



CWCI Case Law Seminar – 2009 Update

Background: California workers' compensation law dates back to 1913, but as new statutes and regulations have been added over time, the system has become much more complex and litigious. Increasingly, it is left up to the courts to interpret the laws and rules that determine how the system is supposed to operate. The result is an enormous body of case law that continually reshapes and expands the California workers' compensation program.

The volume and complexity of case law handed down each year presents an ongoing challenge for those who are responsible for administering and defending claims, as they must stay on top of the changes and develop appropriate responses. In 1999, CWCI began a series of annual seminars to highlight recent case law trends and discuss negotiation and defense strategies for claims personnel, attorneys, hearing reps and other workers' compensation professionals. This program represents the 11th installment in the series.

The CWCI Case Law seminar features a panel of veteran legal experts who present alternate viewpoints on recent judicial decisions. The faculty uses an interactive, debate-style format to dissect the issues and suggest appropriate strategies, defenses and responses. The program is divided into sections spotlighting key decisions affecting key areas of workers' compensation.

Objective: The seminar will offer insights on recent rulings and judicial interpretations, and provide participants with a better understanding of how they can use case law to effectively manage, negotiate and defend claims. Topics include:

- **What's New...**
- **Rebutting the PDRS – Rebuttal Evidence and Who Pays for It?**
 - Costa III
 - Ogilvie
 - Almaraz
 - Sleep and other ADLs
 - AMA guidelines other editions
 - Other PD rating systems
- **Voc Rehab – The Repeal of VR: Now What?**
- **Apportionment – Trial Trends**
 - Wilkinson Doctrine
 - Apples & Oranges section 4664(b),
 - Burden of Proof
 - Proving the Prior Award
 - Overlap

Seminar Format: The Institute will conduct the 2009 Case Law Seminar at two locations: Monday, May 4 at the Grand Long Beach Event Center and on Wednesday, May 6 at Hotel Nikko in San Francisco.

Speaker presentations will run from 9 a.m. until 3 p.m., with a 1-hour lunch at noon, and an interactive question and answer panel session from 3 p.m. until 3:30 p.m.

Participants will receive a course syllabus with an outline of the presentations and brief summaries of significant decisions with full citations.

Participants: This seminar is appropriate for claims administrators, attorneys, hearing reps and others with negotiating authority.

Continuing Education Units: CWCI is a State Bar of California approved MCLE provider (5 hours).

The Institute also will provide certificates of attendance upon completion of the program for submission to the Association of Hearing Representatives of California and for the verification of hours for those in need of credit for the new California Department of Insurance workers' compensation claims adjuster certification requirements.

Cost: Tuition covers the full-day program, the course syllabus, Continental breakfast, lunch, and afternoon beverage. Tuition is \$295 for regular employees of CWCI members (listed on the back of the registration form), \$395 for all others.

Space is limited, and registrations will be accepted in the order received and can only be accepted if space is available, so register early. For quick & easy online registration, go to the Seminar section of our website www.cwci.org, or you may fax or mail in the attached registration form along with your payment information.

Additional registration seminar flyers and registration forms can be downloaded from the Seminar section of our website, www.cwci.org. CWCI processes all credit card charges via Authorize.net. For more information, call Mel Long at 510-251-9470.



California Workers' Compensation Case Law: 2009 Update

General Information: CWCI's 2009 California Workers' Comp Case Law seminar will be given on the following dates at these locations:

Monday, May 4, 2009

The Grand Long Beach Event Center

4101 East Willow, Long Beach (562) 426-0555

Just off Lakewood Blvd, 1 block south of I-405

• Take I 405 to Long Beach, exit south on Lakewood Turn right on Willow St., then right on Grand Ave. The Grand Event Center is on the right. Parking in the Event Center Garage is free. Note: **Do Not Park at the Jewish Community Center.**

Wednesday, May 6, 2009

Hotel Nikko

222 Mason St., San Francisco
(415) 394-1111

Located on Mason between Ellis & O'Farrell St.

• Take BART to Powell St. and go 1 block north on Cyril Magnin St. to Ellis St.; or

• From the Bay Bridge, exit at Fremont St., left on Howard. Turn right on 5th St. and cross Market St where it turns into Cyril Magnin St. Turn left on Ellis to Taylor turn right at O'Farrell to Mason. Downtown Center Garage (O'Farrell & Mason). Hotel is across the Street.

• From 101 take I-80 toward the Bay Bridge, take 7th St. exit and stay in the far right lane to Bryant St. Turn right on Bryant then left at 5th St. and cross Market St. where it becomes Cyril Magnin St. Turn left on Ellis to Taylor turn right at O'Farrell to Mason. Downtown Center Garage (O'Farrell & Mason). Hotel Nikko is across the street.

Attire: Business casual. **For your comfort, please dress in layers as the speakers prefer to keep the room cool.** Slacks with a sweater and coat or jacket are highly recommended.

Registration: Space is limited and pre-registration and prepayment is required. Registrations will be accepted in the order in which the **form with payment** are received, so register early. All registrations are subject to space availability and any registration for which payment is received after April 24 and all walk-ins may be wait-listed and admitted after 9 a.m. only if space is available. Check-in and Continuing Education Unit sign-ups begin at 8 a.m., and the seminar begins promptly at 9 a.m. and adjourns by 3:30 p.m. Continental breakfast, lunch from noon to 1 p.m. and an afternoon beverage break will be provided.

Tax Deductibility of Expenses: See Treasury Reg. 1.162.5 Coughlin v. Comm., 203 F.2d.307.

Cancellations/Substitutions: The tuition, less a \$50 cancellation fee may be refunded only if notice is submitted in writing, postmarked or faxed 10 calendar days prior to the program. However, another attendee may be substituted at any time, and the syllabus will be mailed to registrants who are unable to attend and fail to meet the cancellation deadline.

Faculty: The faculty for the case law seminar includes outside counsel from the insurance industry (with experience from both the applicant and defense side) and the Institute's General Counsel.

Saul Allweiss, Attorney at Law

Law Offices of Saul Allweiss
Tarzana

Richard Jacobsmeyer, Attorney at Law

Shaw, Jacobsmeyer, Crain, Claffey & Nix
Oakland

Michael Marks, Attorney at Law

Law Offices of Saul Allweiss
Tarzana

Michael McClain, General Counsel

California Workers' Compensation Institute
Oakland

ABOUT CWCI

Founded in 1964, the California Workers' Compensation Institute is a private, nonprofit organization working to improve the California workers' compensation system through research, education, information, and representation. Institute members include workers' compensation insurers and self-insured employers.



REGISTRATION FORM

California Workers' Compensation Case Law: 2009 Update

Please accept the following registration(s) for the CWCI seminar, "California Workers' Compensation Case Law: 2009 Update." Check the date and location:

___ **Grand Long Beach Event Center** – Monday, May 4 ___ **Hotel Nikko, San Francisco** – Wed., May 6

Please Type or Print Clearly (For additional registrants, photocopy this form.)

Name(s) _____

Company: _____

Email: _____

Telephone: _____ Fax: _____

Address: _____

City/State/ZIP: _____

- For a confirmation, check here & note email above No confirmations will be sent for registrations after April 24.
- Check here for a receipt to be faxed Check here to request a vegetarian lunch
- To advise us of special needs, call Mel Long at 510-251-9470.

NOTE: CWCI members are insurers licensed to write workers' comp in California or self-insured employers who pay dues and assessments to the Institute. Only regular employees of member companies qualify for the member company rate. If you qualify, note your CWCI company code (listed on the reverse) in the space below. All others registrants must pay standard tuition. **Nonmembers who submit member tuition will not be registered unless the full \$395 tuition is received prior to the seminar. To meet the deadline, registrations w/credit card info may be submitted online from the seminar page at www.cwci.org; faxed to Mel Long at 510-251-9485; or mailed to CWCI, Attn. Mel Long, 1111 Broadway # 2350, Oakland, CA 94607-4036.**

Circle Applicable Amount

Standard Tuition \$395

CWCI Member Regular Employee Rate CWCI Co. ID # (see reverse) _____ \$295

Credit card option: Please charge the tuition to (check one): ___ Visa ___ M/C ___ Am/Ex

Name on account: _____

Account #: _____

Expiration Date: _____

Credit Card Billing Address: _____

City, State, ZIP: _____

Signature: _____



California Workers' Compensation Case Law: 2009 Update

CWCI Member Insurers

CWCI
Company
Code

21 ACE USA
23 Alaska National Insurance Company
25 American International Group
27 Argonaut Insurance Company
29 Berkshire Hathaway Homestate Companies
31 Chubb Group
33 CNA
35 CompWest Insurance Company
37 Employers Compensation Insurance Company
39 Employers Direct Insurance Company
41 Endurance Reinsurance Corp. of America
43 Farmers Insurance Group
45 Fireman's Fund Insurance Company
47 The Hartford
49 Insurance Company of the West
51 Liberty Mutual Group
53 Majestic Insurance Company
55 Preferred Employers Insurance Company
57 Republic Indemnity Company of America
59 SAFECO Insurance
61 SeaBright Insurance Company
63 Springfield Insurance Company
65 State Compensation Insurance Fund
67 State Farm Insurance Companies
69 Travelers
71 XL America
73 Zenith Insurance Company
75 Zurich North America

CWCI Associate Members (Self-Insured)

CWCI
Company
Code

22 Adventist Health
24 Agilent Technologies
26 Catholic Healthcare West
28 Chevron Corporation
30 City & County of San Francisco-DPH OSH
32 City of Anaheim
34 City of Santa Ana
36 City of Santa Monica
38 City of Torrance
40 Contra Costa County Schools Ins. Group
42 Costco Wholesale
44 County of San Bernardino Risk Mgmt
46 County of Santa Clara Risk Mgmt
48 Foster Farms
50 Kaiser Foundation Health Plan, Inc.
52 Pacific Gas & Electric Company
54 Safeway, Inc.
56 Schools Insurance Authority
58 Sempra Energy
60 Shasta County Risk Management
62 Southern California Edison
64 Sutter Health
66 University of California
68 The Walt Disney Company

ABOUT CWCI

Founded in 1964, the California Workers' Compensation Institute is a private, nonprofit organization working to improve the California workers' compensation system through research, education, information, and representation. Institute members include workers' compensation insurers and self-insured employers.