



2011 Workers Compensation Midwinter Seminar and Conference

Section of Labor and Employment Law and Tort, Trial and Insurance Practice Section

Boston, Massachusetts * Hotel InterContinental
April 7 – April 9, 2011

2011 MIDWINTER PROGRAM AGENDA

Thursday, April 7, 2011

8:00 – 8:10 a.m.

Introduction/Welcome Remarks

8:10 – 9:40 a.m.

Health Care in the Obama Age

A lightning strike look at health care topics affecting workers' compensation, including an update on 24 hour coverage, genetic testing under GINA, and the ABA's Taskforce on the American Medical Association's 6th Edition Guides for the Rating of Permanent Impairment.

Moderator:

Leonard Y. Nason, Law Office of Leonard Y Nason, Bedford, MA

Speakers:

Prof. Dean M. Hashimoto, Boston College, Boston, MA

Donald F. Baldini, Liberty Mutual Group, Inc., Boston, MA

9:40 – 9:55 a.m.

Break

9:55 – 11:25 a.m.

Break-out sessions:

The Business of Workers' Compensation

If you've ever wondered if you could learn anything from your competition, here's your chance to get an insider's look at the business of law, and specifically how to be more efficient and improve your performance and results, from each perspective. Topics will include the latest in law office technology that actually makes life easier.

Claimant's Experience

Top 5 tips on how to grow your workers' compensation Claimant's practice.

Moderator:

Gerald Rosenthal, Rosenthal Levy & Simon, Wet Palm Beach, FL

Panelist:

Channing Migner, Law Office of Channing Migner PC, Worcester, MA
Alan Klevan, Klevan & Klevan LLP, Wellesley, MA

Defense Experience

This panel of in house claims counsel and defense attorneys will discuss law practice management and efficiency. Topics to be discussed will include setting and achieving goals, using data to drive performance, installing a customer service mindset, the proper use of litigation management guidelines, using technology to improve the efficiency of your law office, and bridging the gap between client management and office technology.

Moderator:

Michael Fish, Fish Nelson, LLC, Birmingham, AL

Speakers:

Marianne Swenson, Curtin, Murphy & O'Reilly, P.C., Boston, MA
Michael Cunningham, Senior Vice President, Claims Legal Zenith Insurance Company, Woodland Hills, CA
Daniel Siegel, Integrated Technology Services, LLC, Havertown, PA
Dan Brunson, Chief Claims Counsel, AssuranceAmerica Insurance Company, Atlanta, GA

Judicial Experience

Moderator:

Hon. Alexander White, Circuit Court of Cook County, Chicago, IL

Speakers:

Hon. Ellen Lorenzen, Tampa, FL
Hon. David Langham, Florida Office of Judges of Compensation Claims, Pensacola, FL
Hon. Melodie Belcher, State Board of Workers' Compensation, Atlanta, GA

11:25 -11:30 a.m.

Break

11:30 – 12:30 p.m.

Historical Reflections on the Origins, Development and Future of Workers' Compensation in the 21st Century

Moderator:
Hon. David Torrey

Speakers:
Don Lambert
Jim Gallen
Jim McCarthy

- Video: History of Workers' Compensation, how the industrial revolution led to workers' compensation legislation

Friday, April 8, 2011

8:00 – 9:30 a.m.

Employment Extravaganza:

The Changing Legal Landscape: Workers' Compensation and Disability/Fitness Issues after the ADA Amendments Act and the 2009 FMLA Regulations

Moderator:
John H. Geaney, Capehart Scatchard, P.A., Mt. Laurel, N.J.

Speakers:
Bill Abate, Holman Enterprises, Pennsauken, N.J. -- safety viewpoint
Mark Hayes, Cumberland Farms, Framingham, Massachusetts -- self insured viewpoint
Albert Randall, Franklin Prokopik, P.C., Baltimore, MD -- defense attorney's viewpoint
Kent Smith, Scheldrup, Blades, Schrock, Smith, Aranza, P.C., Des Moines, IA -- plaintiff's attorney's viewpoint

9:30-9:45 a.m.

Break

9:45 – 11:15 a.m.

Medicare Set Asides, CMS Conditional Payments, and Employer Reporting Obligations

A dialogue about proposed solutions and latest developments, including legislative and administrative proposals.

Moderator:

Douglas J. Holmes, UWC-Strategic Services on Unemployment & Workers' Compensation, Washington, DC

Speakers:

Peter R. Foley, Vice President-Claims Administration, American Insurance Association, Washington, DC

Richard Swanson, Macey Swanson & Allman, Indianapolis, Indiana

Denice LeVasseur, LeVasseur & LeVasseur, Southfield, MI

Hank Patterson, Patterson Harkavy, Chapel Hill, NC

11:30 -12:30 p.m.

Mass Disasters: How Workers' Compensation responds

Moderator:

Gerald Rosenthal, Rosenthal Levy & Simon, West Palm Beach, FL

Speakers:

Scott Galante: Galante & Bivalacqua, New Orleans, LA

Peter Rousmaniere, Woodstock, VT

6:00 – 7:30 p.m.

Networking Reception

Saturday, April 9, 2011

8:00 – 9:30 a.m.

Litigation on the Cutting Edge:

Exciting But Disturbing? Anomaly or Trend?

What is Sufficient Evidence of a Compensable Injury? Courts often have to decide what evidence is adequate to prove that an injury has occurred. Are subjective complaints enough? Does there have to be evidence of physical breakage? Some states extend coverage to mental injuries only if there is evidence of a physical injury. Is this a distinction without a difference? A look at the current state of the law and the science. There will also be a discussion of the latest developments involving RICO claims based on alleged bad faith denial of workers' compensation benefits, including new strategies, claims and defenses. Recent federal decisions considering the impact of the exclusive remedy doctrine and the RICO "injury to business or property" requirement on such claims will be reviewed.

Moderator:

Anthony Macauley, Hanna Brophy, Los Angeles, CA

Speakers:

Leslie M. Altman, Littler Mendelson, PC, Minneapolis, MN:
Janet E. Lanyon, Dean & Fulkerson PC, Troy, MI
Jon Gelman, Wayne, NJ

9:30 – 9:45 a.m.

Break

9:45 – 11:15 a.m.

Equality for Immigrants and Undocumented Workers?
Tension between Federal and State Workers'
Compensation Laws Affecting Foreign Nationals.

Moderator: Lindsey E. Mills
Scheldrup Blades Schrock Smith Aranza PC

Speakers:

Hon. David B. Torrey, Workers Compensation Office of
Adjudication, Pittsburgh, PA
Peter Rousmaniere, Woodstock, VT
Marcy Goldstein-Gelb, Massachusetts Coalition for
Occupational Safety and Health, Dorchester, MA

11:30 – 12:30

**Judges' Panel: "Ethics and Professionalism in the
Litigation and Adjudication of Workers' Compensation
Matters"**

Moderator:

Hon. John Lazzara, The National Association of Workers'
Compensation Judiciary Tallahassee, FL

Speakers:

Hon. Todd B. Seelig, Pennsylvania Department of Labor
and Industry, Philadelphia, PA
Hon. Ellen Lorenzen, Tampa, FL
Hon. David B. Torrey, Workers Compensation Office of
Adjudication, Pittsburgh, PA

12:30 – 12:45 p.m.

Group Planning Meeting for Midwinter 2012.

7:00 p.m.

The College Of Workers' Compensation Lawyers
*Induction Ceremony and Dinner (Invitation Only Ticketed
event – not included in registration).*

