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Long-Term Care Litigation

Tactics and Tips from Both Sides of the Bar

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- Magnus Research Consultants
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- ... and some of the nation's top long-term care litigation practitioners!

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Conference Schedule and Speaker Biographies Inside



Visit our website at cle.com for a complete listing of MCLE requirements in all states. You will also find a schedule of our upcoming conferences and a listing of available homestudy courses.

| Thursday, December 7 | Friday, December 8 |
|---|--|
| 8:00 Registration and Continental Breakfast | 8:00 Continental Breakfast |
| 8:30 Welcome and Overview of Day One <i>Ruben J. Krisztal, Esq., Program Co-Chair</i> Overland Park, KS <i>Rick Sebek, Esq., Program Co-Chair</i> Fowler White Boggs Banker, Tampa, FL | 8:30 Overview of Day Two <i>Ruben J. Krisztal, Esq., Program Co-Chair</i> <i>Rick Sebek, Esq., Program Co-Chair</i> |
| 8:45 The Courts Coast to Coast National Case Law Update <i>Simon L. Wiseman, Esq.</i> Paul Coppock, Orlando, FL <i>Rick Sebek, Esq., Program Co-Chair</i> | 8:45 The Administrator and Associated Deposition Issues How to Depose for Either Side! <i>Byron S. Arbeit, MA, NFA, HFA</i> Sarasota, FL |
| 9:45 Morning Break | 9:30 Expert Witness Corner Nutrition and Wound Care <i>Janet McKee, MS, RD, LD</i> Nutritious Lifestyles, Orlando, FL <i>Joyce M. Black, PhD, RN, Associate Professor</i> University of Nebraska Medical Center, Omaha, NE |
| 10:00 Legislation from Around the Country A Panel Presentation <i>Sherle Flaggman, Esq.</i> Schneider and Onofry, Phoenix, AZ <i>Alexander F. Giovanniello, Esq.</i> Giovanniello & Michels, Diamond Bar, CA <i>Allen D. Fuller, Esq.</i> Fuller & Associates, Miami, FL <i>Simon L. Wiseman, Esq.</i> | 10:30 Morning Break |
| 11:15 Pick Your Winning Jury Maximize Voir Dire <i>Melissa Ann Pigott, PhD, Director of Research</i> Magnus Research Consultants, Pompano Beach, FL | 10:45 Fraud and Abuse Claims Civil, Criminal and Administrative <i>Melvin B. Wright, Esq.</i> Colling Gilbert & Wright, Maitland, FL <i>Rick Sebek, Esq., Program Co-Chair</i> |
| 12:00 Lunch Break | 11:45 Long-Term Care Litigation and Public Relations The Media Perspective <i>Scott Sobel, Vice President</i> Media & Communication Strategies, Washington, DC |
| 1:30 Opening Statements and Closing Arguments Theory and Examples <i>H. Michael Wright, Esq.</i> Udall, Shumway & Lyons, Mesa, AZ <i>Sherle Flaggman, Esq.</i> | 12:30 Lunch Break |
| 2:45 Bulletproof Depositions Getting What You Want from Out-of-Court Testimony <i>Ruben J. Krisztal, Esq., Program Co-Chair</i> <i>Rick Sebek, Esq., Program Co-Chair</i> | 1:45 Causation of Injury in the Nursing Home Considerations for Plaintiff and Defense Litigators <i>Jeffrey M. Levine, MD, CMD, AGSF, President</i> SeniorHealth Consulting, New York, NY |
| 3:45 Afternoon Break | 2:30 Afternoon Break |
| 4:00 Punitive Damages How to Go up the Corporate Ladders <i>T. Patrick Ford, Jr., Esq.</i> Ford, Dean & Mallard, Miami, FL | 2:45 Mandatory Arbitration The Pros, the Cons and the Basics <i>Raymond E. Watts, Jr., Esq.</i> Wicker Smith O'Hara McCoy Graham & Ford, Orlando, FL <i>Allen D. Fuller, Esq.</i> |
| 4:45 Ethics Considerations in Long-Term Care Litigation <i>Thomas P. Scarritt, Jr., Esq., Chairman, JCPC, FCOE</i> Scarritt Law Group, Tampa, FL | 3:45 False Claims Act Whistleblower Employee Protections <i>John M. Parisi, Esq.</i> Shamberg, Johnson & Bergman, Kansas City, MO <i>David R. Hoffman, Esq.</i> David Hoffman & Associates, Philadelphia, PA |
| 5:45 Adjourn | 4:45 Q&A Panel Members of the Faculty |
| | 5:00 Evaluations and Adjourn |

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November 16-17, Tampa
Winning Your Next Appeal
December 8, Denver

Litigating Land Use
December 11-12, Tampa
Class Actions
January 25-26, Los Angeles

Nevada Water Law
January 29-30, Reno
Ethics
February 23, Tampa

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Long-Term Care Litigation

meet your faculty

Program Co-Chairs

Ruben J. Kriztal has been litigating nursing home cases since 1984. He is the editor of *Nursing Home Litigation: Pretrial Practice and Trials*. He has a national practice and has worked on nursing home cases with attorneys throughout the country.

Rick Sebek focuses on the defense of long-term care facilities and hospitals. He is listed in *The Best Lawyers in America*, 2005-2006, and was recognized as one of Florida's Top Lawyers in Health Care by *Florida Monthly Magazine* in 2004.

Byron S. Arbeit has over 32 years' experience in health care administration, incorporating eight years in hospital administration and 24 years in the field of nursing home administration. He is licensed as a nursing home administrator in two states and has 18 years' university teaching experience.

Joyce M. Black is a medical-surgical nurse who joined the faculty in her current position in 1982. She is the current President of the National Pressure Ulcer Advisory Panel.

Sherle Flaggman concentrates in medical malpractice defense, including the litigation (and before licensing boards) of hospitals, physicians, nurses, nursing homes, and assisted living centers. She also serves as a consultant to various healthcare providers, organizations and insurers.

Allen D. Fuller practices in the areas of nursing home abuse, medical malpractice, *qui tam*, class actions, commercial and civil litigation. He is the author of "Settlement Strategies" in *Nursing Home Litigation: Pretrial Practice and Trials*.

T. Patrick Ford, Jr., practices nursing home litigation and is the author of the chapter on punitive damages in *Nursing Home Litigation: Pretrial Practice and Trials*.

Alexander F. Giovanniello focuses on the defense of skilled nursing facilities, hospitals, assisted living centers and physicians in elder abuse and all aspects of healthcare liability, medical products liability, Title 22, residential facilities, foster care and foster family agencies and charitable institutions.

David R. Hoffman and his national healthcare consulting practice work with long-term care and assisted living facilities to evaluate and ensure clinical and regulatory compliance. He was previously an Assistant US Attorney for over 12 years, where he prosecuted healthcare fraud matters in the civil and criminal arenas.

Jeffrey M. Levine and his company provide consultation, education and risk management advice to insurance companies, attorneys and facilities regarding care of the aged. He is board-certified in Internal Medicine, is a Certified Medical Director, Certified Wound-Care Specialist and holds a Certificate of Added Qualifications in Geriatrics.

Janet S. McKee is a nationally recognized registered and licensed dietitian, author, speaker and nutrition expert. She has provided nutrition expertise and consultant services to the healthcare and legal industries, the media, the public, dietetics, and the nutrition and food service field for over 25 years.

John M. Parisi practices in the areas of personal injury, medical malpractice, products liability, the False Claims Act, nursing home abuse cases and environmental law. He serves as a commissioner of the Kansas Lawyers Victim Compensation Fund.

Melissa Ann Pigott is a social psychologist with a PhD from Florida State University. She has been conducting research in the area of psychology and the law since the early 1980s.

Thomas P. Scarritt, Jr., is board-certified in civil litigation by the Florida Bar and the American Board of Trial Advocates, where he served as President of the Tampa Bay chapter. He was recently elected as Chairman of the Florida Commission on Ethics (FCOE).

Scott Sobel is an award-winning public relations practitioner and a former major market print and network journalist with expertise in litigation, public relations and crisis management.

Raymond E. Watts, Jr., practices in the defense of long-term care facilities, including nursing homes and adult living facilities. He is a member of the Florida Defense Lawyers Association and the Defense Research Institute.

Simon L. Wiseman is a plaintiff's attorney practicing in the areas of personal injury, nursing home, commercial and products liability litigation. He offers experience in both plaintiff and defense civil work.

H. Michael Wright has handled over 100 trials in personal injury cases, as well as many arbitrations and hearings. Over the past several years, he has focused his expertise on nursing home abuse and neglect cases and speaks regularly about such claims.

Melvin B. Wright practices with an emphasis on all cases of serious personal injury and death and has extensive experience in nursing home and other institutional abuse and neglect cases. He is board-certified as a civil trial specialist by the Florida Bar, Board of Legal Specialization and Education, and by the National Board of Trial Advocacy.

CLE INTERNATIONAL Program Attorney:
Allison A. Gerkman, alli@cle.com.

conference information

Continuing Education Credit:

MCLE: CLE INTERNATIONAL is an approved sponsor in all states having mandatory continuing legal education requirements.

This course is approved by the Florida State Bar for a maximum of 16 hours of MCLE credit, including one hour of legal ethics. CLE INTERNATIONAL is an approved sponsor of the Florida State Bar, Sponsor No. 750743.

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For accreditation in other jurisdictions or disciplines, please contact CLE INTERNATIONAL at (800) 873-7130.

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Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or homestudy order to (800) 873-7130, fax the Registration/Order Form to (303) 321-6320, email your registration to registrar@cle.com, or register online at www.cle.com. Full payment is due at time of registration. Walk-in registrations will be subject to space availability. Please call CLE INTERNATIONAL at (800) 873-7130 if you require any special accommodations.

Tuition: \$595

The tuition fee of \$595 per person (\$495 for government employees, 501(c)(3) organizations, full-time judges, law students and paralegals) includes attendance at all sessions, course materials, continental breakfasts and coffee breaks.

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CLE INTERNATIONAL also offers a complete audio transcript of the Conference (including all course materials) for \$595 plus \$10 shipping and handling. This package may qualify for homestudy credit.

Cancellation

Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Friday prior to the Conference. Substitutions may be made at any time.

Sponsorship Information

Sponsorship and exhibition opportunities are still available. For more information, please contact Shauna Kraczek at (800) 873-7130 or shauna@cle.com.

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New National Conference!

Long-Term Care Litigation

Insights from Expert Witnesses, Trial Consultants and Seasoned Litigators

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Bulletproof Depositions

Opening Statements and Closing Arguments

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Mandatory Arbitration

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False Claims Act

The Administrator and Associated Deposition Issues

Causation of Injury in the Nursing Home

