

# SEMINAR OUTLINE

## I. Case Intake, Pre-Suit Investigation

9:00 - 9:50, Written and presented by Gregory C. Ward in West Palm Beach and Fort Lauderdale.

- Case Screening
- Initial Client Interview/Questionnaire
- What You Can Find Out Before the Claim
- Funding Auto Litigation

## II. Damages, Liens and Subrogation in Settlement Negotiations

9:50 - 10:40, Written by Jeffrey R. Davis, Presented by Cosme Caballero in West Palm Beach and Jeffrey R. Davis in Fort Lauderdale.

- Assessing and Allocating Damages
  - Vehicle Damage and Diminished Value
  - Paid vs. Billed Medical Services
  - Future Medical Bills
  - Loss of Earning Capacity
  - Pain and Suffering
- Medical Provider Liens
- ERISA Subrogation Liens
- Mandatory Insurer Reporting, Medicare Recovery Act, and Medicare Set-Asides
- Tips for Successful Mediation
- Addressing Pending Liens in Settlement Negotiations
- Subrogation
- Practical Tips for Restarting Stalled Negotiations
- Structuring Settlements

## III. Insurance Coverage Research and Negotiations with the Claims Representatives

10:55 - 11:45, Written and presented by Gregory C. Ward in West Palm Beach and Fort Lauderdale.

- Auto Insurance Policies: Interpretation, Issues and Hidden Treasures
  - Auto Liability Coverage
  - UM/UIM
  - PIP/Med Pay
  - Multiple Policyholders
  - Stacking of Coverage
  - Available Limits
- Demand Packages
- Negotiating with the Adjuster

\*If needed, the above agenda may be changed to best accommodate all of our attendees.

## IV. Initial Filing and Discovery, Experts and Evidence

12:45 - 1:35, Written by Brett Alan Panter. Presented by Gregg J. Pomeroy in West Palm Beach and Brett Alan Panter in Fort Lauderdale.

- Filing Procedure and Case Scheduling
- Anatomy of Common Injuries
- Witness Depositions
- Obtaining Medical Records
- Selecting and Working with Experts
- Evidence Preservation

## V. Bad Faith

1:35 - 2:25, Written by Stephen A. Marino Jr. Presented by William M. Chapman in West Palm Beach and Stephen A. Marino Jr. in Fort Lauderdale.

- Definition of Bad Faith
- When Can a Bad Faith Claim be Brought?
- First Party Bad Faith vs. Third-Party Direct Actions
- Types of Bad Faith Claims in Auto Insurance Context
- Settlement Considerations

## VI. Ethics

2:40 - 3:40, Written by Steven N. Ainbinder. Presented by Steven N. Ainbinder in West Palm Beach and Jed Kurzban in Fort Lauderdale.

- Preventing Conflicts of Interest
- Setting and Collecting Attorney Fees
- Maintaining Client Confidentiality
- Work-Product Doctrine as it Applies to Expert Witness Reports in Progress
- Insurance Defense Counsel Relationship with the Insured and Insurer
- Communicating with Represented Parties
  - "CC," "Reply All," and Other E-mail Traps of Inadvertent Communication
  - Plaintiff Attorneys' Communication with Represented Insurance Adjusters
  - Investigators' Contact with the Opposing Party

## VII. Arbitration and Litigation: Preparation Tips and Hearing Strategies

3:40 - 4:30, Written by Steven N. Ainbinder. Presented by Steven N. Ainbinder in West Palm Beach and Jed Kurzban in Fort Lauderdale.

- Arbitration Procedure and Tactics
- Evidence Strategies
- Preparing Witnesses for Testimony
- Jury Selection Tips
- Case Presentation Tactics
- Preserving Issues for Appeal

# OUR DISTINGUISHED FACULTY

**STEVEN N. AINBINDER** is a sole practitioner with the Law Offices of Steven N. Ainbinder, P.A., in Boca Raton, Florida, where he is a trial attorney, specializing in both personal injury and insurance litigation. Before attending law school, Mr. Ainbinder was employed as an insurance adjuster with Allstate Insurance Company. Prior to opening his own law practice in 1996, Mr. Ainbinder worked for several law firms specializing in personal injury and insurance defense litigation. (West Palm Beach location)

**COSME CABALLERO** is an attorney with Deutsch & Blumberg, P.A. He is a graduate of Florida International University and the University of Florida. He served as articles and comments editor of the *University of Miami Law Review*, where he published an article titled "Curbing Corporate Abuse from Jurisprudential Off-Sites: Problematic Paradigms in *United States v. Textron Inc.*" Following graduation, Mr. Caballero was admitted to practice law in Florida. He is a member of the Dade County Bar Association and is an associate visitor in the Spellman-Hoeveler Chapter of the American Inns of Court. (West Palm Beach location)

**WILLIAM M. CHAPMAN** is an attorney and partner with the law firm of Hogan & Chapman, P.L. in West Palm Beach, Florida, where he litigates complex personal injury and wrongful death matters, including the representation of victims suffering from significant and catastrophic injuries due to medical malpractice, vehicular collisions, defective products, and unsafe premises. Mr. Chapman also handles insurance bad faith claims and insurance coverage disputes. He is admitted to practice in Florida and Washington D.C. Mr. Chapman is a member of the Palm Beach County Bar Association and the Florida Justice Association. (West Palm Beach location)

**JEFFREY R. DAVIS** has practiced in the area of plaintiff's personal injury, wrongful death and medical malpractice exclusively. After working as an associate in a plaintiff's injury firm, Mr. Davis formed his own practice in 1997. Jeffrey R. Davis, P.A. represents victims of negligence, medical malpractice, product liability, dog bites, motor vehicle accidents, boating accidents, and premises liability. As a practicing lawyer, he has served on various committees of The Florida Bar, including several grievance committees and committees on the unauthorized practice of law. (Fort Lauderdale location)

Detailed biographies can be found on our website at [www.nbi-sems.com](http://www.nbi-sems.com).

**JED KURZBAN** is an attorney and equity partner for the law firm Kurzban Kurzban Weinger Tetzeli & Pratt P.A. He concentrates his practice in the areas of medical practice, product liability and personal injury. He is admitted to practice for The Florida Bar and Hawaii State Bar Association; and before the US District Court, Southern District of Florida and the US Court of Appeals, 11th Circuit. He is a member of the Dade County Bar, The Florida Bar, the American Association for Justice, the Academy of Florida Trial Lawyers, American Association for Justice, and the American Bar Association. (Fort Lauderdale location)

**STEPHEN A. MARINO JR.** is a shareholder with the law firm of Ver Ploeg & Lumpkin, P.A., with offices in Miami and Orlando, Florida. Mr. Marino focuses his practice on insurance coverage and bad faith litigation. A former architect, he brings technical and applied science knowledge to his litigation practice. Mr. Marino is a frequent speaker on bad faith litigation and insurance coverage issues. (Fort Lauderdale location)

**BRETT ALAN PANTER** is a partner in the Miami law offices of Panter, Panter & Sampedro, P.A. Mr. Panter is a board certified civil trial lawyer by The Florida Bar Board of Legal Specialization and Education. Since 1984, he has primarily practiced in the areas of personal injury, wrongful death, medical malpractice, products liability, nursing home neglect, aviation litigation, and premises liability. Mr. Panter is a member of the Million Dollar Advocates Forum, and has recorded his closing arguments for the million dollar national closing arguments program. (Fort Lauderdale location)

**GREGG J. POMEROY** is a partner of the Fort Lauderdale-based law firm of Pomeroy and Kahl, LLP. He earned his undergraduate degree from the University of Florida and his law degree from Cumberland Law School in Birmingham, Alabama. Mr. Pomeroy limits his practice to the field of personal injury trial litigation. (West Palm Beach location)

**GREGORY C. WARD** is a partner with The Ward Law Group, P.L., where he practices in the areas of insurance coverage disputes, insurance bad faith litigation, and significant personal injury matters. Mr. Ward is a frequent lecturer throughout Southern Florida on a variety of litigation and business topics. He is admitted to practice before all Florida courts, the United States Court of Appeals for the Eleventh Circuit, the United States Court of Federal Claims, as well as in the states of Maryland and Massachusetts. (West Palm Beach and Fort Lauderdale locations)

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## SCHEDULE TUITION

Registration 8:30 — 9:00 am \$359 for the first registrant  
Seminar 9:00 am — 4:30 pm \$349 for each additional registrant  
Complimentary snacks and refreshments are provided.  
Lunch is on your own.

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- Nov. 2 Evidence from Start to Finish (74431)
- Nov. 9 Legal Ethics: Top 10 Challenges (74318)
- Nov. 10 Medicaid Liens (and More) in Personal Injury Settlements: New Rules and Regulations! (74430)

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- Oct. 3 New HIPAA and Protected Health Information Rules for Injury Attorneys (73826)
- Oct. 11 The NEW Appellate Rules and Forms: Are You Ready for Big Changes? (73842)
- Nov. 1 Electronic Medical Records in Medical Malpractice Cases: Hidden Gems and Problems for Both Sides (74385)
- Nov. 4 Liens in Personal Injury Settlements: A How to Guide (74390)

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By: George E. Carr, Oscar A. Sanchez, Scott W. Zappolo, J. Emory Wood, April A. Atkins, Todd Cooper and Thomas S. Harmon.  
CD & Manual - \$229 Manual - \$99 (143 pages)  
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### Video DVD & Course Book

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# SEMINAR OVERVIEW

## Winning Strategies for Your Auto Litigation Practice

One of the truths of auto accident practice is that no matter how similar the cases look - they're never the same. Within this vast variety, however, there are patterns that form into effective legal strategies. You can spend years of trial practice amassing the information to make them apparent, or you can benefit from the decades of combined experience that our attorney faculty have distilled into a one-day crash course on getting to the successful resolution as quickly and efficiently as possible. We'll help you develop simple practical skills to streamline the process and avoid missing any pertinent issues or steps. Get the tools you need to win your next auto dispute - **register today!**

## BENEFITS OF ATTENDING

- Let our attorney faculty walk you through a crash case from the time of the collision through trial.
- Recognize the potential of each case: be it for success or spectacular failure.
- Explore common insurance coverage sources and find out how the courts interpret specific policy language.
- Know what to look for in medical records and where to find it.
- Take all factors into account when determining damages and find out how to support your calculations.
- Expand your discovery tactics with tips from seasoned litigators.
- Understand how Medicare set-asides and medical liens affect the size of the settlement, and incorporate them into your negotiations.
- Gain practical tips for effective communication with the claims representative and maximize your chances for successful settlement.
- Explore the ethical implications of the tripartite relationship and guard your impeccable reputation.
- Recognize the conditions that trigger a bad faith claim and get simple tips for settling it quickly and efficiently.

## WHO SHOULD ATTEND

This **basic-to-intermediate level seminar** offers a detailed overview of auto litigation that will benefit:

- Attorneys
- In-House Counsel
- Claims Representatives
- Paralegals

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