



NEBRASKA
State Bar Association

2015 Annual Workers' Compensation Seminar

Friday, November 13, 2015 • 9:00 am - 4:45 pm

If you are attending Workers' Comp 101, it begins at 8:00 am

Regency Lodge, 909 S. 107th Ave., Omaha, NE 68114

****Also available for viewing via live webcast.****

Planning Chair: Abigail A. Wenninghoff, Larson Kuper Wenninghoff & Carney, PC, LLO, Omaha

***Nebraska MCLE #114388. *Iowa MCLE #202258. 7 CLE hours, including 1 hour ethics. (Regular/live)**

***Nebraska MCLE #114390. *Iowa MCLE #202259. 7 CLE hours, including 1 hour ethics. (Distance learning)**

Only 5 distance learning CLE hours may be claimed per year for Nebraska.

8:00 am Workers' Compensation 101

Dallas Jones, Baylor Eynen Curtiss Gritit & Witt LLP, Lincoln

This session will provide an overview of all necessary elements of a workers' compensation claim, all possible defenses, and benefits and settlements.

8:55 am Opening Remarks

Abigail A. Wenninghoff, Larson Kuper Wenninghoff & Carney, PC LLO, Omaha

9:00 am Changes, Procedures, Advisory Opinions and Ethical Issues Facing the New, Transitioning, or the 'D/D/D' (Disbarred, Disabled, or Deceased) Attorney

Mark A. Weber, Counsel for Discipline, Lincoln

This session will discuss the work done by the Office of the Counsel for Discipline; the ABA audit of the Office and what has been and will be done to address the ABA's concerns; recent Nebraska Advisory Committee Ethics Opinions; issues faced by new attorneys; issues faced by attorneys who are transitioning from public practice to public service or in-house counsel; and issues relative to the disabled attorney.

10:00 am Break

10:15 am Working from Home and Other "Arising Out Of" Issues

Jason Kidd, Engles, Ketcham, Olson & Keith, Omaha

This session will examine issues that come up when employees are working from home, where employers have less control over day-to-day activities, and how working from home affects compensability of workers' compensation claims.

10:45 am Discontinuation of TTD after Termination or Resignation

Ron Brown, Brown & Theis, Omaha

This session will discuss when it is safe to stop temporary benefits after an employee is terminated or resigns. It will cover the effects of the *Zwiener v. Becton Dickinson* case on subsequent cases as well as terminations for cause and unrelated resignations. It will also discuss how to avoid a penalty and when the case law is unclear.

11:15 am Deposing an Expert

Monte Neilan and Mike Javoronok, Javoronok & Neilan, Scottsbluff

This session will examine the best way to get the most out of a deposition of your own expert as well as how to discredit and/or impeach an opposing expert.

11:45 am Nebraska vs. Iowa Workers' Compensation

Abigail A. Wenninghoff

This session will cover the primary differences between Nebraska and Iowa Workers' Compensation law and cases where the two jurisdictions overlap and pitfalls to avoid.

12:00 pm Lunch (included in your registration)

1:00 pm Loss of Earning Capacity from A to Z

Joseph Grant, Prentiss Grant LLC, Omaha

This session will outline the elements of a loss of earning capacity, such as what the court looks at and what the vocational counselors look at, as well as how to refute aspects of a loss of earnings report.

1:30 pm Back Pain in the Workplace

Dr. Michael T. O'Neil, OrthoWest, Omaha

This session will explain how back pain starts in an occupational setting, the best way to determine the cause of back pain and the best treatment methods.

2:00 pm Case Law and Legislative Update

Shirley Williams, Knudsen Law Firm, Lincoln

This session will discuss all the recent workers' compensation-related decisions of the Nebraska Court of Appeals and the Nebraska Supreme Court.

2:30 pm Handling Workers' Compensation Claims with Concurrent Personal Injury Claims

Eric Brown, Atwood, Holsten, Brown, Deaver & Spier, Omaha

This session will discuss practice pointers and pitfalls when you are representing a case or defending a case that has both a workers' compensation claim and a third party claim against an at-fault party at the same time.

3:00 pm Multiple Scheduled Member Injuries

Ellen Deaver, Atwood, Holsten, Brown, Deaver & Spier, Omaha, and Jennifer Caswell, Ritsema & Lyon, Omaha

This session will discuss recent Nebraska case law relating to payments due on multiple scheduled member injuries, the possible Loss of Earning Capacity aspects of multiple scheduled member injuries and the nature of work restrictions.

3:30 pm Break

3:45 pm View from the Bench, presented by Nebraska Workers' Compensation Judges

The Judges will discuss recent decisions that have come down from the Nebraska Workers' Compensation Court.

4:15 pm E-Filing and Other Court Changes

Liz Gianunzio, Nebraska Workers' Compensation Court, and Jessica Evers, Nebraska Interactive

This session will discuss the best e-filing methods and practice pointers for dealing with administrative aspects of the Nebraska Workers' Compensation Court.

4:45 pm Adjourn

REGISTRATION FORM: 2015 Annual Workers' Compensation Seminar - November 13, 2015

ALL registrants will receive a link to download and print the materials ahead of time.

Materials will NOT be printed for registrants unless requested and the additional fee below paid.

I will attend the live seminar at the Regency Lodge in Omaha.

Lunch will be provided for live attendees. Please note any dietary requirements/restrictions:

I will attend the seminar via live webcast.

Only 5 distance learning CLE hours may be claimed per year for Nebraska.

\$420 - Regular registration

\$315 - NSBA dues-paying member (25% discounted price for NSBA dues-paying members)

\$10 - Law students

I am attending the seminar & want printed materials - \$45 (cost is additional to registration fee)

I am unable to attend, please send me: Printed Manual - \$95

Name: _____ Bar # _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone: _____ E-Mail: _____

_____ Check enclosed OR Charge to _____ MasterCard _____ Visa _____ Discover _____ AMEX

Amount enclosed or to be charged \$ _____ Card number: _____

Security Code (located on back of card): _____ Expiration Date: _____ Mo/Yr

Please print name on credit card: _____

Credit card billing address (if different from above): _____

City: _____ State: _____ Zip: _____

Signature: _____

Make checks payable to NSBA and return completed form to NSBA, 635 S 14th St. #200, Lincoln, NE 68508, or email to Staci Williams at swilliams@nebar.com.

You will receive an email from the NSBA confirming your registration.

If you do not receive an email confirmation, please call (402) 475-7091.

If you need any special accommodation for attending this event, please contact the NSBA.