

Workers' Compensation Law and Practice

Santa Fe, NM - September 17, 2015

Early Registration

SAVE \$30

if paid by August 6th

Continuing Education Credit:

- NM CLE 6.6 including 1.0 ethics
 - NM Insurance 8.0
 - TX CLE 6.75 including 1.0 ethics
 - AZ CLE 6.5 including 1.0 ethics/professional responsibility
 - HR Certification Institute 6.75
 - ABIH 6.5
 - CSP 0.6
 - PACE 8.0
 - CRCC, CDMS & CCMC 6.5
- See inside for details.

PRESENTED BY:

Christopher T. Elmore, *Elmore Law, LLC*

Jonathan A. Elms, *Doughty, Alcaraz & deGraauw, P.A.*

Timothy S. Hale, *Hale & Dixon, P.C.*

E. Justin Pennington, *E. Justin Pennington Law Offices*

Tony Couture, *BurqueLawyers.com*

Lucia Misa-O'Connor, *Attorney at Law*

(See complete biographies inside)

SES

Sterling means value!

www.sterlingeducation.com

Scan for
exclusive
savings!



www.sterlingeducation.com



Sterling means value!

SES

if paid by August 6th

SAVE \$30

Early Registration

Sterling Education Services
P.O. Box 3127
Eau Claire, WI 54702

Santa Fe, NM - September 17, 2015

Workers' Compensation Law and Practice

NONPROFIT ORG.
U.S. POSTAGE
PAID
Sterling Education
Services, Inc.

Workers' Compensation Law and Practice

AGENDA

I. General Principles of Workers' Compensation In the Course of and Arising Out of Employment

- A. The types of risk
- B. Elements of a workers' compensation case and case studies
- C. Practice tips, definitions, and concepts
 1. Disabilities: temporary and permanent
 2. Vocational rehabilitation benefits
 3. Psychological injuries
 4. Scheduled injuries and loss of use valuation
 5. Average weekly wage
 6. Medical care and choice of health care provider
 7. Litigation process and procedures

II. Workers' Compensation Issues

- A. Application of exclusive remedy of workers' compensation
 1. Employer negligence, intentional tort, dual capacity, or dual persona
 2. Third-party contribution claims and exception
 3. Indemnity and contribution
- B. Statute of limitations
 1. Failure to file first report of injury
 2. Latent injuries
 3. Award or stipulation of future medical expenses
 4. Legal disability
- C. Employer, employee, and independent contractor status
 1. Control, supervision, type of work, length of time
 2. Distinct occupation or business, skill, materials and tools
 3. Method of payment and taxes
 4. Intent of relationship
- D. Statutory employer vs. actual employer: business owner, contractor/ subcontractor; temporary staffing
- E. Medical examiner/evaluator

III. Happening Now: Topics of Interest and Importance

IV. Legislative and Case Law Update

V. Settlements and Return to Work Issues

- A. Settlements: history and applicability
 1. Negotiation strategies
 2. Lump sum settlements, if applicable
 3. Social Security offset
 4. Right to reimbursement
 5. Employer's prosecution of third party claims
 6. Medicare
- B. Return to Work Issues
 1. Before Maximum Medical Improvement (MMI): same employer and different employer
 2. After MMI/duty to rehire
 3. ADA/EEO implications

VI. Ethical & Professional Behavior

DETAILS

DATE: Thursday, September 17, 2015

REGISTRATION: 8:00 a.m.

PRESENTATIONS: 8:30 a.m. - 4:30 p.m.

LUNCH: 12:15 - 1:15 p.m.

Lunch is on your own

LOCATION:

Hotel Santa Fe The Hacienda and Spa
1501 Paseo de Peralta
Santa Fe, NM 87501
505-982-1200

Map available online

WHO SHOULD ATTEND

- Attorneys:
 - Workers' Compensation
 - Personal Injury
 - Mediation
 - Litigation and Civil Litigation
 - Labor and Employment
 - Employee Benefits
 - Health Care
 - Insurance Defense and Litigation
 - Non-subscriber Litigation
 - General Practice
 - Sole Practitioners
- Human Resource Professionals
- Workers' Compensation Administrators
- Benefits Professionals
- Vocational and Rehabilitation Specialists
- Safety Directors
- Business Managers
- Insurance Claims
- Risk Managers
- Occupational Health Nurses
- Mediators
- Anyone involved in the WC process

SUMMARY

Whether you've been involved in the workers' compensation process for one week or thirty years, you know that the rules always seem to be changing, and the amount of information needed to take on a case can be overwhelming. That's why it's important to you to stay ahead of emerging developments in legislation and practice so that you can serve your clients or your organization in the best way possible and get workers back on the job. This seminar, presented by knowledgeable professionals with years of experience, will give you the advantage and sharpen your skills regardless of your current level of expertise. **Register today!**

Please bring your license number, ID, or other necessary information to the seminar to ensure proper reporting of continuing education credit.

CONTINUING EDUCATION CREDIT

NM CLE

This seminar has been **approved** by the **New Mexico MCLE Board** for **6.6 total credit hours**, including **1.0 hour of ethics**.

NM Insurance

This seminar has been **approved** by the **State of New Mexico Department of Insurance** for **8.0 continuing education hours**.

TX CLE

This course has been **approved** by the **State Bar of Texas Committee on MCLE** in the amount of **6.75 credit hours**, including **1.0 hour of ethics**. SES is an accredited sponsor.

AZ CLE

The **State Bar of Arizona** does not pre-approve activities; however, this activity may qualify for up to **6.5 hours** including **1.0 hour of ethics/professional responsibility** toward the annual MCLE requirement.

ABIH

ABIH has previously awarded CM credit for this event. The current event contains **6.5 hours** which can be claimed for **CM credit**.

CSP Point

This course may qualify for **0.6 points** for **Certified Safety Professionals (CSP)**.

CRCC CDMS CCMC

This seminar has been **approved** by the **Commission on Rehabilitation Counselor Certification (CRCC)**, the **Certification of Disability Management Specialists Commission (CDMS)**, and the **Case Manager Commission (CCMC)** for **6.5 clock hours**.

PACE

This seminar satisfies requirements for up to **8.0 hours of PACE Recertification credit** for **CLU, RHU, REBC, CLF and ChFC**.



This seminar has been **approved** for **6.75 general recertification credit hours** toward the **PHR, SPHR, HRBP, HRMP, and GPHR** recertification through the **HR Certification Institute**. For more information about Human Resource certification or recertification, please visit www.hrci.org.

Other continuing education credit may be available. Please **contact Sterling** to inquire.

MEET THE FACULTY

CHRISTOPHER T. ELMORE, of Elmore Law, LLC in Albuquerque, is devoted primarily to defending employers and insurers in workers' compensation matters. Mr. Elmore is a member of the Workers' Compensation Association; is a frequent speaker at various seminars; and regularly provides case-law updates, training, and presentations to his clients on evolving areas of the law. Beyond the area of workers' compensation, he was appointed by Governor Martinez in 2012 to the New Mexico Human Rights Commission, where he hears human rights and discrimination claims asserted under the New Mexico Human Rights Act. Mr. Elmore received his B.S. from Utah Valley University and his J.D., *magna cum laude*, from Texas Tech University School of Law, where was elected to the Order of the Coif.

JONATHAN A. ELMS, of Doughty, Alcaraz & deGraauw, P.A. in Albuquerque, primarily practices in the areas of workers' compensation, general litigation defense, and commercial litigation. He has extensive experience practicing workers' compensation insurance defense. Additionally, Mr. Elms worked as a case manager for a bankruptcy trustee and in a paralegal capacity for both large and small law firms prior to being licensed. Mr. Elms received his B.B.A. and Certification from the Honors College of Texas Tech University, his M.B.A. from Texas Tech University, and his J.D. from the University of Houston Law Center.

TIMOTHY S. HALE is a member of Hale & Dixon, P.C. in Albuquerque, which provides representation for clients in the areas of workers' compensation, wrongful death, bodily injury, bad faith, insurance coverage disputes, construction claims, wrongful discharge and retaliatory discharge claims, U.S. Code Annotated §1983 Civil Rights defenses, employer and labor law cases, trucking law, and other areas of trial practice. Mr. Hale has been practicing law for over twenty-five years, specializing in civil litigation, mainly in the field of insurance defense. Mr. Hale received his B.A. from Boston University and his J.D. from the University of New Mexico School of Law.

E. JUSTIN PENNINGTON, of E. Justin Pennington Law Offices in Albuquerque, practices in the areas of workers' compensation law, labor and employment, and civil rights. Mr. Pennington received his B.A. from the University of New Mexico and his J.D. from the University of New Mexico School of Law.

TONY COUTURE, of BurqueLawyers.com in Albuquerque, practices in the areas of workers' compensation, general liability, and complex civil litigation. Mr. Couture is also a registered nurse, which helps him understand the deep and complicated medical issues that often accompany workers' compensation matters and personal injury cases. He is a member of the State Bar of New Mexico and the American Bar Association, and is also a Director at Large of the Workers' Compensation Association of New Mexico. Mr. Couture received his J.D. from the University of New Mexico School of Law.

LUCIA MISA-O'CONNOR, Attorney at Law in Albuquerque, practices in the areas of workers' compensation, Social Security disability, and personal injury. She is a member of the State Bar of New Mexico and the New Mexico Trial Lawyers Association. Ms. Misa-O'Connor received her B.A. from St. Theresa's College in the Philippines and her J.D. from the University of New Mexico School of Law.

Workers' Compensation Law and Practice

Santa Fe, NM - September 17, 2015

Registration Fee: (includes manual)

- ☐ \$339 per person
- ☐ \$329 per person for 2 or more
- ☐ \$309 per person **if paid by August 6th**

Reference Materials:

- ☐ Add audio to your registration for \$157*
- ☐ Manual only \$95*
- ☐ Audio only \$257*
- ☐ Audio/manual package \$347*

Payment Information:

- ☐ Check Enclosed (payable to Sterling Education Services)

<input type="checkbox"/> VISA	} Card #: _____ - _____ - _____
<input type="checkbox"/> MC	
<input type="checkbox"/> AMEX	
<input type="checkbox"/> DISC	
Exp. Date: _____ Security Code: _____	
Name on Card: _____	

For internal use only:
WCLPp

Attendee Information:

- 1) Name: _____ Job Title/Practice Area: _____
Email: _____
- 2) Name: _____ Job Title/Practice Area: _____
Email: _____
- 3) Name: _____ Job Title/Practice Area: _____
Email: _____

Company Information:

Company/Firm Name: _____
Type of Business: _____ Number of Employees: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: (____) _____ Fax: (____) _____

*Pricing listed includes \$6 shipping and handling. Please allow 2 to 6 weeks after program for delivery.
*By providing this information you are agreeing to be added to Sterling's in-house contact lists.

BOOKSTORE

Below is a selection of materials available from previous Sterling seminars. To order, please complete this form and mail with payment or call 715-855-0495. You can also find these and other materials online at <https://store.sterlingeducation.com/bookstore.php>.

HIRING & TERMINATING - Seminar # 14NM07154

The Pre-Hiring Process; Background Checks & Hiring Decisions; Overview of Confidentiality, Non-Compete, and Non-Solicitation Agreements; The In-Between: Keeping Good Records; The Termination Process; Information Disclosure Issues

PRESENTED BY:

Deena Buchanan Williams with Ray, McChristian & Jeans, P.C.; Barbara G. Stephenson with Sheehan & Sheehan, P.A.; and Erin E. Langenwalter with Lewis Roca Rothgerber LLP

Audio & Manual Set \$155 ☐ **Audio only \$95** ☐ **Manual only \$75** ☐

ADVANCED WORKERS' COMPENSATION - Seminar # 13NM03085

Employer Protections; Apportionment; Application of the Exclusive Remedy of Workers' Compensation; Employer, Employee, and Independent Contractor Status; Legislative and Case Law Update; WC Attorney and Ethical and Professional Behavior; A View from the Bench

PRESENTED BY:

The Honorable Victor S. Lopez with the New Mexico Workers' Compensation Administration; Carlos G. Martinez with Butt Thornton & Baehr PC; M. Scott Owen with Butt Thornton & Baehr PC; Timothy S. Hale with Hale & Dixon PC; Richard B. McClarkin with New Mexico Workers' Compensation Administration

Audio & Manual Set \$155 ☐ **Audio only \$95** ☐ **Manual only \$75** ☐

Seminar # 15NM09222

Call us at 715-855-0495 about discounts for groups, non-profits, new practitioners, and more!

4 Easy Ways to Register:

- **Web:** www.sterlingeducation.com
Enter # in "Express Registration"
- **Mail:** Sterling Education Services
PO Box 3127
Eau Claire, WI 54702
- **Phone:** 715-855-0498
- **Fax:** 715-835-5132

WALK-INS

Walk-ins are welcome and payment is required at the door when registering. Materials will be available for walk-ins on a first-come first-served basis. **Please call ahead to confirm the schedule.**

CANCELLATIONS

Substitutions or transfers to a future Sterling seminar are welcome anytime up to the day of the seminar.

If you cancel 3 or more business days before the seminar you may:

- 1) transfer your registration to another seminar,
- 2) receive the audio and manual package, or
- 3) receive a refund minus a \$25 service charge.

PLEASE NOTE: If you do not attend and do not cancel as described above you are not entitled to a refund.

REFERENCE MATERIALS

SEMINAR MANUAL:

The faculty has prepared a substantial reference work to accompany their presentation. This manual will serve as a valuable tool for future reference. Each attendee will receive a manual upon checking in at the seminar site; the price is included in the registration fee.

AUDIO RECORDING:

This seminar will be recorded live and the audio recording and/or a reference manual is available for purchase separately or in conjunction with registration. Self-study credit may be available by purchasing the audio and manual package (varies by location). **Please call for details.**

UPCOMING SEMINARS

- **Fundamentals of Employment Law**
Albuquerque, NM
July 21, 2015
- **Landlord-Tenant Law**
Santa Fe, NM
August 14, 2015

Visit our website for details!