

# OADC 2019 Fall Seminar

Friday, November 15

Benson Hotel - Portland, Oregon



**Hear from the Honorable Martha L. Walters, Chief Justice,  
Supreme Court of Oregon during our lunch hour.**

**6.5  
Credits  
CLE**

*A One-Day CLE Program  
Focusing on Auto Defense  
and Defense Updates*

**OADC** Oregon Association  
of Defense Counsel

**Register online at [oadc.com](http://oadc.com)**

## SCHEDULE OF EVENTS

- 7:45–8:20 am **Registration, Continental Breakfast, Exhibits**
- 8:20–8:30 am **Welcome, Announcements, and Introductions**
- 8:30–9:30 am **Defending PIP/UM/UIM Implied Covenant Claims – Strategies, Pitfalls and Recent Developments**  
*Lloyd Bernstein, Bullivant Houser Bailey, PC & Tracy Frazier, Chock Barhoum LLP*  
Have you noticed an increase in breach of the implied covenant claims in the UIM/UM/PIP setting? You are not alone, as there appears to be a concerted effort to develop new law in this area. This presentation will focus on dissecting the creatively pled claim, defense litigation strategies and potential exposures, and recent trial court experiences and decisions dealing with these novel claims.
- 9:30–10:30 am **Oregon Legislative Update: Looking Backward, Forward, And Upside Down!**  
*Rocky Dallum, Tonkon Torp LLP & John C. Powell, JP Law Firm LLC*  
A dynamic look at the 2019 legislative session and changes in the law of importance for civil defense lawyers.
- 10:30–10:45 am **Break & Exhibits**
- 10:45–11:45 am **Defending the Trucking Case**  
*Heather Beasley, Davis Rothwell Earle and Xóchihua, PC*  
An overview of how to defend cases involving commercial trucks, key discovery issues, and the impact of regulatory requirements on liability.
- 11:45 am–12:00 pm **Break & Exhibits**
- 12:00–1:00 pm **Featured Speaker: the Honorable Martha L. Walters, Chief Justice, Supreme Court of Oregon**
- 1:00–1:30 pm **From the Supreme Court Through the Trial Court: The Continuing 13 Year Saga of The Yeats ELL Case**  
*Steve Rickles, The Rickles Law Firm PC*  
Steve Rickles will take you through the trials and tribulations of defending a challenging 12 year old ELL case remanded by the Supreme Court, and the many legal and practical issues he and his team encountered while handling the matter through verdict, and on to yet another appeal.
- 1:30–2:30 pm **Bad Things Come in Small Packages: The Perils of ORS 20.080**  
*Eric E. Meyer, Law Offices of Julie D. Elkins*  
Explore recent legal developments and strategies for client education, evaluating the tender, attacking the demand, and limiting attorney fees.
- 2:30–3:30 pm **State v. Gutierrez-Medina - Defending a Personal Injury Claim Involving Driving While Under the Influence or “Wanton” Conduct**  
*Sarah Tuthill-Kveton, Chock Barhoum LLP, and Lindsey Marsh, Chock Barhoum LLP*  
In 2019, the Oregon Supreme Court issued *State v. Gutierrez-Medina* (“GM”) changing the game for the affirmative defense of comparative fault for some cases involving an intoxicated driver or a person who has demonstrated “wanton” conduct. The panelists will discuss: How did we get here? What does *State v. GM* really mean? How can we keep comparative fault in play? What are the practical arguments against *State v. GM* and what arguments should be made for appellate purposes?
- 3:30–4:30 pm **UM/UIM Arbitration – Maximizing the Benefits and Minimizing the Pitfalls for the Defense Practitioner**  
*John R. Bachofner, Jordan Ramis PC*  
Learn how to make the most of binding arbitration, including how to avoid attorney fees, pros and cons of one vs. three arbitrators and tips for their selection, efficiently presenting a defense, strategies to avoid prejudice, and addressing post-hearing offsets and other issues.
- 4:30–5:30 pm **Social & No-host bar, Palm Court**

6.5 hours CLE credits — Events Subject to Change

**OADC Sock Drive supporting Transition Projects.**

Please bring new adult socks for Transition Projects, a local non-profit that assists individuals in ending their homelessness.

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## REGISTRATION FORM

To register for the OADC 2019 Fall Seminar on November 15, 2019, please complete the following information and send to the OADC office with payment. One registrant per form.



### Registration Information

**Fees:** The registration fee for the Fall Seminar is \$195 per person for OADC members and insurance industry representatives. The registration fee for non-members is \$250, and non-members must meet OADC membership eligibility requirements in order to attend. Payment must accompany this registration form. The fee includes instruction and course materials, continental breakfast and lunch. There will be no reduction in fees for partial attendance of any section. Please make checks payable to OADC.

**Cancellation Policy:** Cancellations received by November 8, will receive the full refund minus a \$50 administrative processing fee. Cancellations received after November 8, no shows, and same-day cancellations will not be refunded. In the event of inadequate registration, weather problems or other events beyond OADC's control, the seminar may be cancelled. Should this occur, an attempt will be made to contact all registrants and fees will be refunded. OADC will not be responsible for any other expenses incurred by registrants should the seminar be cancelled.

**Space Limitations:** Space is limited, so early registration is encouraged. In the event that room space becomes filled to capacity, late registrants cannot be accommodated.

Full Name: \_\_\_\_\_ Position Title: \_\_\_\_\_

Firm/Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email (required): \_\_\_\_\_

OSB #: \_\_\_\_\_

Special Needs (i.e.: dietary restrictions, accessibility, etc.): \_\_\_\_\_

I am registering as:  OADC Member — \$195  Insurance Industry Representative — \$195  Non-member\* — \$250

### Payment Options

\* To be eligible to attend the Fall Seminar at the non-member status, you must meet OADC membership eligibility requirements. By checking this option you are confirming your eligibility.

Check - Make check payable to OADC or charge my  VISA  Mastercard  American Express  Discover

*Due to credit card security policies we cannot accept emailed registration forms with credit card information on it. Please send or fax in your registration form if it has credit card information on it.*

Card Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Name on Card: \_\_\_\_\_ Amount Authorized: \_\_\_\_\_

Signature: \_\_\_\_\_

Card Billing Address: \_\_\_\_\_ CVV: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Receipt to: \_\_\_\_\_

**Register online at [www.oadc.com](http://www.oadc.com)**

OADC • 147 SE 102nd Ave. • Portland, OR 97216 • FAX: 503.253.9172

Questions: Call the OADC office at 503.253.0527 or 800.461.6687 or contact us via email at [info@oadc.com](mailto:info@oadc.com)

Registrant agrees to grant OADC and Update Management the right to photograph or video Registrant during participation in the event. Registrant understands that any photographs or recordings may be used by OADC and Update Management for marketing and promotional purposes, at their sole judgment and discretion, without compensation or credit to Registrant.

# OADC

Oregon Association  
of Defense Counsel

147 SE 102nd Avenue  
Portland, OR 97216

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