



NORTH CAROLINA ASSOCIATION OF DEFENSE ATTORNEYS 33rd Annual Spring Program & Meeting

June 17-20, 2010

Marriott Resort & Spa

Hilton Head Island, SC



“Change is inevitable –
except from a vending machine.”
- Robert C. Gallagher

Staying ahead of the curve – by anticipating potential change and using it to our clients’ advantage – is the strength of the membership of the NCADA.

This year, at our Annual Meeting in Hilton Head, June 17-20, we will focus on significant recent developments, as well as those that may lie ahead. A lively panel of veteran courtroom litigators from our host state of South Carolina will share their experiences and advice on the practical implications of the transition from contributory negligence to comparative fault.

We will also discuss the new pleadings standard for Rule 12(b)(6) established by the United States Supreme Court in *Iqbal v. Ashcroft*, and, of course, other significant decisions. An experienced mediator will provide us with her insight on effective advocacy in mediation. Michael J. Burke, the author of *Never Enough*, will share the compelling story of his alcoholism and gambling addiction, disbarment and imprisonment, and path to recovery.

We look forward to seeing you in Hilton Head!

Patricia P. Kerner
Executive Vice President

General Information

Headquarters Hotel Information

The Marriott Hilton Head Resort & Spa, located in Palmetto Dunes on Hilton Head Island, SC, is the headquarters hotel for the 2010 Annual Meeting. Please make reservations directly with the Resort at 843-686-8400 or toll-free at 1-888-511-5086 and ask for the NCADA room block. The cutoff date for the room block is **May 17, 2010**. For additional accommodations options, please visit the NCADA website at www.ncada.org. Villa options are available.

NCADA Room Block Rates for 2010

Single or Double Occupancy

Resort View	\$259	Executive Parlor Suite	\$555
Ocean View	\$279	Grand Hospitality Suite	\$685
Ocean Front	\$289		

(Not including taxes or resort fee.)

General Information (cont'd)

CLE Credit

6.5 hours of CLE credit, including 1 hour substance abuse credit, pending approval from the North Carolina State Bar.

An optional ethics/professionalism CLE will be offered via video replay on Thursday, June 17, 2010 from 1:30 p.m. - 4:00 p.m. See registration form for additional information.

Golf Tournament

The 12th Annual Captain’s Choice Golf Tournament will be held at the Robert Trent Jones course at the Palmetto Dunes Resort. Sponsored by Matson Driscoll & Damico, LLP, the tournament will begin immediately following the Saturday CLE program. You can put together your own team or be paired with others. Cart and green fees are \$95 per player. Space is limited, so pre-registration is required.

Beach Race & Fun Run

The 11th Annual 5k Beach Race and 1 Mile Fun Run will take place bright and early on Saturday morning! Plan on joining other early risers for this fun event.

“Round Robin” Tennis

Informal “Round Robin” tennis matches will be played Friday afternoon at 2 p.m. Players should gather in the lobby at 1:45 p.m. to walk to the tennis courts. The cost is \$20 per person. Please indicate interest on and enclose payment with your registration form.

Networking & Social Events

- Early Arrivals Reception
- Beer Bash
- President’s Reception
- “Round Robin” Tennis
- Closing Reception, Dinner & Dance

Dress Code

Resort/Country Club Casual



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*
- ## 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
L. Cooper Harrell, Smith Moore Leatherwood

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

ADVANCE REGISTRATION FORM

NCADA 33rd Annual Meeting -- June 17-20, 2010

NC State Bar Number: _____

Call Name for Badge _____

Name _____

Firm Name _____

Address _____

City _____ State _____ Zip _____

Email Address: _____

Spouse/Guest Name _____ Badge Name _____

Please list names of children attending for badges: _____

FEES: Includes cost for individual member attending program & social functions; & spouse/guest attending social functions when applicable and paid at the Couple rate.

On or Before May 28	After May 28	NO REFUNDS for cancellations after June 11, 2010.
<input type="checkbox"/> \$375	<input type="checkbox"/> \$425	Individual Member
<input type="checkbox"/> \$275	<input type="checkbox"/> \$325	Individual Government/Public Sector or Certified Paralegal Member
<input type="checkbox"/> \$475	<input type="checkbox"/> \$525	Couple (Member & Spouse/Guest)
<input type="checkbox"/> \$375	<input type="checkbox"/> \$425	Couple (Gov't/Public Sector or Certified Paralegal Member & Spouse/Guest)
<input type="checkbox"/> \$600	<input type="checkbox"/> \$650	Two Member Couple (Both Attending CLE)*
<input type="checkbox"/> \$475	<input type="checkbox"/> \$525	Individual Non-Member
<input type="checkbox"/> \$225	<input type="checkbox"/> \$225	Judges & Other Guests
<input type="checkbox"/> \$ 25 x _____	<input type="checkbox"/> \$ 35 x _____	Per Child Attending the Saturday Evening Banquet** (Children's Buffet for Guests 12 years old and under)
<input type="checkbox"/> \$ _____	<input type="checkbox"/> \$ _____	"Round Robin" Tennis, 2 p.m., Friday, \$20 per player x _____ (# players)
<input type="checkbox"/> \$135	<input type="checkbox"/> \$135	Optional: Ethics Video Replay - See info below.
\$	\$	REGISTRATION AMOUNT ENCLOSED

CLE SIGN UPS:	
Please Select Two (2)	
Commercial Litigation	<input type="checkbox"/>
Construction Law	<input type="checkbox"/>
Employment Law	<input type="checkbox"/>
General Liability	<input type="checkbox"/>
Medical Malpractice	<input type="checkbox"/>
Product Liability	<input type="checkbox"/>
Workers' Compensation	<input type="checkbox"/>

* Includes two Individual Members attending from the same firm & not bringing a spouse/guest.

Optional Ethics Video Replay

Thursday, June 17, 2010 1:30 p.m. - 4:00 p.m.

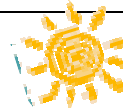
Professionalism: Timeless Tips for Today's Law Practice

Bill Griffin, Performance Connections, Rocky Mount

- What do you mean by "professionalism"?
- Cornerstones of Ethical Practice
- Act Like You Mean It (Maintaining the Dignity of the Profession)
- Walk Your Talk

MCLE Credit Hours: 2 hours Ethics credit approved by the NC State Bar
Video replay sponsored and provided by Asset Seminars*

Registration: 1:30 p.m. Program time: 2:00 to 4:00 p.m.
Fee: \$135 (*sign up through NCADA)



SOCIAL ACTIVITIES

	# of Adults	# of Kids
Thursday Reception	<input type="checkbox"/>	<input type="checkbox"/>
Friday "Round Robin" Tennis - \$20 per player	<input type="checkbox"/>	<input type="checkbox"/>
Friday Beer Bash	<input type="checkbox"/>	<input type="checkbox"/>
Saturday a.m. 5K Beach Race & 1 Mile Fun Run	<input type="checkbox"/>	<input type="checkbox"/>
Saturday Golf Tournament Handicap: ____ <input type="checkbox"/> Please Pair Partners:	<input type="checkbox"/>	<input type="checkbox"/>
Saturday Closing Reception, Dinner & Dancing (Ticketed event • Resort casual • Children's Buffet - \$25 per child**)	<input type="checkbox"/>	<input type="checkbox"/>

PAYMENT: Please make checks payable to NCADA and mail with completed registration form to:

NCADA, ATTN: Bookkeeping, 3700 National Drive, Ste. 212, Raleigh, NC 27612-4842

or email to atownsend@ncada.org

Please charge my credit card. MasterCard Visa AMEX Expiration Date: _____

Card #: _____ Card Security Code: _____

Print Name: _____ Signature (required): _____



NORTH CAROLINA ASSOCIATION OF DEFENSE ATTORNEYS

3700 National Drive, Ste. 212
Raleigh, NC 27612-4842

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33rd Annual Spring Program and Meeting



NORTH CAROLINA ASSOCIATION OF DEFENSE ATTORNEYS
THE RIGHT AFFILIATION. THE RIGHT RESOURCES. THE RIGHT REASONS.



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MATSON, DRISCOLL & DAMECO

FORENSIC & INVESTIGATIVE
ACCOUNTANTS



HARRIS, CREECH,
WARD & BLACKERBY, P.A.
Attorneys in Eastern North Carolina

Dameron, Burgin, Parker & Jackson, PA



Nelson Mullins Riley & Scarborough LLP



Parker Poe

**ROBERTS
&
STEVENS**
ATTORNEYS AT LAW



**SMITH
ANDERSON**



33rd Annual Meeting

June 17-20, 2010

*Marriott Resort & Spa
Hilton Head Island, South Carolina*

EXHIBITORS

Chaplin & Associates

HMS

Rimkus Consulting Group, Inc.

The Warren Group