



2012 Annual Conference  
February 22-24  
Sheraton San Diego Hotel & Marina

## Navigating Rising Risks: Defining Actions

Tough economic times result in pressures on every business to reduce costs and effectively manage budgets. Legal departments, claims organizations and law firms are no exception. The 2012 NRRDA Annual Conference provides businesses, legal departments, defense counsel, claims professionals and insurance carriers with specific tools to accomplish these goals.

Our speakers are accomplished legal and claims professionals, as well as professionals in related fields from across the United States, who will share their experience and insight. For our industry friends, you will learn what techniques and strategies your peers have found most effective. For members of the defense bar, you will learn those aspects of excellent client service and litigation management that clients rank most important.

### Who Should Attend?

Risk Managers ~ Loss Prevention ~ In-House Counsel ~ Corporate Counsel ~ Defense Counsel ~ Claims Managers  
Third Party Administrators ~ Regional Managers ~ Litigation Managers ~ Underwriters ~ HR Personnel ~ Insurance Carriers

### 2011 Conference Comments

- The conference had very knowledgeable and informative speakers, candid discussions and quality question/answer sessions.
- The panel discussions were very engaging.
- Putting industry and counsel together to discuss improving working relationships was the highlight of the conference.
- The panel and point/counterpoint presentation was particularly effective.

### Conference Speakers

Dale Allen - Low, Ball & Lynch

Michael Barrett - Ruby Tuesday, Inc.

Lisa Bridges - Sedgwick CMS

Paul Caleo - Burnham Brown

Sean Carter - Humorist-at-Law

Mike Casey - Hicks Casey Law Firm

Michael J. Chmielewski - Ace Hardware

Carrie Christie - Rutherford and Christie

Greg Duca - Sedgwick SIU

Barbara Fairchild, RN - NuQuest

Daniel Girvan - Talas Engineering, Inc.

Kim Hall - Elite Investigation

Ed Hochuli - Jones, Skelton & Hochuli, PLC

Georgianna Ingram - Arbys/Wendys

Catherine Kays - JC Penney

Kurt Leisure - The Cheesecake Factory Incorporated

Jeffrey Lenkov - Manning & Marder, Kass, Ellrod Ramirez LLP

Bradley Levien - Mintzer, Sarowitz, Zeris, Ledva & Meyers, LLP

Jeffrey Marshall - Wilson Elser Moskowitz Edelman & Dicker LLP

Rose Miller - ADR Solutions, LLC

Kimberly Oberrecht - Horton, Oberrecht, Kirkpatrick & Martha

John Pion - Pion, Johnston, Nerone, Girman, Clements

Mark Poplizio - NuQuest

Richard E. Ramsey - Wicker, Smith, O'Hara, McCoy & Ford, PA

Jane Roberts - Dollar General Corp.

Steven Rosenfeld - Havkins Rosenfeld Ritzert & Varriale, LLP

Elaine Serina, PhD, PE - Talas Engineering, Inc.

Phillip H. Stanfield - Jones, Skelton & Hochuli, PLC

Warren Stone - Grocery Manufacturers Association

Tory Taylor - Litchfield Cavo LLP

Thomas S. Thornton - Carr Allison, PC

Alicia Trinley - Office Depot, Inc.

Barbara Turner - Winn-Dixie

Raymond Vance, MD - IME Ortho

Richard (Rusty) Watts - Swift Currie

## Hotel Information

### Sheraton San Diego Hotel & Marina

1380 Harbor Island Drive

San Diego, CA 92101

Phone: 619.291.2900

[www.sheratonsandiegohotel.com](http://www.sheratonsandiegohotel.com)

A block of rooms has been reserved at a special rate of \$159.00/night. This rate includes complimentary shuttle to and from the airport, fitness facilities, and complimentary Internet access in guestrooms. When making your reservation, please reference the NRRDA Annual Conference. Please call 877.734.2726 to make your reservation, or [click here](#) to access the NRRDA reservation link. The block of rooms will be released on **Monday, January 30, 2012**.

## Golf Outing (Optional)

NRRDA will be hosting a golf outing February 22<sup>nd</sup> at Salt Creek Golf Club (formerly The Auld Course). Salt Creek is the only Scottish links style golf course in San Diego. Located about 30 minutes from the Sheraton, it is nestled in the peaceful foothills of Mt. Miguel. This San Diego golf course was designed by John Cook and Cary Bickler who carved the fabulous layout which is bordered by acres of wetlands and Pacific Ocean views. Salt Creek is quickly becoming known as one of the "Must Play" San Diego Golf Courses. Registration for this optional activity includes greens fee, range balls, golf carts, transportation and lunch. [www.saltcreekgc.com](http://www.saltcreekgc.com)

## Transportation

The Sheraton provides a complimentary shuttle between the hotel and airport. Shuttles pick-up from the courtesy shuttle area of Terminals 1 and 2; no phone call required. Any guests flying in from, or connecting via Los Angeles, will land at the Commuter Terminal. The shuttle will pick-up from the Commuter Terminal upon request by calling 619.291.2900.

The hotel's parking rates are as follows:

- Self-Parking: \$ 4.00 Per Hour / \$ 22.00 Maximum
- Valet Parking: \$ 8.00 First Hour / \$ 4.00 Each Additional Hour / \$ 28.00 maximum

## Cancellation Policy

Conference cancellations must be received in writing on or before January 26, 2012 in order to receive a refund. A \$50.00 processing fee will be charged to any cancellation. No refunds will be granted for cancellations received after January 26, 2012. Registrants who are unable to attend may send a substitute.

## Accreditation

Continuing Education credits for insurance adjusters and attorney CLE certificates will be offered at the 2012 Annual Conference.

## Annual Conference Committee

Joe Hassinger - Galloway, Johnson, Tompkins, Burr & Smith / **Conference Advisor**

Ed Hochuli - Jones, Skelton & Hochuli, PLC / **Conference Chair**

Tracy Hurst - Ruby Tuesday, Inc. / **Conference Co-Chair**

Lisa Bridges - Sedgwick CMS

Anna B. Kutz - Brinker International

Charlotte Mahurt - JC Penney Corporation, Inc.

Richard E. Ramsey - Wicker, Smith, O'Hara, McCoy & Ford, PA

Janice Reed - Winn Dixie Stores, Inc.

Phillip H. Stanfield - Jones, Skelton & Hochuli, PLC

Thomas S. Thornton - Carr Allison, PC



## Schedule of Events

# Navigating Rising Risks: Defining Actions

### Wednesday, February 22

8:30 am Golf Outing at Salt Creek (Optional)

Join fellow NRRDA attendees for this optional pre-conference golf outing. Registration for this activity includes greens fee, range balls, golf carts, transportation and lunch.

2:00 pm – 4:00 pm Panel Meetings

We are excited to announce the addition of Panel Meetings to our annual conference. NRRDA is inviting Industry Members to meet privately with their outside counsel in conjunction with the NRRDA Conference. In addition, NRRDA will be offering those Industry Members who schedule a panel meeting a chance to receive credits such as a complimentary registration fee. Please contact Adele Larsen at [adelel@nrrda.org](mailto:adelel@nrrda.org) / 847.324.7050 if you are interested in conducting a panel. Limited space is available.

4:30 pm – 5:30 pm New Member Welcome Reception

5:00 pm – 6:00 pm Registration

5:30 pm – 7:00 pm Opening Cocktail Reception

Experience the Gaslamp Quarter while meeting colleagues and friends for dinner.

*At the Reception, you can sign up for a group dinner at a local restaurant; cost of dinner not included in conference package.*

### Thursday, February 23

7:30 am Continental Breakfast & Registration

8:30 am – 8:45 am President's Welcome

Brian A. Cafritz, Esq., NRRDA President and Joe Hassinger, Esq., Conference Advisor

8:45 am – 9:45 pm Is This a Fight Club or a Love Triangle?

Moderator: Phillip H. Stanfield, Esq.

Panel: Carrie Christie, Esq., Alicia Trinley, Esq., Michael Barrett, Georgianna Ingram and Lisa Bridges

This panel will discuss the pros and cons of Self-Administration vs. utilization of TPA's. It will examine the role and expectations of defense in both scenarios. This will be a lively discussion limited only by the Queensberry Rules.

9:45 am – 10:05 am **Association Update**

10:05 am – 10:30 am **Break**

10:30 am – 12:30 pm **As the Case Turns**

Enjoy this four-part mini-series as “Director” Thomas Thornton, Esq. guides us through the soap opera life of a case.

**Things That Make You Go Hmmm:** 10:30 am - 11:00 am

Kim Hall and Greg Duca

The economy has declined. There has been an increase in both valid and fraudulent claims. Learn how to utilize social media, background investigations, recorded statements, and both pre- and post- litigation surveillance to your advantage to weed out fraudulent from legitimate claims, and place your company in the best possible position to be defended, and to potentially prosecute the fraudulent claimant.

**You Dropped a Bomb on Me:** 11:00 am - 11:30 am

Catherine Kays, Esq. and Rick Ramsey, Esq.

“The Call” has been made. A catastrophic injury or event has occurred. Watch this episode unfold from the initial response phase through the investigation of the merits of the claim. Learn to minimize exposure and, if necessary, favorably present the case to a jury.

**Dem Bones, Dem Bones:** 11:30 am - 12:00 pm

Kimberly Oberrecht, Esq. and Dr. Raymond Vance

What was thought to be a minor injury has now become disabling. This presentation will focus on defense options when a shoulder injury is connected to a spine injury, is connected to a knee injury.... Learn what’s really related, what’s not, and the best practices for discerning the difference.

**You Got To Know When To Hold ‘Em:** 12:00 pm - 12:30 pm

Rose Miller, Esq., Mike Casey, Esq., and Jane Roberts

No cliff hangers here! We will wrap up this mini-series of “As the Case Turns” by:

- 1) Determining when cases are “ripe” for settlement and tips on convening mediation; picking the right time, approach and players.
- 2) Knowing the poker game – negotiating techniques and strategies like bracketing, mid-point analysis, walkout/breaking point.
- 3) Maximizing the effectiveness of all players for the defense (managing authority, the role of the corporate representative, who speaks and when)

12:30 pm – 2:00 pm **NRRDA’s Got Talent & Lunch Hour**

NRRDA is searching for hidden talent! Share your unique abilities during the Open Mic portion of the lunch hour with Ed Hochuli, Esq. as our Master of Ceremonies. (Please no inappropriate language or offensive subject matter.)

**2:00 pm – 3:00 pm    The 4-Minute Offense & 4-Minute Defense**

Moderator: Ed Hochuli, Esq.

- 1) Social Media: Phil Stanfield, Esq.
- 2) Product Recall: Paul Caleo, Esq.
- 3) A-Ha Moments: Thomas S. Thornton, Esq.
- 4) Litigation Trends: Jeffrey Lenkov, Esq.
- 5) Early Claim Resolution: Rick Ramsey, Esq.
- 6) Security in Nightclubs & Bars: Steven Rosenfeld, Esq.
- 7) Indemnification: Jeffrey Marshall, Esq.

A fast-paced presentation consisting of seven separate topics with 4 minutes of discussion per speaker followed immediately by 4 minutes of audience questions and comments, all “refereed” by NFL Referee, Ed Hochuli, with a countdown clock to keep everyone and everything moving!

**3:00 pm – 3:15 pm    Break**

**3:15 pm – 4:15 pm    (Breakout)**

**Food Illness, Food Adulteration – Trials and Tribulations (*Breakout Session 1A*)**

Tory Taylor, Esq., Kurt Leisure and Warren Stone

Walk with us as we take a “Food Illness, Food Alteration” case to trial, delving into recommended pre- and post- outbreak, and the actions to take along the way.

OR

**Negligent Security Cases (*Breakout Session 1B*)**

Bradley Levien, Esq., Dale Allen, Esq. and Michael Chmielewski

East Coast versus West regarding their perspectives of defending attacks on or damage to commercial property due to unsafe conditions.

**6:30 pm – 10:00 pm    Dinner Cruise (Optional)**

What would a visit to San Diego be without some time on the water? Join us for a relaxing dinner cruise. The cruise includes transportation to/from the ship, a welcome glass of champagne, a three course dinner, and a DJ. Don't miss the boat!

**Friday, February 24**

**8:30 am – 9:15 am    Eating, Shopping... Science? How Biomechanics and Injury Causation Can Assist in Evaluating Claims**

Moderator: John Pion

Panel: Elaine Serina, Ph.D., P.E. and Daniel Girvan

Biomechanics uses engineering and physics principles to study injuries to the human body and the mechanisms of those injuries. In this presentation, Dr. Serina and Mr. Girvan will demonstrate the use of biomechanical engineering principles in cases with injury claims, using case studies of commonly seen premises liability actions such as falling items, slip-and-fall and collapsing chairs. They will discuss how biomechanical experts can assist attorneys with the technical aspects of their case and how to efficiently and effectively work with biomechanical experts. Discussions will include introduction of contradictory engineering evidence, outlines for challenging treating physician's “causation” conclusions, and suggestions for cross-examination of plaintiffs in questionable causation claims.

9:15 am – 10:00 am (Breakout)

**General Liability Cases and Medicare Compliance (*Breakout Session 2A*)**

Barbara Fairchild, R.N. and Mark Poplizi

Medicare's increasing and encroaching reach into general liability cases continues to complicate claims administration and settlement practices. The general liability claims industry faces several challenges on the MSP front, including MMSEA Section 111 reporting, conditional payment reimbursement and remaining uncertainties surrounding the liability MSA issue. This presentation puts these issues into proper focus from a practical claims handling perspective, including charting out basic checklists to address the major Medicare compliance issues.

OR

**A Workers' Compensation Primer for the General Liability Practitioner (*Breakout Session 2B*)**

Rusty Watts, Esq. and Barbara Turner

Let's begin with an explanation of the no-fault system and the "quid pro quo" that was legislatively negotiated between the plaintiff's bar and the employers' lobby almost a century ago and how this doctrine makes litigation of a workers' compensation different from litigating a liability claim. We will discuss the exclusive remedy doctrine and how it can protect employers from tort claims. This discussion will also include exceptions to the doctrine and the handling of workers' compensation claims involving third-party liabilities and Medicare Set-Asides.

10:00 am – 10:15 am Break

10:15 am – 11:15 am **It's Not the Fruit, It's the Root: Getting to the Bottom of Our Ethical Issues**

Speaker: Sean Carter, Humorist-at-Law

In this unique legal ethics seminar, acclaimed legal humorist Sean Carter goes beyond the do's and don'ts of the Rules of Professional Conduct to get to the heart of the matter -- the common mindsets that result in ethical violations in the first place. Employing the witty one-liners and poignant stories that have made him a favorite presenter at bar events across the country, Mr. Carter demonstrates the root causes of our ethical ills. Furthermore, he will provide tips and insights on how to heal ourselves from these mindsets so that the ethical canons become guideposts and not obstacles in our drive to become successful lawyers.

11:15 am

**Closing Remarks**

Brian A. Cafritz, Esq., NRRDA President



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Online Option:
Login at www.nrrda.org

Mail Option:
Association Manager
NRRDA
6311 W. Gross Point Road
Niles, IL 60714

Phone Option:
847.324.7050

Fax Option:
847.647.8940

Name \_\_\_\_\_

Firm/Company \_\_\_\_\_

Title \_\_\_\_\_

Email \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_

CONFERENCE FEES

- \$150 Industry Members - This includes Retail, Restaurant and Insurance Members
\$250 Industry Guests - Retail, Restaurant and Insurance Guest registration that includes a one year NRRDA membership.
\$350 Vendor and Attorney Members
\$450 All Other Guests by Invitation Only - Invitation must be extended by a NRRDA member.

DINNER CRUISE (OPTIONAL)

- \$150.00 per Person / Attorney/Vendor Rate
\$30.00 per Person / Industry Rate
x \$ (150.00 or 30.00 each) =
Please list the cruise participant name(s) below.

Entrée Choice (indicate number for multiple guests)
Steak Chicken Veggie Pasta

GOLF OUTING (OPTIONAL)

- Register for the Golf Outing: \$115.00
My Handicap is:
I would like to play in a foursome with:

BREAKOUTS

Please choose one breakout session per time frame noted.

Thursday, February 23 / 3:15 – 4:15 PM

Food Illness, Food Adulteration – Trials and Tribulations: Take a "Food Illness, Food Adulteration" case to trial delving into recommended pre- and post-outbreak measures.

Negligent Security Cases: A presentation which addresses attacks on or damage to commercial property due to unsafe conditions.

Friday, February 24 / 9:15 – 10:00 AM

General Liability Cases & Medicare Compliance: Medicare's encroaching reach into general liability cases continues to complicate possible settlements.

A Workers' Compensation Primer for the General Liability Practitioner: An explanation of the no-fault system, the exclusive remedy doctrine, and claims handling.

PAYMENT METHOD (All payments made in USD)

- Check payable to: NRRDA
Credit Card: American Express VISA MasterCard

Credit Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_ Security Code \_\_\_\_\_

Credit Card Name – as it appears on the credit card \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

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*If you have questions, contact the NRRDA office: 847.324.7050 / [adelel@nrrda.org](mailto:adelel@nrrda.org).*