



# Workers' Compensation

## A Practical Guide for Workers' Compensation Professionals and Attorneys in the Southeast

Guidance for claims professionals, employers and counsel to workers' compensation in the Southeast

Multi-State jurisdictional challenges and coverage implications

Compare/contrast compensability among southeastern states

Anatomy of a knee injury

Avoiding workers' compensation settlement pitfalls

Ethical considerations in workers' compensation

September 16, 2015

Atlanta Marriott Perimeter Center  
Atlanta, Georgia

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**T**he DRI Workers' Compensation Committee has designed a brand new kind of program, focused on issues of interest for those responsible for workers' compensation across the southeastern United States. Risk managers, claims professionals, and attorneys will all benefit from the analyses and discussions presented by an esteemed panel of professionals.



**James M. Anderson**  
Program Chair



**Daniel C. Kniffen**  
Program Vice Chair



**Jonathan L. Berryhill**  
Committee Chair



**Libby Valos Moss**  
Committee Vice Chair



**Glenn M. Zakaib**  
Law Institute



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Watch a preview of this year's Annual Meeting, October 7-11, in Washington, D.C.

PRESENTED BY **DRI's Workers' Compensation Committee**



## What You Will Learn

- Insights from professionals on jurisdictional challenges
- Compensability differences among states in the Southeast
- Anatomy and physiology of a knee injury from a doctor's perspective
- Tips for navigating settlements to benefits employers, carriers, and TPAs
- Risk management strategies for dealing with ethical issues



## Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** at <http://dri.org/Event/20150228> or complete the **form in the back**
- 4 **Add the program** to your calendar
- 5 Download the DRI App  and  and make use of its features to get the most out of this program
- 6 Share on social media   

## Maximize Your DRI Seminar Experience

*No one gets you connected like DRI.*

- Access the **DRI Workers' Compensation Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.

## PROGRAM SCHEDULE

WEDNESDAY, SEPTEMBER 16, 2015

7:00 a.m. **Registration**7:00 a.m. **Continental Breakfast**8:00 a.m. **Welcome and Introduction**LAW INSTITUTE | **Glenn M. Zakaib**PROGRAM CHAIR | **James M. Anderson**8:15 a.m. **Compensability: We Really Aren't All the Same!**

This panel of professionals will explain how the exact same fact scenario regarding alleged work-related injuries would be treated differently in separate jurisdictions. This lively discussion will include some scenarios that would be considered unquestionably compensable in some states while being unquestionably denied in other states.

MODERATOR | **L. Pepper Cossar**, *Markow Walker PA*, Ridgeland, Mississippi

PANEL

**Timothy A. Dunbrack**, *Kelley Kronenberg*, Orlando, Florida**Jennifer Morris Jones**, *Cranfill Sumner & Hartzog LLP*, Raleigh, North Carolina**Sarah E. Smith**, *Drew Eckl & Farnham LLP*, Atlanta, Georgia
 **Amy Jones Urban**, *AIG*, Alpharetta, Georgia
9:30 a.m. **Refreshment Break**SPONSORED BY **Garretson Resolution Group**9:45 a.m. **Don't Be Tardy for the Party: Why Collaboration Is Key in Negotiating Workers' Compensation Settlements**

As a case comes to a close, employers, carriers, and attorneys can differ on the best approach to resolve a claim. Employers may ask for a voluntary resignation with a general release signed and insurers often do not want to have mention of a voluntary resignation in their files, while the attorneys are stuck in the

middle. This session will show how a collaborative approach to resolving a workers' compensation claim protects all parties' interests, including closing out future medical, avoidance of bad faith, retaliation, FMLA and ADA claims, and ensuring the best possible resolution is achieved.

MODERATOR | **Libby Valos Moss**, *Kightlinger & Gray LLP*, Indianapolis, Indiana

PANEL

 **Elizabeth Bailey**, *Waffle House Inc.*, Norcross, Georgia
**Linda Brune**, *Sedgwick CMS Holdings Inc.*, Atlanta, Georgia**Daniel C. Kniffen**, *Drew Eckl & Farnham LLP*, Atlanta, Georgia
 **Elizabeth Wynthacht**, *Georgia-Pacific LLC*, Atlanta, Georgia
11:00 a.m. **Do the Right Thing: Ethics Issues in Workers' Compensation**

Workers' compensation claims can bring about a host of ethical considerations. The panel will provide insight and tips on doing the right thing when faced with potential liens, pro se litigants, and undocumented workers, as well as candor with the tribunal. There will be a focus on best practices in addressing issues encountered in workers' compensation claims that will lead to more efficient claims handling.

MODERATOR | **William E. Pipkin, Jr.**, *Austill Lewis Pipkin and Maddox PC*, Mobile, Alabama

PANEL

 **Shannon Gardner**, *Chick-fil-A Inc.*, Atlanta, Georgia
**Sue Lorance**, *Alternative Service Concepts (ASC) LLC*, Norcross, Georgia12:00 p.m. **Lunch**1:00 p.m. **An Anatomy of a Knee Injury from the Doctor's Perspective**

This program involves a detailed analysis of a knee injury from its start through discharge—

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 Denotes medical professional

the history recording, examination details, testing completed, evaluation and analysis, treatment and surgical procedures performed, follow-up care protocols, determination of maximum medical improvement, and establishment of an impairment rating. A follow-up cross-examination of the doctor concerning causation will follow the overview.

MODERATOR | **James M. Anderson**, *Anderson Crawley & Burke PLLC*, Ridgeland, Mississippi

PANEL

**John W. Barringer, Jr.**, *Manier & Herrod PC*, Nashville, Tennessee

 **David J. Gandy, MD**, *Jackson Orthopedic Clinic*, Jackson, Mississippi

2:15 p.m. **Refreshment Break**

SPONSORED BY **ISO Claims Partners**

3:00 p.m. **Jurisdictional Challenges**

Workers' compensation claims can sometimes be subject to concurrent or choice of jurisdiction among multiple states. Employers and insurance carriers do not always get to direct the claim to a specific state, but there are often issues that may make one state a more favorable jurisdiction over another. This session will present several factual scenarios that will prompt exploration of many of these issues

that have not been previously addressed, including state jurisdiction over an employer, state jurisdiction where a claimant may bring a claim, insurance policy coverage implications, assigned risk and residual market coverage limitations, variances in available disability benefits, applicability of choice of physicians laws and medical fee schedules, and third-party subrogation laws.

MODERATOR | **Mark Davis**, *McAngus Goudelock & Courie LLC*, Mount Pleasant, South Carolina

PANEL

**Jeffrey C. Napolitano**, *Juge Napolitano Guilbeau Ruli & Frieman PLC*, Metairie, Louisiana

 **Phil Puckett**, *AmTrust Insurance Group*, Atlanta, Georgia

4:15 p.m. **Question and Answer Session**

The attorneys responsible for the presentations will be available to field questions from the audience regarding issues as interpreted by the law in each of their jurisdictions.

MODERATOR | **Jonathan L. Berryhill**, *Wilson & Berryhill PC*, Birmingham, Alabama

4:45 p.m. **Adjourn**

4:45 p.m. **Networking Reception**

SPONSORED BY: **Drew Eckl & Farnham LLP**



## Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

## FACULTY

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**Sarah E. Smith**, Drew Eckl & Farnham LLP, Atlanta, Georgia

 **Amy Jones Urban**, AIG, Alpharetta, Georgia

 **Elizabeth Wynacht**, Georgia-Pacific LLC, Atlanta, Georgia

**Glenn M. Zakaib**, Cassels Brock & Blackwell LLP, Toronto, Ontario, Canada

*View faculty bios online at <http://www.dri.org/Event/20150228> (Workers' Compensation Seminar webpage); click on "Speaker List" tab.*

FACULTY

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## GENERAL INFORMATION

### In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

### Claims Executives/Examiners

The registration fee for the DRI Workers' Comp Regional Seminar (Southeast) is waived for all claims professionals and examiners. This offer is valid for this seminar only. To register, please call DRI Customer Service (312.795.1101).

### CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **6.5** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining

CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please check the DRI website at [dri.org](http://dri.org) for the latest information for your state.

### Registration Policy

The registration fee includes course materials, continental breakfast, refreshment breaks, and the net-working reception. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **September 2, 2015** (*please allow 10 days for processing*). Registrations received after **September 2, 2015**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **August 27, 2015**. Cancellations received after **August 27** and on or before **September 2, 2015**, will receive a refund, less a \$50 processing fee. Cancellations made after **September 2** will not receive a refund, but the course materials on CD-ROM and a \$50 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email ([seminars@dri.org](mailto:seminars@dri.org)) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

