



Protecting Your Client's Recovery

Seminar Chair: Juli M. Porto, *Blankingship & Keith, PC*, Fairfax

AGENDA

- 8:30 a.m. **Registration**
- 8:50 a.m. **Welcome**
- 9:00 a.m. **Declaratory Judgment Actions: Setting Your Client Up for Success from the Beginning** (CLE=45 minutes)
Samantha K. Sledd and Gobind S. Sethi, *Hall & Sethi, PLC*, Reston; and John Rasmussen, *Insurance Recovery Law Group, PLC*, Richmond
- Declaratory judgment actions are often critical to ensuring that our clients can collect money at the end of their case. They can also amplify coverage that may already exist. Learn how to successfully prosecute a DJ action in Virginia state and federal courts, from investigation, preparation, and filing, through litigation. Find out how to identify common situations and policy provisions that might warrant a DJ action. Finally, learn from a practical example in a recent case in which these tactics were successfully employed.
- 9:45 a.m. **Insight into Commonwealth Liens** (CLE=60 minutes)
Rodolfo “Rudy” Remigio and Laurel Huerkamp, *Office of the Attorney General*, Richmond
- In this information-packed segment, Senior and highly experienced Assistant Attorneys General, including the Chief of the Financial Recovery Section and the Manager of the Section’s Medical Recoveries Unit within the Office of the Attorney General, will break down each step of the Commonwealth lien process. Understand the general principles governing state liens and the OAG’s role in the lien process. Learn practical tips and best practices for efficiently resolving liens, including processing and seeking compromises. Whether you have never encountered a state lien before or consider yourself well-versed in them, this presentation has something for you.
- 10:45 a.m. **Break**
- 11:00 a.m. **Ethical Solutions for Cash-Strapped Clients** (CLE=30 minutes, ethics)
Lauren Davis, *First Truth Law*, Roanoke; Jonathan Halperin, *Halperin Law Center*, Richmond; and Gary Blankenship, *Atlantic Settlements, Inc.*, Roanoke

In addition to their injuries, our clients undergo financial strain. Medical bills, time lost from work, and other expenses mount, sometimes to the point that they can no longer make ends meet. When clients need help surviving financially while their cases are pending, have tools at your disposal. In this segment, learn how to ethically help clients borrow money and locate resources outside of traditional loans.

- 11:30 a.m. **Hidden in Plain Sight: Finding Assets and Income** (CLE=45 minutes)
Julie Gerock, *Maddox & Gerock, P.C.*, Falls Church; and Sal Ambrosino and William C. Foote, *Aronson LLC*, Rockville, MD

Your client is seriously injured and the insurance coverage woefully inadequate. Find out how to hold a negligent defendant accountable with techniques to identify hidden assets and income. Learn which assets are susceptible to being hidden. Explore discovery strategies and tools. Discover the use and role of forensic accountants to uncover sources of payment when insurance money isn't enough.

- 12:15 p.m. **Lunch Break**

- 12:45 p.m. **Reasonableness of Medical Bills: Combatting Defense Strategies to Reduce the Value of Your Case** (CLE=45 minutes)
Richard Armstrong, *Allen, Allen, Allen and Allen*, Charlottesville

Your client never had the chance to negotiate a reasonable price for the helicopter that airlifted her to life-saving treatment. Don't let the defense take advantage of that. Learn strategies to combat the various defense tactics to exploit the "reasonableness" prong of *McMunn v. Tatum*.

- 1:30 p.m. **recovery mode: Reengaging Insurance Companies** (CLE=45 minutes)
Amy Bradley, *BrigliaHundley, PC*, Tyson's Corner, and Christopher Findlater, *The Law Office of Christopher G. Findlater, PLLC*, Reston

It is time for a reboot. Plaintiffs' attorneys need to develop a cohesive strategy to deal with the effects of the pandemic on litigation and opportunistic adjusters delaying serious consideration of claims. Join two former insurance defense attorneys as they teach new strategies to keep cases moving and engage adjusters during these unprecedented times. Gain insider knowledge about information adjusters consider at different stages of a claim. Explore trending tactics by adjusters, such as increasing demands for medical examinations in medical payment benefits claims and how to combat them. Learn how to prosecute a bad faith claim against liability insurers and hear analysis and updates on potential new remedies for bad faith against UIM insurers pending in the General Assembly.

- 2:15 p.m. **Break**

- 2:30 p.m. **Ethical Obligations to Clients When Handling Liens** (CLE=30 minutes, ethics)

Susan Pierce, *Walker Jones, PC*, Warrenton, and Dave Place, *The Place Firm, PLLC*, Elizabethtown, KY

Most clients are happy to have us identify and manage payment of valid federal liens against their recovery. But what do we do when a client tells us to ignore or not pay them? Are we ethically bound to follow our client's instruction? Are we required to seek out and pay federal liens regardless of our client's instruction? Does it depend on the type of federal lien? Explore the answers to these questions and get advice on how to fulfill your ethical obligations when clients resist.

3:00 p.m.

Tools to Protect Settlement Proceeds (CLE=45 minutes)

Moderator: Chidi James, *Blankingship & Keith, P.C.*, Fairfax

Panelists: Gary Blankenship, *Atlantic Settlements, Inc.*, Roanoke

Stephanie Grana, *Commonwealth Community Trust and Breit Cantor Grana Buckner*, Richmond

Anthony Prieto, *Synergy Settlement Services*, Orlando

Henry Strong, *JMW Settlements*, Washington, DC

Let a panel of experts teach you the nuts and bolts of structured settlements, special needs trusts, and other financial tools that can make your clients' settlement proceeds work for them in understandable, laymen's terms. Learn how and when they are beneficial, the process to fund and administer them, and their associated costs and tax implications. There will be plenty of time for questions.

3:45 p.m.

Liens Made Simple(r) (CLE=45 minutes)

Libbey Van Pelt, *Clinton & Peed, PLLC*, Washington, DC, and Rodd Santomauro, *Synergy Settlement Services*, Washington, DC

Negotiating health insurance liens in injury cases is painstaking work but identifying and properly handling them are integral to maximizing our clients' recovery. Arm yourself with skills and tactics to identify and negotiate health insurance liens and maintain Medicare compliance in this new age of COVID-19. Bring your thorniest issues to the Q&A at the end of the segment!

4:30 p.m.

Bankruptcy: Now What? (CLE=45 minutes)

Jennifer J. West, *Spotts Fain*, Richmond, and Matthew C. Perushek, *Frei, Mims & Perushek, LLP*, Fairfax

Prosecuting a personal injury case for a client who is in bankruptcy can be like walking through a minefield. There are the obvious questions. How does bankruptcy affect a personal injury claim? Can the claim be exempted? What about medical bills – can those be claimed? And then there are the questions that we might not even know to ask. Answering one of these questions incorrectly or failing to ask one altogether can be the legal equivalent of stepping on a mine. Let a bankruptcy lawyer guide you through this process and teach you how to identify

and avoid these mines. Plus, explore your client's options when a defendant declares bankruptcy.

5:15 p.m. **Adjournment**

CLE Hours = 7.25 / Ethics = 1.0 pending

For complete details and registration, click [here](#).