16th Annual Advanced Forum on
Obstetric Malpractice Claims
June 26 – 27, 2017 | The Union League of Philadelphia

Featuring unparalleled medical insights from:

David A. Clark, MD
Albany Medical College

Max Wiznitzer, MD
CWRU School of Medicine

Harry F. Farb, MD
Obstetrician and Maternal Fetal Medicine Specialist

Michael G. Ross, MD, MPH
UCLA

Robert H. Allen, PhD, PE
Johns Hopkins University

Hear from and network with:

Robert Shavelle, PhD, FAACPDM
Life Expectancy Project

Michael D. Anderson
Senior Claims Examiner and Risk Specialist
Medical Insurance Exchange of California

Richard T. Henderson, CPCU, ARM, AIC, AU
Vice President
TransRe

John S. Moore
Director, Strategic Claim Unit, Specialty Claim
CNA

Molly L. Farrell
Client Advocate
Willis Towers Watson

Jennifer Green
Claims Consultant
CNA

Co-Chairs:
Joseph S. Picchi
Galloway, Lucchesse, Everson & Picchi

Norman D. Tucker
Sommers Schwartz

Obtain insight as to the perspectives from the Bench. Hear from:

Hon. Ann D. Montgomery
U.S. Dist. Ct., Dist. Minnesota

Hon. John Younge
Philadelphia Court Common Pleas

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Be a part of the nation’s premier obstetric malpractice conference and ensure that you keep abreast of the evolving standards of care, emerging theories of liability, and new defense strategies.

Obstetric malpractice cases continue to result in massive verdicts, reaching amounts in excess of $100 million. Claims are evolving in response to advances in medical technology, which can increase the potential for errors in the delivery room. Further, new standards of care are emerging and with these new standards come new malpractice claims.

Given the state of obstetric malpractice, it is essential that all those along the obstetric malpractice continuum, including medical professionals, risk managers, insurance professionals, plaintiffs’ attorneys, and defense counsel, be current on the latest claims and defense strategies and how they are impacting the practice.

Newly updated session for 2017 agenda include:

- An examination of damages: ACA repeal and its intended impact, collateral source rule, mitigation of damages, billed vs. actual costs
- Managing life care plans
- Jury trial techniques
- Tort reform, structured settlements, negotiations, and closing the case early to avoid a costly trial
- New emerging trends in brain cooling techniques

Register now by calling 1-888-224-2480 or by faxing your registration form to 1-877-927-1563. You can also register online at www.AmericanConference.com/ObMal.

WHO SHOULD ATTEND:

LAWYERS, both plaintiff and defense, who litigate medical malpractice cases attend in order to get a solid grounding on the latest medical issues upon which cases are based. Our faculty of medical and legal experts from around the nation will provide you with the information and strategies that are essential to achieve the best outcomes for your clients.

DOCTORS, NURSES and HOSPITAL RISK/QUALITY ASSURANCE MANAGERS attend in order to benchmark their current practices and procedures and develop a deeper understanding of the current state of obstetric malpractice litigation.

INSURANCE PROFESSIONALS attend in order to obtain valuable insights and strategies for assessing professional negligence claims and to better understand litigation strategies and hospital risk management techniques.

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DAY ONE
Monday June 26, 2017

7:45
Registration and Continental Breakfast

8:45
Co-Chairs’ Opening Remarks
Joseph S. Picchi
Partner
Galloway, Lucchese, Everson & Picchi
Norman D. Tucker
Of Counsel
Sommers Schwartz

9:00
Michael D. Anderson
Senior Claims Examiner and Risk Specialist
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Robert Shavelle, PhD, FAACPDM
Life Expectancy Project
Moderator:
Ralph F. Valitutti
Principal
Kitch Drutchas Wagner Valitutti & Sherbrook

10:15
Morning Break

10:30
Neonatal Brachial Plexus Palsy
Robert H. Allen, PhD, PE
Associate Research Professor
Biomedical Engineering
Associate Research Professor
Gynecology and Obstetrics
Undergraduate Program Director
Center for Bioengineering Innovation and Design
Johns Hopkins University
Eric J. Frisch
Partner
Carlcock, Copeland & Stair, LLP
- Brachial plexus: injury with and without shoulder dystocia
- Fundal pressure, expulsive forces and clinician applied forces
- Failure to detect macrosomia
- Understanding the key risk factors for shoulder dystocia, how they should be managed, and the delivery note
- The Expulsion Defense and its impact on juror’s perception of defense credibility and verdicts

11:20
An Examination of Damages: ACA Repeal and its Intended Impact, Collateral Source Rule, Mitigation of Damages, Billed v. Actual Costs
Joseph S. Picchi, Esq.
Partner
Galloway, Lucchese, Everson & Picchi
Tammy L. Wade
Shareholder
Johnson & Bell, Ltd.
- What is the impact of the ACA and its repeal of formulating damages
- Continuing viability of defenses after the ACA is repealed
- Assessing plaintiffs’ argument that insurance will no longer be admitted
- Countering plaintiffs’ argument – argument by defense that regarding of ACA there will be a mandated waiver of pre-existing conditions and purchasing those policies should be admitted for mitigation of damages
- Plaintiffs’ duty to obtain future care
- Case studies on the future of the collateral source rule
- Mitigation of Damages
- Burden of proof and the affirmative defense
- Expert testimony
- Billed rates v. actual costs – what is realistic and how are jurisdictions handling billed v. actual costs during litigation?

12:00
Networking Lunch for Speakers and Attendees

1:00
Fetal Brain Development – Genetic and Intrauterine Influences
David Clark MD
Chair, Department of Pediatrics
Albany Medical College
Andrew S. Kaufman
Partner
Kaufman Borgesset & Ryan LLP
- Basic brain anatomy
- Genetic disease and syndromes with brain malformations
- Maternal factors affecting fetal brain development
- Diabetes
- Maternal nutrition
- Smoking tobacco, drinking alcohol
- Maternal fever
- Illegal drug use
- Transplacental infections
- Prescribed medication
- Hydantoin, narcotics

1:50
Managing Life Care Plans
John A. Scully
Founding Shareholder
Cooper & Scully, P.C.
Victoria L. Vance
Partner
Tucker Ellis LLP
- Understanding the history of how life care planners were created
- Introduction of life care planners by the plaintiffs’ bar
- Development of life care planners through certification
- Methods used to create life care plans

2:30
Afternoon Break

3:00
Perinatal, Infant and Toddler Factors Causing Brain Damage
Max Wiznitzer, MD
Pediatric Neurology
CWRU School of Medicine
- Dendritic growth and synapse formation
- Nutritional impact on brain growth
  - Breast milk v. infant formula
  - Child abuse/neglect
- Failure to thrive

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• Perinatal/Postnatal infections
- Herpes
- Enteroviruses
- Group B Strep
- Encephalitis
- Meningitis
• Metabolic disease
• Damaging what was once a normal brain
- Hypothyroidism
- Amino acidurias
- Lipid disorders (myelin)
- Newborn screening programs
• Neonatal neurotoxins
- Bilirubin, ammonia
- Perinatal asphyxia
- Acidosis, ischemia, hypoxia

**3:45**
**Jury Trial Techniques: Explaining Difficult Medical Terms to Juries and Advancing Successful Techniques and Trial Tactics To Make a Winning Argument**

Bruce G. Habian
Partner
Martin Clearwater & Bell LLP

Eric J. Stockman
Principal
Neubert, Pepe & Monteith, P.C.

William F. Cunningham
Partner
Cunningham, Meyer & Vedrine, P.C.

**4:45**
**Neonatal Brain Injury: Neuroimaging, Radiology, and Timing of Injury**

Michael Ross, MD, MPH
Professor, Obstetrics and Gynecology
David Geffen School of Medicine
UCLA

- Neuroimaging and radiology
- Pediatric Neurology – determining when the injury occurred
- The impact of intrauterine infections and genetic disorders on the placenta and fetus
- Assessing the role of cytokines in the development of long-term neurological defects
- Ascertaining if cytokines were created by HIE injury or infection
- Detecting signs or symptoms of infection prior to delivery
- Infection as a causal element of cerebral palsy

**5:30**
Conference Adjourns for the Day

**DAY TWO**
Tuesday, June 27, 2017

**8:00**
Continental Breakfast

**8:45**
Co-Chairs’ Welcome and Recap of Day 1

**9:00**
**Electronic Discovery, Health Records and the Associated Liability Issues**

Roger E. Harris
Partner
Swift, Currie, McGhee & Hiers, LLP

Jim Puga
Leventhal & Puga, P.C.

- Practical and Legal Issues and Solutions
- Problems: everyone using a different copy; too many pages and too little information; and the hard copy form admissible as an exception to the hearsay rule on business records if not in the same form as when created.
- The audit log – the rest of the record. Where to look, what looking for and how to combine with the substantive entries.
- The 10 most common mistakes/problems in using EMR
- The discovery evidentiary problems of using “scribes”
- Residents required training in EMR

**9:50**
**Category Two Fetal Monitoring Strips: Safeguarding Against Incorrect Readings and Responses**

Harry F. Farb MD
Obstetrician and Maternal Fetal Medicine Specialist
Maternal Fetal Medicine Network

- An update on fetal strip categorization
- Ensuring accurate readings and interpretations of fetal strips
- Assessing emerging technologies that can assist with evaluations and interpretations of fetal heart rate patterns
- Common claims of negligence involving Fetal Monitoring Strips
- Degree of sophistication of training of OB nurses regarding fetal monitoring and the disputes between doctors and nurses when a strip is misread
- Potential liability resulting from a lack of FM scrutiny by a physician
- Avoiding the pitfalls of overreliance on fetal heart rate algorithms

**10:40**
Morning Break

**11:00**
**Tort Reform, Structured Settlements, Negotiations, and Closing the Case Early to Avoid a Costly Trial**

Mark J. Brice
Of Counsel
Decof, Decof & Barry

- “The New Tort Reform” – the philosophy, economic forces, results driving the new claims approach, and ACOG’s position
- Determining whether to settle or defend a claim and the claims evaluation process
- “Bed side manner” – contacting injured patients and families, and recommending they contact an attorney
- Meeting with claimants and counsel to establish willingness to cooperate
- Voluntary exchange of pre-suit discovery and the “new attitude” required
- When, which cases, why, and how one should pursue pre-suit settlement
- “I’m Sorry Laws”

**11:40**
**New Emerging Trend in Brain Cooling Techniques to Minimize Brain Damage**

Jack G. Gresh
Managing Partner
Hall Booth Smith, P.C.

Norman D. Tucker
Of Counsel
Sommers Schwartz, P.C.

- Minimizing brain damage by using cooling techniques
- What signs does the baby present to warrant cooling – floppiness, heart rate, APGAR scores, eye fluttering, seizures, nursing challenges

**12:30**
Conference Ends

- Perinatal/Postnatal infections
- Herpes
- Enteroviruses
- Group B Strep
- Encephalitis
- Meningitis
- Metabolic disease
- Damaging what was once a normal brain
- Hypothyroidism
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Conference Adjourns for the Day
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