



MAY 2–3, 2019 | PLYMOUTH

6TH ANNUAL

No-Fault *summit*

Advocate Effectively with Expert Insight

Cosponsor

The Negligence Law Section
of the State Bar of Michigan

Something for Everyone

Comprehensive Updates
Insight from the Bench
Best and Worst of Adjuster Depositions

REGISTER TODAY

www.icle.org/no-fault
877-229-4350



THE INSTITUTE OF CONTINUING LEGAL EDUCATION
The education provider of the State Bar of Michigan

The State Bar of Michigan • The University of Michigan Law School • Wayne State
University Law School • University of Detroit Mercy School of Law • Western Michigan
University Thomas M. Cooley Law School • Michigan State University College of Law

NEW!

This event helps you save on
malpractice insurance. *See page 5.*

Advocate Effectively with Expert Insight

Deliver the results your clients demand. No matter which side you practice on, gain new perspectives from trial court judges, insurance professionals, and plaintiff and defense lawyers. Get insight straight from the bench with a judges' panel on PIP and provider litigation. Check out all-new tracks focused on liens and third-party experts.

PRACTICAL INSIGHT FROM THE BENCH

Develop your strategy with first-hand insight on discovery and motion practice issues. Judges who have heard PIP cases and provider litigation explain their individual approaches so you can demystify the variations. Identify best practices and improve your advocacy.



Hon. Annette J. Berry
3rd Circuit Court, *Detroit*



Hon. Joseph F. Burke
15th District Court, *Ann Arbor*



Hon. Timothy P. Connors
22nd Circuit Court, *Ann Arbor*

“Thorough, as always.”

“Cutting-edge info.”

“Great overview of cases.”

“Informative, concise.”

“The update was worth its weight in gold.”

COMPREHENSIVE UPDATE SESSIONS

In just six short years of the summit, our updates have become the premier place for Michigan lawyers to get the latest developments that impact their practice. It's all here: first-party litigation; third-party threshold; court rules and new legislation; coverage and exclusions; and benefits, setoffs, and priorities. Hear from no-fault groundbreakers who've been presenting for us since the very beginning. The rave reviews speak for themselves.

SOMETHING FOR EVERYONE

The Climate After *Covenant*

Get the latest developments, including the implications of MCL 500.3145. Understand the impact of the lawsuit date (versus date of assignment). Explore where provider claims stand, the aftermath of *Shah v State Farm*, and more.

A Three-Part Look at Liens

Don't be blindsided. Avoid pitfalls with expert advice on Medicare/Medicaid, ERISA, and medical provider/attorney liens.

Social Media Discovery Dilemmas

Deleted Facebook posts and apps like Fitbit throw a new wrench into discovery. Navigate this evolving area with advice from both sides.

A Deeper Dive on TBI

Proving a TBI is tricky. Who's involved? What do you look for? Understand the scientific aspects and get advice from a clinical psychologist.

Common (and Not-So-Common) Issues

Core Concepts—our most popular track—is not just for newer lawyers. Explore periods of notice, reasonable and customary pricing, out-of-state crashes, and more.

“The *No-Fault Summit* is a great opportunity to catch up on changes to the law and hear a variety of presentations on pending issues.

Melanie Francoise Fradette, The Auto Club Group, *Dearborn*



THE BEST (AND WORST) OF ADJUSTER DEPOSITIONS

Watch video clips of real-world scenarios, then get the experts' takes. Both plaintiff and defense counsel share perspectives on what can send a deposition downhill. Walk away with less fear of the process and effective tools you can immediately use in your practice.

Agenda

CLE: 8 | Level: Basic/Intermediate/Advanced

8:00am Registration, Continental Breakfast, and Vendor Showcase (Both Days)

THURSDAY, MAY 2, 2019

9:00am Welcome, Introductions, and Report on Summary Jury Trials

9:30am First-Party Litigation Update

10:15am Timing Is Everything: Where *Covenant* Stands as the Dust Settles

11:00am Networking Break

11:15am Court Rules and New Legislation Update

11:45am Third-Party Threshold Litigation

12:45pm Networking Lunch

	Core Concepts Track	Intermediate/Advanced Track	Liens Track
2:00pm	Periods of Notice and Statute of Limitations	Autonomous Vehicle Update: The Intersection of Technology and Law	How to Deal with Medicare and Medicaid Liens
2:50pm	But, Is the Price Right? Reasonable and Customary Pricing in Provider Litigation and PIP Cases	Proving Traumatic Brain Injury	ERISA Health Insurance Liens In Your No-Fault Case
3:30pm	Networking Break		
3:45pm	Out-of-State Crashes or Out-of-State Residents in Your No-Fault Case	Trucking Accidents: What You Need to Know	Medical Provider Liens and Attorney Liens

4:25pm Networking Reception

FRIDAY, MAY 3, 2019

9:00am Coverage and Exclusions Update

9:45am No-Fault Benefits, Setoffs, and Priorities Update

10:30am Networking Break

	Third-Party Experts Track ¹	Claims Professional Track ¹	Bench & Bar Track ¹
10:45am	Accident Reconstruction and Biomechanics Deconstructed	Social Media Discovery	Judges' Panel: Trials and Motion Practice in PIP Cases and Provider Litigation
11:40am	Human Factors: Assessing True Visibility and Conspicuity	The Good, Bad, and Ugly of Adjuster Depositions	ADR in No-Fault: 4Ws—When, Why, Writing, Winning!

¹MP3 download available for all sessions of this track to all registrants after the seminar

Accommodations

The Inn at St. John's

44045 Five Mile Road
Plymouth, MI 48170

A block of rooms has been reserved at The Inn at St. John's, Plymouth, under ICLE/No-Fault Summit for May 1–2, 2019. The room rate is \$154/night.

Please call 734-414-0600 to reserve a room.

Reservations must be made by 04/09/19. Registrants are responsible for their own hotel expenses.

Plenary Sessions

9:00am/Thursday

Welcome, Introductions, and Report on Summary Jury Trials

Robert M. Raitt, Chair, Negligence Section of the State Bar of Michigan, Michigan Auto Law, *Farmington Hills*

9:30am/Thursday

First-Party Litigation Update

Stay up to date on essential first-party no-fault cases. Confidently advise your clients about issues such as litigating attendant care, home modifications, and transportation issues. Explore no-fault attorney fees and using evidence and trial proofs effectively.

Robert E. Logeman, Logeman Iafraate & Logeman PC, *Ann Arbor*

10:15am/Thursday

Timing Is Everything: Where Covenant Stands as the Dust Settles

Keep up to date on the latest developments in the *Covenant* progeny. Understand the impact of the date of the lawsuit versus the date of assignment on a provider's claim under *Covenant*. Analyze the implications of MCL 500.3145 and identify the critical differences between an amended complaint and supplemental pleading. Evaluate the effect of a plaintiff's assignment after the filing of their own lawsuit. Take an eye-opening look at real-world scenarios in the aftermath of *Shah v State Farm*.

Ronald M. Sangster, Jr., Law Offices of Ronald M. Sangster PLLC, *Troy*; Milea M. Vislosky, Miller & Tischler PC, *Farmington Hills*

11:15am/Thursday

Court Rules and New Legislation Update

Explore new legislation and proposed changes to the Michigan Court Rules that may directly impact your no-fault practice. Take away effective discovery strategies that can make your case stronger and reduce the need for motions. Gain practical insight on how these changes in the discovery rules can streamline your case and reduce costs to your clients.

David E. Christensen, Christensen Law, *Southfield*

11:45am/Thursday

Third-Party Threshold Litigation

Stay current on the latest legal and medical developments in this crucial area of no-fault practice. Get up-to-the-minute analysis of recent caselaw regarding serious impairment of a body function; permanent, serious disfigurement; and related medical and evidentiary issues.

Thomas G. Sinas, Sinas Dramis Law Firm, *Grand Rapids*

12:45pm/Thursday

Networking Lunch

Relax and join faculty, sponsors, exhibitors, and fellow registrants for a leisurely lunch.

4:25pm/Thursday

Networking Reception

Cap your day with an opportunity to connect with colleagues over light hors d'oeuvres and cocktails.

9:00am/Friday

Coverage and Exclusions Update

In this essential update, hear a discussion of the latest cases applying and interpreting the No-Fault Act's coverage provisions, MCL 500.3101, .3105(1), .3111, .3121(1), and exclusion provisions, MCL 500.3105(4), .3106, .3113, .3123, with commentary on their impact for plaintiff and defense practitioners.

James G. Gross, James G. Gross PLC, *Detroit*

9:45am/Friday

No-Fault Benefits, Setoffs, and Priorities Update

Explore the year's most significant decisions affecting benefits, setoffs, and priorities. This comprehensive update will provide the tools you need to address issues such as attendant care benefits, order of priority, governmental setoffs, and coordination of benefits.

Caryn A. Ford, Garan Lucow Miller PC, *Detroit*; Daniel S. Saylor, Garan Lucow Miller PC, *Detroit*

Moderators



Claims Professional Track

Ali A. Ajrouch
Law Offices of Joumana B. Kayrouz PLLC, *Southfield*

Third-Party Experts Track

Anthony Gerard Costanzo
Fortino Plaxton & Costanzo PC, *Alma*



Friday Plenary and Bench & Bar Track

Caryn A. Ford
Garan Lucow Miller PC, *Detroit*



Liens Track

Troy W. Haney
Haney Law Office, *Grand Rapids*



Thursday Plenary and Intermediate/Advanced Track

Robert M. Raitt
Chair, Negligence Section of the State Bar of Michigan, Michigan Auto Law, *Farmington Hills*



Core Concepts Track

Milea M. Vislosky
Miller & Tischler PC, *Farmington Hills*

Save More with ICLE

We've teamed with CNA and Paragon Underwriters to help you save on malpractice insurance. Now, the more you do with ICLE, the more you save!

LEARN MORE
www.icle.org/cna

2% major event savings is limited to one event per year.

Tracks

Core Concepts Track

2:00pm/Thursday

Periods of Notice and Statute of Limitations

Time limitations are critical to the recovery of PIP and PPI benefits. Gain keen insight from recent caselaw on what constitutes proper notice and the mechanics of the one-year-back limitation on damages under MCL 500.3145. Explore the time limitations for insurers seeking reimbursement from another no-fault insurer, the limitations applicable to UM/UIM claims, and issues surrounding the tolling of the statute of limitations. It's all here.

Thomas J. Dombrowski, Hom, Arene, Bachrach, Corbett, Kramer, Harding & Dombrowski, *Troy*

2:50pm/Thursday

But, Is the Price Right? Reasonable and Customary Pricing in Provider Litigation and PIP Cases

What constitutes reasonable and customary pricing is often a point of contention. Identify the requirements set forth in the No-Fault Act. Delve into relevant caselaw and the evidentiary issues surrounding burden of proof. Whether representing plaintiffs, defendants, or medical providers, take away practical tips to effectively handle these matters both before and after litigation.

Matthew Scott Payne, Sigal Law Firm PLLC, *Southfield*; Marcy A. Tayler, Kitch Drutchas Wagner Valitutti & Sherbrook PC, *Detroit*

3:45pm/Thursday

Out-of-State Crashes or Out-of-State Residents in Your No-Fault Case

Michigan residents injured in out-of-state crashes and out-of-state residents injured in Michigan crashes raise unique issues in no-fault. Learn how PIP coverage applies to Michigan accidents involving out-of-state residents or Michigan residents in out-of-state accidents. Explore how to effectively approach negligence claims when a Michigan resident is injured in an out-of-state crash and when out-of-state residents are injured in a Michigan crash.

Stephen H. Sinas, Sinas Dramis Law Firm, *Lansing*

Intermediate/Advanced Track

2:00pm/Thursday

Autonomous Vehicle Update: The Intersection of Technology and Law

Take a look at the latest developments in autonomous vehicles. Explore the different levels of autonomous technology and its impact on liability. Who is at fault when two autonomous vehicles, functioning as intended, collide? Delve into the new state and federal legislation and gain insight into the legal uncertainties of this evolving industry.

Allison D. Lazette-Magnan, Magdich Law PC, *Livonia*; Anthony Magnan, Verizon Wireless, *Southfield*

2:50pm/Thursday

Proving Traumatic Brain Injury

What specialists and medical experts are involved in proving a traumatic brain injury (TBI)? Learn the medicine and science behind TBI and gain expert insight into what to look for when a TBI is suspected. Take a first-hand look at the neuropsychological evaluation and explore other methods for demonstrating the existence of a TBI in your case.

Robert M. Raitt, Chair, Negligence Section of the State Bar of Michigan, Michigan Auto Law, *Farmington Hills*; Bradley Sewick PhD, Spectrum Rehabilitation Centers, Inc, *Southfield*

3:45pm/Thursday

Trucking Accidents: What You Need to Know

Gain insight on bobtail and commercial liability policies, and which insurer is on the hook for PIP and liability coverage in semi-truck and trailer accidents. Take a closer look at critical caselaw impacting coverage for employed truckers versus independent contractor owner-operators. Explore real-world situations that arise when truckers are (or are not) "under dispatch" to a trucking company.

Leo E. Januszewski, Law Offices of Ronald M. Sangster PLLC, *Troy*

Liens Track

2:00pm/Thursday

How to Deal with Medicare and Medicaid Liens

Are Medicare or Medicaid liens holding up settlement in your case? This session is for you. Take a practical look at the issues surrounding eligibility, notification, and conditional payments. Learn how to properly account for lien holders in your settlement release and prevent surprises when communicating with Medicare.

Alison Faith Duffy, Michigan Auto Law, *Farmington Hills*; Marcy B. Spitz, Massive, *Southfield*

2:50pm/Thursday

ERISA Health Insurance Liens In Your No-Fault Case

Learn to recognize whether an ERISA or non-ERISA plan is at play in your no-fault case. Analyze the seminal Michigan cases and develop a practical, step-by-step approach to navigate the complicated interplay between ERISA liens, PIP benefits, and third-party tort recoveries. Take away practical strategies to avoid the potential pitfalls posed by a state court declaratory judgment action and the One-Year Notice Rule. You can't afford to miss it.

Troy W. Haney, Haney Law Office, *Grand Rapids*

3:45pm/Thursday

Medical Provider Liens and Attorney Liens

Where do provider liens stand after *Covenant*? Explore the plaintiff and defense perspectives on what gives a provider the right to file a lien, timing of the patient's signature, and the interplay between assignments and liens. Gain insight into the effect of provider liens and attorney liens on settlements and the pitfalls to avoid. Delve into the practical issues surrounding voluntary pay situations, notice of settlement, and effective strategies to get your client paid.

Johnny A. Hamood, Koussan Hamood PLC, *Southfield*; David M. Pierangeli, McDonald Pierangeli MacFarlane PLLC, *Grand Rapids*

Tracks

Third-Party Experts Track

10:45am/Friday

Accident Reconstruction and Biomechanics Deconstructed

Walk through a step-by-step analysis of when to involve an accident reconstructionist and/or biomechanics expert in your case. Explore the strategic considerations of when (and who) should retain the expert, what type of expert is needed, and how to effectively utilize the expert analysis during each phase of discovery and trial. Deconstruct a real-world case study to understand how post-accident physical evidence can resolve disputes as to how the accident happened, injury causation, and fault.

Anthony Gerard Costanzo, Fortino Plaxton & Costanzo PC, *Alma*; Jerome Eck, Eck Engineering, *Sterling Heights*

11:40am/Friday

Human Factors: Assessing True Visibility and Conspicuity

Explore factors that affect visibility and conspicuity of pedestrians, bicycles and motor vehicles. Evaluate the limitations in drivers' capacities and understand why photographs and video data must be evaluated scientifically. Learn how hindsight bias of lawyers, witnesses, experts, and the jury will affect their perception of scene information and video evidence in your case.

Rosemarie Figueroa Jacinto PhD, Explico Engineering Co, *Novi*; Gary C. Rogers, Fraser Trebilcock, *Lansing*

Claims Professional Track

10:45am/Friday

Social Media Discovery

Social media posts can be pivotal to a personal injury claim or defense. Take an in-depth look at new apps that track activity and the tricky issues of discoverability, admissibility, and authentication. Explore the ethical limitations of what a lawyer can tell a client regarding removing posts or "adding" an opposing party on social media. Hear from both sides on how to use social media to your advantage and best practices for drafting and responding to social media discovery requests.

Nathan J. Edmonds, Secrest Wardle PC, *Troy*; Ali A. Ajrouch, Law Offices of Joumana B. Kayrouz PLLC, *Southfield*

11:40am/Friday

The Good, Bad, and Ugly of Adjuster Depositions

Get ready for real-world simulated deposition scenarios that will highlight the best (and worst) of adjuster depositions. Gain insight on how claim representatives and defense counsel can remove the fear of the deposition process and set expectations. Learn effective strategies for deposition prep and use of the claim file. Hear from both plaintiff and defense counsel on what can make the adjuster a dangerous witness in their case.

Karen W. Magdich, Magdich Law PC, *Livonia*; Amelia A. Mifsud, The Auto Club Group, *Southfield*; Sarah Stempky Kime, Christensen Law, *Southfield*

Bench & Bar Track

10:45am/Friday

Judges' Panel: Trials and Motion Practice in PIP Cases and Provider Litigation

From specific judicial protocols and motion practice to PIP cases and provider trials, get a view straight from the bench and take away insider tips to improve your advocacy.

Hon. Joseph F. Burke, 15th District Court, *Ann Arbor*; Hon. Timothy P. Connors, 22nd Circuit Court, *Ann Arbor*; Hon. Annette J. Berry, 3rd Circuit Court, *Detroit*

11:40am/Friday

ADR in No-Fault: 4Ws—When, Why, Writing, Winning!

Identify why and when to facilitate a no-fault case. Hear first-hand from experienced mediators and a skilled practitioner on the best (and worst) practices for writing facilitation summaries. Gain insider insight on effective negotiation strategies and pitfalls to avoid to maximize your success in the facilitation process.

Hon. Amy P. Hathaway (retired), *Grosse Pointe Park*; Wayne J. Miller, Miller & Tischler PC, *Farmington Hills*; Hon. James J. Rashid (retired), Judicial Resource Services PC, *Farmington Hills*

SILVER SPONSORS



MANAGED REHABILITATION Consultants, Inc.

Medical and Vocational Case Management Services



6TH ANNUAL

No-Fault *summit*

MAY 2–3, 2019

The Inn at St. John's, Plymouth



NEW!

This Event Helps You Save on Malpractice Insurance



THE UNIVERSITY OF MICHIGAN
INSTITUTE OF CONTINUING LEGAL EDUCATION

1020 Greene Street
Ann Arbor, MI 48109-1444

NONPROFIT ORG
U.S. POSTAGE
PAID
ANN ARBOR, MI
PERMIT NO. 106

ADDRESS SERVICE REQUESTED

4 Ways to Register

1
Online (with credit card)
www.icle.org/no-fault

2
Call (with credit card)
877-229-4350

3
Fax (form with credit card)
877-229-4351

4
Mail (form with payment)
ICLE, 1020 Greene St.
Ann Arbor, MI 48109-1444

A. Personal Info

Name _____

MI Bar# _____ ICLE P'ship# _____

Firm _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

E-mail _____

B. Summit Registration | Pick One

No-Fault Summit

- ☐ \$395 General
- ☐ \$365 Section Members
- ☐ \$345 ICLE Partner
- ☐ \$195 New Lawyer (0–3 Years in Practice P79840+)
- ☐ \$295 per Registrant (4+ Registrants from the Same Firm)¹
- ☐ FREE Judges (Limit 40)²

19CI-6310

C. Materials Format | Summit Registrants Pick One

- ☐ FREE Electronic Materials³
- ☐ \$25 Print Handbook and Electronic Materials³

D. Can't Attend the Summit?

Non-Registrants—Purchase the Electronic Materials and Select Recordings.

- ☐ \$195 Non-ICLE Partners
- ☐ \$136.50 ICLE Partners

E. Payment Info | Calculate Total and Select Check/CC

Summit Registration (Box B) \$ _____

Materials Format (Box C) \$ _____

Summit Materials for Non-Registrants (Box D) \$ _____
(Add 6% MI Sales Tax to This Line Only)

Total Amount Due \$ _____

☐ Check Check No. _____ Payable to: ICLE

☐ Visa ☐ Mastercard ☐ Amex ☐ Discover

CC No. _____ Exp. Date _____

Signature for CC _____

Prices guaranteed until 05/03/19. Cannot combine discounts. ¹Please attach additional sheet listing registrants attending. ²Current sitting state court judges (limit 40) attend free and must complete order form or call ICLE to register. ³Electronic materials will be posted online before the seminar. **Complete Seminar Policy:** www.icle.org/info/seminarpolicies. **Cancellation Policy:** For a full refund, notify ICLE by 04/18/19. Registrants who cancel after that date will be charged a \$60 cancellation fee. No refunds will be issued after 04/25/19. **Walk-in Registrations:** Permitted on a space-available basis or if registrants fail to claim their seat in the first 15 minutes of the seminar. **Persons with Disabilities or Dietary Restrictions:** For special arrangements please contact ICLE no later than seven days before the seminar. Winner of an Association for Continuing Legal Education Administrators Best Award for a CLE program.