



## 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 11<sup>th</sup> 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](http://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](http://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 5<sup>th</sup> 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 7<sup>th</sup> St. exit and stay in the far right lane to Bryant St. Turn right on Bryant then left at 5<sup>th</sup> 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](http://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.