



WEST VIRGINIA  
ASSOCIATION *for*  
JUSTICE

*53rd Annual  
Convention and Seminar*

June 2 - 3, 2011  
Embassy Suites Hotel  
Charleston, West Virginia

**SEMINAR CHAIRPERSONS**

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Wheeling, West Virginia

**Allan N. Karlin**

Morgantown, West Virginia

**Anthony J. Majestro**

Charleston, West Virginia

**Michael J. Romano, President**

**WEST VIRGINIA ASSOCIATION FOR JUSTICE**  
1614 Kanawha Boulevard, East ♦ Charleston, West Virginia 25311  
(304)344-0692 ♦ (304)343-7926 Fax ♦ [www.wvaj.org](http://www.wvaj.org)

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 1965-66 James W. Pyles  
 1966-67 George Daugherty  
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 1974-75 Robert T. Goldenberg  
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 2000-01 Timothy J. Manchin  
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 2007-08 Teresa C. Toriseva  
 2008-09 Allan N. Karlin  
 2009-10 Timothy C. Bailey  
 \*\*Deceased

# Convention and Seminar Schedule

## Thursday, June 2, 2011

- 8:00 – 9:00 a.m.      **Registration**
- 9:00 – 9:10 a.m.      **Welcome**  
Michael J. Romano, President
- 9:10 – 10:00 a.m.      ***Are You the Emperor Without Clothes or Truly Covered?: Insurance Coverage for Lawyers***  
Frank Baer Esq., Ashley Burton and Geoff Christian  
Commercial Insurance, Charleston
- 10:00 – 10:50 a.m.      ***Breaching Your Adversary's Stonewall: Combating Abusive Discovery Tactics on Both Sides of Aisle***  
Niall A. Paul ♦ Spilman, Thomas and Battle, Charleston  
Brett J. Preston ♦ Preston and Salango, Charleston  
Anthony J. Majestro, moderator
- 10:50 – 11:05 a.m.      **Break**
- 11:05 – 12:20 p.m.      ***Covering All 18-Wheels: Expert Reconstruction of Tractor-Trailer Crashes***  
Gabriel Alexander ♦ Apex Engineering  
Erin Shipp ♦ Robson Forensic  
Robert A. Yano ♦ Leading Technologies LLC  
Michael J. Romano, moderator
- 12:20 – 1:35              **WVAJ Membership Meeting & Luncheon**
- 1:35 – 2:00              ***You Don't Have To Be a Geek To Use the Brief Bank—But It Helps to Know One: the Nuts and Bolts of Using the Brief Bank By Its Creators***  
Seth Hoffman ♦ Level 3 Solutions, Buckhannon
- 2:00 – 2:50 p.m.      ***Back to the Future: The Collateral Source Rule in the 21st Century***  
Peter Traska ♦ Elk and Elk – Cleveland, Ohio
- 2:50 – 3:05 p.m.      **Break**
- 3:05 – 3:55 p.m.      ***Doing Good While Doing Well: Representing Victims of Police Misconduct***  
Nick Brustin ♦ Neufeld, Scheck and Brustin – New York, New York
- 3:55 – 4:45 p.m.      ***A View from the Top: West Virginia Supreme Court Update***  
The Honorable Robin Davis, Justice ♦ West Virginia Supreme Court of Appeals

# Convention and Seminar Schedule

## Friday, June 3, 2011

- 8:30 – 9:30 a.m. *The Bird in the Hand or the Two In the Bush?: Ethical Considerations When a Prospective Client Has a Pre-Engagement Settlement Offer*  
Timothy C. Bailey ♦ Bucci, Bailey and Javins – Charleston  
TBA ♦ Office of Disciplinary Counsel
- 9:30 – 10:20 a.m. *Devouring Defense Bias in the Jury Room: Understanding “The Reptile” Part I*  
Dr. David Ball
- 10:20 – 10:35 a.m. **Break ♦ Sponsored by Apex Engineering**
- 10:35 – 11:25 a.m. *Devouring Defense Bias in the Jury Room: Understanding “The Reptile” Part II*  
Dr. David Ball
- 11:25 – 12:45 p.m. **WVAJ Board of Governors Meeting and Luncheon (board only)**
- 12:45 – 2:00 p.m. *Electronic Evidence: Sherlock Holmes Goes Digital*  
Sharon D. Nelson, Esq. and John W. Simek  
Sensei Enterprises – Fairfax, Virginia
- 2:00 – 2:15 p.m. **Break**
- 2:15 – 3:30 p.m. *Have Changes in the Fourth Circuit Leveled the Playing Field?: The Advantages and Disadvantages of Choosing a Federal Forum*  
Sean P. McGinley ♦ DiTrapano, Barrett and Dipiero – Charleston  
Brian A. Glasser ♦ Bailey and Glasser – Charleston  
Christopher Scott Dodrill ♦ Allen, Guthrie & McHugh – Charleston  
Allan N. Karlin, moderator
- 3:30 – 4:30 p.m. *Know When to Hold 'Em, Know When to Fold 'Em, Know When to Walk Away--and Know When to Run: Dealing with Problem Clients*  
Kevin E. Martingayle ♦ Stallings & Bischoff – Virginia Beach, Virginia

## CLE

This program is worth 14.5 hours of CLE credit, including 3.0 in ethics and law office management (pending).

# Legal Assistants Seminar

**Friday, June 3, 2011**

- 7:45 a.m.                    **Registration**
- 8:50 a.m.                    **Welcome**  
Paul T. Farrell, Jr., President-Elect
- 9:00 – 10:00 a.m.        ***No Pain, No Gain: Structured Settlements and Special Needs Trusts for Your Clients***  
Peter V. Wayne IV, Esq. ♦ Forge Consulting  
Ronald N. Walters ♦ Structured Financial Associates  
Kelly Young ♦ Lane and Young
- 10:00 – 11:00 a.m.        ***The New Appellate Rules of the West Virginia Supreme Court: What Legal Assistants Need to Know***  
Rory L. Perry II, Clerk ♦ West Virginia Supreme Court of Appeals
- 11:00 – 11:15 a.m.        **Break ♦ Sponsored by Apex Engineering**
- 11:15 – 12:15 p.m.        ***Stress Management: Dealing with Delays, Deadlines and Difficult People***  
Sabrina Rollins LPC, LSW
- 12:15 – 1:30 p.m.        **Lunch On Your Own**
- 1:30 – 2:30 p.m.        ***Going Digital: Effective Implementation and Management of the Paperless Law Office***  
Scott Curnutte ♦ Curnutte Law Office, Elkins  
Harry G. Deitzler ♦ Hill, Peterson, Carper, Bee & Deitzler, Charleston
- 2:30 – 3:30 p.m.        ***Your Most Difficult Questions Answered: The U. S. District Court E-Filing System***  
Rowena A. Stiltner, Operations Manager  
Susan K. Howie, Assistant Operations Manager  
U. S. District Court – Southern District of West Virginia
- 3:30 – 3:45 p.m.        **Break**
- 3:45 – 4:45 p.m.        ***Assessing the Needs of the Injured Client: Life Care Planning and Vocational Evaluation***  
Elizabeth R. Davis ♦ Life Care Resources – Cedar Bluff, Virginia

*The West Virginia Association for Justice thanks Kim Good, Paula Moore, Linda Quillen and Darcy Springer for their assistance in developing the legal assistants' seminar for the 2011 annual convention.*

## Meetings & Social Events

**Wednesday, June 1, 2011**

**6:00 – 8:00 p.m.**

**New Lawyers Party**

**Vandalia Lounge ♦ 212 Hale Street, Charleston**

*Event partially sponsored by the American Association for Justice and FORGE Consulting*

**Thursday, June 2, 2011**

**12:20 – 1:35 p.m.**

**WVAJ Membership Luncheon & Annual Meeting**

**6:30 – 9:00 p.m.**

**Annual Convention Party**

*Event partially sponsored by the American Association for Justice; music sponsored by Structured Financial Associates*

**Friday, June 3, 2011**

**11:25 – 12:45 p.m.**

**WVAJ Board of Governors Luncheon & Meeting**

The annual convention hospitality suite is sponsored by FORGE Consulting.

## General Convention Information

### **HOTEL ACCOMMODATIONS**

The Embassy Suites Hotel is located at 300 Court Street, Charleston. Special suite rates of \$119 for a single and \$129 for a double are available through May 11, 2011. 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 online to [www.embassysuitescharlestonwv.com](http://www.embassysuitescharlestonwv.com). You must use the three-letter code WVJ when making your reservation to receive the special rate; online you will enter the WVJ code in the group/convention code space. Regular suite rates will apply for reservations made after May 11, 2011.

### **CANCELLATION POLICY**

All cancellations must be sent to the WVAJ office in writing. For a complete refund, your cancellation must be received no later than May 24. For cancellations received May 25 – 31, you will be refunded 50 percent of your registration fee. There will be no refunds after May 31, but seminar materials will be sent to you.

### **ATTENTION WVAJ MEMBERS**

If you plan to attend the board meeting and/or the membership meeting during the convention, it is important that you RSVP with the WVAJ office. Call (304)344-0692 or e-mail [wwaj@wwaj.org](mailto:wwaj@wwaj.org).

### **QUESTIONS?**

Please call WVAJ at (304)344-0692 or e-mail [wwaj@wwaj.org](mailto:wwaj@wwaj.org)

***Register for the WVAJ Annual Convention and Seminar online at [www.wwaj.org](http://www.wwaj.org)***

# Convention Exhibitors

American Association for Justice  
 Apex Engineering  
 Crash and Safety Consultants  
 FindLaw, a Thomson Reuters Business  
 FORGE Consulting  
 Keystone Engineering  
 Leading Technologies

Lexis/Nexis  
 National Settlement Consultants  
 Neurological Case Management Associates  
 Robson Forensic  
 Saponaro, Inc.  
 Sargent's Court Reporting  
 Structured Financial Associates

## 2011 Annual Convention Registration Form

### REGULAR REGISTRATION

<input type="checkbox"/> Member Attorney (admitted to bar 3+ years)	\$375
<input type="checkbox"/> Member Attorney (0 - 3 years)	\$300
<input type="checkbox"/> Non-Member Attorney (admitted to bar 3+ years)	\$425
<input type="checkbox"/> Non-Member Attorney (0 - 3 years)	\$330
<input type="checkbox"/> Government Attorney	\$275
<input type="checkbox"/> Member Legal Assistant	\$50
<input type="checkbox"/> Non-Member Legal Assistant	\$60
<input type="checkbox"/> Member Law Student	\$25
<input type="checkbox"/> Non-Member Law Student	\$40
<input type="checkbox"/> Judicial Law Clerks	\$50
<input type="checkbox"/> Law Professors (Full-Time)	\$100
<input type="checkbox"/> Judges, Family Law Judges, Justices	FREE

### LATE REGISTRATION (AFTER MAY 26, 2011)

<input type="checkbox"/> Member Attorney (admitted to bar 3+ years)	\$405
<input type="checkbox"/> Member Attorney (0 - 3 years)	\$330
<input type="checkbox"/> Non-Member Attorney (admitted to bar 3+ years)	\$455
<input type="checkbox"/> Non-Member Attorney (0 - 3 years)	\$360
<input type="checkbox"/> Government Attorney	\$305
<input type="checkbox"/> Member Legal Assistant	\$80
<input type="checkbox"/> Non-Member Legal Assistant	\$90
<input type="checkbox"/> Member Law Student	\$45
<input type="checkbox"/> Non-Member Law Student	\$60
<input type="checkbox"/> Judicial Law Clerks	\$80
<input type="checkbox"/> Law Professors (Full-Time)	\$130
<input type="checkbox"/> Judges, Family Law Judges, Justices	FREE

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

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**Mail to: WVAJ, P. O. Box 3968, Charleston, WV 25339**  
**If paid by credit card, you may fax your registration to (304)343-7926**

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**P. O. Box 3968**  
**Charleston, West Virginia 25339**

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## **West Virginia Association for Justice**

The West Virginia Association for Justice represents more than 500 plaintiffs' attorneys throughout West Virginia and in surrounding states. Our members are committed to preserving and improving our civil justice system in order to ensure that any person who is injured by the misconduct and negligence of others can obtain justice in America's courtrooms even when taking on the most powerful corporate interests. We work to protect West Virginia families by promoting safe workplaces, safe products, quality healthcare, a clean environment and corporate responsibility.

WVAJ and its members work to improve the quality of legal representation through legal education and encouraging mutual support and cooperation among members of the bar. WVAJ is also committed to educating West Virginians about the importance of the civil justice system and their legal rights.

## **About the Seminar Chairpersons**

### **Scott S. Blass**

Scott S. Blass graduated magna cum laude from West Virginia University in 1984 with a B. A. in political science. Upon graduation, he was nominated for and became a member of Phi Beta Kappa. Scott earned his J. D. in 1987 from the WVU College of Law, where he received the Order of the Barristers award. Upon graduation he served, first as an associate and then as a partner, at the law firm of Bachmann, Hess, Bachmann and Garden in Wheeling, and also served as an assistant prosecuting attorney for Ohio County. He joined the firm of Bordas and Bordas in 1992 and is a partner with the firm. The firm's practice focuses on complex litigation, bad faith insurance practices, medical malpractice, consumer protection cases and general bodily injury law. He has been a frequent presenter and lecturer at various seminars on topics related to subrogation and maximizing bodily injury settlements. He is a member of the WVAJ Board of Governors and its executive committee. In June 2011, he will become vice president of the association.

### **Allan N. Karlin**

Allan N. Karlin received his undergraduate degree from Yale and his J. D. from Boalt Hall, University of California-Berkeley. Upon graduation in 1974, he moved to West Virginia to work as an attorney with the North Central Legal Aid Society and serviced as its director from 1976 – 1981. Since 1981, he has worked in private practice in Morgantown. He represents clients in employment, civil rights and injury litigation. He is a board member and past president of the West Virginia Association for Justice; is the former chair of the Lawyer Disciplinary Board; and has been an adjunct lecturer at the West Virginia University College of Law where he taught Pre-Trial Litigation. He is also a member of the National Employment Lawyers Association Ethics and Sanctions Committee.

### **Anthony J. Majestro**

Anthony Majestro graduated summa cum laude from West Virginia University in 1986 with a B. S. in economics. While at WVU, he was awarded the Harry S. Truman Scholarship. He earned his J. D. in 1989 from the Georgetown University Law Center. At Georgetown, he served on the editorial board of the Georgetown Law Journal as Senior Notes and Comments Editor. Following law school, he served as a law clerk to the honorable Thomas A. Clark of the United States Court of Appeals for the Eleventh Circuit. He practiced for five years with a large Charleston defense firm in the civil litigation department before moving to a firm concentrating on the representation of personal injury plaintiffs. Majestro is the managing partner of the Charleston firm of Powell and Majestro. He lectures regularly at state and national seminars on topics related to consumer protection, class actions and mass torts. He is a member of the WVAJ Board of Governors and its executive committee. In June 2011, he will become treasurer of the association.