



Spring Sections Seminar

May 1-3, 2024

The Virginian Hotel
Lynchburg

DRAFT AGENDA

Requesting 10.0 CLE (1.0 Ethics) Hours

Wednesday, May 1

6:00-7:30 PM **WELCOME RECEPTION**
Tresca on 8th

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7:30 PM **DINNER ON YOUR OWN**

Thursday, May 2

7:30 AM **VADA WELLNESS COMMITTEE GROUP RUN OR WALK**
Meet in the Hotel Lobby

8:00 - 9:00 AM **BREAKFAST & REGISTRATION**
Ballroom

MORNING SECTIONS

Snack Break Available in Ballroom 10:00 - 11:15 AM

9:00 - Noon **JOINT SESSION: POLICY COVERAGE with PRODUCTS & TOXIC TORTS**

9:00 - Noon **Navigating through the PFAS Landscape: Litigation Strategies and Complex Insurance Coverage Issues for the “Forever Chemical”** 3.0 HRS
Per- and poly-fluoroalkyl substances (PFAS) or “forever chemicals” are widely used, long lasting chemicals that break down very slowly over time and pose potential human health and environmental risks. This CLE course will provide counsel with an overview of the litigation landscape involving PFAS, to include recent developments in the law. Moreover, determining liability coverage for long-term disease caused by PFAS is complicated by the question of whether the bodily injury “occurred” during the relevant policy period. Although the Virginia Supreme Court has never addressed this issue, most courts have adopted one of four trigger theories. This session aims to provide an overview of these four generally accepted trigger theories and the likelihood of their use in lawsuits based on PFAs.

John Dunnigan, Esq., *Harman Claytor Corrigan & Wellman*
Meghan Gosline, Esq., *Hancock Daniel*

9:00 - Noon

JOINT SESSION: AUTOMOBILE AND TRANSPORTATION LIABILITY with WORKERS' COMPENSATION

9:00 – 10:00 AM

Dealing with Workers' Comp Liens, 1.0 HR

This presentation will discuss how to appropriately consider and deal with workers' compensation liens in personal injury cases. The statutory basis for the lien, as well as how to properly calculate the lien and repayment amount, will be discussed, as well as tips and suggestions for attorneys on best practices.

Megan Wagner, Esq., *Kalbaugh Pfund & Messersmith*

10:00 – 11:00 AM

The Effective Use of Vocational Evaluations and Assessments, 1.0 HR

This presentation will focus on the use of vocational evaluations and assessments in personal injury and workers' compensation cases. It will touch on the evaluation methodology used and what information/documentation is necessary to perform the assessments, including the use of medical records and past employment history. Labor market insights will also be discussed.

Gray Broughton, *Kincaid Wolstein*

11:00 - Noon

Preservation of Evidence, 1.0 HR

This presentation will address the importance of the preservation of evidence, including specifics on vehicles and digital information. Case law on the topic, as well as case examples, will be discussed, as well as practice considerations. Spoilation and the implications of same will also be examined in the context of personal injury and workers' compensation cases. The overlap between the two areas of law will be touched on as well.

Speaker TBD

12:00 - 1:00 PM

LUNCH
Ballroom

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AFTERNOON SECTIONS

Snack Break Available in Ballroom 2:00 - 3:15 PM

1:00 - 4:00 PM **JOINT SESSION: CORPORATE & COMMERCIAL LITIGATION with PROFESSIONAL LIABILITY**

1:00 - 2:30 PM **Business Email Compromise and Ensuing Litigation: Who Bears the Loss?** 1.5 HRS
Businesses and individuals are being hacked by fraudsters with increasing frequency. Money is wired to fraudsters and the finger-pointing begins. Experienced panelists will discuss (i) typical BEC schemes and incident response; (ii) claims and defenses; and (iii) lessons gleaned from caselaw and how courts are likely to allocate losses.

Jon Hubbard, Esq., *Troutman Pepper Hamilton Sanders*
Jason Manning, Esq., *Troutman Pepper Hamilton Sanders*
Mary Zinsner, Esq., *Troutman Pepper Hamilton Sanders*

2:30-4:00 PM **The Use of AI By Law Firms: Friend or Foe?** 1.5 HRS
AI is everywhere and on everybody's minds these days, and lawyers are no exception. Lawyers are being sanctioned across the country for using AI to write briefs. Bar associations nationwide are grappling with how to put ethical guardrails on the use of AI in law practices. And lawyers can't help but wonder if one day AI might replace them in an ever-evolving legal industry. Our panelists, Justin Ritter and Christopher Sullivan of Ritter Law in Charlottesville, are thought leaders at the forefront of AI in the legal industry, and will lead an interactive discussion of how you can make AI your friend in your legal career, while avoiding the pitfalls that this powerful technology presents.

Justin A. Ritter, Esq., *Ritter Law*
Christopher J. Sullivan, Esq., *Ritter Law*
Moderator: Declan C. Leonard, Esq., *Berenzweig Leonard*

1:00 - 4:00 PM **MEDICAL MALPRACTICE (PART 1)**

1:00 - 2:00 PM **Responding to Vague and Expanding Allegations of Malpractice, 1.0 HR**
This presentation will address options for responding to vague and generalized complaints as well as allegations that expand or change throughout the life of the litigation. We will discuss relevant case law and the advantages and disadvantages of challenging the sufficiency of the Complaint initially and/or challenging new theories that arise in discovery closer to trial.

Walker Terry, Esq., *Byrne Canaan Law*

2:00 – 3:00 PM **Patient Safety and Quality Improvement Act – A General Overview of the PSO and Recent Updates Concerning the PSO, 1.0 HR**
This presentation will focus on the fundamentals of the protections afforded by the Patient Safety and Quality Improvement Act of 2005 and a review of recent developments.

Annie Howard, Esq., *Hancock Daniel*

3:00 – 4:00 PM **“Supplemental” Expert Designations, 1.0 HR**
This presentation will cover the notorious “supplemental” expert designation that many plaintiffs’ lawyers use to add additional opinions for their expert witnesses. We will discuss what a supplemental expert designation is, why they are used, how to best handle them, and recent court rulings on whether to allow or not allow supplemental expert opinions.

Jacob Pierce, Esq., *Mitchell & Simopoulos*
Brian Vieth, Esq., *Goodman, Allen & Donnelly*

4:00 - 4:15 **BREAK**

GENERAL SESSION

Complimentary for all registrants

4:15 - 5:15 PM **Ethical Obligations for Lawyers, 1.0 HR Ethics**
Professional relationships among attorneys, their clients, firms, co-counsel, and the court are nuanced and complex. This panel will explore in detail the issues that surround the obligations a civil defense practitioner owes to each. The panelists will share examples and hypothetical scenarios and offer insight into resolving ethical challenges.

Gerald “Jerry” Harris, Esq., *Virginia Beach City Attorney’s Office*
Monica Monday, Esq., *Gentry Locke*
Hon. John M. Tran, *Fairfax County Circuit Court*
Lindsay Rollins, Esq., *The Progressive Group*

5:15 - 6:30 PM **NETWORKING RECEPTION**
[Ballroom](#)

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6:45 - 9:00 PM **DINNER ON YOUR OWN**

6:45 PM **OPTIONAL WOMEN’S SECTION DINNER**
[Craddock Terry Hotel](#)

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9:00 - 10:30 PM **LATE NIGHT DESSERT BAR**
[Marigolds](#)

Friday, May 3

8:00 - 9:00 AM

BREAKFAST AND REGISTRATION

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MORNING SECTIONS

Snack Break Available in Ballroom 10:00 - 11:15 AM

9:00 - Noon

JOINT SESSION: APPELLATE ADVOCACY with LOCAL GOVERNMENT

9:00 - Noon

Trial and Appellate Employment Litigation and the Local Government Attorney 3.0 HRS

Cate will be discussing the three most likely types of employment litigation for which local government attorneys should be prepared, as well as things that can be done to prevent such lawsuits. Cate will also be discussing the role of the local government attorney in the employment lawsuit if they are not actually litigating the case. Dave will be discussing local government's sovereign immunity associated with the Virginia Human Rights Act as well as the exclusion of localities from the Virginia whistleblower Protection Act. In addition, Dave will also be discussing interlocutory appeals from orders granting or denying pleas of sovereign immunity, as well as tips for developing a strong appellate record in employment cases.

Cate Jackson, Esq., *Gentry Locke*

Dave Berry, Esq., *Gentry Locke*

9:00 - Noon

MEDICAL MALPRACTICE (PART 2)

9:00 - 10:30 AM

The Virginia Medical Malpractice Cap: A Panel Discussion, 1.5 HRS

The panel will discuss the history and origin of the medical malpractice cap. They will compare the Virginia cap to other states with and without caps. They will further discuss where the cap does and does not apply; how to counsel clients on the cap; and past legislative challenges to the cap, including rationale and legal arguments for that challenge. The panel will complete the discussion with a round-up on the most recent legislative challenges, the results, and the likelihood of future challenges

Tony Cottone, Esq., *Byrne Canaan Law*

Taylor Brewer, Esq., *Moran, Reeves, & Conn*

Rachel Horvath, Esq., *Piedmont Liability Trust*

Moderator: Jacob Pierce, Esq., *Mitchell & Simopoulos*

10:30 - 11:30 AM

Artificial Intelligence ("AI") in Healthcare, 1.0 HR

Your hospitals and physicians are likely already using artificial intelligence, and you need to know about it. We will discuss the incorporation of AI into the medical landscape, including its use in EMRs and clinical documentation, triaging and assessing patients, and in responding to patient questions. We will also consider how this will impact the litigation process in med mal cases before you know it.

Laura Lee Miller, Esq., *Mitchell & Simopoulos*

11:30 - Noon

Medical Malpractice Roundtable (MedMal attorneys only please)

Noon

BOX LUNCH (Grab-N-Go or Sit-N-Chat)