



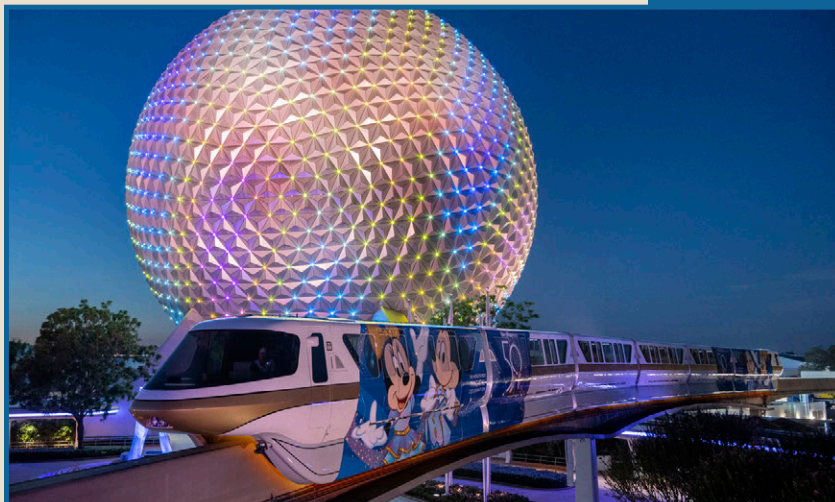
# FDLA's 27<sup>th</sup> Annual Florida Liability Claims Conference

## June 5-7, 2024

## Disney's Yacht & Beach Club Resorts



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**FRANK PIERCE IV**  
2024 FLCC Event Chair

## WELCOME

As Chair of the 27th Annual Florida Liability Claims Conference, I want to invite you to *Disney's Yacht & Beach Club* Resorts. This year's event is bigger, better, and more magical than ever. We have an exciting lineup of presentations and speakers, along with numerous networking and social events. I hope you enjoy all we have planned for you!

## CONFERENCE AT A GLANCE



### WEDNESDAY, JUNE 5, 2024

3:00-5:00	FDLA Board Meeting	Saybrook Room
5:00-6:00	Past Presidents Meeting	Saybrook Room

### THURSDAY, JUNE 6, 2024

7:00-7:55	Registration/Full Breakfast - Exhibit Hall - <i>Sponsored by DigiStream</i>	Newport East
7:55-8:30	Opening Remarks, FDLA Members Business Meeting, and FDLA Annual Awards	Newport West

### SESSIONS

8:30-9:30	Neurodivergent Attorneys: Unique Strengths, Hidden Struggles, and Why You Need Them	Newport West
9:30-10:30	Hired Guns: Opposing Unsupported Expert Testimony	Newport West
9:30-10:30	Arbitration: Is the Juice Worth the Squeeze?	GH Salons 3-4
9:30-10:30	Advanced Driver Assistance Systems and the Changing Landscape of Litigation	Cape Cod Hall
10:30-10:45	Networking Break - Exhibit Hall - <i>Sponsored by Dr. Ernest Chiodo</i>	Newport East
10:45-11:45	What's Happening in the Other Room? Is It Really 'Not Your Problem?'	Newport West
10:45-11:45	AI – The Ethics, The Use, The Misuse, The Litigation, and The Future	GH Salons 3-4
10:45-11:45	"Pane in the Glass" - Professional Perspectives and Legal Implications of Alleged Wind Damage to Windows and Doors	Cape Cod Hall
11:45-1:00	Lunch - Exhibit Hall - <i>Sponsored by Boyette Zettle</i>	Newport East
1:00-2:00	Judicial Panel - Statutory Interpretation for Civil Practitioners	Newport West
2:00-3:00	Five Strategies to Better Manage Medical Costs and Economic Damages in Personal Injury Cases	Newport West
2:00-3:00	The Wild West of Property Claims - Investigating Highs and Lows Impacting Litigation	GH Salons 3-4
2:00-3:00	Two Masters: Ethical Considerations for In-House Counsel	Cape Cod Hall
3:00-3:15	Networking Break - Exhibit Hall - <i>Sponsored by Sugar Orthopaedics</i>	Newport East
3:15-4:15	Withholding Discovery Without a Privilege: When to Disclose Video of the Incident	Newport West
3:15-4:15	Protecting Your Biomechanical Expert	GH Salons 3-4
3:15-4:15	Ten Things Every Attorney Should Know When Reviewing a Life Care Plan	Cape Cod Hall
4:15-5:15	Fighting Fraud: Detecting Dishonesty and Litigating Lies	Newport West
4:15-5:15	Exposing The Unseen: Metadata, Geotagging, and Data in Claims	GH Salons 3-4
4:15-5:15	Take Charge: Battery Evaluations and Litigation	Cape Cod Hall
5:30-7:30	Welcome Reception - <i>Sponsored by Addison Riley</i>	Atlantic Dance Hall



## FRIDAY, JUNE 7, 2024

7:00-7:55	Registration/Full Breakfast - Exhibit Hall - <i>Sponsored by Sdii</i>	Newport East
7:30-8:30	Character Meet & Greet	TBD

## SESSIONS

8:30-9:30	Sanctions! 57.105, Proposals for Settlement, Kozel, and Danis	Newport West
8:30-9:30	Medical Malpractice Arbitration and Case Law Update	GH Salons 3-4
9:30-10:30	Punitive Damages: The Statute Means What It Says	Newport West
9:30-10:30	From Litigation to Ledger: Maximizing a Medical Billing and Coding Expert in the Tort Reform Era	GH Salons 3-4
9:30-10:30	Remand to State Court, Attorney's Fees upon Remand, and Appealability of Remand and Fee Orders	Cape Cod Hall
10:30-10:45	<b>Networking Break - Exhibit Hall - <i>Sponsored by Alpha Engineering</i></b>	<b>Newport East</b>
10:45-11:45	Changes In Certiorari Jurisdiction in Medical Malpractice Cases Regarding Presuit Compliance by Plaintiffs - UNIV. OF FLA. BD. OF TRS. V CARMODY, 372 So.3d 246 (FLA. 2023)	Newport West
10:45-11:45	Using Probate and Guardianship to Prevent Failure to Settle	GH Salons 3-4
10:45-11:45	Reconstructing Vehicular Accidents using Technology	Cape Cod Hall
11:45-1:00	<b>Lunch - Exhibit Hall - <i>Sponsored by Walton Lantaff Schroeder &amp; Carson LLP</i></b>	<b>Newport East</b>
1:00-2:00	Multiple Claimants/Inadequate Limits: "Globals" in the Post-Tort Reform World	Newport West
1:00-2:00	Negligent Security in the Age of Florida Tort Reform	GH Salons 3-4
2:00-3:00	Preserving the Truth, Spoiling the Game: A Floridian Tale of Evidence and Law	Newport West



FLORIDA DEFENSE LAWYERS ASSOCIATION

# CONFERENCE SCHEDULE

## THURSDAY, JUNE 6, 2024

**7:00-7:55 Registration and Full Breakfast - Newport East**

*Sponsored by DigiStream*

**7:55-8:30 FDLA Members Meeting - Newport West**

**8:30-9:30**

■ **Neurodivergent Attorneys: Unique Strengths, Hidden Struggles, and Why You Need Them**

*Newport West*

Jacqueline Ambrose, *Associate General Counsel*  
Florida Cancer Specialists & Research Institute

Frank Ramos, *Partner*  
Clarke Silvergate, PA

Emily Whelden, *Team Coach*  
Dixon Life Coaching

“Neurodiversity” may be a trending topic, but what does it mean to foster it in your firm and to support neurodivergent attorneys (or yourself)? Emily Whelden, former attorney and current ADHD coach for attorneys, will facilitate this panel of neurodivergent attorneys. We will explore growth opportunities, challenges, and little-known issues of being neurodivergent attorneys.

**9:30-10:30**

■ **Hired Guns: Opposing Unsupported Expert Testimony**

*Newport West*

Lazaro Rodriguez, *Senior Partner*  
Walton Lantaff Schroeder & Carson LLP

Ian Ronderos, *Senior Partner*  
Walton Lantaff Schroeder & Carson LLP

This presentation will discuss common types and recent trends in unsupported expert opinions in both the first party property and personal injury context. Attendees will learn theoretical and practical means to challenge such expert opinion and seek to exclude same from reaching the jury.

■ **Arbitration: Is the Juice Worth the Squeeze?**

*GH Salons 3-4*

James J. Maskowitz, *Partner*  
Hall Booth Smith, P.C.

Brandon C. Szymula, *Partner*  
Hall Booth Smith, P.C.

Sarah Zabel, *Mediator, Former Circuit Court Judge*  
MAZE Resolutions

This presentation will provide an overview of the benefits of arbitration (with an emphasis on long term care cases). The presentation discusses enforcing arbitration agreements, including best practices for compelling arbitration, the in-suit process once in arbitration and keys to victory at the final arbitration hearing.

■ **Advanced Driver Assistance Systems and the Changing Landscape of Litigation**

*Cape Cod Hall*

David Cades, Ph.D., *Human Factors, Principal Scientist*  
Exponent

William Peterfreund, *Managing Partner*  
Luks Santaniello Petrillo Cohen & Peterfreund

Sarah Sharpe, Ph.D., *Biomechanics, Principal*  
Exponent

This session will explore some of the latest trends in automotive crash claims with a specific focus on the role of Advanced Driver Assistance Systems (ADAS). The increasing proliferation of systems like Automatic Emergency Braking (AEB) and Lane Keeping Assist (LKA) can influence what data are available as well as how we approach analysis and investigation.

**10:30-10:45 Networking Break - Newport East**  
*Sponsored by Dr. Ernest Chiodo*

**10:45-11:45**

■ **What’s Happening in the Other Room? Is It Really ‘Not Your Problem?’**

*Newport West*

Bo Dennis, *Mediator and Arbitrator*  
UWWW

Gisselle Jorge, *Partner*  
Boyd Richards Parker Colonnelli

Scott R. Schomber, *Mediator*  
UWWW

Two expert mediators and an attorney discuss the impact of the “not my problem” attitude in mediations. Exploring both plaintiff and defendant perspectives, they reveal how understanding and addressing each party’s challenges is crucial for a successful resolution and share strategies for overcoming obstacles that can derail the process.

■ **AI – The Ethics, The Use, The Misuse, The Litigation, and The Future**

*GH Salons 3-4*

Frank Ramos, *Partner*  
Clarke Silvergate, PA

This session will explain the ethical, appropriate and practical use of AI for lawyers and claims professionals. Much has been said about why and how not to use AI. The session will explore how one can use both closed and open AI models that satisfy all ethics rules and client needs while securing responses from chatbots that make one a better lawyer while spending less time doing so.



# THURSDAY, JUNE 6, 2024

## ■ “Pane in the Glass” – Professional Perspectives and Legal Implications of Alleged Wind Damage to Windows and Doors

### *Cape Cod Hall*

Robert B. Dehne, *Partner*  
Groelle and Salmon, P.A.

David Grindley, P.E., *Partner*  
Grindley Williams Engineering

J. Abraham Hanze, AIC, *General Adjuster*  
Sedgwick

This course addresses a specific type of property insurance claim involving alleged wind damage to windows/doors. It dispels myths and equips attendees to respond to such claims effectively, providing an understanding of window manufacturing processes, inherent deficiencies, wind pressure ratings versus actual pressure, regulatory requirements, and common claim issues.

**11:45-1:00 - Lunch - Newport East**  
*Sponsored by Boyette Zettle*

**1:00-2:00**

## ■ Statutory Interpretation for Civil Practitioners

### *Newport West*

Judge Eric J. Netcher  
9th Judicial Circuit Court

Judge Jared E. Smith  
6th DCA

Statutes increasingly are at the heart of civil litigation. The Supreme Court of Florida has emphasized the “supremacy-of-text principle” when interpreting statutes. This panel of distinguished judges will discuss methods of statutory interpretation in the context of civil litigation.

**2:00-3:00**

## ■ Five Strategies to Better Manage Medical Costs and Economic Damages in Personal Injury Cases

### *Newport West*

Andrew Bolin, *Partner*  
Bolin Law Group

Elizabeth Myers, *Partner*  
Smith Bigman Brock

Cara Scheibling, *VP & Principal*  
Avalon Health Economics

John E. Schneider, PhD, *CEO & Principal*  
Avalon Health Economics

Life care plans are increasingly common. This presentation focuses on using methods from health economics adjusting alleged future “expected” charged amounts for reasonable and fair market value and using methods from biostatistics to adjust life expectancy for pre-existing comorbid conditions.

**2:00-3:00**

## ■ The Wild West of Property Claims - Investigating Highs and Lows Impacting Litigation

### *GH Salons 3-4*

Jon Pruitt, *President*  
Addison Riley, LLC: Forensics, Appraisal, Construction

Jeffrey M. Wank,  
*Chair of First-Party Property and Insurance Coverage*  
Kelley Kronenberg

The presentation will explore recent developments on late notice claims, strategies to investigate and evaluate prejudice, and the use of experts. It will also cover specifics on ACV/RCV for claims and litigation use.

## ■ Two Masters: Ethical Considerations for In-House Counsel

### *Cape Cod Hall*

Denise Lubliner, *Sr. Trial Attorney*  
Woods Law Group

William Woods, *Partner*  
Woods Law Group

This presentation will address the ethical considerations that are unique to in-house practice. The principal topics will be identifying the client, avoidance of conflicts of interest, the perils of the dual role of attorney and advisor, the ethical considerations for attorneys whose clients also serve as their employers, and the risk of unlicensed practice of law in corporate roles.

**3:00-3:15 Networking Break - Newport East**  
*Sponsored by Sugar Orthopaedics*

**3:15-4:15**

## ■ Withholding Discovery Without a Privilege: When to Disclose Video of the Incident

### *Newport West*

Brad Bell, *Founder*  
Bell Law Group, PA

Bowen Brown, *Partner*  
Bell Law Group, PA

This session will explain how you can withhold surveillance video of an incident until after the Plaintiff’s deposition. The presenters will share the Plaintiffs’ counsels’ motions to compel the production of such videos before their clients’ depositions, effective defense responses and arguments, and multiple orders from various jurisdictions denying those motions.

## ■ Protecting Your Biomechanical Expert

### *GH Salons 3-4*

Benny Kashi, *Partner*  
Cooney Trybus Law

This course will discuss common attacks made by the plaintiff’s bar against our biomechanical experts and how to anticipate and counteract them.

# THURSDAY, JUNE 6, 2024

3:15-4:15

## ■ Ten Things Every Attorney Should Know When Reviewing a Life Care Plan

### *Cape Cod Hall*

Danielle Boring, *Attorney*  
McEwan, Martinez, Dukes & Hall PA

Michael Fryar, *Partner*  
InQuis Global

Jud Woody, *General Counsel and Founder*  
InQuis Global

The presentation will focus on trends around the country in life care planning. Ten scenarios will be discussed from actual cases that have been observed where Defense Attorneys have missed the opportunity to capitalize on both obvious and more difficult to spot issues within a life care plan and how to neutralize their impact.

4:15-5:15

## ■ Fighting Fraud: Detecting Dishonesty and Litigating Lies

### *Newport West*

Amy Lee, *Attorney*  
Scarborough Attorneys at Law

Matthew C. Scarborough, *Managing Partner*  
Scarborough Attorneys at Law

A session focused on fighting fraud and potent strategies to litigate a winning result. Topics include examinations under oath, effective depositions, motions to dismiss for fraud, utilizing surveillance, and powerful cross-examinations at trial. Learn to set up a targeted strategy from the beginning and cut through the web of deception.

## ■ Exposing The Unseen: Metadata, Geotagging, and Data in Claims

### *GH Salons 3-4*

Tanaz Salehi, *Founder, Managing Shareholder*  
Salehi Boyer Lavigne Lombana, P.A.

Using technology, metadata, geotagging, and various applications to fight insurance fraud with practical tips and guidelines. The course will also discuss using metadata as evidence in your case. The course information applies to both first party property cases and liability cases.

## ■ Take Charge: Battery Evaluations and Litigation

### *Cape Cod Hall*

Justin Clark, P.E., *Electrical Engineer*  
SEA, Ltd.

Brendan N. Keeley, *Partner*  
Baumann, Gant & Keeley, P.A.

This presentation will cover lithium-ion battery impact, applications, fundamentals, mitigation strategies, and post-incident failure analysis. By highlighting the interplay between prevention, control, and post-event analysis, our talk aims to provide a comprehensive understanding of the safety and investigative measures surrounding lithium-ion batteries, enhancing both prevention strategies and investigative accuracy.

5:30 - 7:30 PM

*Welcome Reception*

Atlantic Dance Hall / Sponsored by Addison Riley

*Join us for the installation of the  
2024-25 Board of Directors*

# FRIDAY, JUNE 7, 2024

## 7:00-8:30 Registration and Full Breakfast - *Newport East*

*Sponsored by Sdii*

## 7:30-8:30 Character Meet and Greet - *TBD*

### 8:30-9:30

#### ■ **Sanctions! 57.105, Proposals for Settlement, *Kozel*, and *Danis***

##### *Newport West*

Christopher S. Dutton, *Partner*  
Dutton Law Group

Scott Dutton, *Partner*  
Dutton Law Group

This presentation includes an analysis of medical malpractice arbitration including procedures, presuit discovery in anticipation of arbitration, identifying cases suitable for arbitration, reporting ramifications, negotiation tactics, awardable damages per statute versus judicial interpretation, and a review of recent arbitration versus verdict awards.

#### ■ **Medical Malpractice Arbitration and Case Law Update**

##### *GH Salons 3-4*

Julie Brodis, *Partner*  
Estes Ingram Foels & Gibbs PA

Joe Longfellow, *Partner*  
Andrews Crabtree Knox & Longfellow

Wilbert Vancol, *Shareholder*  
McEwan, Martinez, Dukes, Hall & Vancol PA

This presentation includes an analysis of medical malpractice arbitration including procedures, presuit discovery in anticipation of arbitration, identifying cases suitable for arbitration, reporting ramifications, negotiation tactics, awardable damages per statute versus judicial interpretation, and a review of recent arbitration versus verdict awards.

### 9:30-10:30

#### ■ **Punitive Damages: The Statute Means What It Says**

##### *Newport West*

J. Richard Caldwell, Jr., *Of Counsel*  
Rumberger Kirk

Brittney Polo, *Associate*  
Rumberger Kirk

This topic includes an analysis of recent cases arising under Fla. Stat. sec. 768.72. Statutory provisions are reviewed, decisions of the 1st, 2d, 4th, and 5th DCAs are discussed, and differences in approach among those courts are noted. Plaintiffs contrast these recent decisions with earlier case law, which seemingly utilized a more permissive approach to addition of punitive damages claims.

#### ■ **From Litigation to Ledger: Maximizing a Medical Billing and Coding Expert in the Tort Reform Era**

##### *GH Salons 3-4*

Laurette Balinsky, *Partner*  
Luks Santaniello Petrillo Cohen & Peterfriend

Toni Elholms, *CCS, CPC, CPMA, CRC, CRC*  
*Medical Coding and Billing Expert*  
AccuMed

It is no secret that the cost of medical treatment in personal injury cases is skyrocketing at unprecedented rates due to inflated medical billing and fraudulent coding tactics. Today's interactive session will discuss current trends in litigation from both an attorney and medical billing and coding expert's perspective.

#### ■ **Remand to State Court, Attorney's Fees upon Remand, and Appealability of Remand and Fee Orders**

##### *Cape Cod Hall*

Mihaela Cabulea, *Partner*  
Butler Weihmuller Katz Craig LLP

This presentation discusses remand of diversity cases from federal court to state court and attorney's fees awards upon remand. The focus is on the limited grounds for appealing remand orders and on the appealability of fee awards upon remand. The presentation includes a discussion of a recent Second Circuit Court of Appeals opinion that addresses a limited ground for appellate review of remand orders.

### 10:30-10:45 - Networking Break - *Newport East*

*Sponsored by Alpha Engineering*

### 10:45-11:45

#### ■ **Changes In Certiorari Jurisdiction in Medical Malpractice Cases Regarding Presuit Compliance by Plaintiffs - UNIV. OF FLA. BD. OF TRS. V CARMODY, 372 So.3d 246 (FLA. 2023)**

##### *Newport West*

Brian W. Boelens, *Senior Litigation Attorney*  
Florida Board of Governors Self-Insurance Programs

Christine R. Davis, *Attorney*  
Davis Appeals

Francis E. Pierce, III, *Partner*  
Dinsmore & Shohl, LLP

This presentation will track the process of a unilateral Court change to the Florida Rules of Appellate Procedure providing for certiorari jurisdiction for denials of motions to dismiss in medical malpractice cases involving the qualifications of Plaintiff's experts.

# FRIDAY, JUNE 7, 2024

10:45-11:45

## ■ Using Probate and Guardianship to Prevent Failure to Settle

### *GH Salons 3-4*

David Krouk, *Partner*  
Butler Weihmuller Katz Craig LLP

Jesus O. Valentino, *President*  
Valentino Law PLLC

This course will discuss the settlement of liability claims involving minor claimants, deceased claimants and incompetent claimants. We will explore the use of the probate process to ensure enforceable settlement agreements involving these types of claims, including protections for the insured defendant and the insurance company under the safe harbor provisions of the 2023 Tort Reform Act.

## ■ Reconstructing Vehicular Accidents using Technology

### *Cape Cod Hall*

Ian Grissom, BSME ACTAR, *Sr. Accident Reconstructionist*  
ARCCA

This course will discuss the crucial role that accident investigation and reconstruction play in resolving vehicle-related cases. This discussion will focus on the new trends in accident reconstruction and the tools and technology that reconstructionists utilize throughout their investigations.

11:45-1:00 - Lunch - *Newport East*

*Sponsored by Walton Lantaff Schroeder & Carson LLP*

1:00-2:00

## ■ Multiple Claimants/Inadequate Limits: “Globals” in the Post-Tort Reform World

### *Newport West*

Kelly Gillis, *Partner*  
Boyd & Jenerette

C.J. Gomes, *Partner*  
Boyd & Jenerette

Pamela Nelson, *Partner*  
Boyd & Jenerette

March 2023 marked the beginning of substantial changes to the tort law in Florida, including the creation of Florida Statute § 624.155 (6). This new subsection establishes safe harbors for insurers to avoid bad-faith liability when confronted with multiple competing claims which may exceed the policy limits. This presentation will explore what we have learned and encountered thus far in the application of Section 624.155 (6).

1:00-2:00

## ■ Negligent Security in the Age of Florida Tort Reform

### *GH Salons 3-4*

Yasir Billoo, *Managing Partner*  
International Law Partners LLP

Joseph Tessitore, *Of Counsel*  
Moran Kidd

Joshua Walker, *Partner*  
Walker, Revels & Greninger PLLC

Before the 2023 tort reform, negligent security cases in Florida were some of the most explosive in the country. However, the tort reform will change the landscape significantly and we should discuss the specific changes and how they will impact future cases.

2:00-3:00

## ■ Preserving the Truth, Spoiling the Game: A Floridian Tale of Evidence and Law

### *Newport West*

Jason Boone, *Partner*  
Roig Lawyers

Philip Colesanti, *Partner*  
Roig Lawyers

This course examines evidence preservation, including requirements, consequences, and outcomes. We'll discuss spoliation claims, obligations for maintaining evidence, sanctions, and presumptions for non-compliance, and best practices for adherence and ethical considerations, using case law, statutes, and other materials.







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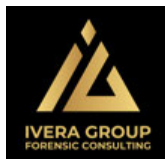
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