



THE STATE BAR OF CALIFORNIA
WORKERS' COMPENSATION SECTION

Earn 6.0
Hours CLE Credit

6.0 hours of this program meets the specialization requirement of "mechanics of rating permanent disability requirement" for the certified workers' compensation specialty



5th Annual Rating Extravaganza

SATURDAY, October 22, 2016

Renaissance LAX

9620 Airport Blvd.

Los Angeles, CA 90045

Register Online: www.workerscomp.calbar.ca.gov

PROGRAM SCHEDULE

Rating, Writing, and Arithmetic

8:30 a.m. - 9:30 a.m.

The goal of rating permanent disability is to achieve an accurate rating. However, the accuracy of the rating is only as good as the logic of the rater. It is imperative that the workers' compensation practitioner be able to issue spot when a ratings report needs further development. Highly experienced DEU raters, along with pre-eminent defense and applicant counsels will present their best tips and unique perspectives on rating impairments per the AMA Guides, with tips on how to issue spot in order to obtain a well-reasoned and well-written report using practical examples and applicable case law.

Speakers: Barry Knight, DEU Manager (Bakersfield)
Annalisa J. Becker, DEU Northern California Supervisor (Redding)
Robert Rassp, applicant attorney (Sherman Oaks)
Yvonne Lang, defense attorney (Thousand Oaks)

Break

9:30 a.m. - 9:35 a.m.

Cross Examination of DEU Raters

9:35 a.m. - 10:35 a.m.

One time at a community fair, I volunteered to sit on the dunk tank to raise money for a good cause. I'll never forget the feeling the first time someone hit the target. The water was freezing cold. I think that same feeling exists when cross-examining the rater. On the one end is the attorney lobbing balls at the target and on the other end is the rater, hoping to stay dry. There is however, one significant difference in this analogy. In the dunk tank, the target is clearly marked and relatively easy to hit with some practice. When cross-examining the rater, the target is not so easy to see. This panel will illustrate with live examples and hypotheticals the exact process to use when challenging a DEU rating and most importantly, how to find the target.

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Robert Rassp, applicant attorney (Sherman Oaks)
Yvonne Lang, defense attorney (Thousand Oaks)

Break

10:35 a.m. - 10:45 a.m.

Ventriloquism 101: Or How to Depose a Medical Evaluator

10:45 a.m. - 11:45 a.m.

Do you remember back in law school when your professors would tell you to imagine a little version of themselves sitting on your desk asking the question "Why?" as you write your exam? That logic is still true today. The question "why" can turn a conclusory statement into (hopefully) a reasoned conclusion. It's your job as a litigator to find out who that man is behind the curtain and in this session you will discover powerful techniques for doing just that. This panel will provide tips, tricks, best practices, and insights to elicit the necessary information to meet or defeat a party's burden of proof.

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Robert Rassp, applicant attorney (Sherman Oaks)
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Lunch Provided**11:45 a.m. - 12:45 p.m.**

Practice Tips From the Judges**12:45 p.m. - 1:45 p.m.**

Three preeminent workers' compensation judges will provide insightful analysis of the hypotheticals used in the morning's sessions and elaborate upon the need for substantial medical evidence in issuing opinions on permanent disability. The panel will discuss when and how a judge might entertain a motion to develop the record as well as key litigation strategies. The panel will digest recent case law interpreting the AMA Guides and provide an in-depth roadmap for litigating a permanent disability case, from discovery issues to appealing the decision. Issues such as completing the MSC Statement, burden of proof, legal standards, interpreting the AMA Guides, and handling live testimony will be discussed.

Speakers: Hon Cliff Levy, Presiding Judge (San Diego)
Hon Linda Atcherley, Judge (San Diego)
Hon Paul DeWeese, Judge (Anaheim)

Break**1:45 p.m. - 1:50 p.m.**

How to Bullet Proof Your Medical Evidence**1:50 p.m. - 2:50 p.m.**

A broad overview of key DWC regulations that impact the workers' compensation litigation process will be provided. The necessary elements of what constitutes a complete medical-legal report with regard to proving permanent disability will be covered. In addition, why practitioners, as well as physicians, may be interested in the 2016 edition of the "Physician's Guide to Medical Practice in the Workers' Compensation System" will be discussed.

Speaker: Winslow West, DWC staff counsel (Oakland)

Break**2:50 p.m. - 3 p.m.**

The Not So Forbidden Tango: Apportionment and Permanent Total Disability**3 p.m. - 4 p.m.**

In nearly every disputed case there is a certain dance that the parties go through prior to settlement or trial. Like any dance, it is important to master each step. The conference will conclude with an insightful look into recent trends in apportionment law and permanent total disability issues with tips on the effective presentation of evidence, unique burden of proof issues for a 100% PD trial and how to effectively use a Vocational Rehabilitation expert.

Speaker: Richard Montarbo (Red Bluff)

REGISTRATION INFORMATION

CANCELLATIONS/REFUND POLICY:

Cancellations and requests for refunds must be received in writing no later than Friday, October 14, 2016 and are subject to a \$50 service charge. Refunds will not be available after October 14, 2016.

QUESTIONS:

For registration information call 415 538-2508. Telephone registrations will not be accepted. For program content and/or Section information call 415 538-2256

SPECIAL ASSISTANCE:

For special assistance, please call 415 538-2256.

ON-SITE:

On-site registration will be on a space available basis. Call to confirm space availability.

PROGRAM MATERIALS:

Registrants will receive a USB storage device with an electronic version of all program materials the day of the conference. Before the Conference, Registrants will receive a link with information on how to review and download the program materials. It may be helpful to review a program's reference material before the class. This website is not available to the public, and access is given only to Conference registrants. Late-breaking supplemental materials not available before the Conference will be added at a later date.

WEBCAST:

Can't attend in person? This program will be webcast live. Visit calbar.inreachce.com to register.



**Workers' Compensation Section
5th Annual Rating Extravaganza
Saturday, October 22, 2016 • Los Angeles, CA**

REGISTRATION FORM

Note: One registrant per form. Photocopies may be used.

Bar Number: _____

Name: _____

Firm: _____

Firm Address: _____

City, State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

(Required for email confirmation)

Program package includes 6.0 hours of MCLE and legal specialization credits, program materials, continental breakfast and lunch.

Check here if you do not want your information released.

PRE-REGISTRATION FEES (check the appropriate circle)

- \$295** Workers' Compensation Section Members
- \$390** Non-Section Members
(includes enrollment in the Section for 2017)
- \$195** Claims Specialists, Hearing Representatives, and Paralegals

**Onsite registration fees are \$345 for Section Members and \$440 for Non-Section Members
Onsite registration on a space available basis.

AMOUNT ENCLOSED OR TO BE CHARGED \$ _____

REGISTRATION INFORMATION

Deadline: In order to pre-register, your form and check, payable to The State Bar of California, or credit card information, must be received by Friday, October 14, 2016.

Register Online: www.workerscomp.calbar.ca.gov

Mail To: Program Registrations, The State Bar of California,
180 Howard Street, San Francisco, CA 94105.

Fax To: Program Registration at 415-538-2368. In order to fax your registration, credit card information is MANDATORY.
(Photocopies of checks will NOT be accepted.)

CREDIT CARD INFORMATION (VISA/MASTERCARD ONLY)

I authorize The State Bar of California to charge my program registration to my VISA/MasterCard account. (No other credit card will be accepted.)

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San Francisco, California 94105

5TH ANNUAL RATING EXTRAVAGANZA

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