June 21 – 22, 2016 | Union League | Philadelphia, PA

15th Annual Advanced Forum on Obstetric Malpractice Claims

Learn from:

Mary E. D’Alton, MD
Columbia University
Bruce Patsner, MD
INOVA
Jeffrey Segal, MD, JD
Medical Justice Services, Inc.
Gilbert I. Martin, M.D.
Citrus Valley Medical Center
Emily Marko, MD
INOVA
David A. Clark, MD
Albany Medical College
Max Wiznitzer, MD
CWRU School of Medicine
Harry F. Farb, MD
Obstetrician and Maternal Fetal Medicine Specialist
Michael G. Ross, MD, MPH
Harbor-UCLA Medical Center

Sessions include:

• Obstetric Malpractice Year in Review
• Damages and Life Care Plans
• The New “Burden” of Proof in OB Cases:
  Electronic Medical Records
• Implementing Preventive Measures, Reducing Risk and Managing Adverse Outcomes
• The Challenges of Informed Refusals and Home Births
• “Simulation” – the New OB Standard of Care?
• Fetal Brain Development – Genetic and Intrauterine Influences
• The Anatomy of an Obstetric Malpractice Case
• Perinatal, Infant and Toddler Factors Causing Brain Damage
• Neonatal Brachial Plexus Palsy
• Category Two Fetal Monitoring Strips
• Neonatal Brain Injury
• Indemnity Funds and New Tort Reform
• Catastrophic Verdicts, Reinsurance and The Patient Safety Movement
• Neonatal Encephalopathy Perspectives from the ACOG AAP Revision

Industry Insights From Leaders at:

Pro-Praxis, MMCIP, MIEC, Gallagher-Bollinger, PPAHS, Mount Carmel St. Ann’s, CRICO, Life Expectancy Project, TransRe, Women’s Health Connecticut, CNA, Willis, BH Specialty and more!

Plus, an esteemed “View From the Bench” panel – see Day 2 for more details
Be a part of the nation’s premier obstetric malpractice conference and ensure that you stay current on the evolving standards of care, emerging theories of liability, and new defense strategies.

Obstetric malpractice cases continue to result in massive verdicts, reaching amounts in excess of $100 million. Claims are evolving in response to advances in medical technology, which can increase the potential for errors in the delivery room. Further, new standards of care are emerging and with these new standards come new malpractice claims. Given the state of obstetric malpractice, it is essential that all those along the obstetric malpractice continuum, including medical professionals, risk managers, insurance professionals, plaintiffs’ attorneys, and defense counsel, be current on the latest claims and defense strategies and how they are impacting the practice.

American Conference Institute’s 15th Annual Advanced Forum on Obstetric Malpractice Claims will bring together an unparalleled faculty of medical experts, risk managers, insurance professionals, and leading plaintiffs’ and defense attorneys, who will provide you with the most up-to-date information on complex medical issues and litigation hurdles, including:

• Obstetric Malpractice Year in Review: Inside the Year’s top Cases and Most Recent Claims – How They Will Dictate the Future, Emerging Trends, New Risks, and What to Expect in the Year Ahead
• Damages and Life Care Plans
• The New “Burden” of Proof in OB Cases: Electronic Medical Records
• Implementing Preventive Measures, Reducing Risk and Managing Adverse Outcomes
• You Can’t Control What You Can’t Control: The Challenges of Informed Refusals and Home Births
• “Simulation” – the New OB Standard of Care?
• Fetal Brain Development – Genetic and Intrauterine Influences
• The Anatomy of an Obstetric Malpractice Case: An Examination of Every Stage and Trial Techniques
• Perinatal, Infant and Toddler Factors Causing Brain Damage
• Neonatal Brachial Plexus Palsy
• Category Two Fetal Monitoring Strips: Safeguarding Against Incorrect Readings and Responses
• Neonatal Brain Injury: Assessing the Standard of Care and Determining the Timing and Causation of an Injury
• Indemnity Funds and New Tort Reform: Early Recognition of Injury, Disclosure, Investigation, Settlement Negotiations and ADR
• Catastrophic Verdicts, Reinsurance and The Patient Safety Movement

Who Should Attend:

» Lawyers, both plaintiff and defense, who litigate medical malpractice cases attend in order to get a solid grounding on the latest medical issues upon which cases are based. Our faculty of medical and legal experts from around the nation will provide you with the information and strategies that are essential to achieve the best outcomes for your clients

» Doctors, nurses and hospital risk/quality assurance managers attend in order to benchmark their current practices and procedures and develop a deeper understanding of the current state of obstetric malpractice litigation

» Insurance professionals attend in order to obtain valuable insights and strategies for assessing professional negligence claims and to better understand litigation strategies and hospital risk management techniques

Register now by calling 1-888-224-2480 or by faxing your registration form to 1-877-927-1563. You can also register online at www.AmericanConference.com/ObMal

Join the Conversation  @ACILegal  #ACIObstetricMal  Reinsurance/Insurance
Day One:
Tuesday, June 21, 2016

7:15  
Registration and Continental Breakfast

8:00  
Co-Chairs’ Opening Remarks
Joseph S. Picchi  
Partner  
Galloway, Lucchese, Everson & Picchi
Norman D. Tucker  
Of Counsel  
Sommers Schwartz

8:05  
Robert Allen  
President  
Pro-Praxis
Susan Durbin Kinter  
Vice President Claims, Litigation & Risk Management  
Maryland Medicine Comprehensive Insurance Program
Michael Anderson  
Senior Claims Examiner/Risk Specialist  
Medical Insurance Exchange of California
Brian Kern  
NE Regional Director, Healthcare  
Gallagher-Bollinger
Molly L. Farrell  
Risk Consultant  
DC Risk Solutions
John S. Moore  
Director - Specialty Strategic Claim  
CNA

9:25
Obstetric Malpractice Year in Review: Inside the Year’s Top Cases and Most Recent Claims – How They Will Dictate the Future, Emerging Trends, New Risks, and What to Expect in the Year Ahead
Paul Greve  
Executive Vice President  
Willis Health Care Practice
Victoria L. Vance  
Chair, Healthcare Practice Group  
Tucker Ellis, LLP
Mark J. Brice  
Of Counsel  
Decof, Decof & Barry
This session will offer an in-depth examination of the year that was and the year ahead. Discussions will include the latest on pattern cases, recommendations for updating strategies in response to recent claims and pivotal cases, and how to coordinate defense efforts when faced with litigation. Experts will provide you with insight on where the trends are headed and the potential risks involved. This session will substantively set the tone for an interactive and insightful two days.

10:20
The Anatomy of an Obstetric Malpractice Case: An Examination of Each Stage, Including Trial Techniques
Roger E. Harris  
Partner  
Swift, Currie, McGhee & Hiers, LLP
Tammy L. Wade  
Shareholder  
Johnson & Bell, Ltd.
Andrew S. Kaufman  
Partner  
Kaufman Borgeest & Ryan LLP
Richard J. Federowicz  
Shareholder  
Dickie, McCamey & Chilcote, P.C.
• Investigating the facts concerning liability, causation, and damages: what is relevant?
• Ensuring that your client is prepared for trial
• Trial briefs and motions in limine
• Overcoming the challenges of representing the institutional client

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Learn from and network with speakers from:
Pro-Praxis
Maryland Medicine Comprehensive Insurance Program
Medical Insurance Exchange of California
Gallagher-Bollinger
Willis Health Care Practice
Physician-Patient Alliance for Health & Safety
Mount Carmel St. Ann’s
CRICO
Life Expectancy Project
Transatlantic Reinsurance
Women’s Health Connecticut, Inc.
CNA
Willis
Berkshire Hathaway Specialty Insurance
Trinity Health

Register Now | 888 224 2480 | AmericanConference.com/ObMal
Some of the Featured Speakers for this June in Philadelphia Include:

Tammy L. Wade
Johnson & Bell, Ltd.

Mark J. Brice
Decof, Decof & Barry

Angela W. Russell
Wilson Elser Moskowitz Edelman & Dicker LLP

Ralph F. Valitutti
Wagner Valitutti & Sherbrook

John E. Hall
Hall Booth Smith, P.C.

Norman D. Tucker
Sommers Schwartz

John Moore
CNA Insurance

- Giving an effective opening statement
- Effective use of exhibits
- Final arguments and closing statements
- Making the case for or against damages

11:30
The New “Burden” of Proof in OB Cases: Electronic Medical Records

Joshua R. Cohen
Partner
DeCorato Cohen Sheehan & Federico LL

John A. Scully
Partner
Cooper & Scully, P.C.

Joseph S. Picchi
Partner
Galloway, Lucchesse, Everson and Picchi

• Practical and Legal Issues and Solutions
• Problems: everyone using a different copy; too many pages and too little information; and is the hard copy form admissible as an exception to the hearsay rule on business records if not in the same form as when created?
• The audit log – the rest of the record. Where to look, what looking for and how to combine with the substantive entries
• The 10 most common mistakes/problems in using EMR
• The discovery evidentiary problems of using “scribes”
• Residents required training in EMR

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The New “Burden” of Proof in OB Cases: Electronic Medical Records

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• Residents required training in EMR

2:35
Fetal Brain Development – Genetic and Intrauterine Influences

David A. Clark, MD
Chair, Dept. of Pediatrics
Albany Medical College

Gilbert I. Martin, M.D.
Director Emeritus NICU
Citrus Valley Medical Center

• Basic brain anatomy
• Genetic disease and syndromes with brain malformations
• Maternal factors affecting fetal brain development
• Diabetes
• Maternal nutrition
• Smoking tobacco, drinking alcohol
• Maternal fever
• Illegal drug use
• Transplacental infections
• Prescribed medication
• Hydantoin, narcotics

3:45
Perinatal, Infant and Toddler Factors Causing Brain Damage

Max Wiznitzer, MD
Pediatric Neurology
CWRU School of Medicine

• Dendritic growth and synapse formation
• Nutritional impact on brain growth
• Breast milk v. infant formula
• Child abuse/neglect
• Failure to thrive
• Perinatal/Postnatal infections
• Herpes
• Enteroviruses
• Group B Strep
• Encephalitis
• Meningitis
• Metabolic disease
• Damaging what was once a normal brain
• Hypothyroidism
• Amino acidurias
• Lipid disorders (myelin)
• Newborn screening programs
• Neonatal neurotoxins
• Bilirubin, ammonia
• Perinatal asphyxia
• Acidosis, ischemia, hypoxia

4:25
Afternoon Break

4:35
Neonatal Brachial Plexus Palsy

Brant Poling
Partner
Poling Law

Stephen H. Mackauf
Partner
Gair, Gair, Conason, Rubinowitz, Bloom, Hershenhorn, Steigman & Mackauf

• Brachial plexus: injury with and without shoulder dystocia
• Fundal pressure, expulsive forces and clinician applied forces
• Failure to detect macrosomia
• Understanding the key risk factors for shoulder dystocia, how they should be managed, and the delivery note
• The Expulsion Defense and its impact on juror’s perception of defense credibility and verdicts

5:30
Category Two Fetal Monitoring Strips: Safeguarding Against Incorrect Readings and Responses

Harry F. Farb, MD
Obstetrician and Maternal Fetal Medicine Specialist

Angela L. Carr
Partner
Barton Gilman LLP

• An update on fetal strip categorization
• Ensuring accurate readings and interpretations of fetal strips
• Assessing emerging technologies that can assist with evaluations and interpretations of fetal heart rate patterns
• Common claims of negligence involving Fetal Monitoring Strips
• Degree of sophistication of training of OB nurses regarding fetal monitoring and the disputes between doctors and nurses when a strip is misread
• Potential liability resulting from a lack of FM scrutiny by a physician
• Avoiding the pitfalls of overreliance on fetal heart rate algorithms

6:25
Conference Adjourns

Day Two:
Wednesday, June 22, 2016

7:30
Continental Breakfast

8:00
Special Address: Neonatal Encephalopathy Perspectives from the ACOG AAP Revision

Mary E. D’Alton, MD
Department of Obstetrics & Gynecology
Division of Maternal Fetal Medicine
Columbia University

8:40
View From the Bench: Judges Will Tell You What Works and What Doesn’t in Their Courtrooms, Why Parties Succeed and Don’t Succeed in Med Mal Cases, Novel Trial and Case Management Strategies, Examples of Bad Lawyering and More

Hon. Jack Tuter
Florida Circuit Court Administrative Judge
17th Judicial Circuit Court of Florida

Hon. John M. Younge
Philadelphia Court of Common Pleas

Hon. Mark Bernstein
Philadelphia Court of Common Pleas

Moderator:
Adam J. Davis
Shareholder
Reminger Co.

9:40
“Simulation” – the New OB Standard of Care?

Emily Marko, MD
Clerkship Director and Director of Simulation Training
INOVA

Carol Keohane
Assistant Vice President, Patient Safety
CRICO

William F. Cunningham
Partner
Cunningham, Meyer & Vedrine

• The science behind simulation
• How simulation clinical trials and medical literature may be changing the standards of care and the implications for malpractice litigation
• Emerging standards of care for infants born with brain injuries and other emergency situations
• When is simulation not enough or what can you only learn through patient care
• What new standards mean for doctors, nurses and various medical professionals

11:50
Neonatal Brain Injury: Assessing the Standard of Care and Determining the Timing and Causation of an Injury

Michael G. Ross, MD, MPH
Chairman, Dept. of Ob/Gyn
Harbor-UCLA Medical Center

• Neuroimaging and radiology
• Pediatric Neurology – determining when the injury occurred
• The impact of intrauterine infections and genetic disorders on the placenta and fetus
• Assessing the role of cytokines in the development of long-term neurological defects

10:50
You Can’t Control What You Can’t Control: The Challenges of Informed Refusals and Home Births

Kristi L. McClure
Clinical Educator, Perinatal Services
Mount Carmel St. Ann’s

Eric Stockman
Principal
Neubert, Pepe & Monteith, P.C.

Eric J. Frisch
Partner
Carlock, Copeland & Stair, LLP

• Liability issues surrounding refusal of standard of care
• Refusing a C-section for fetal distress
• Home births gone wrong
• What is the liability for nurse, physician, facility, etc.
• Against-Medical-Advice discharge
• Ascertainment if cytokines were created by HIE injury or infection
• Detecting signs or symptoms of infection prior to delivery
• Infection as a causal element of cerebral palsy

12:50
Networking Luncheon for Speakers and Attendees

1:50
Indemnity Funds and New Tort Reform: Early Recognition of Injury, Disclosure, Investigation, Settlement Negotiations and ADR

Norman D. Tucker
Of Counsel
Sommers Schwartz

Courtney Koch
Complex Claims Examiner
Berkshire Hathaway Specialty Insurance

Michelle Aiello, RN, JD
Director, Claims Services
Trinity Health

• “The New Tort Reform” – the philosophy, economic forces, results driving the new claims approach, and ACOG’s position
• Determining whether to settle or defend a claim and the claims evaluation process
• “Bed side manner” – contacting injured patients and families, and recommending they contact an attorney
• Meeting with claimants and counsel to establish willingness to cooperate
• Voluntary exchange of pre-suit discovery and the “new attitude” required
• When, which cases, why, and how one should pursue pre-suit settlement

2:50
Afternoon Break

2:55
Damages and Life Care Plans

Robert Shavelle, PhD, FAACPDM
Technical Director
Life Expectancy Project

John S. Picchi
Partner
Galloway, Lucchese, Everson and Picchi

Joseph S. Picchi
Partner
Galloway, Lucchese, Everson and Picchi

John E. Hall
Partner
Hall Booth Smith, P.C.

• Case studies and the future of the collateral source rule
• Mitigation of Damages
• Burden of proof and the affirmative defense
• Expert testimony
• Billed rates and negotiated rates
• Life expectancy
• The surge of applicants entering an already stressed system as a result of Obamacare

4:05
Catastrophic Verdicts, Reinsurance and The Patient Safety Movement

Richard Henderson
Vice President
Transatlantic Reinsurance

Paula Greenberg
Senior Vice President, Clinical Operations and Programs
Women’s Health Connecticut, Inc.

Brad Gabbard
Senior Vice President
Willis

Ralph F. Valitutti
Principal
Kitch Drugas Wagner Valitutti & Sherbrook

• Reasons for the ever increasing amounts of obstetric malpractice verdicts
• The Patient Safety Movement: born out of the fear induced my monster verdicts, physicians are more likely to offer the cesarean option, even in the absence of any actual medical purpose
• Defensive medicine and the decision to offer the cesarean section

4:55
Conference Ends

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Director of Sales, American Conference Institute
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w.tyler@AmericanConference.com
The Union League, which occupies an entire city block in the center of Philadelphia's commercial and cultural district, is a shining jewel of history in a city defined by such treasure. Founded in 1862 as a patriotic society to support the policies of President Abraham Lincoln, The Union League has hosted U.S. presidents, heads of state, industrialists, entertainers and visiting dignitaries from around the globe. The classic French Renaissance-styled League House, with its brick and brownstone façade and dramatic twin circular staircases leading to the main entrance, is listed in the National Historic Register, and dates back to 1865, when the Broad Street building was completed. Adorning the walls and hallways is the League's distinguished art collection, artifacts imbued with the heritage and culture of its membership. The collection is a rich, historical chronicle of Philadelphia's unique imprint upon the American landscape from the nineteenth century to today.
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15th Annual Advanced Forum on

OBSTETRIC MALPRACTICE CLAIMS

American Conference Institute
45 West 25th Street, 11th Floor
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This year marks 30 years since the inception of C5 Group. It is time to match our brand with the dynamic strides we have made. See inside for details...

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