



Oregon Law Institute
of Lewis & Clark Law School

Presenting and Defending Medical Issues in Personal Injury Cases

Another in a series begun by the late HON. ROBERT P. JONES designed to educate trial lawyers on medical issues. This program is dedicated to the memory of Judge Jones in appreciation for his devotion to continuing legal education in Oregon and for his efforts in fostering cooperation between the medical profession and practicing bar.

Experienced trial lawyers, trial judges, and physicians will share their unique experiences in handling cases dependent upon the presentation of medical evidence. The combination of medical education and practical trial tips is designed to allow experienced and newer attorneys an opportunity to blend the information into their own practices.

FRIDAY, SEPTEMBER 30, 2005

Oregon Convention Center
777 NE Martin Luther King Jr., Blvd.
Portland, Oregon

6.5 MCLE Credits

SCHEDULE

8:00 LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:25 WELCOME AND INTRODUCTION

8:30 – 10:00 **Doctors' Perspectives**

- Components of orthopedic and neurological IMEs
- Effective and ineffective use of medical experts
- Effective lawyering
 - *John M. Coletti, Jr., M.D.*
 - *Reed C. Wilson, M.D.*

10:00 – 10:15 BREAK

10:15 – 10:45 **Hiring and Preparing the Medical Expert**

- The “do’s” and “don’ts” of selecting, contacting, and preparing medical experts
- Records/materials provided
- Trial considerations
 - *Jane Paulson*

10:45 – 11:30 **Demystifying Medical Records and Assessing the Use of Life Care Plans**

- Content of medical record in out-patient and in-patient setting, including computerized records, how to assure the record is complete, and sample request/release forms
- The who, what, where, and when of life care plans and an example of a plan
 - *Dana Penilton, R.N., B.S.N., CCM, CLCP*

11:30 – 12:00 **Judicial Perspective on Effective and Ineffective Presentation of Medical Evidence**

- Frequent pre-trial issues in medicine-based cases
 - Issues the judge sees and how they are resolved
 - Discussion of recent rulings/cases
- Practice and evidentiary issues impacting the presentation of medical evidence
- Effective techniques in questioning medical experts
 - *Hon. Jerome E. LaBarre*

12:00 – 1:00 LUNCH (optional lunch and roundtable at live program)

1:00 – 1:45 **Unique Considerations for Mediation of Significant Medical-Based Cases**

- Problems encountered and reasonable solutions to mediation issues in medical cases
- How the plaintiff and defense attorney can be more effective in mediation
 - *Hon. Lyle C. Velure*

1:45 – 2:15 **Structuring Funds for Injured Clients with Future Medical Needs**

- Traditional annuity funded structure — pros and cons
- Bank trust based structured settlement — pros and cons
- Avoiding defense control
 - *Jack L. Meligan, CSSC, BCFE*

SCHEDULE (cont.)

2:15 – 2:30 BREAK

2:30 – 4:00

Plaintiff and Defense Perspective on How to Present Medical Issues to the Jury

- Identifying the medical issues on trial
- Pre-trial planning and ordering of evidence
- How and when to educate the jury on the medicine
- Common pitfalls in presenting medical evidence
- Incorporating records and experts into trial preparation/
presentation
- Effective use of technology and other visual aids for presenting
evidence
 - *Timothy J. Jones*
 - *David K. Miller*
 - *Eric J. Neiman*

4:00 ADJOURN

Program Faculty

John M. Coletti, Jr., M.D.

Orthopedic Surgery

John M. Coletti

*Program Co-Planner
Tichenor Dziuba & Coletti LLP*

Timothy J. Jones

Haglund, Kelley, Horngren, Jones & Wilder LLP

Hon. Jerome E. LaBarre

Multnomah County Circuit Court

Hon. Marilyn E. Litzenberger

*Program Co-Planner
Multnomah County Circuit Court*

Jack L. Meligan, CSSC, BCFE

Settlement Professionals, Inc.

David K. Miller

Miller & Wagner LLP

Eric J. Neiman

Williams Kastner & Gibbs PLLC

Jane Paulson

Paulson Law Firm Trial Lawyers, PC

Dana Penilton, R.N., B.S.N., CCM, CLCP

Dana Penilton Consulting, Inc.

Hon. Lyle C. Velure

Lane County Circuit Court

Reed C. Wilson, M.D.

Neurological Clinic

LIVE PRESENTATION

Portland – 9/30/05

Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

*Presenting and Defending Medical
Issues in Personal Injury Cases* will
receive **6.5** MCLE credits.

PROGRAM TAPES

Even if you cannot attend, you can still get the program on audiotape, videotape, CD or DVD. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase the tapes at 50% off the full retail price.

QUESTIONS?

Please call OLI at (503) 768-6580 in Portland or toll-free in Oregon at (800) 222-8213, e-mail us at oli@lclark.edu; or visit our Web site at www.lclark.edu/org/oli.

VIDEO REPLAYS

Please register at least one week prior to the replay date.

Bend – 10/14/05

Replay 8:30 a.m.
Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 10/7/05

Replay 8:30 a.m.
Harrang Long Gary & Rudnick, P.C.
360 East 10th Avenue, Ste. 300

Medford – 10/7/05

Replay 8:30 a.m.
Kellington, Krack, Richmond,
Blackhurst & Glatte, LLP
23 Newtown Street

Portland – 10/19/05

Replay 9:00 a.m.
Oregon Law Institute
Gus J. Solomon Courthouse,
620 S.W. Main St., Suite 706

REGISTRATION / ORDER FORM

Presenting and Defending Medical Issues in Personal Injury Cases

Friday, September 30, 2005

Name _____ OSB No. or Profession _____

Firm/Organization _____

Street Address _____ City/State/Zip _____

Phone _____ Fax _____ E-Mail _____

Please "✓" appropriate box below:

- Live presentation
- Video replay. Location: _____ Date: _____

TUITION

(Prices apply to live and video replays.)

- \$159 "Early Bird" tuition (received by September 26, 2005).
- \$119 "Early Bird" tuition for new attorneys (admitted 2004-2005), paralegals, or secretaries (received by September 26, 2005).
- \$15 OLI Annual Pass holder (Annual Pass No. _____).
- \$20 Add to above tuition if registration received after September 26, 2005.

OPTIONAL LUNCH AND ROUNDTABLE DISCUSSION

- \$20 Add to above tuition (live seminar only)
- Vegetarian Dietary restrictions: _____

PRODUCT ORDER

I am unable to attend. Please send me:

- \$179 Audiotapes and course book \$299 DVDs and course book
- \$179 Audio CDs and course book \$55 Course book only
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- Deduct 50% from order if you are an OLI Annual Pass holder (Pass No. _____)
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(503) 768-6585.

**QUESTIONS? Call (503) 768-6580 or (800) 222-8213.
Check out our website at www.lclark.edu/org/oli
or email us at oli@lclark.edu.**

CONFIRMATION: Confirmation will be sent via e-mail or fax.
CANCELLATION POLICY: Tuition minus a \$20 handling charge will be refunded if the cancellation request is written and received by September 26, 2005.
NEED ASSISTANCE: If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.
TUITION ASSISTANCE: A limited number of scholarships are available based on financial need. Contact OLI.