

Striking Back Against the Reptile in Medical Malpractice and Long-Term Care Cases

Don't miss out on the most advanced and comprehensive seminar geared to defeating the plaintiff's reptile theory in health care cases, from triage to closing arguments.



- An unprecedented one-day advanced workshop for trial lawyers and senior claims examiners handling defense of medical liability cases
- Attendees will enjoy interactive presentations while learning advanced defense techniques

The DRI Medical Liability and Health Care Law Committee is

presenting an advanced workshop for trial lawyers, senior claims examiners, and industry professionals dedicated to defending against use of the reptile theory in medical liability cases. This unique workshop will provide practical techniques for conquering reptile cases in nursing home and medical malpractice cases. You will learn what to look for and strategies for dealing with the reptile theory in pleadings, discovery, depositions, pretrial motions, voir dire, examination of witnesses, and closing arguments at trial. Attendance at this advanced workshop will be limited to ensure an intimate forum for innovative discussions on how to fight the reptile in your defense work.



Minton P. Mayer
Program Co-Chair



J. Richard Moore
Committee Chair



Laura D. Eschleman
Program Co-Chair



Albert Barclay Wong
Committee Vice Chair



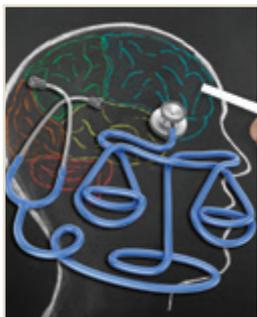
Peter L. Gregory
Program Vice Chair



Ted J. McDonald III
Law Institute

PRESENTED BY **DRI's Medical Liability and Health Care Law Committee**

Register online now at dri.org or complete the form in the back.



What You Will Learn

- About the reptile approach and its misinterpretations, including key strategies used by plaintiffs
 - How to prepare your 30(b)(6) witnesses effectively for the reptile experience
 - How to outmaneuver the reptile plaintiff attorney at deposition
-
- Keys for drafting, arguing, and winning motions in limine to keep the reptile out of your trial
 - Vital issues to consider in your answer and written discovery responses
 - How to outrivaling and rebuff the reptile in voir dire
 - Critical strategies for openings, direct examination, cross-examination, and closing arguments at trial to contain, neutralize, and eliminate the reptile

Members Get More

- Access to [LegalPoint](#)™ at [dri.org](#): Committee newsletters, seminar course materials, and other publications.
- Access to the **DRI Medical Liability and Health Care Law Committee Community**: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to **dri circles**, where lawyer-to-lawyer connections happen. Search **dri circles** in your app store:



PROGRAM SCHEDULE

Click on any speaker name to view bio.

TUESDAY, JUNE 12

Chicago Marriott Downtown Magnificent Mile

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

7:30 p.m. **Dine Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details onsite.

WEDNESDAY, JUNE 13

Gleacher Center, University of Chicago Booth School of Business

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

8:00 a.m. **Welcome and Introduction**

Laura D. Eschleman, *Nall & Miller LLP*, Atlanta, GA

Minton P. Mayer, *Wiseman Ashworth Law Group PLC*, Memphis, TN

8:05 a.m. **The Reptile: An Interactive Overview on Its Misinterpretations and Key Strategies for Identifying the Reptilian Approach**

While the reptile theory has been discussed in general liability litigation, pervasive misunderstanding of the reptilian approach has caused some medical malpractice practitioners to fail to recognize that the strategy is being employed by opposing counsel until it is too late. This session will bring clarity to the fundamental understanding of what “the reptile” is and how to identify the issues indicating that you have a reptile case.

Minton P. Mayer, *Wiseman Ashworth Law Group PLC*, Memphis, TN

8:55 a.m. **Freeze the Lizard Part 1: Effectively Identifying and Educating the Court on Reptile Theory in Pleadings, Discovery, and Early Motion Practice to Keep It out of Discovery**

Seasoned medical liability litigators know that initial pleadings and written discovery can create a minefield of issues as plaintiff’s lawyers pursue irrelevant and sometimes prejudicial information. The reptile plaintiff is looking to secure the foundation of a case against the defendant early and often, making initial written discovery an easy trap for the unwitting attorney and carrier. Learn how to approach written discovery in the reptile case, utilizing motions and initial responses to keep the reptile out of discovery, to educate the



Denotes the **DRI CLIENT CONNECTION**: In-house and claims professional speakers

judge, to protect your client, and to send a clear message to opposing counsel.

Peter L. Gregory, *Bassford Remele PA*, Minneapolis, MN

 **Courtney D. Koch**, *Berkshire Hathaway Specialty Insurance*,
New York, NY

9:55 a.m. **Refreshment Break**

10:10 a.m. **Depositions: Medical Reptile Deposition Tactics and How to Prepare for Apex, 30(b)(6), Expert and Client Depositions, Including Physicians, Nurses, Administrators and Other Health Care Employees**

The 30(b)(6) deposition of the most knowledgeable health care executive is of the utmost importance in defending health care liability claims. Preparing the 30(b)(6) representative for a reptilian attack, and defending that deposition effectively, require the defense lawyer to recognize the threat early and to react quickly. This comprehensive and critical discussion will focus on how to identify the right 30(b)(6) witness for a reptile deposition and preparing the health care deponent, defending the deposition, and protecting the record for trial.

Laura D. Eschleman, *Nall & Miller LLP*, Atlanta, GA

Michael A. Gross, *CogentEdge LLC*, Saint Petersburg, FL

11:00 a.m. **Overcoming the Reptile's Attack on the Standard of Care: Use of Resident's Rights/Patient's Rights and Other Tools in Combatting Reptilian Use of Regulations, Policies, and Procedures**

The reptile strategy continues to evolve with attacks on the standard of care. A favorite reptilian strategy is to use regulations and policies to establish safety rules and set the standard of care. This session will provide tools and strategies for using regulations, policies, and procedures as cover against the reptile attack.

T. Andrew (Drew) Graham, *Hall Booth Smith PC*, Atlanta, GA

11:50 a.m. **Lunch** (*on your own*)

1:15 p.m. **Freeze the Lizard Part 2: Effectively Educating the Court on Reptile Theory in Motions in Limine and Pretrial Proceedings to Keep It out of the Jury Box**

Motions in limine can be the last, best tool to keep the reptile theory from making it to the jury. Reptile-focused motions in limine must be clear, specifically identify the evidence to be excluded, and sufficiently founded in law to be persuasive. This session will present practical tips for preparing and arguing effective motions in limine, including presenting exemplar motions that will be instructive in all jurisdictions.

Ashlee M. Gray, *Ensign Services Inc.*, Prospect, KY

Cecilie M. Loidolt, *Bassford Remele PA*, Minneapolis, MN

1:45 p.m. **Key Trial Strategies: Effective Voir Dire, Witness Examination, and Opening and Closing Statements and How to Use the Reptile Theory to Your Advantage at Trial**

This session will squarely address reptile theory's endgame—convincing the jury to punish medical providers for violating safety rules. A jury consultant and seasoned trial lawyer will address how to use voir dire to counteract a plaintiff's reptile strategy and how to conduct openings, witness examinations, and closings that neutralize the reptile theory.

Ken Broda-Bahm, PhD, *Persuasion Strategies*, Denver, CO

Cecilie M. Loidolt, *Bassford Remele PA*, Minneapolis, MN

3:05 p.m. **Refreshment Break**

3:15 p.m. **Insurance Roundtable: The Reptile, Claims, and Negotiation**

Insurance claims professionals discuss reptilian trends from a claims perspective and how to respond to reptile challenges throughout the claim process. This will include expectations of defense counsel, reporting practices, and key strategies to protect against falling into the reptile trap.

MODERATOR | **T. Andrew (Drew) Graham**, *Hall Booth Smith PC*, Atlanta, GA

 **Judy Bares**, *Ironshore*, Chicago, IL

 **Nancy K. Caron**, *CNA Insurance Company*, Chicago, IL

Denis K. Sheehan, *Markel*, Deerfield, IL

4:05 p.m. **Challenges: The Opioid Crisis and Other Emerging Trends in Reptile Litigation**

The opioid crisis has reached epidemic proportions, launching a new wave of attacks on health care professionals. Likewise, plaintiffs are finding new ways to build a reptilian case against insurers through new theories for bad-faith claims. This session will discuss these and other emerging trends in reptile litigation.

Laura D. Eschleman, *Nall & Miller LLP*, Atlanta, GA

Michael A. Gross, *CogentEdge LLC*, Saint Petersburg, FL

Jerrod Mills, *Trial Exhibits Inc.*, Tampa, FL

5:00 p.m. **Adjourn**



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, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.**

Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Non-member claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

Seminar Location

Gleacher Center, 450 N Cityfront Plaza Dr, Chicago, IL 60611

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **7** hours, including **0** hours 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** for the latest information for your state.

Registration Policy

The registration fee includes course materials, continental breakfasts, refreshment breaks and networking receptions. 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 **May 29, 2018** (*please allow 10 days for processing*). Registrations received after **May 29, 2018**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **May 29, 2018**. Cancellations received after **May 29** and on or before **June 5, 2018**, will receive a refund, less a \$100 processing fee. Cancellations made after **June 5** will not receive a refund, but a \$100 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) 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.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$395**, regardless of membership status. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Striking Back Against the Reptile in Medical Malpractice and Long Term Care Cases** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- 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.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at the **Chicago Marriott Downtown Magnificent Mile, 540 North Michigan Avenue, Chicago, IL 60611** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$279 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit [dri.org](#) and go to the **DRI Striking Back Against the Reptile in Medical Malpractice and Long Term Care Cases** page and click on the "Book hotel" button. *This program is part of the DRI Diversity for Success Seminar hotel block.*
- 2) Or **contact the hotel directly at 312.836.0100** and mention **DRI Diversity for Success Seminar**. *This program is part of the DRI Diversity for Success Seminar hotel block.*

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **May 15, 2018**, to be eligible for the group rate. Requests for reservations made after **May 15** are subject to room and rate availability.

FACULTY

Click on any name to view bio.

 **Judy Bares**, Ironshore, Chicago, IL

Ken Broda-Bahm, PhD, Persuasion Strategies, Denver, CO

 **Nancy K. Caron**, CNA Insurance Company, Chicago, IL

Laura D. Eschleman, Nall & Miller LLP, Atlanta, GA

T. Andrew (Drew) Graham, Hall Booth Smith PC, Atlanta, GA

Ashlee M. Gray, Ensign Services Inc., Prospect, KY

Peter L. Gregory, Bassford Remele PA, Minneapolis, MN

Michael A. Gross, CogentEdge LLC, Saint Petersburg, FL

 **Courtney D. Koch**, Berkshire Hathaway Specialty Insurance, New York, NY

Cecilie M. Loidolt, Bassford Remele PA, Minneapolis, MN

Minton P. Mayer, Wiseman Ashworth Law Group PLC, Memphis, TN

Ted J. McDonald III, McDonald Davidson PA, Overland Park, KS

Jerrod Mills, Trial Exhibits Inc, Tampa, FL

J. Richard Moore, Bleeke Dillon Crandall, Indianapolis, IN

Denis K. Sheehan, Markel, Deerfield, IL

Albert Barclay Wong, Drewry Simmons Vornehm LLP, Carmel, IN

View faculty bios on the Striking Back Against the Reptile in Medical Malpractice and Long Term Care Cases Seminar webpage; [click on "View speakers" button.](#)



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.

Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.

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April 26-27

Trucking Law

Hilton Chicago, Chicago, IL

May 3-4

Retail and Hospitality Litigation and Claims Management

Loews Chicago, Chicago, IL

May 10-11

Drug and Medical Device Litigation

New York Marriott Marquis, New York, NY

May 16-18

Employment and Labor Law

Loews Chicago, Chicago, IL

June 14-15

Diversity for Success

Marriott Downtown

Magnificent Mile, Chicago, IL

June 20-22

Young Lawyers

Portland Marriott Downtown, Portland, OR

June 26-27

Marijuana Law

Gleacher Center, Chicago, IL

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Striking Back Against the Reptile in Medical Malpractice and Long-Term Care Cases

June 13, 2018 | Gleacher Center, 450 N Cityfront Plaza Dr, Chicago, IL

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Are you a first-time attendee at this DRI seminar? Yes No

How many attorneys are in your firm? _____ What is your primary area of practice? _____

REGISTRATION FEE

Registration fee includes seminar attendance, networking receptions and course materials. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

- Member \$495
- Nonmember \$595
- Law Student Member FREE
- In-House Counsel Member* FREE
- Claims Executive Member* FREE
- Group Discount* \$395

For inclusion on the preregistration list and to receive course materials in advance, register by May 29, 2018.

* As defined on page 5.

PAYMENT METHOD

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