

# **2020 FJA JOHN ROMANO'S WORKHORSE SEMINAR®**

## **34th ANNIVERSARY PROGRAM**

**March 24 -27, 2020**

### **AGENDA**

**PROGRAM CHAIR: John F. Romano, Romano Law Group, West Palm Beach, FL**

***Tuesday, March 24, 2020***

#### **Tuesday Morning Session**

**SESSION THEME: Handling, Litigation, Settling and Trying Cases Involving Nursing Homes, Assisted Living Facilities and Related Elderly Care Facilities – the Paradigm Has Arrived**

**MODERATOR: John F. Romano, Romano Law Group, West Palm Beach, FL**

**7:00am Representing the Elderly: Determining Capacity to Sign Your Fee Agreement, Establishing Guardianships for Incapacitated Clients, and Best Practices for Handling Claims of Deceased Clients - 5 Things Every Personal Injury Lawyer Must Know**

Charles "Cary" David, Florida Probate Law Group, Gainesville, FL

**7:45am Strategies and Tactics in Deposing Rule 1.310(b)(6) "Designees" in Nursing Home, ALF and ALF Neglect and Elder Abuse Cases**

Geoffrey T. Moore, The Maher Law Firm, P.A., Winter Park, FL

**8:30am Proving Understaffing in a Nursing Home Case**

Steve Watrel, Coker Law Firm, Jacksonville, FL

**9:15am BREAK & EXHIBIT VIEWING**

**9:30am Understanding and Appreciating the Art of Case Selection and Intake in Nursing Home and Alf Cases – Discipline Matters!!!**

Eric J. Hertz, Eric J. Hertz, P.C., Atlanta, GA

**10:15am Restitution, Losses and Damages in Elder Abuse and Neglect Cases (Including Nursing Home and ALF Cases)**

Joe Landy, Lesser, Lesser, Landy & Smith, West Palm Beach, FL

**11:00am The Anatomy of an Elderly Care "Emotional Abuse" Case**

Shayla Reed, Reed Law Offices, PC, LLO, Omaha, NE

11:45am **The Dark Side of Substance Use Disorder Treatment in the Opioid Crisis**

Susan B. Ramsey, Romano Law Group, West Palm Beach, FL

12:15pm **BREAK & EXHIBIT VIEWING – Pick up Boxed Lunches**

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**SPECIAL FEATURED LUNCHEON SPEAKER**

12:30pm **I Lost a Case....But Was Not Defeated! How Adversity in One Trial Catapulted Me to Extraordinary Heights as a Courtroom Advocate – Miracles Do Happen!!!**

Kent Buckingham, Buckingham Barrera Law Firm, Midland, TX & Santa Fe, NM

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**Tuesday Afternoon Session:**

**SESSION THEME: Leadership and Presence in Advocacy in the Courtroom**

**MODERATOR: John F. Romano, Romano Law Group, West Palm Beach, FL**

1:30 **From Spiderman to Cookie Monster – Peeling Back Masks and Proving the Invisible in Abuse and Rape Cases**

Michael Dolce, Cohen Milstein Sellers & Toll PLLC, Palm Beach Gardens, FL

Takisha D. Richardson, Cohen Milstein Sellers & Toll PLLC, Palm Beach Gardens, FL

2:30pm **The Power and Inspiration of “Perceptions” – Facts versus Perceptions and How Each Alters A Given Jurors Way of Understanding the Case**

Amy Pardieck, Perceptual Litigation, LLC, Bloomington, IN

3:15pm **BREAK & EXHIBIT VIEWING**

3:30pm **Focus Groups: How to Interpret Jury Selection Behavior And Case Story Delivery & Messaging, Demonstrative and Anchoring**

Artemis Malekpour, Malekpour & Ball, Chapel Hill, NC

4:15pm **Life-Expectancy Issues – What You Need to Know – Discovery, Trial and Experts – Shocking New Defense Strategies Designed to Significantly Diminish Your Damages – Uncovering the Trickery of this Defense Manipulation When It Comes to Life Expectancy**

Christiane Marie Pittaluga, Delray Beach, FL

5:00pm **Adjourn for Sponsored Buffet Dinner**

**Tuesday Evening Session**

**SESSION THEME: FIA Annual “Settlement Institute”**

**MODERATOR: Doug Beam, Douglas R. Beam, P.A., Melbourne, FL**

6:30pm **The Art and Methodology of Negotiating, Bartering, Bargaining and Extracting What You Need from the Other Side – There is More to it Than Mechanics and Words!**

Steven Jaffe, Upchurch Watson White & Max Mediation Group,  
Ft. Lauderdale, FL

7:15pm **What is Really Happening “In the Other Room” with These Strategy Moves or Techniques I Have Been Making in My Room: Bracketing; Silver Bullet; the Mediator’s Number; “We Won’t Move Until You Do the Following”; the Threat; the Insult; and Much More**

J. Joaquin Fraxedas, Fraxedas Mediation Firm, Maitland, FL

8:00pm **What you do in Pre-suit echoes in Litigation**

Jay Cooper, Christopher Ligori & Associates, Tampa, FL

8:45pm **Special Presentation by Seasoned Veteran Nationally Renowned Defense Lawyer: Messages you Send to Defense Lawyers and Adjusters Based Upon Steps you Have or Have Not Taken by the Time you Get to Mediation – Understanding How Civil Defense Lawyers “Read Between the Lines” as to the Real Goals or Motivations of the Plaintiff Attorney**

Thomas Mannion, Lewis Brisbois Bisgaard & Smith LLP, Cleveland, OH

9:30pm **Identifying Signs That a Case is Not “Ripe” for Mediation and that the “Upcoming Mediation” is Likely to be a Total Bust....and Options as to What you Can and Must Do About it and When!**

Doug Beam, Douglas R. Beam, P.A., Melbourne, FL

10:15pm **How and Why Multiple Lawyers Have Been Sanctioned, Suspended or Even Disbarred Over Matters Relating Directly to Settlement and Mediation – You Need to Know this and Understand this and Appreciate this!**

“Anonymous Guest Speaker”

11:00pm **Adjourn for the Evening – Get Some Sleep!**

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*Wednesday, March 25, 2020*

**Wednesday Morning Session**

**SESSION THEME: Premises Liability – Negligent Security**

**MODERATOR: John F. Romano, Romano Law Group, West Palm Beach, FL**

7:00am **Update on the Law of Premises Liability Including Recent Decisions Affecting Proof of Liability, Experts, Comparative Fault, Summary Judgment and Analysis, Evidence and Procedural Steps**

Jeffrey Mansell, Burlington & Rockenbach, P.A., West Palm Beach, FL

7:40am **Negligent Security: Where the Injured Plaintiff is a Child**

Todd J. Michaels, The Haggard Law Firm, Coral Gables, FL

**Where the Injured Person is an Adult**

Michael A. Haggard, The Haggard Law Firm, Coral Gables, FL

8:40pm **Building and Construction Negligence Collapse Injury and Disaster Cases: Scaffolding Collapses, Bridge Collapses, Building Collapses and More**

Jeffrey Kroll, Kaveny & Kroll Trial Lawyers, Chicago, IL

9:20am **BREAK & EXHIBIT VIEWING**

9:35am **Deposing the Premises Owner in Slip and Fall and Trip and Fall Cases**

Damian Mallard, Mallard Law Firm, P.A., Sarasota, FL

10:10am **Deposing the Store Manager and Employees in Premises Liability Cases**

Beth Walker Finizio, The Finizio Law Group, Ft. Lauderdale, FL

10:40am **Debunking Defense Experts in Premises Cases – 15 Hot Tips in 45 Minutes**

Channa Lloyd, The Cochran Firm, Orlando, FL

11:20 **Dropping Parties vs. Dismissing Actions**

Gary W. Roberts, Gary Roberts Associates, P.A., West Palm Beach, FL

Noon **BREAK & EXHIBIT VIEWING – Pick up Boxed Lunches**

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#### **SPECIAL FEATURED LUNCHEON EVENT**

12:15pm **Presentation of the 2019 B.J. Masterson Award for Professionalism**

**Moderator: Jeffrey M. Liggio, Liggio Law, P.A., West Palm Beach**

**Award Recipient:** Edward H. Zebersky, Zebersky Payne Shaw Lewenz, LLP, Ft. Lauderdale, FL

**Ethics of Class Action Litigation Roundtable**

Jeffrey Liggio, West Palm Beach, FL

Louis M. Silber, Silber & Davis, West Palm Beach, FL

Edward H. Zebersky, Zebersky Payne Shaw Lewenz, LLP, Ft. Lauderdale, FL

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#### **Wednesday Afternoon Session**

**SESSION THEME: Confronting Defense Medical Examinations and Deposing Defense Medical Examination Experts**

**MODERATOR: Paul M. Anderson, Anderson & Hart, P.A., Tallahassee, FL**

1:30pm **How to Force – the –Hand of Defense Counsel When He/She Delays Setting Up a DME by Waiting Until Just Before Pre-Trial Conference or Trial – What you Must Do to Eliminate Defense Last Minute Ambush Tactics**

Curry G. Pajcic, Pajcic & Pajcic, P.A., Jacksonville, FL

- 2:00pm **Determining Whether to Video the Defense Medical Exam and Developing the Necessary Protocol for the Videographer and other Personnel Accompanying the Injured Plaintiff to the DME**  
Spencer T. Kuvin, Law Offices of Craig Goldenfarb, P.A., West Palm Beach, FL
- 2:30pm **DME Discovery (Before and After the Exam Including Boucher, Northrup and More**  
P.J. Scheiner, Associates and Bruce L. Scheiner, Attorneys for the Injured, Ft. Myers. FL
- 3:00pm **BREAK & EXHIBIT VIEWING**
- 3:15pm **The Anatomy of a Defense Medical Exam and Deposition – Preparation and Execution – Ortho Pods and Neurologists**  
Nelson E. Baez, Lytal, Reiter, Smith, Ivey & Fronrath, LLP, West Palm Beach, FL  
Diana Santa Maria, Law Offices of Diana Santa Maria, P.A. Ft. Lauderdale, FL
- 4:15pm **The Anatomy of a DME Deposition – Preparation and Execution**  
TBD
- 5:00pm **Break for Dinner**

**Wednesday Evening Session**

**SESSION THEME: How to Make Every Deposition a Winner**

**MODERATOR: John F. Romano/Eric Romano, Romano Law Group, West Palm Beach, FL**

6:00pm **Featured Presenters:**

Mike Papantonio, Levin Papantonio Thomas Mitchell Rafferty & Proctor P.A., Pensacola, FL

Troy Rafferty, Levin Papantonio Thomas Mitchell Rafferty & Proctor P.A., Pensacola, FL

10:00pm **Adjourn for the Evening – Get Some Sleep!**

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*Thursday, March 26, 2020*

**Thursday Morning Session**

**SESSION THEME: Losses, Damages, Restitution and Reparations – Learning How to Effectively Communicate with Juries Regarding the Elements of Damages**

**MODERATOR: John F. Romano, Romano Law Group, West Palm Beach, FL**

\*John Romano will open the program up with a song - so be sure to be on time!!

7:00am **THINK OUTSIDE THE BOX - Maximizing Damages and Recoveries**

Bernard F. Walsh, Goldman, Babboni, Fernandez & Walsh, Bradenton, FL

Santo Steven Bifulco, MD, Bifulco Medical Group, Tampa, FL

8:00am **Proof and Argument of Damages for Loss of Enjoyment of Life in Neck and Back Injury Auto and Premises Liability Cases**

Keith R. Mitnik, Morgan & Morgan, P.A., Orlando, FL

9:00am **What Exactly are Jurors Thinking While Watching a Plaintiff Trial Lawyer Conduct Voir Dire on Damages Issues – You Need to Know This (Even Though Part of it is Shocking)**

James W. Gustafson, Jr., Searcy Denney Scarola Barnhart & Shipley, P.A., Tallahassee, FL

10:00am **BREAK & EXHIBIT VIEWING**

10:15am **Knowing, Understanding and Appreciating the Damages – Plan in the Early Stages of the Case in Order to Win Damages Issues at Each Stage of the Trial**

Stuart Z. Grossman, Grossman Roth Yaffa Cohen, Miami, FL

11:15am **ACHIEVING THE BIG VERDIT (Lessons learned from verdicts of \$256M; \$63M; \$60M; \$50M; \$87.9M and More)**

Christian D. Searcy, Searcy Denney Scarola Barnhart & Shipley, P.A., West Palm Beach, FL

12:15pm **BREAK & EXHIBIT VIEWING – Pick up Boxed Lunches**

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**SPECIAL FEATURED LUNCHEON EVENT**

12:30pm                    **Compassionate Gladiator/Gladiatrix Featured Luncheon and Addresses**

**MODERATOR:**        **John F. Romano/Eric Romano, Romano Law Group, West Palm Beach, FL**

**Compassionate Gladiator Award**

Mark A. Avera, Avera & Smith, LLP, Gainesville, FL

**Compassionate Gladiatrix Award**

Jeanmarie Whalen, Domnick Cunningham & Whalen, PLLC, Palm Beach Gardens, FL

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**Thursday Afternoon Session:**

**SESSION THEME:**    **8<sup>th</sup> Annual *Frye/Daubert* Advocacy Institute**

**MODERATOR:**        **Vanessa Brice, Colling, Gilbert, Wright & Carter, Orlando, FL**

2:00pm                    **Defeating Defense Daubert Motions Regarding Expert Witnesses and Evidence, Including Tests**

Michael D. Eriksen, Eriksen Law Firm, West Palm Beach, FL

3:00pm                    **Filing, Briefing, Arguing and Winning the Plaintiff's Daubert Motion**

Bill Cash, III, Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A., Pensacola, FL

4:00pm                    **BREAK & EXHIBIT VIEWING**

4:15pm                    **Special Featured Session – The Trojan Horse Method of “Case Analysis” This Session Will Involve a Back and Forth “Coaching Model” of Analyzing, Dissecting, Assessing and Evaluating Every Aspect of a Given Case**

Dan Ambrose, Trojan Horse Method, Los Angeles, CA

Daniel G. Williams, Gordon & Partners, Palm Beach Gardens, FL

6:00pm                    **Break for Dinner**



## Thursday Evening Session

**SESSION THEME:** An Evening Presentation of the Revolutionary and Innovative “TRIAL STRUCTURE METHOD” of Handling, Litigating and Taking Cases to Verdict

**MODERATOR:** Douglas R. Beam, Douglas R. Beam, P.A., Melbourne, FL

7:00pm **Trial Structure Method - Featured Presenters:**

- Alejandro Blanco, Los Angeles, CA
- James R. Holland, II, Jacksonville, FL
- Brett Turnbull, Birmingham, AL
- Charles Bennett, Dallas TX
- Kyle Sherman, Lafayette, LA
- Ilya Lerma, Phoenix, AZ

10:30pm **Adjourn for the Evening – Get Some Sleep!**

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*Friday, March 27, 2020*

## Friday Morning Session

**SESSION THEME:** Entire Day – Traumatic Brain Injury/Closed Head Injury

**MODERATOR:** John F. Romano, Romano Law Group, West Palm Beach, FL

7:00am **Checklist for Handling the TBI Case in the First 24 Hours....First Week....First 60 Days: What You and Your Staff “Must” Do – the Seeds of Doubt Will Grow Rapidly Unless You and Your Staff Handle Every Early Step with a Step of Urgency! Avoid Setting Traps for Yourself**

Hali Marsocci, Romano Law Group, West Palm Beach

7:45am **There is a Difference and its Huge! “MRI” versus “DTI” versus “QDTI” versus Various Methods and Techniques of Conducting and Interpreting QDTI and What You as the Trial Lawyer Need to Know, Understand and Appreciate**

Lynn Gaudet Keihl, MA, JD, Albuquerque, NM

- 8:30am **How Jurors Respond to Evidence Regarding Diagnostic Tests – (Positive and Negative) – in TBI Cases – Debunking Long Held False Beliefs by Lawyers about What Jurors Think and How Jurors Decide Cases**  
Dianne Jay Weaver, Weaver and Weaver, P.A., Jacksonville
- 9:15am **Glasgow Coma Scale: Misunderstandings, Misinterpretations, Misleading-Misleads – How and Why the Glasgow Coma Scale Interpretations Continue to Obliterate So Many TBI Cases Simply Because the Plaintiff Attorney Fails to Understand What the GCS Is and Is Not**  
Dustin Herman, Spangenberg Shibley & Liber LLP, Cleveland, OH
- 10:00am **BREAK & EXHIBIT VIEWING**
- 10:15am **DSM V – Is it Merely a Guide? Is it a Book of Rules? Does it Carry the Weight of a Legal Statute? What You as the Trial Lawyer Need to Know About the DSM Manuel as to How it is Used and How it is Misused**  
Dino S. Colombo, Colombo Law, Morgantown, WV
- 11:00am **Managing the Case, Client & Medicals in TBI cases**  
Erica Chavez, Los Angeles, CA
- 11:45am **The Trial of a Traumatic Brain Injury Case**  
John H. Gomez, Gomez Trial Lawyers, San Diego, CA
- 12:30pm **BREAK & EXHIBIT VIEWING – Pick up Boxed Lunches**

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**SPECIAL FEATURED LUNCHEON SPEAKER**

- 12:45pm **New Ways to Prove TBI - Blood Work, Sleep Studies, New Scans**  
Dorothy Clay Sims, Law Office of Dorothy Clay Sims, Esquire, Malibu, CA

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- 1:45pm **12 Steps Good Defense Lawyers Take in TBI Cases to Destroy and Undermine Your Case and Your Client – How and Why These Steps are 100% Predictable – What You Need to Know and Do to Minimize or Eliminate the Damage**  
Elizabeth Zwibel, Swope, Rodante P.A., Tampa, FL

2:30pm

**How to Ethically and Professionally Handle the Discovery Process with Obstructing Defense Attorneys**

Barry M. Snyder, Snyder Legal Firm, North Miami Beach, FL

3:30pm

**Workhorse 2020 Seminar Event Adjourns**

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