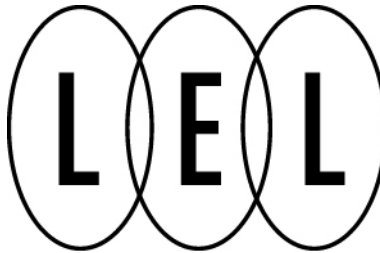


**American Bar Association
Section of Labor and Employment Law
Workers' Compensation Committee
2008 Midwinter Seminar and Conference
Loews Ventana Canyon Resort
Tucson, Arizona
March 4 – March 7, 2008**



Tuesday, March 4

5:00 – 7:00 p.m.

Registration

6:00 – 7:30 p.m.

**Welcome Reception at the
Loews Ventana Canyon Resort**

Wednesday, March 5

7:00 – 8:00 a.m.

Registration and Continental Breakfast

8:00 - 8:15 a.m.

Introduction/Welcome Remarks

Employer Chair- ***Kim R. Martens***, Hite, Fanning &
Honeyman L.L.P., Wichita, KS

Employee/Union Chair- ***Norton J. Cohen***, Miller Cohen,
Detroit, MI

Public Chair- ***Honorable Ellen Lorenzen***, Judge of
Compensation Claims, Tampa, FL

8:15 - 8:30 a.m.

Section of Labor & Employment Law Update

Section Chair- ***James R. LaVaute***, Blitman & King LLP,
Syracuse, NY

Chair-Elect- ***Barbara Berish Brown***, Paul, Hastings,
Janofsky & Walker LLP, Washington, DC

Employer Council Liaison- ***James A. Reiter***, Charfoos,
Reiter, Peterson, Jones, Dorland & Hebert, P.C.,
Farmington Hills, MI

Employee/Union Council Liaison - ***Donald Elisburg***,
Donald Elisburg Law Offices, Potomac, MD

8:30 – 9:40 a.m.

Return to Work Programs – Working With The *ability* in Disability.

Are Return to Work Programs A “Win –Win” for the Employer and Employee or Just a Game Employers Play to Cut Their Loses and Find Another Reason to Discharge the Employee?

Legal And Medical Ramifications When An Accommodated Return To Work Offer Is Made

Moderator: *James A. Reiter*, Charfoos, Reiter, Peterson, Jones, Dorland & Hébert, P.C., Farmington Hills, MI

Panel Members:

- Employer Perspective – ***Debra Howie***, AIC, AVP, Catholic Health Initiatives, KY
- Medical Nurse Case Manager Perspective – ***Jennifer Kerr***, Diversified Health Care Management Consultants, Inc., Southfield, MI
- Claimant Perspective – ***Rob Foreman, Esq.***-Tucson AZ
- Defense Perspective – ***Jane Stone***, Stone, Loughlin & Swanson, LLP, Austin, TX

9:50 – 10:45 a.m.

When “Return to Work” Does Not “Work,” `the Legal Process Goes to Work

Moderator: *Rayford Taylor*, Stiles, Taylor & Grace, PA, Atlanta, GA

Issue and Fact Scenario Introduction: *Robert D. Meyers*, Kiesewetter Wise Kaplan Prather, PLC, Memphis, TN

Panel Members:

- Claimant’s Perspective – ***David Moskowitz***, Morgan & Morgan, Atlanta, GA
- Employer Perspective – ***J’Don Bollom***, Hyatt Hotels
- Defense Perspective – ***Elizabeth Smith***, Verrill Dana LLP, Portland, ME

10:45 – 11:00 a.m.

Break

11:00 – 11:40 a.m.

Compromise Settlements - When Return to Work Does Not Work – When Disability and Compensation Exposure is Definable – Can We Settle the Claim? A Look at How Various States Allow Claim Resolution

Presenter: *Honorable David B. Torrey*, Workers' Compensation Judge, Pennsylvania Department of Labor and Industry, Allegheny and Erie Counties, PA

11:45 – 12:45 p.m.

Mining the Compensation File for Gold - Innovative Employer/Carrier Third Party Subrogation Programs – as Maine Goes, so Goes the Nation

Moderator: *James M. Gallen*, Evans & Dixon, L.L.C., St. Louis, MO

Panel Members:

- Maine Defense Attorney/Carrier Perspective – *John Wallach, Biddeford, ME*
- California Defense Litigator Perspective – *Anthony McCauley*, Hanna, Brophy, MacLean,, McAleer & Jensen, LLP, Los Angeles, CA

5:30 – 7:00 p.m.

Reception

Thursday, March 6

7:30 - 8:30 a.m.

Continental Breakfast & Workers Compensation Subcommittee Meetings – Pick Your Interest and Join A Subcommittee for Breakfast:

- Future Midwinter Programs
- Insurance
- Medicare/Social Security
- Medical Issues
- FELA/Jones Act
- Judicial/Public Sector
- Litigation
- Membership

8:30 – 9:25 a.m.

JOINT WC/OSHA PANEL: How Work Injuries and Fatalities Involving OSHA Citations Have the Potential To Turn Into Civil Liability Tort Claims Against Employers under Various State Labor Acts

Moderator: *Robert J. Grace*, Stiles, Taylor & Grace, PA, Tampa, FL

Panel Members:

- Claimant Perspective – *Eric D. Holland*, Holland, Groves Schneller & Stolze, LLC, St. Louis, MO
- Defense Perspective – *George W. Goodman*, Cummins, Goodman, Fish, Denley & Vickers, PC, Newberg, OR
- Academic Perspective – *Professor Emily Spieler*, Northeastern University School of Law, Boston, MA
(Invited)

9:35 – 10:45 a.m.

Cutting-Edge Emerging Avenues of Avoiding the Traditional Exclusive Remedy Ban on Civil Damage Claims Arising from Work Injuries Including Bad Faith Claims and Wrongful Termination Actions

Moderator: *Robert J. Grace*, Stiles, Taylor & Grace, PA, Tampa, FL

Panel Members:

- Claimant Perspective
- Management/Defense Perspective
- Insurance Perspective

10:45 – 11:00 a.m.

Break.

11:00 – 12:15 p.m.

Closed Head Injuries: A Concentrated Look at the Medical Science of Closed Head Injuries and How Practitioners and Courts Deal with Closed Head Injuries In the Compensation Litigation Process

Moderator: *Daniel J Hébert*, Charfoos, Reiter, Peterson, Jones, Dorland & Hébert, P.C., Farmington Hills, MI

Panel Members:

- Medical Expert – *Dr. Tom Boll*
- Claimant Perspective
- Management/Defense Perspective – *George W. Goodman*, Cummins, Goodman, Fish, Denley & Vickers, PC, Newberg, OR

6:00 – 7:30 p.m.

Reception

Friday, March 7

7:30 - 8:30 a.m.

Continental Breakfast

8:30 - 9:25 a.m.

Hot New Technology Tools for All Participants in Workers Compensation Cases

Moderator: *Nancy Chiesa AIC, SCLA*, Workers' Compensation & Claims Manager, Frankenmuth Mutual Insurance Company, Frankenmuth, MI

Panel Members:

- *Alan Gordon*, Vice President Sales and Marketing – WorkersCompensation.com, Sarasota, FL
- *Charles Wilson*, of Acrosoft, Myrtle Beach, SC

9:30 – 10:30 a.m.

Best and Worst Discovery Practices in Workers Compensation

Moderator: *Douglas Feldman*, Lindner & Marsack, S.C., Milwaukee, WI

Panel Members:

- Employer/Carrier Perspective – *Richard F. Zapala*, Assistant General Counsel, Accident Fund Insurance Company of America, Lansing, MI
- Defense Counsel Perspective – *Gregory T. Presmanes*, Bovis, Kyle & Burch, LLC, Atlanta, GA
- Claimant Counsel Perspective
- Government/Judicial Perspective – *Hon. Ellen Lorenzen*, Judge of Compensation Claims for the Tampa District, Tampa, FL

10:35 – 10:45 a.m.

Break.

10:45 – 11:45 a.m.

The Bermuda Triangle: ADA/FMLA/Workers' Comp: Navigating Return to Work, Light Duty, Leaves of Absence, Confidentiality, Termination and Benefit Issues

Moderator: *John H. Geaney*, Capehart & Scatchard,
Mount Laurel, NJ

Panel Members:

- Corporate Risk Manager Perspective – *Dwayne Hart, Esq.*, Republic Services, Inc., Ft. Lauderdale, FL
- Claimant Counsel Perspective – *Jon L Gelman*, Attorney at Law, Wayne, NJ
- *Defense Counsel Perspective* – *John H Geaney*, Capehart & Scatchard, Mt. Laurel, NJ

11:45 – 12:15 p.m.

Medicare Secondary Payer Legislative Update

Moderator: *Danielle F. Susser*, Smith, Haughey, Rice & Roegge, Ann Arbor, MI

Panel Members:

Henry N. Patterson, Jr., Patterson Harkavy, LLP, Chapel Hill, NC
Richard J. Swanson, Macey Swanson & Allman, Indianapolis, IN

12:15 – 12:45 p.m.

Group Planning Meeting for Mid-Winter 2009

- Where to go for Midwinter 2009?
- Does the Workers Compensation Committee continue to be tied to the OSHA Midwinter Meeting?