solution Center, 1101 Slater Rd., Durham, NC 27703 (directions below)

**PROGRAM MATERIALS:** Seminar materials will be emailed to registrants in advance of the seminar

**From (Raleigh, Cary, Morrisville) I-40 Westbound:**

Take Exit 282 (Page Road) to the end of the ramp, and make a right onto Page Road. Go to the second traffic light and make a left onto Slater Road. Brighton Hall is the second building on the right (you should see the Solution Center sign on the building).

**From (Durham, Chapel Hill) I-40 Eastbound:**

Take Exit 282 (Page Road) to the end of the ramp, and make a right onto Page Road. Go to the first traffic light and take a left onto Slater Road. Brighton Hall is the second building on the right (you should see the Solution Center sign on the building).



North Carolina Association of Defense Attorneys

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NORTH CAROLINA  
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## 2017 Winter Workshop

January 27, 2017

The Solution Center - Durham



Register today for this full-day seminar that will include general sessions and area-of-practice-specific content put on by each of our Practice Groups. Engage with fellow NCADA members in Practice Group sessions, and the networking and educational programming that is focused on you. Start the new year with relevant CLE hours or get those last minute hours before the February deadline.

# 2017 Winter Workshop Schedule & Agenda

8:00—8:50 a.m.	Registration & Continental Breakfast
8:50 a.m.	Welcome & Announcements
9:00—10:00 a.m.	<b>CASE LAW UPDATE: TOP DECISIONS OF 2016</b> A recap and in-depth discussion of the most important decisions of 2016 <i>Leslie Packer, Ellis &amp; Winters LLP</i>
10:00—11:00 a.m.	<b>MANAGING BLIND SPOTS: UNCOVERING BIAS IN THE PRACTICE OF LAW</b> (sponsored by NCADA Diversity Committee) This session will examine how implicit bias impacts the practice of law and offer tangible solutions to recognizing and combating bias. By the conclusion of this session, participants will: <ul style="list-style-type: none"> <li>• Understand the psychology behind implicit bias and examine the distinction between other barriers to access (i.e., racism and explicit bias);</li> <li>• Develop insight into their individual biases;</li> <li>• Obtain a realistic view of the impact of bias on the legal profession; &amp;</li> <li>• Learn strategies for addressing implicit bias.</li> </ul> <i>Judith Welch Wegner, UNC School of Law, &amp; Ada Wilson, UNC Diversity &amp; Multicultural Affairs</i>
11:00—11:15 a.m.	Networking Break
11:15—12:30 p.m.	<b>PRACTICE GROUP SESSIONS #1</b> (SEE SESSION HIGHLIGHTS BELOW)
12:30—1:15 p.m.	Networking Lunch & Visit Exhibitors
1:15—2:30 p.m.	<b>PRACTICE GROUP SESSIONS #2</b> (SEE SESSION HIGHLIGHTS BELOW)
2:30—2:45 p.m.	Networking Break
2:45—3:45 p.m.	<b>THE ETHICS OF DISCOVERY UNDER THE NEW FEDERAL RULES OF CIVIL PROCEDURE</b> Recent changes in the Federal Rules of Civil Procedure has established an expectation and, in many states, an ethical obligation to stay abreast of technology, to utilize technology to evaluate conflicts, to mine for data about adverse litigants and witnesses, and to communicate, carefully, with and about clients. This session will discuss these ethical competencies and more. <i>Jessica Tyndall, Nationwide Insurance</i>
3:55—4:55 p.m.	<b>OPTIONAL Video Replay*: Lawyer Risk &amp; Resiliency—An NC LAP program</b> (sponsored by NCADA Young Lawyers Committee)

## PRACTICE GROUP SESSIONS #1

### **CONSTRUCTION: INTRODUCTION TO COLLABORATIVE LAW: ANOTHER TOOL IN YOUR TOOLBOX**

This session will introduce practitioners to an emerging form of dispute resolution that gives parties control of how their problems are resolved. Collaborative law allows for prompt and efficient resolution, without any public record. Construction disputes are particularly well suited for this type of process, and this will be a hot topic in coming years. Get ahead of the curve! John Sarratt, Harris, Sarratt & Hodges, LLP; *Nicole Slaughter, Hamlet & Associates, PLLC; Robin Seelbach, Wall Templeton & Haldrup, PA*

### **AN EXPERT OPINION (ON CONSTRUCTION DEFECT LITIGATION)**

This session will focus on the best and most effective use of an engineering expert in a construction defect case. Experienced engineering experts will share their insight on what information to provide, effective site inspection planning and execution, preparation for deposition and trial testimony, and how best to use an expert in a defect case. *Howard Rigsby, M.E., P.E. & Johnnie Hennings, P.E., Accident Reconstruction Analysis, Inc.*

### **EMPLOYMENT\*: SEXUAL AND GENDER DIVERSITY IN THE WORKPLACE – BEST PRACTICES AND RISK AVOIDANCE FOR LGBTQ ISSUES AT WORK.**

Program will address learning and using the appropriate LGBTQ vocabulary in the workplace; overview of state and federal law and EEOC position regarding transgender rights and discrimination based on gender identity, sexual orientation and sex-stereotyping; updating and reconsidering existing personnel and other employment policies and practices (including facilities access and answering the bathroom questions); and engaging and educating management about its valuable role in a gender transition. *Edward S. Schenk III, Williams Mullen PC*

### **GOVERNMENT: DASH AND BODY CAMERA VIDEO: BALANCING PUBLIC AND LEGAL CONCERNS**

Police departments are investing in dash and body cameras for daily use by on-duty police personnel. How do police departments and municipalities answer the questions of the right of privacy, duty to preserve and disclose, chain of custody, public access and manage perception versus reality? North Carolina recently enacted HB 972 that governs public access to these recordings. This session will discuss current events, new laws, and strategies to manage outcomes from body camera footage. *Mark Newbold, Police Attorney, Charlotte-Mecklenburg Police*  
*James Thornton, Cranfill Sumner & Hartzog, LLP*

### **PRODUCT LIABILITY: BREAKING THE CHAIN: STRATEGIES FOR ATTACKING THE ISSUE OF CAUSATION**

A 360° discussion of the substantive law and legal strategies for mounting a causation defense, and how a biomechanical engineer can assist. *C. Rob Wilson, Hedrick Gardner Kincheloe & Garofalo, LLP*  
*Amber Rath Stern, Ph.D., P.E., Senior Consultant, ESI*

## PRACTICE GROUP SESSIONS #2

### **COMMERCIAL: WARN AND BE FOREWARNED: THE IMPORTANCE OF CLEAR UPJOHN WARNINGS**

- Provides in-house and outside counsel with guidance on appropriate Upjohn warnings when interviewing a company's employees
- Highlights cases involving faulty Upjohn warnings and provides practical guidance on avoiding similar outcomes that could risk losing control over the company's privilege  
*Jeremy M. Falcone & Thomas H. Segars, Ellis & Winters LLP*

### **GENERAL LIABILITY: ALI'S "RESTATEMENT OF THE LAW OF LIABILITY INSURANCE"**

This presentation will provide an overview of the sections of the Restatement of the Law of Liability Insurance which have been approved by the ALI's membership to date, with an emphasis on those sections of the Restatement that conflict with North Carolina law as well as those sections of the Restatement that address unsettled areas of insurance law in North Carolina; and, discuss the potential impact of the ALI's adoption of certain rules in the Restatement on the development of insurance law in North Carolina, as well as some of the more controversial sections of the Restatement which are set to be debated at the ALI's annual meeting in May 2017.  
*Brady Yntema & David Harris, Goldberg Segalla*

### **MEDICAL MALPRACTICE: NORTH CAROLINA MEDICAL BOARD'S SAFE OPIOID PRESCRIBING INITIATIVE (SOPI)**

*Sara Lincoln, Lincoln Derr*

### **TBA: BUT IT IS GOING TO BE GREAT & CLE CREDIT WORTHY**

*John Beyer, Parker Poe Adams & Bernstein*

### **WORKERS' COMP: CASE LAW UPDATE: THE IMPORTANT CASES OF 2016, INCLUDING BENTLEY, WILKES AND O'NEAL**

*Tracey L. Jones, Teague Campbell Dennis & Gorham LLP & Melissa K. Walker, Hedrick Gardner Kincheloe & Garofalo LLP*



**REGISTER ONLINE OR RETURN FORM BELOW**  
[WWW.NCADA.ORG](http://WWW.NCADA.ORG)

## 2017 WINTER WORKSHOP REGISTRATION FORM

- |  |  |
|--|--|
| <input type="checkbox"/> \$265 NCADA Attorney                        | <input type="checkbox"/> \$365 Non-Member Attorney   |
| <input type="checkbox"/> \$165 NCADA Government Attorney             | <input type="checkbox"/> \$265 Non-Member Government Attorney                                    |
| <input type="checkbox"/> NCADA Corporate Counsel, Complimentary      | <input type="checkbox"/> \$265 Non-Member Corporate Counsel                                      |
| <input type="checkbox"/> \$75 NCADA Paralegal / Insurance Claims Rep | <input type="checkbox"/> \$175 Non-Member Paralegal  |
| <input type="checkbox"/> Judges, Complimentary                       | <input type="checkbox"/> \$35 Optional Substance Abuse Video Replay (Included in full day rate!) |

Please select one (1) breakout from each session.

- |            |                                       |  |  |  |
|------------|---------------------------------------|--|--|--|
| Session 1: | <input type="checkbox"/> Construction | <input type="checkbox"/> Employment        | <input type="checkbox"/> Government          | <input type="checkbox"/> Product Liability |
| Session 2: | <input type="checkbox"/> Commercial   | <input type="checkbox"/> General Liability | <input type="checkbox"/> Medical Malpractice | <input type="checkbox"/> Workers' Comp.    |

NCSB# \_\_\_\_\_ Name \_\_\_\_\_  
Firm & Mailing Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_ Email \_\_\_\_\_

*Please make checks payable to NCADA, 4030 Wake Forest Rd., Ste. 203, Raleigh, NC 27609  
or, for credit card payments, please mail completed form or email to [chrisdenton@ncada.org](mailto:chrisdenton@ncada.org)*

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