

# Auto Injury Litigation From Start to Finish

» *Get the Best Auto Settlement for Your Client.*

**Fort Lauderdale, Florida** — November 29, 2018

**West Palm Beach, Florida** — November 30, 2018

## **Presented By**

Camille E. Blanton

Cosme Caballero

William M. Chapman

Jed Kurzban

Hali Marsocci

Barry M. Snyder

Gregory C. Ward

Peter L. Wechsler

Rochelle N. Wimbush

## **Credit Information**

CLE - 7.0 (Incl. 1.0 ethics)

*See inside for details!*

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# SEMINAR OUTLINE

## I. Case Intake, Pre-Suit Investigation

9:00 - 9:45, *Written by Barry M. Snyder.*

*Presented by Barry M. Snyder in*

*Fort Lauderdale and West Palm Beach.*

- A. Case Screening
- B. Initial Client Interview/Questionnaire
- C. What You Can Find Out Before the Claim
- D. Funding Auto Litigation

## II. Insurance Coverage Research and Negotiations with the Claims Representatives

9:45 - 10:30, *Written by Gregory C. Ward.*

*Presented by Gregory C. Ward in*

*Fort Lauderdale and West Palm Beach.*

- A. Auto Insurance Policies: Interpretation, Issues and Hidden Treasures
  - 1. Auto Liability Coverage
  - 2. UM/UIM
  - 3. PIP/Med Pay
  - 4. Multiple Policyholders
  - 5. Stacking of Coverage
  - 6. Available Limits
- B. Demand Packages
- C. Negotiating with the Adjuster

## III. Initial Filing and Discovery, Experts and Evidence

10:45 - 11:30, *Written by Gregory C. Ward.*

*Presented by Gregory C. Ward in*

*Fort Lauderdale and West Palm Beach.*

- A. Filing Procedure and Case Scheduling
- B. Anatomy of Common Injuries
- C. Witness Depositions
- D. Obtaining Medical Records
- E. Selecting and Working with Experts
- F. Evidence Preservation

## IV. Damages, Liens and Subrogation in Settlement Negotiations

11:30 - 12:30, *Written by Hali Marsocci.*

*Presented by Cosme Caballero in Fort Lauderdale*

*and Hali Marsocci in West Palm Beach.*

- A. Assessing and Allocating Damages
  - 1. Vehicle Damage and Diminished Value
  - 2. Paid vs. Billed Medical Services
  - 3. Future Medical Bills
  - 4. Loss of Earning Capacity
  - 5. Pain and Suffering
- B. Medical Provider Liens
- C. ERISA Subrogation Liens
- D. Mandatory Insurer Reporting, Medicare Recovery Act, and Medicare Set-Asides
- E. Tips for Successful Mediation

F. Addressing Pending Liens in Settlement Negotiations

G. Subrogation

H. Practical Tips for Restarting Stalled Negotiations

I. Structuring Settlements

## V. Arbitration and Litigation: Preparation Tips and Hearing Strategies

1:30 - 2:30,

*Written by Jed Kurzban and Peter L. Wechsler.*

*Presented by Jed Kurzban in Fort Lauderdale*

*and Peter L. Wechsler in West Palm Beach.*

- A. Arbitration Procedure and Tactics
- B. Evidence Strategies
- C. Preparing Witnesses for Testimony
- D. Jury Selection Tips
- E. Case Presentation Tactics
- F. Preserving Issues for Appeal

## VI. Ethics

2:45 - 3:45,

*Written by Jed Kurzban and Camille E. Blanton.*

*Presented by Jed Kurzban in Fort Lauderdale*

*and Camille E. Blanton in West Palm Beach.*

- A. Preventing Conflicts of Interest
- B. Setting and Collecting Attorney Fees
- C. Maintaining Client Confidentiality
- D. Work-Product Doctrine as it Applies to Expert Witness Reports in Progress
- E. Insurance Defense Counsel Relationship with the Insured and Insurer
- F. Communicating with Represented Parties
  - 1. "CC," "Reply All," and Other E-mail Traps of inadvertent Communication
  - 2. Plaintiff Attorneys' Communication with Represented Insurance Adjusters
  - 3. Investigators' Contact with the Opposing Party

## VII. Bad Faith

3:45 - 4:30, *Written by Rochelle N. Wimbush.*

*Presented by Rochelle N. Wimbush*

*in Fort Lauderdale and*

*William M. Chapman in West Palm Beach.*

- A. Definition of Bad Faith
- B. When Can a Bad Faith Claim be Brought?
- C. First-Party Bad Faith vs. Third-Party Direct Actions
- D. Types of Bad Faith Claims in Auto Insurance Context
- E. Settlement Considerations

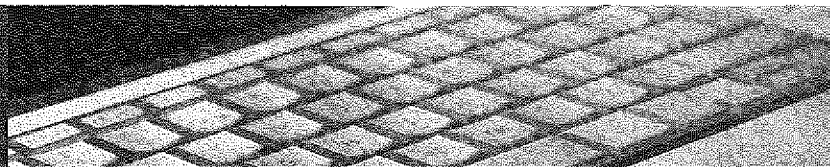
\*If needed, the above agenda may be changed to best accommodate all of our attendees.

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## OUR DISTINGUISHED FACULTY

**CAMILLE E. BLANTON** is an attorney in Charlotte with Billing, Cochran, Lyles, Mauro & Ramsey, PA. She focuses her practice on the advocacy of those who have been harmed by the negligence of others.  
*(West Palm Beach location)*

**COSME CABALLERO** is a partner with Deutsch & Blumberg, PA, where he primarily practices insurance, premise liability, and personal injury law. *(Fort Lauderdale location)*

**WILLIAM M. CHAPMAN** is an attorney with the law firm of William M. Chapman, PA, in West Palm Beach, Florida, where he litigates complex personal injury and wrongful death matters, including the representation of victims suffering from significant and catastrophic injuries due to medical malpractice, vehicular collisions, defective products, and unsafe premises. Mr. Chapman also handles insurance bad faith claims and insurance coverage disputes. *(West Palm Beach location)*

**JED KURZBAN** is an attorney and managing partner for the law firm Kurzban Kurzban Weinger Tetzeli & Pratt PA. He concentrates his practice in the areas of medical malpractice, product liability and personal injury. He is a past instructor, teaching pre-litigation tactics at the University of Miami School of Law. Mr. Kurzban also has published several articles. *(Fort Lauderdale location)*

**HALI MARSOCCI** is an attorney at Romano Law Group, who concentrates her practice on a variety of personal injury matters, wrongful death cases, DUI defense, and product liability litigation. Ms. Marsocci also was a certified legal intern for the Office of the State Attorney for the 7th Judicial Circuit in Palatka, where she worked on several felony and misdemeanor cases. *(West Palm Beach location)*

**BARRY M. SNYDER** is the owner of The Law Office of Barry M. Snyder, PA. He has more than 37 years of litigation experience focusing in the fields of personal injury, wrongful death, and criminal defense. Mr. Snyder is a board certified civil trial lawyer, mediator and qualified arbitrator. *(Fort Lauderdale and West Palm Beach locations)*

**GREGORY C. WARD** is the managing partner of The Ward Law Group, PL, where he practices in the areas of significant personal injury and insurance coverage. Mr. Ward is a frequent lecturer throughout southern Florida on a variety of litigation topics. *(Fort Lauderdale and West Palm Beach locations)*

**PETER L. WECHSLER** is an attorney and founder of the The Wechsler Law Group, LLC. He is a Florida Supreme Court certified circuit civil mediator and practices in Pinecrest (Miami), Florida; a Florida Supreme Court qualified arbitrator; and concentrates his practice in civil litigation, mediation, eDiscovery, electronically stored information (ESI), product liability, personal injury and wrongful death, insurance disputes, complex commercial litigation, motor vehicle crashworthiness, and accident reconstruction. He is board certified in both civil trial advocacy and civil pre-trial practice by the National Board of Trial Advocacy. *(West Palm Beach location)*

**ROCHELLE N. WIMBUSH** is a shareholder with Ver Ploeg & Lumpkin, PA., where she concentrates her trial practice in the areas of insurance coverage and bad faith litigation, representing both individual and corporate policyholders. *(Fort Lauderdale location)*

*Detailed biographies can be found on our website at [www.nbi-sems.com](http://www.nbi-sems.com).*

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1851 SE 10th Avenue • Fort Lauderdale FL 33316  
Phone: 954-763-7670

### WEST PALM BEACH — NOVEMBER 30

Hilton Palm Beach Airport  
150 Australian Avenue • West Palm Beach FL 33406  
Phone: 561-684-9400

#### SCHEDULE

Registration 8:30 — 9:00 am  
Seminar 9:00 am — 4:30 pm  
Complimentary snacks and refreshments are provided.  
Lunch is on your own.

#### TUITION

\$359 for the first registrant  
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**Oct. 24** Eliminating/Minimizing Liens  
in Personal Injury Settlements (80301)

**Nov. 1** Liens in Personal Injury Settlements: A How-to-Guide (81362)  
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**Sept. 24** Courtroom Technology and Effective Exhibits (80322)

**Oct. 3** Personal Injury:  
What Insurance Companies Don't Want Plaintiffs to Know  
(80324)

**Oct. 18** Proving Pain and Suffering Damages in Auto Injury (80328)

**Oct. 25** Trial Preparation: The Attorney's Guide (80329)

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*By: Roy W. Jordan, Elizabeth Hudlett, Corey B. Friedman, Robert Miyashita, Scott R. Jeeves, Burke G. Lopez and Scott A. Arthur.*

OnDemand - \$359 CD & Manual - \$239

CLE Hours: 6.50 • Ethics Hours: 0.50 • Expire Date: 08/28/2018

#### Video Courses

##### PERSONAL INJURY:

##### GETTING YOUR EVIDENCE ADMITTED

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This guide will teach you how to get medical records, bills, accident reconstructions, PowerPoints, and much more into (or excluded from) evidence. Don't miss these practical instructions - order today!

*By: James W. Balmer, Joel W. Zylstra and Michael R. Kruse.*

OnDemand - \$339 DVD & Manual - \$229

CLE Hours: 7.00 • Ethics Hours: 1.00 • Expire Date: 12/06/2018

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# SEMINAR OVERVIEW

## Winning Strategies for Your Auto Litigation Practice

One of the truths of auto accident practice is that no matter how similar the cases look - they're never the same. Within this vast variety, however, there are patterns that form into effective legal strategies. You can spend years of trial practice amassing the information to make them apparent, or you can benefit from the decades of combined experience that our attorney faculty have distilled into a one-day crash course on getting to the successful resolution as quickly and efficiently as possible. We'll help you develop simple practical skills to streamline the process and avoid missing any pertinent issues or steps. Get the tools you need to win your next auto dispute - *register today!*

### BENEFITS OF ATTENDING

- Let our attorney faculty walk you through a crash case from the time of the collision through trial.
- Recognize the potential of each case: be it for success or spectacular failure.
- Explore common insurance coverage sources and find out how the courts interpret specific policy language.
- Know what to look for in medical records and where to find it.
- Take all factors into account when determining damages and find out how to support your calculations.
- Expand your discovery tactics with tips from seasoned litigators.
- Understand how Medicare set-asides and medical liens affect the size of the settlement, and incorporate them into your negotiations.
- Gain practical tips for effective communication with the claims representative and maximize your chances for successful settlement.
- Explore the ethical implications of the tripartite relationship and guard your impeccable reputation.
- Recognize the conditions that trigger a bad faith claim and get simple tips for settling it quickly and efficiently.

### WHO SHOULD ATTEND

This **basic-to-intermediate level seminar** offers a detailed overview of auto litigation that will benefit:

- Attorneys
- In-House Counsel
- Claims Representatives
- Paralegals

### CREDIT INFORMATION

The specific continuing education credit(s) listed are for attending the live seminar. For detailed credit information, please contact us at 866-240-1890 or visit us at [nbi-sems.com](http://nbi-sems.com).

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