

## **Compilation of NCADA CLE Manuscripts**

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### **COMMERCIAL**

*The Emerging Case Law from the N.C. Business Court*, Larry Sitton & Heather White (Smith Moore LLP), 29th Annual Meeting (June 2006).

*A Recurrent Business Court Issue: Electronic Discovery*, Mark A. Ash & Clifton L. Brinson (Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP), 29th Annual Meeting (June 2006).

*Using Technology in the N.C. Business Court*, Timothy Piganelli (Legal Technology Consulting, Inc., Phoenix, AZ) and Mack Sperling (Brooks Pierce McLendon Humphrey & Leonard, LLP), 29th Annual Meeting (June 2006).

*Chief Justice's Commission on the Future of the N.C. Business Court* (PowerPoint), Donald H. Tucker (Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP), 28th Annual Meeting (June 2005).

*Claims for Lost Profits in Commercial Contract Disputes*, Christopher G. Smith (Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP), 2004 Fall Seminar (October 2004).

*Introduction to Electronic Data Discovery and How to Respond to Electronic Discovery Requests*, Jim Wagner (Document Technologies, Inc.), 27th Annual Meeting (June 2004).

*The Amount of Certainty: Proving Commercial Damages in North Carolina*, William Rikard & Edward Davis (Parker Poe Adams & Bernstein, LLP), 26th Annual Meeting (June 2003).

### **CONSTRUCTION**

*After Land v. Tall House: Economic Loss Rule*, John L. Tidball (Teague Campbell Dennis & Gorham, LLP), 2005 Fall Seminar (October 2005).

*Trigger Coverage from Tufco to Harleysville*, Wayne K. Maiorano (Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP), 28th Annual Meeting (June 2005).

*Did You Really Get What You Thought You Asked For? Forensic Engineering and Contract Disputes*, Michael R. Keller, P.E. (CFEI, Forensic Analysis), 2004 Fall Seminar (October 2004).

*Indemnification and Contribution: The Kaleel Case (Kaleel Builders Inc. v. Ashby)*, Bryan Simpson (Teague Campbell Dennis & Gorham, LLP), 27th Annual Meeting (June 2004).

*Applicability of the UCC and the Economic Loss Rule to Claims by Homeowners Against Product Manufacturers and Suppliers*, William H. Sturges & Daniel R. Hansen (Shumaker Loop & Kendrick, LLP), 2003 Fall Seminar (October 2003).

*Legal Issues Arising from Water Intrusion and Mold*, Wayne K. Maiorano (Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP), 2003 Fall Seminar (October 2003).

## **EMPLOYMENT**

*The Basics of Employment Law*, David Woodard (Poyner & Spruill LLP), 29th Annual Meeting (June 2006).

*Issues Regarding Arbitration in Employment and Other Disputes*, Grant B. Osborne (McGuire Wood & Bissette, P.A.), 29th Annual Meeting (June 2006).

*Disparate Impact Discrimination and the Age of Discrimination in Employment Act and Fair Labor Standards Act – The Final “White Collar” Exemptions from Overtime Regulations*, David Bruce Hawley (Hedrick Eatman Gardner & Kincheloe, LLP), 28th Annual Meeting (June 2005).

*Tax Implications of Employment Settlements and Damage Awards*, Herman Spence, III (Robinson Bradshaw & Hinson, P.A.), 27th Annual Meeting (June 2004).

*Tax Implications of Employment Settlements and Damage Awards: Other Than “Pure Tax” Considerations*, Edward F. Hennessey, IV (Robinson Bradshaw & Hinson, P.A.), 27th Annual Meeting (June 2004).

*Departing Employee Issues*, Jack Brem Smith (McNair Law Firm), 25th Annual Meeting (April 2002).

## **GENERAL LIABILITY**

### **Substantive and Procedural Law**

*Appellate Procedures and Technicalities*, Brady Yntema (Pinto Coates Kyre & Brown, LLP), 29th Annual Meeting (June 2006).

*Hot Topics in Evidence*, H. Mark Hamlet (Maupin Taylor, P.A.), 2005 Fall Seminar (October 2005).

*Recent Decisions*, J. Donald Cowan, Jr. (Smith Moore LLP), 2005 Fall Seminar (October 2005).

*Update on the Tripartite Relationship: Ethical Issues Facing Lawyers Representing Defendants and Their Insurers in Civil Litigation*, L.D. Simmons, II & Richard H. Conner, III (Helms Mullis & Wicker), 2005 Fall Seminar (October 2005).

*Evidence*, Stephen W. Coles (Brinkley Walser, PLLC), 2005 Trial Tactics Program (August 2005).

*Post Trial Motions*, David L. Brown and Brady Yntema (Pinto Coates Kyre & Brown, PLLC), 2005 Trial Tactics Program (August 2005).

*Retention and Discovery of Electronic Records*, Dennis R. Kiker (Moran Kiker Brown, PC, Richmond, VA), 28th Annual Meeting (June 2005).

*A Survey of Rule 11 in North Carolina*, Judge W. Erwin Spainhour (Cabarrus County Senior Resident Superior Court Judge) and Roberta B. King (Bennett & Guthrie, PLLC), 28th Annual Meeting (June 2005).

*Offers of Judgment and Attorneys Fee Motions after Washington v. Horton: A Glimmer of Hope for Defense Counsel or Not*, Kenyann S. Brown (Bailey & Dixon, LLP), 2004 Fall Seminar (October 2004).

*Ramification of Obtaining Information Regarding Claimants by Artifice (Or, Are There Exceptions to the "Honesty" Rule?)*, Kenneth Kyre, Jr. (Pinto Coates Kyre & Brown, PLLC), 2004 Fall Seminar (October 2004).

*Recent Decisions*, J. Donald Cowan, Jr. (Smith Moore LLP), 2004 Fall Seminar (October 2004).

*Uninsured/Underinsured Motorist Benefits and the Application of Workers' Compensation Liens*, John I. Malone, Jr. (Pinto Coates Kyre & Brown, PLLC), 2004 Fall Seminar (October 2004).

*Handling Bad Company Documents: Preventing Admission at Trial*, Leslie O'Toole (Ellis & Winters, LLP), 27th Annual Meeting (June 2004).

*How to Keep Your Client from Being Double Dipped (Liens and Their Impact on Settlement)*, Art Donaldson (Donaldson and Black, P.A.), 27th Annual Meeting (June 2004).

*Recent Decisions*, J. Donald Cowan, Jr. (Smith Moore, LLP), 27th Annual Meeting (June 2004).

*The Tripartite Relationship: Defending the Insured for the Insurance Carrier*, Samuel S. Woodley (Battle Winslow Scott & Wiley, P.A.), 27th Annual Meeting (June 2004).

*Recent Decisions*, J. Donald Cowan, Jr. (Smith Moore LLP), 2003 Fall Seminar (October 2003).

*Uninsured and Underinsured Motorist Law Update*, Derek M. Crump (Brown Crump Vanore & Tierney, LLP), 2003 Fall Seminar (October 2003).

*Civil Procedure – Basics and Beyond: Traps and Tips*, Kenyann Brown Stanford (Bailey & Dixon, LLP, with contributions from David Wisz and Warren Savage of Bailey & Dixon), 2003 Advocacy Skills Seminar (September 2003); 2002 Rookie Seminar (February 2002).

*Common Evidentiary Issues*, Allen C. Smith (Hedrick Eatman Gardner & Kincheloe, LLP), 2003 Advocacy Skills Seminar (September 2003); Erica Lewis (Hedrick Eatman Gardner & Kincheloe, LLP), 26th Annual Meeting (June 2003).

*Introduction to Daubert*, Leslie C. O'Toole (Ellis & Winters, LLP), 2003 Advocacy Skills Seminar (September 2003).

*Automobile Liability Damages*, Maynard Moore Brown (Johnson & Lambeth), 26th Annual Meeting (June 2003).

*Jury Instructions and Charge Conference*, Michael Mitchell (Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP), 26th Annual Meeting (June 2003).

*The Nuts and Bolts of Agency*, Roger Askew & Amy Elliott (Baker Jenkins & Jones), 26th Annual Meeting (June 2003).

*Post Trial Motions*, David L. Brown (Pinto Coates Kyre & Brown, LLP), 26th Annual Meeting (June 2003).

*Recent Decisions*, J. Donald Cowan, Jr. (Smith Moore, LLP), 26th Annual Meeting (June 2003).

*Recent Decisions*, J. Donald Cowan, Jr. (Smith Moore, LLP), 2002 Fall Seminar (September 2002).

### **Miscellaneous**

*Use of Surveillance in Civil Cases in North Carolina*, W. Dudley Whitley, III (Battle Winslow Scott & Wiley, P.A.) 29<sup>th</sup> Annual Meeting (June 2006).

*Encountering the Pro Se Litigant*, Stuart Egerton, 2005 Fall Seminar (October 2005).

*PTSD: Controversies and Treatment*, Verne Schmickley, Ph.D. (Comprehensive Rehabilitation & Health Psychology), 2005 Fall Seminar (October 2005).

*The Charge Conference and Jury Instructions*, S. Mujeeb Shah-Khan (Assistant City Attorney, City of Charlotte), 2005 Trial Tactics Program (August 2005); 2003 Advocacy Skills Seminar (September 12, 2003); *reference* Michael Mitchell (Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP), 26th Annual Meeting (June 2003).

*Direct and Cross Examination of Lay Witnesses and Other Tactical Suggestions*, John S. Willardson (Willardson Lipscomb & Miller), LLP, 2005 Trial Tactics Program (August 2005).

*Motions in Limine/Jury Selection*, Robert H. Griffin (Cranfill Sumner & Hartzog, LLP), 2005 Trial Tactics Program (August 2005).

*The Opening Statement: Setting the Stage*, Rodney A. Guthrie (Bennett & Guthrie, PLLC), 2005 Trial Tactics Program (August 2005).

*Ethics Opinions of the Century (So Far)*, E. Fitzgerald Parnell (Poyner & Spruill LLP), 28th Annual Meeting (June 2005).

*Tort Reform: Legislation or Litigation – Where Does the Solution Lie?* Thomas F. Segalla (Goldberg Segalla, LLP, Buffalo, NY) (reprinted with permission from DRI Food Liability Seminar 2005), 28th Annual Meeting (June 2005).

*Collision Reconstruction: Putting the Pieces Together*, Daniel N. Olson, MSME, PE (The Warren Group), 2004 Fall Seminar (October 2004).

*The Propensity to Sue: Why Do People Seek Legal Actions?* (Abstract) (PowerPoint), Fred Dunbar & Faten Sabry (NERA Economic Consulting), 2004 Fall Seminar (October 2004).

*Examining the Expert Witness*, Hatcher Kincheloe (Hedrick Eatman Gardner & Kincheloe, LLP), 27th Annual Meeting (June 2004).

*Mediation Advocacy for the Defense Attorney*, Rene Steeple Ellis (Beacon & Ellis Conflict Resolution), 27th Annual Meeting (June 2004).

*Witness Preparation: Making Your Client Credible and Likeable* (PowerPoint) with *Tip Sheets for Deposition Commandments, Tips for Presenting to Non-Medical Audiences, Deposition Checklist, and Reminders for a One-on-One Audience* (.pdf), Bill Kopald (Sandstone Communications), 27th Annual Meeting (June 2004).

*Do-It-Yourself Focus Groups*, Patricia P. Kerner (Bailey & Dixon, LLP), 2003 Fall Seminar (October 2003).

*Understanding How Jurors View Your Case: Capitalizing on Small Group Research*, Jeffrey Frederick, Ph.D. (Jury Research Services, National Legal Research Group, Inc.), 2003 Fall Seminar (October 2003).

*Jury Selection*, Robert H. Griffin (Cranfill Sumner & Hartzog, LLP), 2003 Advocacy Skills Seminar (September 2003) (original presentation at NCADA 26th Annual Meeting).

*Medical Records: How to Get Them; How to Use Them*, Jacqueline A. Newton (Ennis Newton & Baynard, P.A.), 2003 Advocacy Skills Seminar (September 2003).

*Sample Medical Records and Glossary of Medical Terminology*, S. M. Shah-Khan, M.D., M.R.C.P. (Morganton, N.C.), 2003 Advocacy Skills Seminar (September 2003).

*Top Ten Elements (Embedded Values) of Professionalism*, Melvin F. Wright, Jr. (Executive Director, Chief Justice's Commission on Professionalism), 2003 Advocacy Skills Seminar (September 2003).

*A Walk through a Defense Case*, Robert H. Griffin (Cranfill Sumner & Hartzog, LLP), 2003 Advocacy Skills Seminar (September 2003); 2002 Rookie Seminar (February 2002).

*Biomechanics of Human Injury: Litigation Support in Personal Injury and Product Liability Matters*, Catherine Ford Corrigan, Ph.D. & Peter A. Cripton, Ph.D. (Exponent), 26th Annual Meeting (June 2003).

*Medical Records: How to Get Them, How to Use Them*, Jacqueline A. Newton (Ennis Newton & Baynard), 26th Annual Meeting (June 2003).

*About Court Ordered Arbitration in North Carolina (Overview), Forms and FAQs*, Resource: [www.nccourts.org/citizens/Cprograms/Arbitration](http://www.nccourts.org/citizens/Cprograms/Arbitration), 2002 Rookie Seminar (February 2002).

*Insurance Ethics*, Samuel S. Woodley (Battle Winslow Scott & Wiley, P.A.), 2002 Rookie Seminar (February 2002).

*Lessons from the Bench*, Judge Donald Stephens (Chief Resident Superior Court Judge, 10th Judicial District), 2002 Rookie Seminar (February 2002) (reprint from 1993 NCBAF-sponsored CLE).

*Mediation and Negotiation*, Elizabeth Scott (Maupin Taylor & Ellis, P.A.) and Richard Boyette (Cranfill Sumner & Hartzog, LLP), 2002 Rookie Seminar (February 2002).

## **LOCAL GOVERNMENT**

### **MEDICAL MALPRACTICE**

*State Medical Malpractice Tort Laws*, 28th Annual Meeting (June 2005).

*HIPAA: Six Months Later*, Marie C. Moseley (Harris Creech Ward & Blackerby, P.A.), 2003 Fall Seminar (October 2003).

*Authorizations for use and Disclosure of PHI; Sample Documents: Authorization for Release of Medical Records (Pre-HIPAA and Post-HIPAA); Flowchart: Disclosure of PHI in Judicial and Administrative Proceedings 45 CFR §164.512*, compiled by Cathleen M. Plaut (Bailey & Dixon, LLP) HIPAA For the Defense Practitioner (March 2003).

*Health Insurance Portability and Accountability Act of 1996 (HIPAA) for the Defense Practitioner – General Overview and Web-Based Resources*, Marie C. Moseley (Harris Creech Ward & Blackerby) HIPAA For the Defense Practitioner (March 2003).

*Motions in Limine and Briefs in Support: Reitzel v. Catawba Memorial Hospital, et al.*, compiled by Michael W. Mitchell (Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP), 2003 Fall Seminar (October 2003).

### **PRODUCT LIABILITY**

*Check, Raise or Fold: The Relationship Between Good Poker Play and the Fundamentals of Product Liability Defense*, R. Craig Mayfield (Hill Ward & Henderson, P.A., Tampa FL), 29th Annual Meeting (June 2006).

*The Likely Impact of the Class Action Fairness Act* (reprinted with permission from *For the Defense*), 2005 Fall Seminar (October 2005).

*Handling Bad Company Documents: Preventing Admission at Trial*, Leslie O'Toole (Ellis & Winters, LLP), 27th Annual Meeting (June 2004).

*Multidistrict Litigation: Managing the Massed Messes*, Kirk G. Warner (Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP), 27th Annual Meeting (June 2004).

*Applicability of the UCC and the Economic Loss Rule to Claims by Homeowners Against Product Manufacturers and Suppliers*, William H. Sturges & Daniel R. Hansen (Shumaker Loop & Kendrick, LLP), 2003 Fall Seminar (October 2003).

*Biomechanics of Human Injury: Litigation Support in Personal Injury and Product Liability Matters*, Catherine Ford Corrigan, Ph.D. & Peter A. Crompton, Ph.D. (Exponent), 26th Annual Meeting (June 2003).

*Exclusion of Expert Testimony and How to Respond to a Plaintiff's Motion for Costs*, David N. Allen (Parker Poe Adams & Bernstein, LLP), 26th Annual Meeting (June 2003).

*Coordination of Case Handling in Mass Tort Litigation*, Frederick W. Rom, F. Bruce Williams, and Jacqueline Terry (Womble Carlyle Sandridge & Rice, PLLC) 2003 Products Liability Seminar (February 2003)

*Implied Warranty of Merchantability and Defenses Thereto*, Kenneth Kyre, Jr. (Pinto Coates Kyre & Brown, PLLC), 2003 Products Liability Seminar (February 2003).

*North Carolina Product Liability Law*, Andrew Chamberlin (Ellis & Winters, LLP), 2003 Products Liability Seminar (February 2003).

*Revised: Daubert Challenges*, Leslie O'Toole (Ellis & Winters, LLP), 25th Annual Meeting (April 2002).

## **WORKERS' COMPENSATION**

*Medicare and Workers' Compensation – An Overview*, Justin Robertson (Patterson Dilthey Clay Bryson & Anderson, LLP), 2005 Fall Seminar (October 2005).

*Uninsured/Underinsured Motorist Benefits and the Application of Workers' Compensation Liens*, John I. Malone, Jr. (Pinto Coates Kyre & Brown, PLLC), 2004 Fall Seminar (October 2004).

*North Carolina Workers' Compensation Benefits*, Sandra King (Russell & King, P.A.), 26th Annual Meeting (June 2003).

*Workers' Compensation Review Case Study*, H. George Kurani (McAngus Goudelock & Courie, PLLC), 2003 Advocacy Skills Seminar (September 2003).