



NORTH CAROLINA
ASSOCIATION OF
DEFENSE ATTORNEYS

July 1, 2019

Ms. Cheryl Palombizio
Director of Member Services
DRI – The Voice of the Defense Bar
55 West Monroe, Suite 2000
Chicago, IL 60603

RE: The 2018 Rudolph A. Janata Award Nomination

Dear Ms. Palombizio:

On behalf of the North Carolina Association of Defense Attorneys, I wish to nominate our Association for the DRI Rudolph A. Janata Award for our work and efforts to promote the importance of diversity in our organization, and our members' professional practice and personal lives. As the proud recipient of DRI's Diversity Award in both 2005 and 2012, the only SLDO so far in the country to have been recognized twice for this award, we believe our diversity programming is deserving of the prestigious Janata Award recognition.

North Carolina is a state that has historically struggled with racial issues and has, more recently, been in the headlines nationally with regard to LGBTQ issues, we have held professionalism discussions on both issues annually at our Winter Workshop which began in 2016. NCADA, through our Diversity Committee, has provided progressive, somewhat provocative, controversial and unique programming that impacts our members as individuals and professionals daily. As a profession, and as individual lawyers in our respective firms and organizations, we aspire to promote diversity and inclusion. Our Diversity Committee has taken advantage of today's societal discourse to present CLE programs relevant both professionally and personally opening the dialogue to enhance communication and relationships within our diverse society.

In January 2019, we again hosted a social-trending topical discussion: **Sexual Violence and Sexual Harassment claims in the #MeToo Era** The #MeToo Movement was popularized by several high-profile American celebrities and intended to highlight the prevalence of (professionalism) sexual assault and sexual harassment. A 2017 Survey Report at the Center for Disease Control (CDC) found that one in three women, and one in six men, have experienced some form of sexual violence in their lifetime. The Diversity Committee of the NCADA will present an in-depth discussion on the topic of sexual violence and harassment and the impact it has on individuals and organizations. You will hear from a variety of In-House, Plaintiff, and Defense attorneys about the prevalence of sexual assault and sexual harassment claims occurring in our workplace, churches, schools and other environments, the types of claims reported, the issue of false reporting, and how these claims are affecting our relationships and work environments. *Panelists: Sean Herrmann, Herrmann & Murphy, PLLC; Kathleen Luchessi, Lincoln Derr, PLLC; Kathleen McKay, Duke Energy. Moderator, Maria Ortiz, Lincoln Derr, PLLC;*

In 2018, we hosted two one-hour topical sessions and one stand alone four-hour program. Each of our diversity programs qualify for ethics/professionalism credit from the NC Board of Continuing Legal Education. Program highlights:

- **MEET: Race Relations Panel** was a one-hour session held at our 2018 Winter Workshop in February. This session included a stellar group of panelists that discussed and helped us understand how personal characteristics including race, sex, sexual orientation, generation, and culture impact our biases and our willingness to engage with others. The panel discussion provided tools to help us explore our own biases and relationships with diverse communities, learn to minimize decisions based on biases, understand how to leverage diverse perspectives to develop action steps that can be applied to the resolution and reconciliation process.

This panel was moderated by Kate Deiter-Maradei, Deiter-Maradei Mediations. Panel members included Tru Pettigrew of Tru Access, a consultant who helps individuals and organizations bridge gaps across areas that cause division, dysfunction and separation; Dr. Michael Waltman, Associate Professor of Interpersonal & Organizational Communication, University of North Carolina; Chief Patrice Andrews, Morrisville Police Department, who is one of three African American Female police chief's in the Triangle area of North Carolina; and Jon Powell, Director, Juvenile Justice Mediation Project, Campbell Law School.

- **What is it Like to Be White in America?** A screening and guided discussion of Tim Wise's Documentary, *White Like Me* was held in March. At this program, participants stepped out of their comfort zones to have the really hard conversations about class and privilege, colorblindness or color consciousness, and the roots of implicit bias. The hope and goal of this discussion was to help us start this difficult conversation and think differently about race.

The day's discussion was led by philosopher, Stephen Bloch-Schulman, Associate Professor and Chair of Philosophy at Elon University. This workshop included watching excerpts of Tim Wise's *White Like Me* and guided discussion about the nature of whiteness in contemporary America. By turning to whiteness, participants were asked to think carefully about privilege, racism and what roles these play in the lives of white and non-white people, and what white people can do to address racism and its effects.

The NCADA opened this program to all members of the legal community, inviting leaders of the various North Carolina Bar organizations, sister SLDO's in neighboring states, and the leadership of DRI. We were pleased to have in attendance DRI President John Kuppens, NC Advocates for Justice President Brad Bannon, and Wake County Bar President Maria Lynch. Seven NCADA past presidents attended which added a rich history of the professional experiences from defense bar leaders and demonstrated the commitment NCADA leadership has placed regarding the importance of diversity within our organization.

Post-Seminar Evaluation Comments:

"It was educational but, most important, it reflects that the NCADA understands the importance of inclusion of everyone, minorities in particular, in the legal profession."

"The honesty about the topic. The format which not only allowed, but encouraged, attendees to speak their minds openly and safely on some pretty provocative questions. The facilitator was excellent. I thought I had myself completely figured out, but I learned a lot, and I believe I can act more intentionally and thoughtfully going forward."

"I like that it took us out of our comfort zone and challenged our thinking. I loved the open discussion format. The facilitator was effective and knowledgeable as well. I liked that the facilitator provided recommendations for additional resources to learn more about issues of race and white privilege."

"Thank you to the NCADA for the courage to tackle this issue. I believe that, as people with privilege (whether it be white privilege, class privilege or professional privilege), we have a responsibility to be informed and ultimately find ways to make a seat at the table or at least move over to make room."

- **Leveraging Diversity in Litigation from Cradle to Grave** presented at our recently held Annual Meeting by Kevin E. Clark, Lightfoot Franklin White LLC from Birmingham, Alabama. This session discussed how to immediately begin to evaluate and assess the lawsuit on multiple levels, including diversity considerations and incorporate those considerations into every stage of case preparation and demonstrate how doing so can enhance the quality of legal representation offered to our clients.

NCADA took advantage of DRI's SLDO Speaker Program which helped us to provide a high-quality speaker, timely topic and offset travel expenses. DRI was recognized on program literature as session sponsor.

In addition to the programs noted above, our 2017 and 2016 sessions were equally relevant to today's environment.

- **2017 Winter Workshop: Managing Blind Spots: Uncovering Bias in the Practice of Law.** This session examined how implicit bias impacts the practice of law and offered tangible solutions to recognizing and combating bias. Session goals were to help participants understand the psychology behind implicit bias and examine the distinction between other barriers to access (i.e., racism and explicit bias) and develop insight into their individual biases to help them obtain a realistic view of the impact of bias on the legal profession; and to learn strategies for addressing implicit bias. This session was led by Professor Judith Welch Wegner of UNC

School of Law and Ada Wilson with the UNC Diversity & Multicultural Affairs Department.

- **2016 Winter Workshop: Embracing Diversity: Lives In Transition.** This session discussed transgender issues in the workplace and the implementation of proper hiring and retention strategies to establish an inclusive and diverse workforce since many clients now request this information from their law firms. This timely discussion came in the wake of NC's HB2 "Bathroom Bill", Supreme Court decision on same-sex marriage, the news surrounding Caitlyn Jenner, and the epidemic of the bullying of LGBTQ teens. This session stressed how diversity and inclusion for the LGBTQ community has become a priority for employers.

The session featured the personal and professional story of the General Counsel for Rack Room Shoes, Peter Barr, who has not only been dealing with the implementation of proper hiring and retention strategies at Rack Room Shoes, but whose own child has transitioned from female to male. Mr. Barr's son helped by preparing a white paper entitled "*Trans 101: A Basic Introduction to Transgender People*" that was provided as session materials.

Mr. Barr was joined for the discussion by Milan Pham, Nicholson Pham, PLLC, whose firm is one of the few firms in North Carolina specializing in representing the LGBTQ community from the unique family law needs to advocating for the rights of individuals and families. Ms. Pham focused her discussion on the legal needs and the opportunities available for attorneys to help meet these needs.

Comments from attendees:

"Very relevant to current professional and social issues, and good food for thought on practice development."

"More and more, clients want to know what programs we have in place for diversity and inclusion efforts."

"I thought the morning diversity and substance abuse presentations were exceptional."

The NCADA, our members and their firms are historically recognized as conservative when compared to the plaintiff's bar. However, the NCADA has taken a leadership role among the Bar groups in North Carolina in promoting diversity and inclusion within our organization and by supporting our members and their firms in their efforts. In fact, the plaintiff's bar organization has reached out to the NCADA for assistance in launching their own diversity committee.

We have stepped outside of our comfort zone and taken our members out theirs to create a paradigm shift in thoughts and attitudes in order to enhance communication and build better relationships within an increasingly diverse society. These endeavors can only enhance the goals and objectives of the organized defense bar and those stated in the NCADA's Mission Statement to *"...bring together civil trial attorneys to promote the administration of justice, the exchange of information, ideas, and litigation*

Page Five
DRI Janata Award Nomination
July 1, 2019

techniques, and to strengthen the practice, improve the skills, and enhance the knowledge of lawyers who defend individuals and represent businesses in civil cases in North Carolina.”

Please accept this nomination for DRI’s Rudolph A. Janata Award.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Lachicotte Zemp, Jr.", written in a cursive style.

F. Lachicotte Zemp, Jr.
President

Attachments

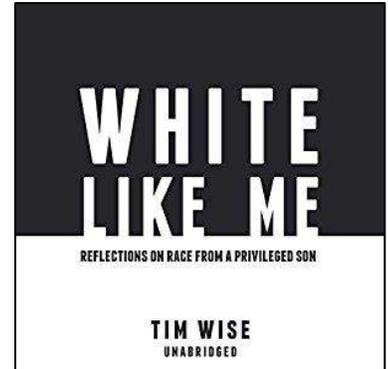


What is it Like to Be White in America?

A Screening and Guided Discussion of Tim Wise's
Documentary, *White Like Me*
Sponsored by NCADA's Diversity Committee

March 23, 2018 ♦ Grandover Resort, Greensboro

Led by philosopher, Stephen Bloch-Schulman, this workshop will include watching excerpts of Tim Wise's *White Like Me* and guided discussion about the nature of whiteness in contemporary America. We will consider it in light of recent history, and consider our own diverse relationships to whiteness. By turning to whiteness, we will think carefully about privilege, racism and what roles these play in the lives of white and non-white people. We will also discuss what white people can do to address racism and its effects.



- 9:45 a.m. Registration & Morning Networking
- 10:20 a.m. **Welcome from NCADA President**
Dayatra T. Matthews
Senior Vice President, Legal & Compliance, Local Government Federal Credit Union
- Introduction of Presenter**
Gwendolyn Lewis & Maria Ortiz, Lincoln Derr, PLLC
- 10:30 a.m. **Screening and Guided Discussion of *White Like Me* – Part 1**
Professor Stephen Bloch-Schulman
Associate Professor and Chair of Philosophy, Elon University
- 12:30 p.m. Networking Lunch and Break
- 1:30 p.m. **Screening and Guided Discussion of *White Like Me* – Part 2**
Professor Stephen Bloch-Schulman
Associate Professor and Chair of Philosophy, Elon University
- 3:30 p.m. **Concluding Remarks from NCADA Diversity Committee Chair**
Julia E. Dixon
Associate General Counsel, NC Retail Merchants Association

Program Date: Friday, March 23, 2018 **Location:** Grandover Resort & Conference Center, Greensboro
Advance Registration Deadline: Tuesday, March 20, 2018 (fee includes lunch) **MCLE Credit:** 4hrs Ethics/Professionalism

Registration Fee: ○ \$225

NCSB# _____ Name: _____

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Make Checks Payable to: NCADA. Mail to: 4030 Wake Forest Rd., Ste. 203, Raleigh, NC 27609; or return by email to: chrisdenton@ncada.org

To pay by Credit Card, please complete and return as given above: MC Visa AMEX

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Professor Stephen Bloch-Schulman

Growing up as a young Jew not so long after the Holocaust, I always thought about the role of various groups involved— the committed Nazis, those who went along with Nazism without hatred, and the victims. I always wondered how I might have acted in the face of oppression and evil. These questions motivated me to become a philosopher and teacher and still motivate my work, which is now asking about the state of our world, in contemporary America, and my own role within it as a white, straight man. I am an Associate Professor and Chair of Philosophy at Elon University, and was just named as the inaugural winner of the Prize for excellence in Philosophy Teaching awarded by the American Philosophical Association, the American Association of Philosophy Teachers, and the Teaching Philosophy Association.

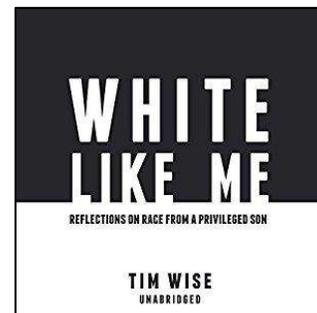


What is it Like to Be White in America?

*A Screening & Guided Discussion of Tim Wise's Documentary,
"White Like Me"*

Sponsored by NCADA's Diversity Committee

March 23, 2018 ♦ Grandover Resort, Greensboro



PROGRAM DATE: Friday, January 29, 2016

REGISTRATION: 8:00 a.m.

Early Registration Deadline: January 22, 2016

No Refunds: after January 22, 2016

CLE CREDIT: 5.0 Hours, including 1 hour Substance Abuse & 1 hour Professionalism Credit (pending approval by NC State Bar Board of CLE)

INFORMATION: (919) 239-4463, chrisdenton@ncada.org

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:

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North Carolina Association of Defense Attorneys

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NORTH CAROLINA
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DEFENSE ATTORNEYS

2016 Winter Workshop

January 29, 2016

The Solution Center - Durham



Join us for a full day seminar including general topics for everyone in the morning, and then area-of-practice-specific content put on by each of our Practice Groups in the afternoon. Get those last minute CLE hours before the February deadline, and engage our Practice Groups in organizational meetings, networking, and educational programming that is focused on practice-specific topics.

North Carolina Association of Defense Attorneys Winter Workshop 2016

8:00 - 8:50 a.m.
 8:50 a.m.
 9:00 - 10:00 a.m.

Registration & Continental Breakfast
 Welcome & Announcements

ADDICTION & RECOVERY: A STORY OF HOPE & REDEMPTION

Personal stories of hope and redemption often make for the most compelling presentations. For those struggling silently with issues, this presentation often offers the gateway to getting help. For those who do not suffer from any of the conditions being discussed by the speaker, they learn about the signs and symptoms to look for in a colleague or friend and that making an early referral could possibly save a colleague's life. *Sponsored by the NCADA's Young Lawyers Committee*
NC LAP Volunteer Speakers Thomas R. Holt, Bagwell Holt Smith PA & Victoria Bender, Bender LeFante Law Offices, PC

10:00 - 11:00 a.m.

EMBRACING DIVERSITY: LIVES IN TRANSITION

In the wake of recent Supreme Court decisions, the news surrounding Caitlyn Jenner and the epidemic of the bullying of LGBT teens, diversity and inclusion for the LGBT community has become a priority for employers. Many clients now request this information from their law firms. Learn more about transgender issues in the workplace and the implementation of proper hiring and retention strategies to establish an inclusive and diverse workforce. *Sponsored by the NCADA's Diversity Committee*
Peter Barr, General Counsel, Rack Room Shoes & Milan Pham, NicholsonPham PLLC

11:00 - 11:15 a.m.
 11:15 - 12:00 p.m.

Networking Break

GAIN VISIBILITY, ESTABLISH CREDIBILITY, AND BUILD RAPPORT: USING LINKEDIN FOR BUILDING YOUR BRAND AND GENERATING BUSINESS

Learn best practices for completing your LinkedIn profile and using social media to connect and engage with prospective clients and referral sources. The program will also discuss how digital marketing, including social media, can best supplement and amplify traditional marketing efforts. *Ginny Allen, Adept Digital, Raleigh*

12:05 - 12:30 p.m.
 12:30 - 1:30 p.m.

Practice Group Organizational Meetings
 Networking Lunch

1:30 - 3:00 p.m. Practice Group Sessions 1

GENERAL LIABILITY: Quantifying Economic Damages from Business and Personal Loss Claims. This session will discuss the quantification of loss of business income/ lost profits resulting from both 1st party property and 3rd party liability claims, the quantification of economic damages resulting from wage loss claims, and the forensic review of the underlying support documentation from a forensic accountant's perspective. *Derek Royster, CPA, ABV, CFF, CFE, RGL Forensics, Paul Haynes, CPA, ABV, CFF, RGL Forensics*

WORKERS' COMP: The Fallout of the Wilkes Case. This session will feature a discussion of the recent NC Court of Appeals decision in *Wilkes v. Greenville* and the impact temporary disability benefits decisions in future workers' compensation cases. *Tracey Jones, Teague Campbell Dennis & Gorham, LLP*

Workers' Comp Case Law Update. This session will feature a review and update of important decisions related to Workers' Comp cases in 2015. *Tracey Jones, Teague Campbell Dennis & Gorham, LLP*

COMMERCIAL: Data Management For Lawyers – Will You Be The Next Headline? Data breaches at law firms are on the rise and many experts believe that the legal industry will be a primary target of hackers during 2016. Please join this discussion of data management best practices and what law firms should be doing now to minimize the risk of a data breach including the identification and classification of data, best practices in the age of the IoT and BYOD, and key steps to an effective data breach response. *Marc Tucker, Smith Moore Leatherwood, LLP*

Consumer Financial Topic *Joe Dowdy, Kilpatrick Townsend & Stockton*
MEDICAL MALPRACTICE: Negotiations and Investigations at the Medical Board. Learn more about managing your case before the N.C. Medical Board including proper processes, information required by the Board, and reporting payments. Specific examples will be shared. *Thom Mansfield, Chief Legal Officer & Legislative Liaison, N.C. Medical Board*
Mark Anderson, McGuireWoods, Heather Wilson McGuire Woods

Medicare Secondary Payer Act Litigation on Behalf of Clinics and Hospitals Against Insurers. An overview of a recent case on behalf of a clinic of the insurer's liability for double or triple damages. *J. Matthew Little, Teague Campbell Dennis & Gorham, LLP*

3:15 - 4:45 p.m. Practice Group Sessions 2

GOVERNMENT: Civil Rights Actions Under 42 U.S.C. § 1983

An overview of pro se § 1983 actions in law enforcement cases. *Emily Lewis, Pro Se Law Clerk, Western District of North Carolina*

Excessive Force: A Panel Discussion of Recent 4th Amendment Cases.

Hunt Choi, Moderator, Jason Benton, Parker Poe Adams & Bernstein, Emily Lewis, Pro Se Law Clerk, Western District of North Carolina, Caroline Mackie, Poyner & Spruill

CONSTRUCTION: Skysail: This Ain't No Bond Movie

An all-encompassing story of construction litigation, the Skysail Condominium case traverses the court system with indemnity claims, statute of limitations/ tolling, and the economic loss rule. Discuss this ground-breaking case with fellow litigators involved. *Jay Tobin, Young Moore & Henderson, PA, Drew Vanore, Brown Crump Vanore & Tierney, LLP*

Goldeneye: Analyzing Delay Damages and other ways to use a Forensic Accountant in a Construction Setting

Paul Haynes, CPA, RGL Forensics

PRODUCT LIABILITY: Amendments to Rule 26(b)(4) Regarding Expert

Discovery. This session will discuss the recent changes to Rule 26 highlighting the inconsistencies between the old Rule 26 and modern-day practice as well as inconsistencies between NC and Federal Rules. *Angela Allen, Ragsdale Liggett, PLLC, C. Rob Wilson, III, Hedrick Gardner Kincheloe & Garofalo, LLP*

Ask the Expert: New Developments in Laser Scanning and Drone Technology.

Andrew Webb, BSME, Accident Research Specialists

EMPLOYMENT: Fundamentals of Benefits Litigation – An Introduction to the Basic Employer Obligations and Employee Claims Arising Under ERISA.

This program will provide a basic overview of litigation issues arising under ERISA. *David L. Woodard, Poyner Spruill, LLP*

Navigating an OSHA Case: From Inspection to Hearing. This program will provide a basic overview of the enforcement and citation process, including tips on how to avoid citations at the outset of an inspection, common pitfalls to avoid during an inspection, and tips on how to avoid whistleblower "retaliation" claims. *Steve Parascandola & Megan Black, Smith Anderson, LLP*

REGISTRATION FORM - JANUARY 29, 2016 CLE

- \$250 NCADA Attorney
- \$175 NCADA Government Attorney
- NCADA Corporate Counsel, Complimentary
- \$125 NCADA Paralegal
- Judges, Complimentary

- \$395 Non-Member Attorney
- \$265 Non-Member Government Attorney
- \$265 Non-Member Corporate Counsel
- \$210 Non-Member Paralegal

Please select one (1) breakout from each session.

- Session 1: General Liability Worker's Compensation Commercial Medical Malpractice
 Session 2: Government Construction Product Liability Employment

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

Please make checks payable to **NCADA, 3700 National Drive, Ste. 212, Raleigh, NC 27612**
 or, for credit card payments, please mail completed form or email to **chrisdenton@ncada.org**

MasterCard Visa AMEX Exp. Date: _____ CVV# _____
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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).

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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.	CASE LAW UPDATE: TOP DECISIONS OF 2016 A recap and in-depth discussion of the most important decisions of 2016 <i>Leslie Packer, Ellis & Winters LLP</i>
10:00—11:00 a.m.	MANAGING BLIND SPOTS: UNCOVERING BIAS IN THE PRACTICE OF LAW (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"> • Understand the psychology behind implicit bias and examine the distinction between other barriers to access (i.e., racism and explicit bias); • Develop insight into their individual biases; • Obtain a realistic view of the impact of bias on the legal profession; & • Learn strategies for addressing implicit bias. <i>Judith Welch Wegner, UNC School of Law, & Ada Wilson, UNC Diversity & Multicultural Affairs</i>
11:00—11:15 a.m.	Networking Break
11:15—12:30 p.m.	PRACTICE GROUP SESSIONS #1 (SEE SESSION HIGHLIGHTS BELOW)
12:30—1:15 p.m.	Networking Lunch & Visit Exhibitors
1:15—2:30 p.m.	PRACTICE GROUP SESSIONS #2 (SEE SESSION HIGHLIGHTS BELOW)
2:30—2:45 p.m.	Networking Break
2:45—3:45 p.m.	THE ETHICS OF DISCOVERY UNDER THE NEW FEDERAL RULES OF CIVIL PROCEDURE 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.	OPTIONAL Video Replay*: Lawyer Risk & Resiliency—An NC LAP program (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

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*

MasterCard Visa AMEX Exp. Date: _____ CVV# _____
Account #: _____ Signature: _____
Street Address for Billing: _____ Zip: _____

PROGRAM DATE: Friday, February 2, 2018
Early Registration Deadline: January 23, 2018

REGISTRATION: 8:00 a.m.
No Refunds: after January 25, 2018

CLE CREDIT: 6 Hours, including 3.0 hr Ethics/Professionalism, 1 hr substance abuse/mental health* (pending approval)
**1 hour 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

INFORMATION: (919) 239-4463, chrisdenton@ncada.org **REGISTER ONLINE:** www.ncada.org

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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DEFENSE ATTORNEYS

2018 Winter Workshop

February 2, 2018

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.



2019 Winter Workshop Agenda

January 25, 2019 ♦ The Solution Center, RTP

- 8:00—8:50 a.m. Registration & Continental Breakfast
- 8:50 a.m. Welcome & Announcements
- 9:00—10:00 a.m. **Case Law Update: Top Decisions of 2018**
A recap and in-depth discussion of the decisions of 2018 most important to your practice.
Leslie Packer, Ellis & Winters LLP
- 10:00—11:00 a.m. **Sexual Violence and Sexual Harassment claims in the #MeToo Era** The #MeToo Movement was popularized by several high-profile American celebrities and intended to highlight the prevalence of professionalism) sexual assault and sexual harassment. A 2017 Survey Report at the Center for Disease Control (CDC) found that one three women, and one in six men, have experienced some form of sexual violence in their lifetime. The Diversity Committee of the NCADA will present an in-depth discussion on the topic of sexual violence and harassment and the impact it has on individuals and organizations. You will hear from a variety of In-House, Plaintiff, and Defense attorneys about the prevalence of sexual assault and sexual harassment claims occurring in our workplace, churches, schools and other environments, the types of claims reported, the issue of false reporting, and how these claims are affecting our relationships and work environments. Moderator, Maria Ortiz, Lincoln Derr, PLLC; Panelists: Sean Herrmann, Herrmann & Murphy, PLLC; Kathleen Luchessi, Lincoln Derr, PLLC; Kathleen McKay, Duke Energy
- 11:00—11:15 a.m. Networking Break
- 11:15 a.m.—12:15 p.m. **Psychology of Retirement: Preparing for life after the daily practice of law**
Have you thought about how you want your practice to come to a conclusion? This presentation will help you look at your life, your substance abuse) practice, and the future of both so that you can begin to mentally, physically, and professionally prepare yourself and your practice for that time. Nan E. Hannah, Hannah Sheridan & Cochran, LLP
- 12:15—1:00 p.m. Networking Lunch & Visit Exhibitors
- 1:05—2:05 p.m. **Practice Group Sessions #1**
- General Liability: Practical Medical Evidence Considerations in Personal Injury Actions**
This presentation will look at common evidentiary issues such need for expert witness testimony as to proximate causation of claimed injuries, whether and when treating physicians must be designated as expert witnesses, and whether expert medical testimony is needed as to medical expenses. Chad Dunn, Bailey & Dixon, LLP
- Government: Mini Case Update on Recent Decisions Important to Governmental Practice**
A panel discussion on 2018 cases impacting civil defense practice.
Jennifer Jones, Wake County Attorney's Office; Ryan Bostic & Andrew Santaniello, Clawson & Staubes

Commercial: North Carolina Business Court Update

Catch up on recent decisions in complex and commercial litigation coming out of the Business Courts in this lively roundtable discussion with fellow practitioners.

Timothy P. Lendino, Bradley; Josh Neighbors, Hedrick Gardner Kincheloe & Garofalo, LLP; Scottie Forbes Lee, Ellis & Winters, LLP

Medical Malpractice: Handling Cases Before the Board of Nursing

Learn more about the administrative processes involved when handling cases and representing clients before the North Carolina Board of Nursing.

Meredith K. Parris, Chief Prosecuting Attorney, NC Board of Nursing; Elizabeth Sims Hedrick, Fox Rothschild LLP

2:10—3:10 p.m.

Practice Group Sessions #2

Insurance: Game Changer: Recent Rulings in UIM Coverage

This session will discuss recent rulings from the appellate courts impacting the defense of UIM claims in North Carolina. Discussion will include an overview of the Court of Appeals decision in Nationwide v Le Bei addressing the ‘multiple claimant’ exception and the NC Supreme Court decision in Hairston v. Harward on the treatment of UIM proceeds as collateral source.

Andrew G. Pinto, Pinto Coates Kyre & Bowers, PLLC; George L. Simpson, IV, Simpson Law, PLLC

Employment: History repeats itself. Workplace Harassment and Discrimination

This session will discuss creating a strong policy, enforcement plan, and positive company culture.

Katie Barber-Jones, Cranfill Sumner Hartzog, PLLC

Construction: Passing the Buck: An Overview of Sending and Receiving Additional Insured Tenders in North Carolina

This breakout will focus on policy provisions, authorities, and practical considerations relevant to sending and receiving additional insured tenders in North Carolina in a construction context.

Jeffrey S. Bolster, Bolster Rogers & McKeown, LLP; David Levy, Hedrick Gardner Kincheloe & Garofalo

Alternative Dispute Resolution: What Works (sometimes) and What Doesn't: Tips for Mediation and Arbitration

A “from the trenches” discussion of strategies to help you with your next mediation. Whether you are a seasoned negotiator or learning the ropes, this session will share tips for preparing your client, presenting your position, making demands and offers, and generally working toward the best result possible for your client.

Scott C. Hart, DCR Certified Mediator, Sumrell Sugg

3:10—3:20 p.m.

Networking Break

3:25—4:25 p.m.

OPTIONAL Video: The Importance of a Mediator to Have Expertise in the Subject Matter of a Case

As more and more cases are mediated, how do you select the best mediator for your case? This session will discuss the Basic Rules professionalism or 1 hour of Mediator Competence covering the rules on mediator certification, continuing mediator education, mediator neutrality, impartiality, disqualification and authority. This session will further discuss the rules of mediator competence of skills versus subject matter knowledge and neutral competence in alternatives to mediation. (From the 2018 Workshop)

Robert A. Meynardie, Meynardie & Nanney, PLLC