

Workers' Compensation: Critical Essentials from Both Sides of the Aisle

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› *A Comprehensive Legal Guide*

HARRISBURG, PENNSYLVANIA
December 13, 2016

PRESENTED BY

Geoffrey S. Lockyer
Katherine L. Niven
Christopher L. Scott
Ronald T. Tomasko

CONTINUING EDUCATION

PA CLE - 6.0 (Incl. 1.0 ethics)
NJ CLE - 7.2 (Incl. 1.2 ethics)

See inside for details!

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SÉMINAR OUTLINE

I. Essential Workers' Compensation Laws, Concepts and Legal Updates

9:00 - 9:45, *Christopher L. Scott*

- A. State Workers' Compensation Laws and Guidelines
 - 1. Who is Eligible
 - 2. Covered Injuries
 - 3. Available Benefits
 - 4. Workers' Compensation Insurance Basics
- B. Key Terms and Concepts
 - 1. Disability:
Permanent, Temporary, Partial and Total
 - 2. Impairment Ratings
 - 3. Maximum Medical Improvement (MMI)
 - 4. Vocational Rehabilitation
- C. Legal Updates

II. Navigating Workers' Compensation Processes, Procedures and Forms

9:45 - 10:30, *Christopher L. Scott*

- A. Determining the Value of a Claim
- B. Claim Filing Procedures and Time Limits
- C. The Medical Evaluation Process
- D. How Insurers Evaluate Claims
- E. The Vocational Process:
Common Mistakes Attorneys Make
- F. Key Forms: Avoiding Critical Mistakes

III. Proving - or Disproving - the Validity of Denied Claims

10:45 - 12:00, *Ronald T. Tomasko*

- A. Key Causal Connections That Make or Break Claims
- B. Is There an Employment Relationship?
- C. Willful Misconduct
- D. Preexisting Conditions
- E. Occupational Diseases
- F. Mental and Stress-Related Claims
- G. Horseplay Claims
- H. Travelling Employees
- I. Off-the-Clock Claims

IV. Using Evidence to Your Client's Advantage: Claimant and Respondent Strategies

1:00 - 1:45, *Katherine L. Niven*

- A. Official Medical Records
- B. Second Medical Opinions
- C. Documentation of the Recovery Process
- D. Pre and Post-MMI Jobs Created
- E. Accident Reports
- F. Employment Records
- G. Witness Statements
- H. Insurance Carrier Doctor Background and Competency
- I. Use of Expert Witnesses
- J. Social Media Landmines

V. Mastering the Art of Settlement Negotiation

1:45 - 2:30, *Katherine L. Niven*

- A. Determining the Right Time to Settle
- B. Lump Sum vs. Structured Settlements
- C. Negotiating Payment for Disputed Treatment Costs
- D. Future Medical Expenses
- E. Lost Wages and Lost Earning Capacity
- F. Factoring in Liens
- G. Minimizing Social Security Offsets
- H. Medicare - and Medicaid - Set-Aside Considerations
- I. Using the Affordable Care Act in Settlement Negotiations

VI. Essential Workers' Compensation Hearing and Appeal Tactics: Perspectives From Both Sides of the Aisle

2:45 - 3:30, *Ronald T. Tomasko*

VII. Ethical Considerations

3:30 - 4:30, *Geoffrey S. Lockyer*

- A. Rules of Professional Conduct
- B. Communication with Other Parties
- C. Attorneys' Fees
- D. Lawyer Liability

*If needed, the above agenda may be changed to best accommodate all of our attendees.

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SEMINAR OVERVIEW

Sharpen Your Skills With Strategic Insight From Both Sides of the Aisle

Successfully handling a workers' compensation claim requires you to understand and evaluate the issues from both sides. From initiating claims to negotiating settlements, anticipating the actions of the other side increases your chances for success. At this strategic seminar, experienced faculty from both sides of the aisle will provide you with best practices for building a strong case and obtaining favorable results. Broaden your knowledge of workers' compensation claims and provide your clients with top-notch representation - *register today!*

BENEFITS OF ATTENDING

- Obtain the latest information you need to navigate the in's and out's of a workers' compensation claim.
- Get a handle on key workers' compensation laws, terms and legal concepts
- Understand how the workers' compensation insurance carrier decides whether to accept or deny a claim.
- Confidently handle workers' compensation claim denials due to pre-existing conditions.
- Ensure you are maximizing your usage of evidence concerning injuries and the recovery process.
- Gain essential techniques to sharpen your workers' compensation settlement negotiation skills.
- Effectively anticipate the actions of the other side in workers' compensation hearings and appeals.

WHO SHOULD ATTEND

This **basic-to-intermediate level program** on workers' compensation claims is for:

- Attorneys
- In-House Counsel
- Workers' Compensation Administrators
- Human Resources Professionals
- Paralegals

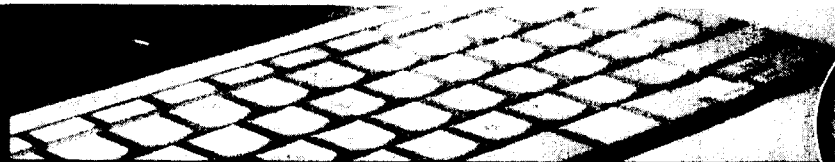
CREDIT INFORMATION

The specific continuing education credit(s) listed are for attending the live seminar. For detailed credit information, please contact us at 866-240-1890 or visit us at nbi-sems.com.

PA CLE - 6.0 - This program has been approved by the Pennsylvania Continuing Legal Education Board for a total of 6.0 hours, including 5.0 hours of substantive law, practice and procedure CLE credit and 1.0 hour of ethics, professionalism or substance abuse CLE credit. Distance Learning credit is available for the recording + manual.

NJ CLE - 7.2 - This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 7.2 hours of total CLE credit. Of these, 1.2 qualify as hours of credit for ethics/professionalism. Alternative Format credit is available for the recording + manual.

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OUR DISTINGUISHED FACULTY

GEOFFREY S. LOCKYER is a partner with Weber Gallagher Simpson Stapleton Fires & Newby LLP, in their Pennsylvania office. Mr. Lockyer represents insurance carriers, self-insured entities, and third-party administrators in workers' compensation and subrogation matters in Delaware and Pennsylvania. He earned his B.A. degree from Ohio State University and his J.D. degree from Widener University School of Law. He is admitted to practice in Delaware and Pennsylvania; and is a member of the Pennsylvania Bar Association, the Delaware Bar Association's Workers' Compensation Section, and the Claims and Litigation Management Alliance.

KATHERINE L. NIVEN is an owner with Law Offices of Katherine L. Niven & Associates, PC, where she practices Social Security, workers' compensation, disability retirement, occupational injuries, personal injury, state disability, long-term disability, worker's rights and workplace injury claims. She is admitted to practice law in Pennsylvania, and before the District of Columbia; U.S. District Court, Middle District of Pennsylvania; and the U.S. District Court, Eastern District of Pennsylvania. Ms. Niven is a member of the Pennsylvania Bar Association - Workers' Compensation Section; Dauphin County Bar Association, Disability Section; National Association of Disability Representatives; National Organization of Social Security Claimants' Representatives; National Alliance on Mental Illness; Pennsylvania Bar Association; and Berks, Dauphin and Lancaster County bar associations. She earned her B.A. degree from Antioch University and her J.D. degree from University of Pennsylvania Law School.

CHRISTOPHER L. SCOTT is an attorney with McDonald At Law, where he represents injured workers and plaintiffs. He spent the early years of his practice representing injured workers and plaintiffs; however, he spent seven years having represented employers and insurance carriers in litigating, negotiating and settling workers' compensation and civil litigation matters. Mr. Scott has been recognized and named to the distinctive list of Pennsylvania Super Lawyers Rising Stars; an honor given to only 2.5% of all lawyers in Pennsylvania under the age of 40 for the years, 2010, 2012-2016. He is also listed in the Top 10 Under 40, The National Academy of Personal Injury Attorneys for 2016; Top 100 Trial Lawyers, The National Trial Lawyers for 2014, 2015; and Top 40 Litigation Lawyer Under 40, The American Society of Legal Advocates for 2016. He is licensed to practice before the Supreme Court of Pennsylvania, and The United States District Court for the Middle and Eastern districts of Pennsylvania. He earned his B.A. degree from Lafayette College and his J.D. degree from Dickinson School of Law of the Pennsylvania State University.

RONALD T. TOMASKO is a partner at JSDC Law Offices. He focuses his practice in labor and employment, workers' compensation, Social Security, municipal law, and personal injury. Mr. Tomasko has spoken to or presented at many employment law and workers' compensation conferences and seminars; and served on various national and regional bar association's employment and workers' compensation divisions. Mr. Tomasko is admitted to the Bar of the U.S. Supreme Court; the 3rd Circuit Court of Appeals; the U.S. District Court for the Middle District of Pennsylvania, the Eastern District of Pennsylvania, the Northern District of West Virginia, and the Southern District of West Virginia; the Supreme Court of Appeals of West Virginia; and the Pennsylvania Supreme Court. He is a member of the American, Pennsylvania and Dauphin County bar associations; the American Association for Justice; Pennsylvania Association for Justice; and the National Organization of Social Security Claimants' Representatives. He is a cum laude and Phi Beta Kappa graduate of The Pennsylvania State University, and earned his Juris Doctor degree from the University of Pittsburgh School of Law.

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SCHEDULE

REGISTRATION TIME 8:30 — 9:00 am

SEMINAR TIME 9:00 am — 4:30 pm

Complimentary snacks and refreshments are provided.
Lunch is on your own.

TUITION

\$349 for the first registrant

\$339 for each additional registrant

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*Pre-registration is encouraged. If you need to register at the door, you may wish to call us first to confirm availability and to receive information regarding schedule or location changes.