



Oregon Law Institute
of Lewis & Clark Law School

Make or Break Medical Issues in Litigation

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, a supreme court justice, and a physician will share their unique experiences in handling medical malpractice cases. This program is designed to help both seasoned veterans and newer lawyers with some of the more difficult, yet frequently encountered issues facing plaintiff and defense lawyers handling medical negligence cases, from intake of cases to paying medical liens after trial or settlement.

FRIDAY, MAY 9, 2008

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 – 9:15 **Medical Malpractice Dockets: The Ins and Outs**
- Which cases qualify
 - The Multnomah County process
 - The Lane County approach
 - *Hon. Jean Kerr Maurer*
 - *Hon. Jerry B. Hodson*
 - *Hon. Karsten H. Rasmussen*
- 9:15 – 10:00 **Do I Have a Case?**
- Determining which medical malpractice cases should be filed
 - View from the bench: mistakes made in trial that turned juries off
 - *John M. Coletti*
 - *Hon. Lyle C. Velure*
- 10:00 – 10:15 BREAK
- 10:15 – 11:30 **Selecting, Hiring, and Working with a Medical Expert**
- The “do’s” and “don’ts” of selecting, contacting, and preparing medical experts
 - Records/materials provided
 - Effective techniques in questioning medical experts
 - Expert’s perspective on working with lawyers
- Moderator: *Kelly A. Giampa*
- *Linn Goldberg, M.D.*
 - *James P. Martin*
 - *David K. Miller*
 - *John Rudoff, M.D., FACC*
- 11:30 – 12:00 **Trends Impacting Litigation of Cases Involving Medical Issues**
- Recent appellate cases and their impact on existing law
 - *Michael T. Stone*
- 12:00 – 1:00 LUNCH (on your own)
- 1:00 – 2:15 **Interviewing Treating Physicians: *State ex rel Grimm v. Ashmanskas*—Where Are We Now?**
- Origin of the species (how did all of this get started?)
 - The Supreme Court’s decision (privilege at play)
 - How the practice has evolved (can’t we all just get along?)
 - HIPAA strikes (confirmation or preemption)
 - What do we do now (and who is going to tell us?)
- Moderator: *Hon. Henry Kantor*
- *Hon. Donald C. Ashmanskas*
 - *Robert M. Keating*
 - *Richard A. Lane*
 - *D. Lawrence Wobbrock*

SCHEDULE (cont.)

2:15 – 2:45

Mandamus Demystified

- Logistics and timing
- What factors does the Court consider?
- How to (and not to) convince the Court to issue a writ in your case
 - *Hon. Thomas A. Balmer*
 - *Roy Pulvers*

2:45 – 3:00

BREAK

3:00 – 4:00

Medical Expenses

- Limitations on proof and recovery of medical expenses at trial
 - Issues in third-party repayment
 - ▶ Oregon Health Plan
 - ▶ Medicare
 - ▶ Private insurance
- Moderator: *Robert H. Beatty-Walters*
– *Stephen C. Hendricks*
– *Lindsey H. Hughes*

4:00

ADJOURN

Program Faculty

Hon. Donald C. Ashmanskas

Retired, US Magistrate Judge

Hon. Thomas A. Balmer

Oregon Supreme Court

Robert H. Beatty-Walters

Law Offices of Robert Beatty-Walters

John M. Coletti

Paulson Coletti Trial Attorneys PC

Kelly A. Giampa

Hoffman Hart & Wagner LLP

Linn Goldberg, M.D.

*Professor of Medicine,
Head of the Division of Health
Promotion and Sports Medicine,
Director of the Human Performance
Laboratory, OHSU*

Stephen C. Hendricks

Hendricks Law Firm

Hon. Jerry B. Hodson

Multnomah County Circuit Court

Lindsey H. Hughes

Keating Jones Hughes PC

Hon. Henry Kantor

Multnomah County Circuit Court

Robert M. Keating

Keating Jones Hughes PC

Richard A. Lane

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James P. Martin

Hoffman Hart & Wagner LLP

Hon. Jean Kerr Maurer

Multnomah County Circuit Court

David K. Miller

Miller & Wagner LLP

Roy Pulvers

Hinshaw & Culbertson LLP

Hon. Karsten H. Rasmussen

Lane County Circuit Court

John Rudoff, M.D., FACC

*Consultative, Diagnostic, and Invasive
Cardiology*

Michael T. Stone

Brisbee & Stockton LLC

Hon. Lyle C. Velure

*Senior Judge, Engaged in the Private
Practice of ADR*

D. Lawrence Wobbrock

Lawrence Wobbrock PC

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

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Replay 8:30 a.m.

Bryant Lovlien & Jarvis
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Harrang Long Gary &
Rudnick, P.C.
360 East 10th Avenue,
Ste. 300

Medford – 5/16/08

Replay 8:30 a.m.

Kellington Krack Richmond
Blackhurst & Glatte, LLP
23 Newtown Street

Portland – 5/28/08

Replay 9:00 a.m.

Oregon Law Institute
Gus J. Solomon Courthouse,
620 S.W. Main St., Suite 706

Make or Break

Medical Issues in Litigation

Friday, May 9, 2008

Name	OSB No. or Profession	
Firm/Organization		
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Please "✓" appropriate box below:

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QUESTIONS? Call (503) 768-6580 or (800) 222-8213.

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 Monday, May 5, 2008.

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.