

*2023 Fall Seminar for Insurance Claims Representatives & Defense Counsel  
Friday, October 6, 2023 • Grandover Resort & Conference Center, Greensboro  
Seminar Agenda*

## **Legal Horizons Unveiled: Navigating Recent Decisions and Strategic Insights**

- 7:30 – 8:15 a.m. Registration & Continental Breakfast
- 8:15 – 8:30 a.m. **Welcome & Announcements**
- 8:30 – 9:30 a.m.  
(60 min general credit) **Recent Decisions of Relevance**  
This session will provide an overview and brief analysis of important decisions since June 2023 presentation.  
*Dixie Wells, Ellis & Winters, LLP*
- 9:30 – 10:30 a.m.  
(60 min general credit) **Pivotal Cases: Insights and Analysis**  
NCADA regularly reviews requests to appear as amicus curiae in cases where the legal issue on appeal will be of substantial interest to the NCADA and its members. This session will review and analyze the most pivotal cases of the past couple of years by panel members who have actively written briefs on behalf of NCADA.  
*Moderator: Hon. Linda Stephens, Hedrick Gardner Kincheloe & Garofalo; Panelists: Steven Bader, Cranfill Sumner; David Hawisher, Roberts & Stevens; Duane Jones, Hedrick Gardner Kincheloe & Garofalo*
- 10:30 - 10:45 a.m. **Morning Networking Break & Visit Partners & Exhibitors**
- 10:45 – 11:30 a.m.  
(45 min each session) **Breakout Sessions Block 1\*** (may not be in this order)
- Construction Strategic Considerations and Best Practices for Defending Against Multiparty Defect Claims**  
Is there truth in the saying “misery loves company”? Having more defendants—and their wallets—in a lawsuit can only help your client, right? What are the risks and benefits in being “one among many” in a complex, multi-party construction defect lawsuit? In this session, we’ll talk about the contractual roles involved in multiparty defect litigation, the pros and cons of crossclaims, tolling agreements, joint defense agreements, expert sharing, and empty chairs.  
*Melissa Brumback, Ragsdale Liggett, PLLC*
- Government Success Stories & Lessons Learned**  
(90-minute continuous session) In this live “Shop Talk with Government Lawyers” we will build upon online discussions this year and continue to share experiences and strategies for representing public employees and entities. Areas of discussion will include 1<sup>st</sup> Amendment and overlap with 4<sup>th</sup> Amendment issues, due process issues of the F-5, and more.  
*Discussion Moderators: Natalia Isenberg, Teague Campbell, and Ann Rowe, Davis & Hamrick*
- Medical Malpractice Recent Trends in Discovery and Trial Practices**  
*Sara Lincoln, Lincoln Derr, PLLC*

11:35 a.m. – 12:20 a.m.  
(45 min each session) **Breakout Sessions Block 2\*** (may not be in this order)

**General I Thought We Were Exclusive...**

This course traces the general history of the exclusivity provisions of the Workers Compensation Act and previous limitations on third-party recovery, before exploring recent decisions that erode that protection. Traditionally, the Act protected employers from third-party claims that would typically be barred under workers' compensation exclusivity provisions. However, recent court decisions interpret the Act's exclusivity provisions to allow certain claims to circumvent the liability shield and expose third-party employers to potential liability. This course examines the legal framework, recent court of appeals decisions, and the implications of these developments. Participants will gain valuable insights and understanding of the evolving landscape of third-party liability in the workers' compensation context.  
*Speaker: Duane Jones, Hedrick Gardner Kincheloe & Garofalo, LLP*

**Government Session Continues from earlier breakout**

**Product Liability Integrating Vehicle and Occupant Simulations with Human Factors**

Showcasing the capabilities and tools used to address complex vehicle interactions that require detailed analysis of occupant kinematics, injury criterion and human factors issues.  
*Joshua C. Rogers, P.E., Senior Consultant at ESI*

12:25 – 1:25 p.m. **Networking Lunch**

1:30 – 2:30 p.m. **Biomechanics: Its Use in Claims and Litigation**

(60 min general credit)

This presentation is designed to help the attendee understand the field of biomechanical engineering, including injury causation and mechanisms, occupant kinematics, biomechanical accident reconstruction, and areas of overlap with the fields of human factors and ergonomics. Using real-world case studies, attendees will navigate claims and litigation in the automotive, consumer product, and premises liability areas. By the end of the presentation, participants will have a general understanding of injury biomechanics and the process by which a biomechanical engineer evaluates injury potential and mechanisms following an alleged event.  
*Amber Rath Stern, Ph.D., P.E. and Christopher Eckersley, Ph.D., ESI*

2:30 – 2:45 p.m. **Networking Break & Visit Partners & Exhibitors**

2:45 – 3:30 p.m. **Practice & Procedure in North Carolina**

(45 min general credit)

What are the recent Rules amendments and how do they impact your day-to-day practice? This session will provide a brief overview of changes and practice pointers to the new mediation rules, navigating the Odessey e-Filing, and changes to the rules of practice in the Appellate, Business, and Superior Courts.  
*Madeline Pfefferle, Ellis & Winters, LLP; Stuart Stroud, Wallace Morris Barwick Landis & Stroud, P.A.; Sarah White, Ragsdale Liggett*

3:30 – 4:30 p.m. **In-House Perspective of Managing a Bad Faith Case**

(60 min ethics credit)

Learn how a true team effort between in-house professionals and outside counsel can lead to the successful defense of high exposure bad faith claims. This panel of in-house counsel will provide insight into the management of bad faith litigation, including what outside counsel should know and how they can most effectively defend their insurer clients against bad faith claims.  
*Moderator: Rebecca Thornton, Teague Campbell; Panelists: Rachel Blunk, ShipBob, Inc.; Jessica Tyndall, Nationwide*

*Credit Hours: 375 minutes or 6.25 total CLE hours including 1 hour Ethics; 6 total ICEC hours*