



Medical Malpractice Conference for Tennessee Attorneys

Date : May 17, 2018 - 08:00 AM - May 18, 10:00 PM

Event URL : <http://www.nyeeventslist.com/events/medical-malpractice-conference-for-tennessee-attorneys-may-2018>

Organizer : BLR – Business and Legal Resources

Venue : Nashville School Of Law

Location : 4013, Armory Oaks Dr
Nashville, TN, USA, ZIP: 37204

11th Annual

Medical Malpractice Conference for Tennessee Attorneys

Coming to Nashville School of Law on Thursday and Friday, May 17-18, 2018

Attend this two-day satisfaction-guaranteed event and enhance your professional skill set while gaining valuable CLE credit, 12 hours of general CLE and 3 hour of dual CLE.

This program features Davidson County Circuit Judge Tom Brothers along with a faculty of leading defense and plaintiffs' attorneys, explaining the very latest developments in healthcare liability and sharing trial experiences.

Highlights include:

- Recent healthcare liability appellate court decisions
- Review of causation issues
- Choosing and using expert witnesses
- Deposition strategies to help you win at trial
- Voir dire and jury selection best practices
- Using technology in the courtroom

- Storytelling and thematic development tools to guide your jury
- Practical tips for opening and closing statements
- Preventing hospital/physician liability
- Ethical issues arising during settlement negotiations

10 Reasons to Attend this Conference:

1. **Quality presenters.** Your presenters are all authorities in the field of healthcare liability in Tennessee.
2. **Judicial perspective.** You'll hear from Davidson County Circuit Judge Tom Brothers on the use of technology in a healthcare liability case.
3. **Balance.** You'll gain insights from noted plaintiffs' and defense attorneys.
4. **Practical information.** You'll get tips and guidance you can put to use in your practice right away.
5. **Dynamic interaction.** You'll be encouraged to ask questions and present your own situations for discussion.
6. **Timely information.** You'll get up to date on the latest developments in healthcare liability.
7. **Useful materials.** You'll receive a notebook of materials to take back to the office with you for future reference. And, you'll be able to download the materials after the conference.
8. **Convenient location.** The Nashville School of Law is located just off I-65 and I-440, near the downtown Nashville area, and provides you with plentiful, free parking.
9. **Internet access.** The Nashville School of Law has free wireless Internet access in its classrooms, allowing you to stay in touch with your office.
10. **CLE.** You can earn all of your annual CLE credit – 12 hours of General and 3 hours of Dual

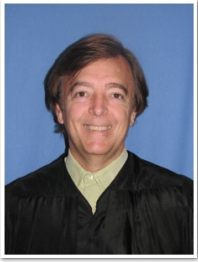
Your Distinguished Faculty



Brandon Bass, with the Law Offices of John Day PC, in Brentwood, was named Tennessee Trial Lawyer of the Year for 2017 by the Tennessee Trial Lawyers' Association. He has previously been selected by Best Lawyers in America for plaintiffs' personal injury litigation, and as a top rated personal injury lawyer by Super Lawyers. Mr. Bass serves on the Board of Governors for the Tennessee Trial Lawyers Association and has testified before the Tennessee Senate Judiciary Committee.



William L. Bomar is a member of Glankler Brown, PLLC, in Memphis. Mr. Bomar concentrates his practice in the areas of commercial litigation, health care, medical malpractice, construction litigation and insurance litigation. Mr. Bomar was named one of the Top Rated Lawyers in Healthcare Law in 2013 by American Corporate Counsel magazine.



Judge Thomas W. Brothers was appointed to the Davidson County Circuit Court in February 1989. He practiced law in Nashville as a solo practitioner (1978-89) in the law offices of Jack Norman. Judge Brothers is a member of the Tennessee, Nashville and American Bar Associations and L.A.W. He is a member of the ABA Judicial Division's Technology Committee. As a member of the Tennessee Judicial Conference, he serves as Chair of the Technology for the Courts Committee and is a member of the Pattern Civil Jury Instructions Committee and the Delay Reduction Committee.



Daniel L. Clayton, with the law firm of Kinnard, Clayton & Beveridge in Nashville, is Board-Certified as a Civil Trial and Medical Malpractice Specialist. He has handled a diverse array of cases, from car accidents and medical malpractice claims to birth injuries and brain damage. Best Lawyers named Mr. Clayton as the 2018 Medical Malpractice Lawyer of the Year - Nashville, marking the third time he has received this recognition.



Brian Cummings, with Cummings Manookian in Nashville, has 18 years of litigation experience, including successfully handling and trying scores of medical malpractice and personal injury cases. Mr. Cummings was selected in 2017 by The National Law Journal as an Elite Lawyer of the South. He received the Top 10 Attorney Award for Tennessee in 2017 for excellence in the field of Personal Injury from the National Academy of Personal Injury Attorneys (NAOPIA). Mr. Cummings is Board-certified as a Medical Malpractice attorney by the American Board of Professional Liability Attorneys.



Philip N. Elbert joined the Nashville law firm of Neal & Harwell, PLC, in 1981. He has broad experience in both civil and criminal cases. He has won multimillion-dollar verdicts at trial and negotiated many millions of dollars in settlements for clients in cases involving serious personal injury or death. In the aggregate, he and the attorneys under his supervision have recovered close to \$100 million in verdicts and settlements in personal injury cases.



C. J. Gideon, Jr., with Gideon, Cooper & Essary in Nashville, has been representing health care providers in professional negligence matters, peer review matters, and other litigation for 39 years. He has litigated cases for health care providers in virtually every arena, from administrative tribunals to state and federal courts, and has tried nearly 200 cases to conclusion. Mr. Gideon regularly represents health care companies, hospitals, and physicians in Tennessee and other states in professional liability actions. He also regularly represents hospitals and physicians in peer review matters, in Tennessee, Florida, and in other states.



Barry Howard is a founding partner of Howard Tate Sowell Wilson Leathers & Johnson, PLLC, in Nashville and has more than 36 years experience representing corporate and insurance clients in a wide range of civil litigation. Mr. Howard is a member of the Tennessee Association of Professional Mediators, the Tennessee Defense Lawyers Association (TDLA), and the Defense Research Institute (DRI).



D. Scott Hurley is the principal shareholder in The Hurley Law Firm, P.C., in Knoxville. His practice focuses on civil litigation, including catastrophic personal injury, wrongful death, medical malpractice, commercial and probate litigation. Mr. Hurley has been a frequent speaker at legal and continuing education seminars on evidence, expert testimony, direct and cross examination techniques, witness preparation, jury selection and damages in personal injury and wrongful death cases.



Chaz Molder, founder of Mounger & Molder, PLLC, in Columbia. Molder is licensed to practice in all Tennessee Courts as well as the United States District Court for the Middle District of Tennessee and the United States Supreme Court. Molder's practice is litigation oriented, with a primary emphasis of civil litigation.



Marty Phillips is a member of Rainey, Kizer, Reviere & Bell PLC in Jackson. Mr. Phillips has significant experience representing clinics, hospitals, physicians, and nurses in medical malpractice actions. He is a frequent lecturer on topics related to medical malpractice and trial practice. He is the author of "The Admissibility of Failing the Board Certification Exam," published by the Defense Research Institute.



Jordan Scott with Lewis, Thomason, King, Krieg & Waldrop, P.C., in the Nashville office practices professional-liability defense and civil litigation. Before joining the firm, Mr. Scott served as the hospital attorney for Middle Tennessee Mental Health Institute where he directed the day-to-day legal services for the hospital, conducted weekly commitment hearings, and advised the hospital administration on HIPAA compliance, potential liability, and employment law.

Chris Tardio, with Gideon, Cooper & Essary in Nashville has extensive experience defending hospitals, physicians, and other healthcare providers in



virtually all kinds of professional negligence cases, from pre-suit investigation through trial and appeal. He has represented clients in disputes with federal agencies, state boards, and insurance companies. He has successfully represented parties on both sides of peer review matters – the physician side and the hospital side. He has special interest and experience in the most complex of cases, including multi-district litigation and complex birth injury litigation. He has actively participated in almost a dozen healthcare-related jury trials and administrative trials, including over a half-dozen complex multi-week trials.



Chris Vrettos is an attorney with Gideon Cooper & Essary PLC in Nashville. Mr. Vrettos has defended physicians, hospitals, and nurses in a diverse range of professional liability actions through all phases of litigation. He has tried multiple cases to a defense verdict. He regularly advises clients regarding changes in laws affecting the defense of health care liability lawsuits, and also handles the defense of premises liability actions occurring on hospital grounds

Agenda

DAY 1 — Thursday, May 17th

Tennessee Healthcare Liability: Case Update

8:00 A.M. TO 9:30 A.M.

Brandon Bass

Law Offices of John Day PC

How do recent decisions affect your approach to pending medical malpractice cases? Mr. Bass will review recent appeals court cases in the healthcare liability area that can have a significant impact on your strategy, including *Bray v. Khuri*, *Henderson v. Vanderbilt Univ.*, *Miller v. Vanderbilt Univ.*, and *Vandyke v. Foulk*. You'll gain valuable, practice-critical insights into new pre-trial notice and certificate of good faith requirements, admission of expert testimony, comparative fault, and *res ipsa loquitur*.

MORNING BREAK

9:30 A.M. TO 9:45 A.M.

DUAL CLE: Ethics, Evidence and Experts

9:45 A.M. TO 10:45 A.M.

Phil Elbert

Neal Harwell

Using experts in a medical malpractice case can present a host of ethical pitfalls for Tennessee attorneys. Earn DUAL CLE as learn how to avoid them! We'll cover:

- Who is an expert?
- Avoiding conflicts of interest
- Ethical considerations in expert depositions
- TRCP 26.02(4) as compared to FRCP 26
- The work product doctrine
- Interplay of FRCP 26 and the work product doctrine
- Communication between counsel and experts
- Practice pointers for state court practice
- Influencing testimony
- Expert compensation and ethical issues
- Recent changes to Tennessee Rules of Civil Procedure

What's Working in Medical Malpractice Mediation

10:45 A.M. TO 11:45 P.M.

Barry Howard

Howard Tate Sowell Wilson Leathers & Johnson, PLLC

When a malpractice case is headed to mediation, you have to arm yourself with the most effective negotiating tactics. Learn proven methods for achieving the best outcome for your client through mediation

- Preparing client for a successful negotiation
- Determining your strategy
- Submissions and pre-mediation negotiations
- Negotiation tactics
- Communicating during mediations
- Mistakes to avoid at mediation

LUNCH

11:45 P.M. TO 12:45 P.M.

(INCLUDED WITH REGISTRATION)

Bookending your Arguments: Opening and Closing Statement Success Secrets

12:45 P.M. to 1:45 P.M.

Marty Phillips

Rainey, Kizer, Reviere & Bell, PLC

What tone should you strike in your opening statement? What thematic narrative should you introduce, and how? What mistakes do many attorneys make at closing? Learn how to get your malpractice case off on the right foot, and deliver a powerful summation, with keen insights from an experienced litigator.

- Selecting the right approach for opening statements
- Opening statement: A time for facts or a time for persuasion

- What's permissible and what's not in opening statements
- Common objections to opening statements
- Keeping the theme and story consistent
- Things to avoid in closing argument
- Arming the jury with resources to use in deliberations

Preventing Hospital/Physician Liability

1:45 P.M. to 2:45 P.M.

Jordan Scott

Lewis, Thomason, King, Krieg & Waldrop, P.C.

If a patient claims to have suffered as the result of errors in a hospital setting, both attorneys representing the patient and those representing the hospital must know where the courts will limit liability and hinder the ability to recover damages. In this session, learn how recently decided Tennessee cases change the approach to take and when institutions are either vulnerable or immune.

- When is a Tennessee hospital liable for the acts or omissions of employee physicians?
- The dangers of reliance on regulatory provisions when establishing non-delegable duty or agency
- Practical hospital liability considerations
- Role of the Joint Commission

AFTERNOON BREAK

2:45 P.M. TO 3:00 P.M

Trial Tips & Tactics from a Defense Perspective

3:00 P.M. to 4:00 P.M.

C.J. Gideon, Jr.

Gideon, Cooper & Essary PLC

C. J. Gideon will share tried and true trial tips for defending a medical malpractice case from start to finish. He has been representing health care providers in professional negligence matters, peer review matters, and other litigation for 39 years, and has litigated cases for health care providers in virtually every arena, from administrative tribunals to state and federal courts, and has tried nearly 200 cases to conclusion. He regularly represents health care companies, hospitals, and physicians in Tennessee and other states in professional liability actions.

Litigating Causation Issues in Tennessee Healthcare Liability Cases

4:00 P.M. TO 5:00 P.M.

William Bomar

Glankler Brown

In a healthcare liability action, the plaintiff has the burden of proving that as a proximate result of a negligent act or omission, they suffered injuries which would not otherwise have occurred.

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Regardless of if you represent the plaintiff or the defendant, you should always evaluate causation on the front end of the case and as the case progresses. Mr. Bomar will review legal causation issues that arise in healthcare liability cases.

- Proving causation
- Special causation defenses
- “Comparative causation”
- How to attack the other side’s causation proof

DAY 2 — Friday, May 18th

Defensive Weapons: Keys to Repelling a Medical Malpractice Claim in Tennessee

8:00 A.M. TO 9:00 A.M.

Chris Tardio

Gideon, Cooper & Essary PLC.

Successfully defending a malpractice charge in Tennessee requires a mix of legal, technical, and communication skills -- and it all starts long before the case comes to trial. In this session, you’ll get the latest on:

- Investigating the Claim
- Causation defenses
- Seeking summary judgment
- Weakening the Plaintiff’s case with depositions
- Using medical records to make compelling arguments
- Defending your medical evidence

Deposition Best Practices: How to Prepare, Take, and Defend

9:00 A.M. TO 10:00 A.M.

Daniel Clayton

Kinnard, Clayton & Beveridge

Are you completely familiar with the evidentiary and procedural issues with depositions? What grounds for objections are proper and which are not? How do you handle privilege issues? When is it necessary to move to terminate or limit a deposition because the deposition is being conducted in bad faith? What are your options if deposition questions are annoying, embarrassing, or oppressing to a witness? This session covers:

- Deposition rules
- Key concepts
- First impressions
- Establishing credibility

MORNING BREAK

10:00 A.M. TO 10:15 A.M.

Combining Proof and Argument to Create a Convincing Story

10:15 A.M. TO 11:15 A.M.

Brian Cummings

Cummings Manookian PLC

Mr. Cummings will explain how to share themes, stories, and memorable items at trial to inform and persuade your jury, avoiding the trap of too much tech. You'll learn how to tell a compelling story and develop cohesive and memorable themes throughout a medical malpractice trial.

- Litigator as story teller
- How to make your case interesting
- Getting emotional buy-in from your jury
- How to issue your call to action

LUNCH

11:15 A.M. TO 12:15 P.M.

(INCLUDED WITH REGISTRATION)

DUAL CLE: Ethical Litigation of Liability Claims under HIPAA

12:15 P.M. TO 1:15 P.M.

Christopher Vrettos

Gideon, Cooper & Essary PLC.

To successfully litigate many medical malpractice claims, it's critical to understand HIPAA the requirements for safeguarding PHI. Christopher Vrettos will share the latest on HIPAA requirements and what you need to know about breach reporting.

- Obtaining medical records under HIPAA – plaintiff and defense considerations
- Authorized uses and disclosures of protected health information (“PHI”)
- Application of the HIPAA privacy and security rules to defense firms
- Safeguarding PHI
- PHI in litigation
- Use of medical records in health care liability claims
- Breach reporting under HITECH

Winning at Trial: A Judicial Perspective on Attorney use of Technology

1:15 P.M. to 2:15 P.M.

Judge Tom Brothers

Davidson County Circuit Court

Join Judge Brothers for a fascinating look at what's working in courtroom technology and the applications being used to make compelling arguments. You'll learn:

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- What types of technology are available
- Why use demonstrative evidence
- How to use illustrative aids during trial
- How to appeal to emotion
- When and how may jurors review computer generated materials
- Video court recording
- What the future holds
- The latest on e-discovery

AFTERNOON BREAK

2:15 P.M. TO 2:30 P.M.

Preparing for Voir Dire: Your Ground Game for Better Malpractice Case Juries

2:30 P.M. TO 3:00 P.M.

D. Scott Hurley

The Hurley Law Firm

Have a malpractice trial coming up? You can find a list of sample voir dire questions with a click of a mouse. But what really makes them effective? What do you need to accomplish during voir dire? And how can you use it to gain an advantage over your opponent? In this session, learn:

- Developing a case theme for jury selection
- Researching local demographics
- Using profiles to create your ideal juror
- Preparing a pre-trial order
- When and how to use jury consultants

Voir Dire and the Art of Asking the Right Questions

3:00 P.M. TO 4:00 P.M.

D. Scott Hurley

The Hurley Law Firm

Once jury selection has begun, you want to use every minute of it your advantage. Scott Hurley will provide proven methods for communicating with prospective jurors and spotting those characteristics that can make or break your case.

- Establishing your credibility and building trust
- Personality types to watch for and use to your advantage
- Reading the non-verbals
- How to conduct an effective group interview
- What NOT to do in voir dire

DUAL CLE: Ethics During Depositions When Dealing with Difficult Parties

4:00 P.M. TO 5:00 P.M.

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Chaz Molder

Mounger & Molder, PLLC

Depositions in cases of medical malpractice can become heated very easily and fostering a professional atmosphere can be challenging. Earn DUAL CLE as you learn techniques for keeping everything on an even keel in the face of passionate litigants.

- Restoring professionalism and civility
- Rules of Professional Conduct
- Dealing with difficult counsel
- Ethically facing challenging expert witnesses

Event Categories :