



NCADA 2010 Annual Spring Program & Meeting

Thursday, June 17, 2010

- 1:30 pm – 4:00 pm Optional Ethics Video Replay (See registration form for details.)
- 2:00 pm – 5:30 pm Board of Directors Meeting
- 5:00 pm – 6:30 pm Early Arrivals Check-In
- 6:00 pm – 7:30 pm Early Arrivals Reception *Sponsored by Nelson Mullins Riley & Scarborough, LLP*

Friday, June 18, 2010

- 7:00 am – 8:15 am Program Registration & Sponsor Exhibits, Continental Breakfast *Sponsored by Dameron Burgin Parker & Jackson, PA & Roberts & Stevens, PA*
 - 8:15 am – 8:25 am Welcome & Announcements
 - 8:25 am – 8:45 am **Legislative Update** Bob Kaylor, NCADA Legislative Liaison
 - 8:45 am – 9:45 am **The Transition from Contributory Negligence to Comparative Fault: Practical Consideration** Molly H. Craig, Hood Law Firm, Charleston, SC; Gray T. Culbreath, Collins & Lacy, Columbia, SC; John T. Lay, Jr., Ellis Lawhome & Sims, Columbia, SC; David T. Rhoney, Gallivan White & Boyd, Greenville, SC
 - Case Evaluation
 - Handling Pleadings, Discovery and Mediation
 - Presenting Arguments to the Court and the Jury
 - 9:45 am – 10:30 am **Stop Courting Trouble: Approach Settlement with a Mediation Mindset** Ellen R. Gelbin, Attorney - Mediator - Arbitrator, Lewisville
 - Cloak Yourself and Your Client In a Mediation Mentality
 - Provide the Mediator the Tools to Settle Your Case
 - Understand the Mediator's Role in Caucus with the Plaintiff and Counsel
 - 10:30 am – 10:45 am Networking Break *Sponsored by Huseby, Inc.*
 - 10:45 am – 11:45 am **"Never Enough"** Michael J. Burke, B. A., J.D. , Howell, MI
 - The Phases of Compulsive Gambling: A Personal History
 - The Link Between Substance Abuse and Compulsive Gambling
 - Trading a Substance Abuse Addiction for a Process Addiction
 - Prevention, Recovery, and Relapse as Related to Compulsive Gambling
 - Forms of Treatment Available Today
 - 11:45 am – 12:30 pm **Iqbal v. Ashcroft - A New Approach to Federal Rule 12(b)(6) and its Relevance to North Carolina** Brian C. Vick, Williams Mullen, PA, Raleigh
 - The *Twombly* and *Iqbal* Decisions
 - The Decisions Effects on Federal Rule 12(b)(6)
 - The Possible Application of the New Approach in NC
 - 2:00 pm "Round Robin" Tennis (Advance sign up requested)
 - 5:00 pm – 6:30 pm Beer Bash
 - 6:30 pm President's Reception (by Invitation) *Sponsored by Parker Poe Adams & Bernstein, LLP*
- ## Saturday, June 19, 2010
- 6:30 am 11th Annual 5k Beach Race & 1 Mile Fun Run/Walk
 - 7:30 am – 8:15 am Sponsor Exhibits, Continental Breakfast *Sponsored by Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP*
 - 8:30 am – 10:00 am **Recent Decisions of Relevance** J. Donald Cowan, Jr., Ellis & Winters, LLP, Greensboro
 - Case Law Update Covering Decisions from Fall 2009 to Spring 2010
 - 10:00 am – 10:10 am Networking Break *Sponsored by Huseby, Inc.*
 - 10:10 am – 10:50 am Annual Business Meeting
 - 10:55 am – 11:40 am Practice Group Breakout Sessions - See Side Panel for Topic Overview
 - 11:45 am – 12:30 pm Practice Group Breakout Sessions (Repeat)
 - 1:00 pm 12th Annual Golf Tournament *Sponsored by Matson, Driscoll & Damico, LLP*
 - 7:00 pm Annual Meeting Closing Reception, Dinner & Dancing (ticketed event)
Reception sponsored by Harris Creech Ward & Blackerby, PA
DJ sponsored by CaseWorks

Breakout Session Overview

Commercial

Litigating Disputes Relating to Closely Held Corporations in the Business Court
Jon Berkelhammer & L. Cooper Harrell, Smith Moore Leatherwood, LLP

Construction

Effective Utilization of Experts in Construction/Design Defect Litigation
George E. Barbour, P.E.

- Defining the Expert Witness - To Designate or Not to Designate
- Expert Selection
- Types of Construction Litigation

Employment

Combs v. City Electric: North Carolina Employment Laws
C. Grainger Pierce, Jr., Nexsen Pruettt, PLLC

- Wrongful Termination/Public Policy
- "Qualified Immunity" of Individual Managers
- Chapter 75/UDTPA
- Directed Verdict/Litigation Strategy

General Liability

\$10,500 Is Too Much – Abuse of 6.21.1
Kristie H. Farwell, Hedrick Gardner Kincheloe & Garofalo, LLP

- Overview of Wright v. Gatlin
- Relevant Case Law & Tips for Posturing Case in an Attempt to Minimize Effects of Statute 6.21.1
- 6.21.1 versus Offer of Judgment Standard

Medical Malpractice

Med Mal meets the Medical Board: The interface between administrative proceedings and medical malpractice actions
James A. Wilson, Esq.

- Board's new "Licensee Information" pages and malpractice information
- Board's use of Public Letters of Concern for single malpractice cases
- Use of Board decisions in malpractice cases

Product Liability

Defending Manufacturers Against Liability From Recalled Products
Joel H. Smith, Bowman and Brooke, LLP

- Issues Encountered by Defense Counsel when Representing a Manufacturer in a Product Recall
- Discovery and Trial Strategies to Achieve Positive Results

Workers' Compensation

Medical Management of High-Risk Injured Workers: Evidence-Based or Not?
Terence E. Fitzgerald, PhD, ABPP