



West Virginia Association for Justice
57th Annual Convention and Seminar

Preparing for New Challenges and Ensuring Justice for All

June 4 - 5, 2015
Embassy Suites Hotel
Charleston, West Virginia

Featuring
Tort Law 2015: Legislative Changes and How They Affect Your Practice
Navigating the New Federal Discovery Rules: Don't Let Them Sink Your Case
The Amended Rules of Professional Conduct: What You Don't Know Can Hurt You

15.6 CLE Hours, including 3.6 in ethics and law office management

FEATURED NATIONAL SPEAKERS

Leonard Bennett

Leonard Bennett is a founding partner of Consumer Litigation Associates. He has been a trial lawyer and consumer advocate in Newport News, Virginia for more than 20 years. He has litigated individual and class action cases throughout the country, and is one of the nation's foremost attorneys for jury cases that involve credit reporting. He is a board member of the National Association of Consumer Advocates (NACA) and serves on the National Consumer Law Center's Partners Council. Bennett presented NACA's Congressional testimony on the Fair Credit Reporting Act before the House Committee on Financial Services in 2003, 2007 and 2008. He is the editor of the NCLC's Fair Credit Reporting Manual. Bennett has been a featured speaker for consumer law and other legal programs nationwide. He earned a B. A. from George Mason University in 1989 and earned his J. D. from the university's School of Law and Economics in 1994.

Jeff Dion

Jeff Dion is the deputy executive director of the National Center for Victims of Crime and director of the National Crime Victim Bar Association. He has championed crime victims' rights for nearly three decades. His interest advocacy and assisting crime victims began when he was just 14 after his sister was murdered by a serial killer. In honor of his sister, Jeff has lobbied the Virginia General Assembly, resulting in 13 victims' rights bills being enacted into law. These statutes established a victim's right to be represented in the courtroom the right to offer oral impact testimony at sentencing, the right to confer with the prosecutor, a civil cause of action for stalking, an expanded civil statute of limitations for victims, and an expanded legal definition of "victim." Jeff is a nationally recognized expert for attorneys, direct service providers and others in the field of victims services, and he has provided continuing legal education and advocacy trainings in 37 states. In 2005, he was recognized by the Virginia Department of Criminal Justice Services for his work on crime victims' rights in that state. In 2006, the U. S. Attorney General presented him with the Ronald Wilson Reagan Public Policy Award in recognition of his leadership and work that resulted in significant public policy and practice changes on behalf of crime victims. Jeff earned his undergraduate degree and J. D. from George Mason University.

Matthew Erasquin

Matt Erasquin is a founding partner of Consumer Litigation Associates and manages the firm's northern Virginia office. He represents individuals in state and federal litigation under several consumer protection statutes including identity theft, credit reporting inaccuracies, mortgage servicing discrepancies, abusive debt collection and automobile fraud. He has been lead or co-lead counsel in numerous national class actions to enforce the Fair Credit Reporting Act. Matt received a B. S. from Widener University. He entered active duty as an Air Force officer in 1996 and completed his service assignment and earned his J. D. from the George Mason University School of Law and Economics while serving at the Defense Information Systems Agency's communications and operations branch at the Pentagon.

Howard Nations

Howard Nations has been at the forefront of civil and personal injury litigation for nearly 50 years and has built a national practice focused on mass tort pharmaceuticals, individual catastrophic injuries, and complex business litigation. Howard graduated from Florida State University in 1963 and from Vanderbilt Law School in 1966. He has three trial board certifications and has tried countless cases involving catastrophic injury, wrongful death, breach of contract, will contests, securities fraud, real estate fraud and domestic relations, among others. He also represented the accused in more than 300 pro bono criminal cases. Throughout his career, Howard has been a national leader. He was the first attorney to have computer-generated liability and medical animations admitted into evidence at trial. Howard also pioneered the use of forensic psychological and neurolinguistic principles to persuade judges and jurors in trial. He co-founded the American Association for Justice's National College of Advocacy, and has taught advocacy-related courses in law schools for 35 years. As one of the most sought after educators in the law profession, he is widely published and has lectured to lawyers in all 50 states. He is a past president of the Texas Trial Lawyers Association, the Southern Trial Lawyers Association, the Belli Society and the Aletheia Institute, and he served five years on AAJ's Executive Committee. He has received the Belli Society's Mel Award, the Mass Torts Made Perfect Clarence Darrow Award and was inducted into the Trial Lawyers Hall of Fame in 2012. In 2014, he received AAJ's Lifetime Achievement Award.

Paul Soptur

Paul J. Soptur has been a trial lawyer representing plaintiffs exclusively since his graduation from Marquette University Law School in 1978. Paul is a nationally recognized expert on deposition skills and has taught thousands of lawyers about using advanced depositions techniques to take depositions that make a difference. He is one of America's most sought after trial consultants in both the United States and Canada, and the recovery in cases on which he has worked exceeds \$150,000,000. Paul co-authored with Phillip Miller Advanced Depositions Skills, which is published by Trial Guides. They have produced a DVD of the same title as well as a DVD titled "Deposing the Defense Medical Examiner." Paul is on the Board of Directors of the Wisconsin Association for Justice and is a trustee and past co-chair of the National College of Advocacy Board of Trustees. He is an Adjunct Professor of Law at Marquette University Law School, where he has taught litigation and trial skills. He is a Diplomat of the NCA and he was one of the first lawyers to complete the Advanced Studies in Trial Advocacy curriculum offered by the NCA. Paul is a member of the American Society of Trial Consultants.

SEMINAR PROGRAM

Thursday, June 4, 2015

- 8:50 - 9:00 a.m. Welcome**
Anthony Majestro, President
- 9:00 – 9:50 a.m. Navigating the New Federal Discovery Rules: Don't Let Them Sink Your Case**
Charles R. DiSalvo – West Virginia University College of Law
- 9:50 – 11:05 a.m. Deconstructing Damages in Settlement Negotiations**
Howard Nations – The Nations Law Firm, Houston, Texas
- 11:05 – 11:20 a.m. Break**
- 11:20 – 12:10 p.m. Deposing (and Exposing) the Defense Medical Examiner**
Paul J. Scoptur – Aiken and Scoptur, Milwaukee
- 12:10 – 1:30 p.m. Membership Meeting and Luncheon (members only)**
- 1:30 – 2:20 p.m. Advanced Deposition Techniques: Restatement, Summarization, Boxing In and Exhaustion**
Paul J. Scoptur – Aiken and Scoptur, Milwaukee
- 2:20 – 3:10 p.m. Breakout Sessions**
Tort Law 2015: Legislative Changes and How They Affect Your Practice Part 1
Comparative Fault ♦ Anthony Majestro – Powell and Majestro, Charleston
Deliberate Intent ♦ Timothy C. Bailey – Bucci, Bailey and Javins, Charleston
Consumer Law and Arbitration ♦ Jason Causey – Bordas and Bordas, Wheeling
- Identifying Issues and Litigating Under the Family Medical Leave Act: When You Should Consider Bringing a FMLA Case**
Hoyt Glazer – Sheridan, Klein and Glazer, Hurricane and Jane E. Peak – Allan N. Karlin and Associates, Morgantown
- 3:10 – 3:25 p.m. Break**
- 3:25 – 4:15 p.m. Breakout Sessions**
Tort Law 2015: Legislative Changes and How They Affect Your Practice Part 2
Nursing Homes, Pharmacies & the Revised MPLA ♦ Ben Salango, Preston and Salango, Charleston
General Liability Law Changes ♦ Chad Lovejoy – Duffield, Lovejoy
Employment Law Changes ♦ David Hammer – Hammer, Ferretti and Schiavoni, Martinsburg
Asbestos ♦ William K. Schwartz – Harvitt and Schwartz, Charleston
- Don't Let Workers Compensation Become an Oxymoron: What Plaintiffs' Lawyers Need to Know to Represent the Injured Worker**
Linda Garrett – Bucci, Bailey and Javins, Summersville; William B. Gerwig III –Gerwig Law Office, Charleston; and Robert L. Stultz – Bailey, Stultz, Oldaker and Greene
- 4:15 – 5:15 p.m. The Amended Rules of Professional Conduct: What You Don't Know Will Hurt You**
Rachael Fletcher-Cipoletti, Chief Lawyer Disciplinary Counsel – West Virginia Office of Disciplinary Counsel and J. B. Akers – Akers Law Office, Charleston

SEMINAR PROGRAM

Friday, June 5, 2015

- 8:00 – 9:00 a.m.** **A Picture Is Worth a Thousand Words: Using Your Existing Law Office Technology for Effective Settlement Presentations**
Jim Bordas and Geoff Brown – Bordas and Bordas, Wheeling
- 9:00 – 9:50 a.m.** **Breakout Sessions**
Federal Court Update: The Cases You Need to Know
Allan N. Karlin – Allan N. Karlin and Associates, Morgantown
- New Lawyers Division ♦ Make Every Minute Count: Tips and Tools to Improve Your Productivity and Time Management**
Dave Duffield – Duffield, Lovejoy, Stemple and Boggs, Huntington
- Paralegal Division ♦ The Rules of Evidence & Notary Guidelines: What You Need to Know**
Brian Pasciak – Bordas and Bordas, Wheeling
- 9:50 – 10:05 a.m.** **Break**
- 10:05 – 11:20 p.m.** **A Path to Justice for Victims of Crime: Compensation and Accountability in the Civil Courts**
Jeff Dion, Director – National Crime Victims Bar Association, Washington, D. C.
- 11:20 – 1:00 p.m.** **Board Meeting and Luncheon (board only)**
- 1:00 – 2:15 p.m.** **Playing the Game by Their Rules: How Big Insurance Is Handling Claims and What You Need to Know to Represent Your Clients Effectively**
Laura C. Davis – Skinner Law Firm, Charles Town; George N. Sidiropolis – Sidiropolis Law Office, McMechen and Stuart J. Setcavage – Grant Street Claims, Pittsburgh
- 2:15 – 3:30 p.m.** **Breakout Sessions**
Don't Get Buried Alive: What the Civil Attorney Should Know About Estate Law
Raymond Keener and Jared Jones – Lewis, Glasser, Casey and Rollins, Charleston
- Consumer Law Practice Section ♦ Fair Credit Reporting Act: A Primer**
Leonard A. Bennett and Matthew J. Erasquin – Consumer Litigation Associates, Newport News, Virginia
- Paralegal Division ♦ Dealing with Difficult People: Keeping Your Cool While Others Lose Theirs**
Sherry Cooke, Assistant – Office of the Honorable James Stuckey, 13th Circuit Court; Shelly Kelley, Court Reporter – Office of the Honorable William S. Thompson, 25th Circuit Court; and Jonathan R. Mani – Mani, Ellis and Layne, Charleston
- 3:30 – 4:30 p.m.** **When the News Spotlight Is on You and Your Client: Legal Ethics and Working with the Media Effectively**
Kathy Brown – Kathy Brown Law, Charleston; Jeff Jenkins, News Director – West Virginia Metro News; and Kate White, Reporter – Charleston Gazette
- Paralegal Division ♦ Keep Your Guard Up: Staying Safe When Working Late**
J. David Gardner P. E. – Robson Forensic

GENERAL INFORMATION

Continuing Legal Education Credits

The seminar program is worth 15.6 hours of CLE credit, including 3.6 in ethics and law office management for the West Virginia Bar. In states with 60-minute credit hours, it is worth 13 hours with 2 hours in ethics. (Pending)

Convention Materials

All seminar materials are provided to convention registrants electronically free of charge. Registrants may select either a flash drive or Internet download. If you want printed materials, a convention notebook is available for an additional charge of \$25.00.

Paralegals Now Attend Attorney Seminar

The two-day WVAJ attorney seminar program is open to legal assistants who are employed by WVAJ member attorneys. In addition to the seminar program, two special paralegal breakout sessions are scheduled. The regular registration fee of just \$70 for both days is available to a legal assistant who registers in conjunction with an attorney; the late registration fee is \$90.

Accommodations

The Embassy Suites Hotel is located at 300 Court Street, Charleston. Special rates of \$124 per night for a single and \$134 for a double are available through May 6, 2015. The hotel's complimentary breakfast and manager's reception are included with your suite. To reserve your suite, phone (304)347-8700, ext. 5440 or go to www.embassy-suitescharlestonwv.com. Use the three-letter code ASJ to receive the special rate; online you will enter ASJ in the group/convention code space. Regular rates will apply for reservations made after May 6, 2015.

Cancellation Policy

All cancellations must be sent to the WVAJ office in writing. For a complete refund, less a \$25 processing fee, your cancellation must be received no later than May 24. For cancellations received May 25-28 you will be refunded 50 percent of your registration fee. There will be no refunds after May 28, but seminar materials will be sent to you.

Questions? Phone (304)344-0692 or email debra.lee@wvaj.org

MEETINGS & SOCIAL EVENTS

Wednesday, June 3

6:00 – 8:00 p.m. New Lawyers Party
Celsius – 212 Hale Street, Charleston
Partially sponsored by Robson Forensic

Thursday, June 4

12:10 – 1:30 p.m. WVAJ Membership Luncheon and Annual Meeting

6:00 – 8:00 p.m. WVAJ Annual Convention Party
Music sponsored by Structured Financial Associates

Friday, June 5

11:20 – 1:00 p.m. WVAJ Board of Governors Meeting and Luncheon

The WVAJ Convention Hospitality Suite is sponsored, in part, by Crash and Safety Consultants.

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NOT A WVAJ MEMBER? JOIN!

The West Virginia Association for Justice is the only statewide association dedicated to ensuring that West Virginia plaintiffs' attorneys have the resources they need to effectively represent their clients. There is no better investment you can make in your practice and your career than joining the West Virginia Association for Justice today!

Education

WVAJ helps members stay current on the law and advance their practices through ongoing continuing legal education opportunities. Our programs feature some of the leading plaintiffs' attorneys in West Virginia and throughout the United States, providing you with opportunities to learn from the foremost legal experts in their fields. CLEs are provided through our mid-winter and annual conventions, special seminar programs and online through SeminarWeb Live. Members pay a discounted fee for convention programs; other seminars are offered to WVAJ members exclusively.

Experience

There is no substitute for experience. One of the most valuable aspects of your membership is immediate access to other WVAJ members—members with extensive experience and special areas of expertise who can help you when you need it. Through our member listserv, you can get information, share ideas and post questions about cases, strategies, experts and resources. WVAJ also provides its members with several informational resources that can help you in your legal practice. Our expert witness bank has information on more than 100 plaintiff and defense expert witnesses. The WVAJ Brief Bank provides members with case filings, depositions and other resources solely from West Virginia cases. You also have access to TrialSmith, the largest online deposition bank for plaintiff's attorneys with more than 200,000 depositions, information experts including trial testimony, verdict and settlement data and more.

Advocacy

WVAJ is the state's leading advocate for protecting our civil justice system and the rights of all West Virginians. WVAJ works with elected officials at all levels of government to protect the civil justice system and ensure that all West Virginia consumers, workers and businesses have equal access to our courts. In addition to work on issues central to the civil justice system, we also work to improve state laws concerning consumer protection and workplace safety. WVAJ also advocates for you and your clients in our courthouses through our Amicus Committee. Our committee provides amicus support in cases important to our civil justice system and the public. WVAJ works to educate the public about the importance of the civil justice system and their right to trial by jury while also providing critical information about tort reform and the corporate special interests and their front groups who are trying to take those rights away. LAW PAC is the WVAJ political action committee.

And More!

WVAJ offers several other important services. Through our member discount program, you can help control your firm's costs and recoup your membership investment by saving on valuable products and services you use in your practice. You also have use of the WVAJ offices, networking opportunities, and more!

Join Today! Go to www.wvaj.org or call (304)344-0692.

CONVENTION REGISTRATION FORM

EARLY REGISTRATION (Thru 5/24)

- | | |
|--|-------|
| <input type="checkbox"/> WVAJ Member Attorney (admitted 3+ years) | \$395 |
| <input type="checkbox"/> WVAJ Member Attorney (0 - 3 years) | \$320 |
| <input type="checkbox"/> Non-Member Attorney (admitted 3+ years) | \$445 |
| <input type="checkbox"/> Non-Member Attorney (0 - 3 years) | \$360 |
| <input type="checkbox"/> Full-Time Government Attorney | \$295 |
| <input type="checkbox"/> Public Service Attorney | \$295 |
| <input type="checkbox"/> Legal Asst. with WVAJ Attorney Registration | \$70 |
| <input type="checkbox"/> Legal Asst. without Attorney Registration | \$110 |
| <input type="checkbox"/> WVAJ Member Law Student | \$40 |
| <input type="checkbox"/> WVAJ Non-Member Law Student | \$60 |
| <input type="checkbox"/> Judicial Law Clerks | \$110 |
| <input type="checkbox"/> Full-Time Law Professors | \$130 |
| <input type="checkbox"/> Judges, Family Court Judges and Justices | FREE |

REGULAR REGISTRATION

- | | |
|--|-------|
| <input type="checkbox"/> WVAJ Member Attorney (admitted 3+ years) | \$425 |
| <input type="checkbox"/> WVAJ Member Attorney (0 - 3 years) | \$350 |
| <input type="checkbox"/> Non-Member Attorney (admitted 3+ years) | \$475 |
| <input type="checkbox"/> Non-Member Attorney (0 - 3 years) | \$390 |
| <input type="checkbox"/> Full-Time Government Attorney | \$325 |
| <input type="checkbox"/> Public Service Attorney | \$325 |
| <input type="checkbox"/> Legal Asst. with WVAJ Attorney Registration | \$90 |
| <input type="checkbox"/> Legal Asst. without Attorney Registration | \$130 |
| <input type="checkbox"/> WVAJ Member Law Student | \$60 |
| <input type="checkbox"/> WVAJ Non-Member Law Student | \$80 |
| <input type="checkbox"/> Judicial Law Clerks | \$140 |
| <input type="checkbox"/> Full-Time Law Professors | \$160 |
| <input type="checkbox"/> Judges, Family Court Judges and Justices | FREE |

Firm Discounts - 5% for five or more attorneys; 10% for 10 or more

How would you like to receive your seminar materials? (Choose ONE)

- Internet Download (Free)
 Flash Drive (Free)
 Bound Notebook (\$25 - PAYMENT DUE WITH REGISTRATION)

Payment Method: Check (payable to WVAJ) Visa Master Card AMEX Discover

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WVAJ Members: I will be attending membership luncheon I will be attending board luncheon

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If paid by credit card, you may fax your registration to (304)343-7926

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