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**DRAFT AGENDA** *As of October 10, 2022
Approved for 9.0 HRS (2.0 HRS ETHICS)*

*All meeting rooms subject to change - please confirm onsite*

**Wednesday, October 12**

5:30 PM **New Members’ Reception** (By Invitation Only) *Roanoke Foyer*

6:00 PM **President’s Welcome Reception** *Roanoke Foyer*

*Sponsored by Metadata Forensics*

7:30 PM **Dine Arounds**

9:30 PM-11:00 PM **VADA “Late Night”** *1882 Lobby Bar**Sponsored by Beacon Forensic and MW Forensic Engineering*

*Please wear your meeting badge. Beer, wine, and soft drinks courtesy of our sponsors.*

**Thursday, October 13**

6:30 AM **Wellness Committee Walk and Run** *Meet in the hotel lobby*

8:00 AM **Registration & Buffet Breakfast** *Roanoke Foyer**Sponsored by Broughton Associates*

8:00 AM **Past Presidents’ Breakfast** *Crystal Ballroom A*

8:55 AM **Welcome & General Session** *Roanoke Ballroom CD*

9:00– 10:00 AM **The Future of the Defense Bar: Growing the Next Generation of Defense Attorneys (1.0 HR)**

Martin A. Conn, president and managing member of Moran Reeves Conn, will offer a discussion of practical recommendations to ensure that the next generation of defense attorneys is prepared to meet the needs of clients and uphold their obligations as officers of the court in a changing world. Marty will discuss the importance of maintaining ethical duties required of supervisory roles, including navigating proper client communications within the tripartite relationship, effective and ethical billing practices, perceptions of defense practice and its realities, etc. Marty will also offer advice on how to prepare young defense lawyers for the courtroom in a world that favors settlement resolutions.

Martin Conn, *Moran Reeves & Conn*

10:00-11:00 AM **A Plaintiffs’ Attorneys’ Guide to an Effective Defense (1.0 HR)**

As defense attorneys, we are used to hearing from our defense colleagues. This program, however, will examine the sport of civil litigation from the perspective of the plaintiffs’ bar. Moderated by VADA Past-President John Owen, this panel will feature three highly regarded plaintiffs’ attorneys who will address the makings of a successful defense from pre-suit communications through settlement negotiations and trial practice. They will share their experiences, observations, and tactics that they have used or witnessed to keep the “civil” in civil litigation and to help you become the kind of defense attorney that gives them a good challenge.

Tom Curcio, *Curcio Law*
Lauren Ellerman, *Frith & Ellerman*John Lichtenstein, *Lichtenstein Law*Moderator:John R. Owen, *Harman Claytor Corrigan & Wellman*

11:00-11:15 AM **Break**

11:15 AM-12:15 PM **So You’re a Lawyer? Tell Me More About \_\_\_\_\_\_. (1.0 HR)**

We've all been there - you introduce yourself as a lawyer and you are suddenly confronted with questions about a grandmother's will, a friend's speeding ticket, or a neighbor's divorce. This panel will focus on current popular topics in the areas of family law, estate planning, and criminal law. The purpose of the presentation is to educate fellow attorneys who specialize in civil litigation so that they can speak intelligently on a handful of the most prevalent topics they may get questions about from non-lawyers.

Domestic Relations - Sandra Bowen, *Bowen Ten Long & Bal*Trusts and Estates - Susanna Jones, *Florance Gordon Brown*

Traffic/Criminal Law - Brandon Nexsen, *Winslow, McCurry & MacCormac*

Moderator: Tate C. Love, *TimberlakeSmith*

12:15-12:30 PM **Break**

12:30 PM **Awards Luncheon,** *Roanoke Ballroom AB
Sponsored by The McCammon Group*

2:30–4:30 PM **SECTIONS BREAKOUTS**

**JOINT SESSION:
AUTO AND TRANSPORTATION LIABILITY/PRODUCTS AND TOXIC TORTS
Navigating Autonomous Vehicle Litigation (1.0 HR)** *Crystal Ballroom E*Autonomous vehicles are here to stay. The rise of autonomous vehicles is expected to transform car accident cases which are traditionally negligence claims into products liability lawsuits. Our speakers will present on new federal and state regulation and licensing of vehicles, determinations of liability, technical and operational challenges, and a revolution in infrastructure.

Stuart Sheldon, P.E, *S-E-A**Limited*Christian Tucker, *Moran Reeves & Conn*

**Jury Rigging: Consumer Modifications and Products Liability Lawsuits (1.0 HR)**

Our speakers will present on products liability lawsuits involving consumer modifications that make products more dangerous. Generally, product manufacturers can only be held liable for injuries caused by products that were not reasonably safe for their intended purpose. This panel will address cases holding manufacturers liable where the manufacturer knew or should have known that consumers would likely modify the product to make it more dangerous.

Karlo Goronja, *Moran Reeves & Conn*

Troy Graham, *S-E-A Limited*

Dewayne Lonas, *Moran Reeves & Conn*

**CORPORATE AND COMMERCIAL LITIGATION** *Appalachian (Upper Level)**Sponsored by Forcon*

**Defenses and Guidelines for Litigating Slips, Trips & Falls in Virginia (1.0 HR)**A defendant in a slip and fall lawsuit has several possible defenses available to them, depending on the facts of the case. These cases are highly fact-intensive, so whether a certain defense applies will depend on a careful investigation of the circumstances. This session will cover the general principles of slip and fall liability in Virginia, and the categories of defenses available for personal injury claims.

Kathryn Bonorchis, *Lewis Brisbois Bisgaard & Smith*

**The Changing World of Slip-and-Fall Analysis (1.0 HR)**

The past 10 years have brought significant advances in the field of reliable walkway slip analysis. This presentation, which features numerous case studies, takes an in-depth look at methodologies, research, standards, and practical applications of tribometer testing. A review of Daubert and FRE 702 litigation considerations will be discussed as well.

Philip Abbruscato, *Fox Rothschild*
John Leffler, *Forcon*

**LOCAL GOVERNMENT** *Buck Mountain (Past the Crystal Ballroom)*

**The Use of Body-Worn Cameras in Litigation (1.0 HR)**

This session will discuss the basics of video evidence, the utility of video evidence, and the admissibility of video evidence at trial.  The session will also discuss how police body-worn and used in federal and state litigation, the weight provided to such evidence, and the strengths and limitations of body camera footage.

Jim H. Guynn, Jr., *Guynn, Waddell, Carroll & Lockaby*

**Sovereign Immunity – Shifting Law, Facts, and Circumstances (1.0 HR)**

Mastering the doctrine of sovereign immunity is essential to civil litigation involving local government, and with every decided case on the topic, the doctrine is further given shape.  Through decided cases, this session will discuss the background of sovereign immunity, the law regarding governmental versus proprietary functions of government, and the scope of sovereign immunity.  It will also discuss the common law doctrine versus immunity created by the Virginia Code, specifically the immunity for recreational facilities found at Virginia Code §15.2-1809 and for works to prevent erosion and flooding at Virginia Code § 15.2-970.  The session will also discuss the variety of public services to which sovereign immunity extends, the public duty doctrine, and the extent to which the sovereign immunity doctrine extends to government employees.

Darlene P. Bradberry, *Newport News City Attorney’s Office*

James A. Cales III, *Furniss Davis Rashkind & Saunders*

**MEDICAL MALPRACTICE** *Crystal Ballroom AB*

**Medical Malpractice Certification Statute & The Good Faith Exception (1.0 HR)**

This session will discuss plaintiffs trying to use the good-faith exception to the expert certification statute—arguing no experts were needed to certify the case before service of process, and the issues fell within the common knowledge of the jury. Then, in a complete reversal, they designate experts to opine on standard of care, causation, and damages.

Jacob H. Pierce, *Woods Rogers*

**Litigating Medical Malpractice Cases in GDC (1.0 HR)**Since the General Assembly increased the jurisdictional limit to $50,000 for General District Courts, there has been an influx of medical malpractice cases filed in this forum.  This presentation will provide an overview of GDC procedures and offer practical tips for efficient litigation of these claims in the forum.

Carlyle R. “Randy” Wimbish, III, *Wimbish Gentile McCray & Roeber*

**Medical Malpractice Roundtable** (Sorry, Medical Malpractice members only)

**POLICY COVERAGE** *Pocahontas (Upper Level)**Sponsored by J.S. Held*

**COVID-19 And Business Interruption “All Risks” Property Insurance Policies: Covered Losses? (2.0 HRS)**

In the wake of the COVID-19 global pandemic, companies looked to their business interruption insurance, usually part of an insured’s “all-risk” property policy, to cover various losses. Uniformly denied by insurers, these claims continue to be litigated.  We will take a detailed look at these policies, including what constitutes a “direct physical loss” for coverage purposes, and various policy exclusions.  COVID related claims also don’t stand in a vacuum, however, and precedent will serve for related claims going forward.

Peter Schurig, *Setliff Law*

**PROFESSIONAL LIABILITY** *Crystal Ballroom C* **Accounting 101 (1.0 HR)**Our panelists will provide the audience with a refresher on the basics of Accounting. In Accounting 101, the presenters will explain the fundamentals of accounting, the important concepts needed to evaluate financial statements, and demonstrate how possessing a basic knowledge of accounting will help in defending accounting malpractice claims and/or other business litigation matters.

David Elmore, *MDD Forensic Accountants* Rachel Janush, *MDD Forensic Accountants* David C. Tait, *Sands Anderson*

**Virginia Legal Malpractice 101: What You Need to Know to Successfully Defend (1.0 HR ETHICS)**

In this interactive course, attendees will discover the leading causes of malpractice claims and bar complaints for attorneys licensed in Virginia. This course will provide current statistics and steps in attorney discipline cases. There will be a discussion on common scenarios such as dabbling, unauthorized practice of law and the supervision of attorneys. Rules of Professional Conduct involving competency, conflicts of interest and communication will also be addressed. This course is perfect for novices to legal malpractice representation or those who desire a “tune-up” in current malpractice trends.

Joyván Malbon-Griffin, *Minnesota Lawyers Mutual*

**WORKERS’ COMPENSATION** *Mill Mountain (Past Crystal Ballroom)*

**Presumption Statutes (1.0 HR)**

Our speaker will give a brief overview of the presumption statutes contained in the Virginia Workers’ Compensation Act and will address some of the special issues that are faced by local government attorneys, including: (1) internal moral issues, (2) specialized area of practice, (3) client conflicts, and (4) public interest priorities.

Douglas Barber, Jr., *City of Roanoke Attorney’s Office*

**Reasonable Inferences (1.0 HR)**

Deputy Commissioner Robert Himmel will take an in-depth look into reasonable inferences.  He will address what reasonable inferences are, how they are made and used in the workers’ compensation arena, the effect they can have on litigants and case outcomes, and why they are important to both judges and attorneys.

Hon. Robert Himmel, *Virginia Workers’ Compensation Commission*

4:30-6:00 PM **BREAK**

4:30-5:30 PM **FRIENDS OF BILL W. MEETING** *Location TBD*

6:00 PM **NETWORKING RECEPTION – The Penthouse at Center in the Square,** *1 Market St.**Sponsored by MDD
 (Use the bridge over the railroad tracks just outside the entrance to the hotel)*

7:30 PM **Dinner** (On your own) or **Optional Women’s Section Dinner**

*Sponsored by Planet Depos*

9:30-11:00 PM **VADA “Late Night”,** *club aka (Use the door off the 1882 Lobby Bar)*

*Sponsored by Planet Depos and S-E-A*

**Friday, October 14**

6:30-7:15 AM **Wellness Committee Chair Yoga** *Buck Mountain (Past Crystal Ballroom)*

7:30 AM **Breakfast Buffet** *Roanoke Foyer*

8:00–8:45 AM **Breakfast with the Virginia Judiciary** *Roanoke Ballroom E-H*

*Sponsored by Inquis Global*

 *(Attendees subject to change)*

Hon. G. Steven Agee, *U.S. Court of Appeals* Hon. Dominique Callins, *Court of Appeals of Virginia* Hon. Frank K. Friedman, *Court of Appeals of Virginia*

Hon. James F. Watson, *Lynchburg Circuit Court*

8:50-9:00 AM **Wellness Challenge Awards Presentation, Community Service Project
 Presentation, Sponsors Raffle, and General Session** *Roanoke Ballroom CD*

9:00-9:45 AM **Restoring Jurors’ Faith in Science and Authorities: How to Cultivate Trustworthiness at Trial (1.0 HR)**

In an era of skepticism – particularly of the news and social media – it can be challenging to persuade jurors to accept or trust the evidence and testimony from expert witnesses at trial. Our panelists will discuss their experiences in and out of the courtroom, best practices for lawyers to prepare their experts, and ways to help restore jurors’ understanding of, and faith in, science and authorities.

Matthew Wagenhofer, *MW Forensic Engineering*Paul Kuhnel, *Lewis Brisbois Bisgaard & Smith*Hon. James F. Watson, *Lynchburg Circuit Court*

9:45-10:45 AM **To All the Defense Attorneys I’ve Loved Before: What In-House Counsel Wants You to Know (1.0 HR)**

This panel will address the duties and responsibilities incumbent upon in-house/corporate counsel and outside counsel when engaged in a tripartite attorney-client relationship. Topics will include establishing an attorney-client relationship, identifying the scope of representation, effective client communications, identifying decisional authority, understanding actual and potential conflicts of interest, competence in representation and reasonableness of legal fees. Panelists will include experienced attorneys with years of practice as both in-house counsel and retained litigation counsel for corporations, insurance companies and localities.

Lynn Chapman, *Virginia Farm Bureau Insurance Company*Audra Dickens, *The Progressive Group*

William Robinson, *National General Insurance*

Moderator: Brian Brydges, *Johnson Ayers & Matthews*

10:45-11:00 AM **Break**

11:00 AM-12:00 PM **A Nuts and Bolts Guide to Handling Appeals Before the Court of Appeals
 of Virginia (1.0 HR)**With the recent changes to Virginia appellate procedure, many attorneys who consider themselves primarily "trial lawyers" may likely find themselves handling appeals before the Court of Appeals of Virginia. This program is intended to serve as a guide to the mechanics of these appeals, including the process of noting or responding to an appeal, appellate deadlines and procedure, the form and content of briefs, and preparing for and presenting oral argument.

 Nash Bilisoly, *Woods Rogers Vandeventer Black*

Hon. Frank K. Friedman, *Court of Appeals of Virginia*Missy York, *Harmon Claytor Corrigan and Wellman*
Moderator: Tracy Taylor Hague, *Woods Rogers Vandeventer Black*

12:00-1:00 PM **Confronting Bias in the Courtroom and Beyond** **(1.0 HR ETHICS)**
The Virginia Rules of Professional Conduct provide that a lawyer “should be mindful of deficiencies in the administration of justice.” This panel presentation will address critical components of “competent representation,” including identifying or eliminating biases through voir dire, tailoring arguments, and witness presentations to address biases, and otherwise confronting biases in the courtroom and elsewhere.”

 Terrence Graves, *Sands Anderson*
Toyja Kelley, *Locke Lord*
Kathleen M. McCauley, *Moran Reeves & Conn*
Moderator: Rachel D. G. Horvath, *Smith Bain Manuel & Horvath*

1:00 PM **Adjourn and Box Lunches** *Roanoke Foyer (Please recycle your badge)**Sponsored by MLM*