

7TH ANNUAL

# No-Fault *summit*

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*See page 4.*



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# Reform Affects Everyone. Don't Navigate It Alone.

Get the latest thinking on no-fault reform from Michigan's best with this on-demand event. Experts explain reform from every angle in update sessions that are more critical than ever. Judges share their invaluable insights on motion practice and more. Learn how other plaintiff, defense, and claims professionals have been grappling with changes.

## You Will Be Able to:

- Navigate the return to the pre-*Covenant* standard in provider suits
- Keep current on fraud and the state's new auto insurance fraud unit
- Appropriately choose—or challenge—the IME expert
- Handle possible increases in tort claims and evidentiary issues
- Determine how discovery reform will affect your practice, including initial disclosures
- Apply the mechanics of new statutory tolling provisions
- Employ new strategies for doctor cross-examinations through real-life examples

*"Worth its weight in gold." "Thorough, as always." "Cutting-edge info." "Engaging, relevant."*

## THE UPDATES YOU NEED— NOW MORE THAN EVER

Get all of the comprehensive updates you've come to expect—with an emphasis on reform. It's all here: first-party litigation; third-party threshold litigation; civil discovery rule changes; coverages and exclusions; and benefits, setoffs, and priorities. Hear from no-fault groundbreakers. The rave reviews from past updates speak for themselves.



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

In one of five critical update sessions, Tom talks third-party threshold litigation, including serious impairment, disfigurement, and related issues.

## TOP THREE REASONS TO REGISTER FOR THE ON-DEMAND EVENT

- 1** No travel and hotel costs. We bring the experts to you.
- 2** Don't miss a thing. Get individual on-demand access to video recordings, written materials, and PowerPoints starting May 8, 2020.
- 3** Experience the event at your convenience. Review the content as often as you'd like with three-year access.



## SOMETHING FOR EVERYONE

### Grasp the Future of Tort Litigation

What is the scope of damages that may be recoverable going forward? Be prepared for the effects of reform on this as well as third-party litigation and liens. We've dedicated an entire track to all things tort-related.



**James R. Bradley**

*Secrest Wardle, Lansing*

James, chair of the Negligence Law Section, lends his expertise to the "Excess Damages and Life Care Planning" session.

### Hear Straight from the Bench

Improve your advocacy with insight from three circuit court judges representing Ingham, Wayne, and Kent counties. This panel will cover fraud motions, motions for summary disposition, civil discovery rule changes, and more.



**Hon. Wanda M. Stokes**

*30th Circuit Court, Lansing*

Judge Stokes is joined by Hon. Curt A. Benson and Hon. Muriel D. Hughes for a candid discussion you won't find anywhere else.

### Take a Deep Dive Into Medical Issues

Learn how to properly use medical records. Hear straight from a doctor. Get the latest on how reform impacts experts and IMEs. And don't miss an interactive session that will feature video examples of doctor cross-examinations.



**Jordan M. Jones**

*Michigan Auto Law,  
Farmington Hills*

Jordan teams up with Dr. Fernando G. Diaz from the Michigan Head & Spine Institute to bring you the latest on effective use of medical records.

### Get Three Perspectives on Fraud

Get a better grasp of what constitutes fraud and how the state's auto insurance fraud unit is enforcing it. In addition to Keisha L. Glenn, hear from Stanley J. Feldman of The Sam Bernstein Law Firm PLLC and Samantha J. Orvis of Garan Lucow Miller PC.



**Keisha L. Glenn**

*Department of Attorney General,  
Lansing*

Keisha provides the government perspective in our comprehensive "Fraud, Attorney Fees, and the Auto Insurance Fraud Unit" session.

“I need it as a judge, and I've been doing this since 1980. If you're even thinking of taking one case, this seminar is an absolute must.

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

“It brings together experienced practitioners from both defense and plaintiff sides. This is one of the only programs that does that.

*Sarah Stempky Kime, Christensen Law, Southfield*

Agenda

CLE: 8 | Level: Basic/Intermediate/Advanced

- 15 minutes Welcome, Introductions, and Update from the Negligence Section of the State Bar of Michigan
- 45 minutes First-Party Litigation Update
- 45 minutes Coverages and Exclusions Update—with the New Fee Schedule and Caps
- 45 minutes No-Fault Benefits, Setoffs, and Priorities Update
- 45 minutes Third-Party Threshold Litigation

	Core Concepts Track	No-Fault Track	Tort Track
40 minutes	No-Fault 101	Proper Notice, One-Year-Back, and Statutory Tolling After Reform	Excess Damages and Life Care Planning
40 minutes	The Current State of Medical Provider Litigation	Attendant Care Postreform: What You Need to Know	The New Normal: Predicting Third-Party Litigation Trends Postreform
40 minutes	Resolving Cases	Claims Handling and Adjuster Deps	Navigating Liens After No-Fault Reform

- 45 minutes Civil Discovery Rule Changes: What You Need to Know
- 50 minutes Judges’ Panel: Motion Practice, Expert Presentation, and Discovery Rules Changes

	Medical Track	No-Fault Track	Claims Professionals Track
45 minutes	Using Medical Records to Prove Your Case	Fraud, Attorney Fees, and the Auto Insurance Fraud Unit	Diagnosing Your Doctor: No-Fault Reform’s Impact on Experts and IMEs
45 minutes	Medical Experts: Make It or Break It?	The MCCA Now	Claim File Discovery in the Age of Required Initial Disclosures

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## Plenary Sessions

### Welcome, Introductions, and Update

**Duration: 15 Minutes**

James R. Bradley, Chair, Negligence Section of the State Bar of Michigan, Secrest Wardle, *Lansing*

### First-Party Litigation Update

**Duration: 45 Minutes**

Learn where we have been and where we are going in the changing landscape of Michigan no-fault litigation. From PIP choice to insurance agent liability to what is recoverable in tort, take away practice tips on how to cautiously navigate the uncharted waters of no-fault reform and excel in the uncertain environment.

Robert E. Logeman, Logeman Iafate & Logeman PC, *Ann Arbor*; John W. Whitman, Garan Lucow Miller PC, *Ann Arbor*

### Coverages and Exclusions Update—with the New Fee Schedule and Caps

**Duration: 45 Minutes**

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. Learn about the new coverage options for allowable expenses, and the nuances of the fee schedule that will apply to medical expenses in light of no-fault reform's end to unlimited and lifetime medical benefits.

James G. Gross, James G. Gross PLC, *Detroit*; Matthew S. LaBeau, Collins Einhorn Farrell PC, *Southfield*

### No-Fault Benefits, Setoffs, and Priorities Update

**Duration: 45 Minutes**

Wondering how the no-fault reform amendments affects benefits, setoffs, and priority? How are courts grappling with these issues, both before and after

the amendments? This comprehensive update will provide you with the tools necessary to navigate these critical issues.

Ronald M. Sangster, Jr., Law Offices of Ronald M. Sangster PLLC, *Troy*

### Third-Party Threshold Litigation

**Duration: 45 Minutes**

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*

### Civil Discovery Rule Changes: What You Need to Know

**Duration: 45 Minutes**

The most extensive civil discovery amendments in a generation take effect January 1. Learn the new rules and take away effective discovery strategies to strengthen your case. Explore the changes that will directly impact your no-fault practice, from initial disclosures to medical authorizations to limits on depositions and interrogatories. Take away best practices to ensure you comply with the duty to supplement and preserve ESI, and avoid sanctions.

David E. Christensen, Christensen Law, *Southfield*

### Judges' Panel: Motion Practice, Expert Presentation and Discovery Rules Changes

**Duration: 50 Minutes**

Get a "view from the bench" on fraud motions, motions for summary disposition, and more. Take away tips on effective expert presentations to improve your advocacy, plus delve into the recent discovery rules changes. Three busy circuit court judges share what has been working well and what have been the biggest challenges with

virtual proceedings. Learn what you can do to move your cases in the virtual environment and avoid common pitfalls.

Hon. Curt A. Benson, 17th Circuit Court, *Grand Rapids*; Hon. Muriel D. Hughes, 3rd Circuit Court, *Detroit*; Hon. Wanda M. Stokes, 30th Circuit Court, *Lansing*

## Moderators



#### Plenary Track

James R. Bradley  
Chair, Negligence Section of the State Bar of Michigan, Secrest Wardle, *Lansing*



#### Plenary Track

David E. Christensen  
Christensen Law, *Southfield*



#### Tort Track

Kaitlyn A. Cramer  
Novara Tesija & Catenacci PLLC, *Troy*



#### No-Fault Track

Keisha L. Glenn  
Department of Attorney General, *Lansing*



#### No-Fault Track

Michael J. Jolet  
Hewson & Van Hellemont PC, *Oak Park*



#### Medical Track

Jordan M. Jones  
Michigan Auto Law, *Farmington Hills*



#### Core Concepts Track

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



#### Claims Professional Track

Marcy A. Tayler  
Kitch Drutchas Wagner Valitutti & Sherbrook PC, *Detroit*



## Tracks

### Core Concepts Track

#### No-Fault 101

Duration: 40 Minutes

Learn the basic predicates for payment of no-fault benefits including coverage, disqualifications, priorities, benefits, and coordination of benefits. Explore the basics of how no-fault reform impacts these predicates from the old system and what you need to know as we straddle the old and new systems for some time to come.

Wayne J. Miller, Miller & Tischler PC, *Farmington Hills*

#### The Current State of Medical Provider Litigation

Duration: 40 Minutes

No-fault reform has returned provider suits to the pre-*Covenant* standard—will this lead to a rise in 3112 motions as insurers seek to achieve finality on settlements? Explore the codification of the private right of action—from ambiguity in the term “overdue” to the practice of obtaining assignments going forward. Dive into best practices for dealing with PIP caps and proving (or challenging) rates for services not covered by Medicare pursuant to the new statutory instructions.

David M. Pierangeli, McDonald Pierangeli MacFarlane PLLC, *Grand Rapids*; Matthew Scott Payne, Sigal Law Firm PLLC, *Southfield*

#### Resolving Cases

Duration: 40 Minutes

Whether through settlement negotiations, case evaluation, facilitative mediation, arbitration—or on the eve of trial—learn effective techniques to assist in resolving your cases. From early in the case to working up your case for trial, identify the critical points in time to strategically use the processes available to reach a meaningful resolution for your client.

Robert M. Raitt, Michigan Auto Law, *Farmington Hills*

### No-Fault Track

#### Proper Notice, One-Year-Back, and Statutory Tolling After Reform

Duration: 40 Minutes

Time limitations are critical to the recovery of PIP and PPI benefits. Learn what constitutes proper notice of a claim and the mechanics of the one-year-back limitation on damages under MCL 500.3145 and the new statutory tolling provision created by no-fault reform. Explore the time limitations for insurers seeking reimbursement from another no-fault insurer, the limitations applicable to UM/UIM claims, and more.

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

#### Attendant Care Postreform: What You Need to Know

Duration: 40 Minutes

Examine attendant care claims under the recent amendments to the No-Fault Act. Learn the effect of the amendments on making and defending claims for attendant care at the insurance claim level and through litigation. Delve into the legal implications of the amendments and the practical approaches for lawyers and insurance claim professionals going forward.

Nicholas S. Andrews, Liss Seder & Andrews PC, *Bloomfield Hills*; Michael J. Jolet, Hewson & Van Hellemont PC, *Oak Park*; Edward F. Kardelis, Hewson & Van Hellemont PC, *Grand Rapids*

#### Claims Handling and Adjuster Deps

Duration: 40 Minutes

Learn what questions are allowable in an adjuster deposition and what objections by defense counsel are proper. Explore what documents should be produced in response to a deposition notice duces tecum and delve into the arguments regarding whether or not producing an out of state adjuster for the deposition in Michigan is appropriate. Get expert insight on your practical questions.

Carrie A. Kennedy, Liberty Mutual, *Southfield*

### Fraud, Attorney Fees, and the Auto Insurance Fraud Unit

Duration: 45 Minutes

What constitutes fraud? What steps can you take to prevent a client's legitimate claim for benefits from coming under attack for fraud? Get an inside look at the Auto Insurance Fraud Unit from the complaint process to the requirements for the unit to move forward with charges. Explore the statutory changes to MCL 500.3148, including attorney fee sanctions for solicited clients and limitations on court-ordered attorney fees.

Stanley J. Feldman, The Sam Bernstein Law Firm PLLC, *Farmington Hills*; Keisha L. Glenn, Department of Attorney General, *Lansing*; Samantha J. Orvis, Garan Lucow Miller PC, *Grand Blanc*

### The MCCA Now

Duration: 45 Minutes

Learn about the MCCA's creation and responsibilities and explore the interplay between MCCA and no-fault insurers, including documentation and reporting requirements. Get up to speed on the impact of no-fault reform on the MCCA.

Rik O. Mazzeo, Landry Mazzeo & Dembinski PC, *Farmington Hills*

### Tort Track

#### Excess Damages and Life Care Planning

Duration: 40 Minutes

No-fault reform fundamentally changes the scope of damages that may be recoverable in auto tort liability cases going forward. Under the reforms, injured people with capped no-fault coverage or who opt-out of no-fault have the right to claim their uncovered medical expenses from the at-fault driver. Learn about the various aspects of these claims going forward, including how care plans will be utilized.

James R. Bradley, Chair, Negligence Section of the State Bar of Michigan, Secrest Wardle, *Lansing*; Stephen H. Sinas, Sinas Dramis Law Firm, *Lansing*

## Tracks

### The New Normal: Predicting Third-Party Litigation Trends Postreform

Duration: 40 Minutes

What will the increase in mandated bodily injury limits mean for third-party litigation? More claims for excess allowable expenses—including medical expenses and attendant care—against at-fault drivers? How will pure comparative negligence be resolved? Can we expect more uninsured/underinsured claims? Explore the evidentiary issues surrounding these questions and more in the postreform world.

Kaitlyn A. Cramer, Novara Tesija & Catenacci PLLC, *Troy*; Milea M. Vislosky, Miller & Tischler PC, *Farmington Hills*

### Navigating Liens After No-Fault Reform

Duration: 40 Minutes

Navigating liens has only become more complicated in light of no-fault reform's limited benefits and fee structuring. From effectively navigating a bad lien to avoiding an improper taking of money from recovery, learn the key elements both plaintiff and defense lawyers need to know when representing their clients. Adjusters will gain valuable insight on assessing lien rights and recoveries and determining whether or not there is validity behind the lien being asserted.

Adrienne D. Logeman, Logeman Iafate & Logeman PC, *Ann Arbor*

## Medical Track

### Using Medical Records to Prove Your Case

Duration: 45 Minutes

Walk through treating provider medical records and pinpoint what to look for in the documentation of common auto-related scenarios, from pre-existing conditions to the hallmarks for diagnosis to diagnostic testing results and more. Learn how to use the records to critically evaluate the strength of your case and take away strategies for using medical documentation effectively in depositions and at trial, including useful visual aids.

Fernando G. Diaz, MD, PhD, Michigan Head & Spine Institute, *Pontiac*; Jordan M. Jones, Michigan Auto Law, *Farmington Hills*

### Medical Experts: Make It or Break It?

Duration: 45 Minutes

Get ready for real-world simulated examinations of medical experts—from depositions to trial. See what works well and what doesn't on direct and cross. Gain insight on effective preparation strategies and best practices for organizing your line of questioning to get the most out of medical expert testimony. Hear from both plaintiff and defense counsel on what can make a medical expert the most effective (or damaging) witness in your case.

Thomas N. Economy, Christensen Law, *Southfield*; Karen W. Magdich, Magdich Law PC, *Livonia*

## Claims Professional Track

### Diagnosing Your Doctor: No-Fault Reform's Impact on Experts and IMEs

Duration: 45 Minutes

Examine MCL 500.3151 and what's new and different in light of no-fault reform. Learn how to pick the appropriate expert for your claim—from navigating licensing and board certification to the private practice/teaching requirement. Take a closer look what the "apples to apples" requirement will mean for your cases. Gain practical tips for applying the new requirements in common case scenarios.

Marcy A. Tayler, Kitch Drutchas Wagner Valitutti & Sherbrook PC, *Detroit*

### Claim File Discovery in the Age of Required Initial Disclosures

Duration: 45 Minutes

Does the proportionality requirement of discovery protect carriers from request for production beyond the immediate claim file and privilege log? Explore what's in the claim file—what is privileged and what isn't? What ESI (Electronically Stored Information) disclosures can be expected? Tackle these questions and more and take home best practices for operating under the recent discovery rule changes.

Michael J. Watt, Kopka Pinkus & Dolin PLC, *Farmington Hills*

## A FEW OF THE FIRMS YOU WILL HEAR FROM:

### PLAINTIFF

Christensen Law  
Liss Seder & Andrews PC  
Logeman Iafate & Logeman PC  
Michigan Auto Law  
Miller & Tischler PC  
The Sam Bernstein Law Firm PLLC  
Sinus Dramis Law Firm

### DEFENSE

Collins Einhorn Farrell PC  
Garan Lucow Miller PC  
Hewson & Van Hellemont PC  
Law Offices of Ronald M. Sangster PLLC  
McDonald Pierangeli MacFarlane PLLC  
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# No-Fault *summit*

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