



46th Annual Torts Update

Program dates start September 8. Register today!

**4 CLE
1 EPR**

46th Annual Torts Update

Torts illustrated

The past year has featured a whirlwind of important decisions and changes to tort law, so you don't want to miss a minute of the **46th Annual Torts Update**. Ensure you have the most current guidance on a vast range of topics such as: strict product liability claims based on design defects, the most helpful Medicare compliance tool you may not be using, less-than-cooperative expert witnesses, and how to proceed (ethically) when you think a judge might have preconceived opinions about your case.

How you'll benefit:

- Get the scoop on notable trends in verdicts and settlements in the pandemic's wake
- Know the standard for determining whether a product is "unreasonably dangerous" in design defect cases
- Hear the latest on key cases that address reducing clauses
- Master Medicare compliance, even when a U.S. Attorney isn't assigned to your case
- Go in-depth on the use and misuse of the *Alt* privilege
- Pick up ethically sound strategies for dealing with judges who may be harboring bias

Who should attend:

- Tort lawyers
- Personal injury lawyers
- Insurance lawyers
- Civil litigators
- General practitioners

Be in the know on the latest twists and turns in the wide world of torts with the explanations, answers, and analysis you'll receive at the *46th Annual Torts Update*. **Register today!**

Book Bonus!

The Law of Damages in Wisconsin

Seminar attendees **SAVE 15%** on *The Law of Damages in Wisconsin*.* Thousands of lawyers and judges turn to *The Law of Damages* for guidance on the types of damages available in the Badger State and the special rules governing them. Recover the damages your clients deserve with this comprehensive, user-friendly resource.



* Attendees will receive information to access the discount via email after attending the program. Discount applies to both print and digital Books UnBound® editions of this title and cannot be applied to previous purchases. Offer valid as long as CLE credit is available for this program. For Books UnBound users, discount may be applied to purchase of individual Books UnBound title only and may not be used on purchase of full library.

Additional Learning Opportunities

Medicare Secondary Payer 2023: Maximizing Its Potential for Your Clients

Medicare Secondary Payer (MSP) compliance was confusing enough without new announcements from the Centers for Medicare and Medicaid Services (CMS) with implications for this year. Learn how to minimize your risk, reduce settlement liens, and maximize recoveries in personal injury and work comp claims. **7.5 CLE**

CLE OnDemand Seminar: #CA3447D; Member: \$269 | Nonmember: \$349

Wisconsin Civil Procedure Before Trial

Litigate your cases more effectively with chronological guidance through the topics and procedures that arise during pretrial litigation. *Wisconsin Civil Procedure Before Trial* provides a nuts-and-bolts approach to even the most complex issues, and features clear and concise statements of the law, helpful checklists, and invaluable practice pointers from seasoned attorneys. (Includes 2021-22 and 2022-23 supplements)

Print Book: #AK0166; 1,254+pp; 7th ed. 2021; 2 Vol; Member: \$275 | Nonmember: \$343.75
Books UnBound Subscription: #AE0166_SUB; Member: \$270 | Nonmember: \$337

Civil Litigation Forms Library

Save time, improve your accuracy, and take some of the frustration out of civil litigation. The *Civil Litigation Forms Library* contains hundreds of fillable forms, including summonses and complaints; motions, affidavits, and orders; interrogatories, authorizations, and much more! Plus, the library is fully searchable by title and keyword, so you'll always find the right form when you need it.

Online subscription: #FSFB3000 | Members only: \$159/year
(Discounts available on multi-user subscriptions.)

Schedule

8:00 AM Registration

8:30 AM Insurance Update: Recent Decisions Addressing Reducing Clauses

- Is an insurance company statutorily authorized to reduce its liability limits by the total worker's compensation and tortfeasor settlement payments?
- Does a reducing clause operate on an individual basis to reduce the limit of liability for "each person" injured in a crash?

Edward E. Robinson

8:55 AM *Murphy*: The Wisconsin Supreme Court's First Interpretation of the Products Liability Statute

- A discussion of *Murphy v. Columbus McKinnon Corp.*, 2022 WI 109, 405 Wis. 2d 157, 982 NN.W.2d 898
- Elements of strict product liability claims alleging a design defect
- Consumer-contemplation test versus risk-utility balancing test for whether a design was unreasonably dangerous

John P. Shanahan

9:20 AM The More Things Change the More They Stay the Same: Medicare Compliance in a Post-U.S.-Attorneys World

- Recent DOJ and U.S. Attorneys' Offices announcement with respect to the DHHS's involvement in civil suits
- How this change will impact Medicare compliance in litigated personal injury cases
- What will stay the same: LMSAs will remain as elusive or settled as they have always been
- Use of the Portal and why it will likely become the most valuable Medicare compliance tool available to litigators

Kristen S. Scheuerman

9:45 AM The Impact of Covid Restrictions on Jury Verdicts

- Recent trends in Wisconsin jury verdicts
- What we can learn from recent examples
- Practice pointers for plaintiff and defense

Steven T. Caya, Rick J. Mundt

10:15 AM Break

10:25 AM The *Alt* Privilege in Practice – Medical and Other Experts

- Discussion of *Burnett v. Alt* and its progeny
 - ▶ Foundation of *Alt*: court retained experts
 - ▶ *Alt* and subsequent Wisconsin caselaw
 - ▶ Elements and exceptions from caselaw
- Scope of the *Alt* privilege
 - ▶ Outside the scope of *Alt*: fact testimony
 - ▶ What does *Alt* cover: opinion testimony
 - ▶ Who can assert *Alt*: only available to medical providers?

- Perspectives, challenges and pointers in practice
 - ▶ Plaintiff: contact with treating physician; medical report letters; and preparing treating physician for testimony
 - ▶ Defense: be prepared – know the facts / medicine; be respectful of doctor's time; preparing the IME doctor

Christine Bremer Muggli, Paul D. Curtis, Robert D. Ebbe

11:15 AM Judicial Ethics – Challenging Impartiality and Impropriety

- What rules apply to judges?
- What is impartiality?
- What is impropriety?
- How can attorneys challenge impartiality and impropriety?

Hon. Frederick J. Strampe

12:15 PM Program Concludes

Following start time, schedule will vary slightly from above listed times.

Faculty

Program Chairs

Michael P. Crooks

von Briesen & Roper, S.C., Madison

Edward E. Robinson — Also presenting

Cannon & Dunphy, S.C., Brookfield

Presenters

Christine Bremer Muggli

Bremer & Trollop, S.C., Wausau

John P. Shanahan

Stafford Rosenbaum LLP, Madison

Steven T. Caya

Nowlan Law LLP, Janesville

Hon. Frederick J. Strampe

Waukesha County Circuit Court,
Waukesha

Paul D. Curtis

Axley Brynelson LLP, Madison

Robert D. Ebbe

University of Wisconsin School of
Medicine & Public Health, Madison

Rick J. Mundt

von Briesen & Roper, S.C., Madison

Kristen S. Scheuerman

Weiss Law Office, S.C., Appleton

Credits

This program will be submitted to the Wisconsin Board of Bar Examiners for **4 CLE credits including 1 Ethics and Professional Responsibility credit.**

Dates / Location

In-Person Seminar – Madison

Friday, September 8, 2023
State Bar Center
 5302 Eastpark Blvd.
 Madison, WI
 (608) 257-3838

Live Webcast

Friday, September 8, 2023

Webcast Replay

Thursday, September 21, 2023
 Friday, September 29, 2023
 Wednesday, October 4, 2023
 Tuesday, October 10, 2023
 Monday, October 16, 2023
 Friday, October 27, 2023
 Wednesday, November 1, 2023
 Thursday, November 9, 2023

Additional webcast replay dates are available for this program.

Visit wisbar.org/seminars for more information and to register.

Registration

ONLINE: wisbar.org/seminars
PHONE: (800) 728-7788
FAX: (608) 257-5502
MAIL: State Bar of Wisconsin
 PINNACLE Registrations
 P.O. Box 7158
 Madison, WI 53707-7158

State Bar CLE/PINNACLE Passbook registrations: Passbook certificates must be received by the State Bar at least one business day prior to the event. For in-person seminars, walk-in registrations using Passbook Certificates are also welcome.

Registration cancellations: Please visit wisbar.org/cancellations for information on PINNACLE registration cancellation policies.

Course materials for those attending the seminar: Course materials are provided in PDF format and are downloadable from *myStateBar* on wisbar.org up to two days prior to and 90 days after your seminar.

COVID-19 safety information: Complete and current safety guidelines can be found at wisbar.org/covidsafety.

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Priority Code: S 4 2 5 2 B

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IN-PERSON SEMINAR:

Fri., Sept. 8, 2023 –
 Madison

LIVE WEBCAST:

Fri., Sept. 8, 2023

WEBCAST REPLAYS:

Thurs., Sept. 21, 2023
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 Weds., Oct. 4, 2023
 Tues., Oct. 10, 2023
 Mon., Oct. 16, 2023
 Fri., Oct. 27, 2023
 Weds., Nov. 1, 2023
 Thurs., Nov. 9, 2023

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