

*Fourth Annual
Brains, Trains & Automobiles Conference*



*The Westin Verasa Napa
Napa Valley, California
May 3-5, 2012*



Seminar Overview

The 4th Annual Seminar on Brains, Trains & Automobiles is fast approaching. Seminar dates are May 3-5, 2012, at The Westin Verasa in beautiful Napa, CA. A limited block of rooms will be available at the group rate of \$189 single per night (plus tax & fees) for rooms booked Wed, Thur & Sun (May 2, 3, & 6) and \$229 single per night (plus tax & fees) for rooms booked Friday and Saturday (May 4 & 5). These rates are good through April 3, 2012. Reservations that utilize a Friday or Saturday night are subject to a 2 night minimum length of stay.

Brains, Trains & Automobiles brings together top experts from around the country to share their knowledge to help you successfully handle any brain injury case, railroad case, and serious auto injury case. This year's featured speaker is David Ball, one of America's best known and most influential trial consultants. You'll hear from favorite faculty from last year's conference, as well as experts new to our venue. Strategies, insights, and tools will be shared to enable you to obtain top dollar in settlement and trial. Faculty members will be available to assist you in increasing your efficiency and effectiveness both in pre-trial discovery and during trial. Top-notch litigators Michael Bee, Robert Pottroff, and Mary Alexander, together with nationally recognized medical, engineering, and railroad safety experts, will tackle topics such as:

- ◆ Railroad accidents often involve death, severe injuries, and traumatic brain injuries. Liability cases against railroads and traumatic brain injury cases are both expensive and time-consuming. These two complex and seemingly unrelated topics are all too often included in the same case.
- ◆ If you have a traumatic brain injury case or want to learn more about TBI, this seminar will expand your knowledge and sharpen your skills regarding brain injury.
- ◆ If you have a railroad injury case, this seminar will offer invaluable information on railroad liability.
- ◆ Serious automobile accidents often require the appropriate work up for a traumatic brain injury case. Seminar participants will learn case development from some of the best experts in the country.
- ◆ How to maximize damages in auto, train, and TBI cases.
- ◆ Strategies to develop a believable and successful TBI case.
- ◆ Key elements in developing successful life care plans, successful rehabilitation, and retraining for the TBI patient.

Thursday, May 3

DAVID BALL

7:00-8:00 a.m. – Registration
8:00 a.m. – 5:15 p.m.
"David Ball "Reptile Trial Advocacy"

5:15-7:15 p.m.
Falcor Wine Tasting - Westin

Friday, May 4

AUTOMOBILES & BRAINS

7:00 - 8:00 a.m.—Registration
8:00 a.m. – 12:50 p.m.
Conference

6:00 p.m.
Winemaker's Dinner at Falcor Winery

Saturday, May 5

TRAINS

7:00-8:00 a.m.— Registration
8:00 a.m. – 5:30 p.m. Work Session
w/ Robert L. Pottroff, Esq., Mary Alexander, Esq., Grant Davis, Esq., & Tom Jones, Esq.

*All times subject to change

Brains, Trains & Automobiles

Seminar Faculty

Mary Alexander, MPH JD, Mary Alexander & Associates, San Francisco. Ms. Alexander specializes in personal injury, product liability including pharmaceutical and auto defect cases, and train accidents. She is Past President of American Association for Justice (formerly Association of Trial Lawyers of America); Past President of Consumer Attorneys of California; current President of the AAJ Endowment; member of American Board of Trial Advocates (ABOTA); member of AAJ's Leaders Forum; Past President of the Pound Institute; named Super Lawyers of Northern California since 2006; named one of the "Top Ten Trial Lawyers" in the San Francisco Bay Area by the San Francisco Chronicle; named one of the 100 Most Influential Lawyers in California; named one of the Top Women Litigators in California; named by *LawDragon* as one of the "Top 500 Attorneys and Litigators" in the United States. She recently won a verdict for \$45 million for a 40 year old woman rendered quadriplegic in an auto accident; \$13 million verdict in a bicycle accident causing quadriplegia; a settlement for \$5.5 million for a truck driver with TBI; and in 2010 obtained a \$2 million settlement for the wrongful death of a child, along with Bob Pottroff and Steve Boyda, against Amtrak and CalTrain.

David Ball, Ph.D., America's best-known and most influential trial consultant, works with his partner Artemis Malekpour as the nation's only consulting firm qualified to teach and apply the game-changing methods of Reptilian trial advocacy. Dr. Ball wrote four best-selling advocacy books including 'David Ball on Damages', which continues to change the face of modern trial advocacy. Dr. Ball teaches lawyers and law students coast to coast, is a Senior Lecturer at Duke Law School, and advises on civil and criminal cases throughout the country and in Canada.

C. Michael Bee, Esq., is a partner in the Charleston, WV, firm of Hill, Peterson, Carper, Bee & Deitzler. He is the Past President of the West Virginia Brain Injury Association and is serving and has served on the Board of Directors for both the West Virginia Brain Injury Association and the National Brain Injury Association; the President's Council for

The National Brain Injury Association; and Past Chairman of the Development Committee for the National Head Injury Foundation. Presently, Mr. Bee is serving on the Board of Directors of the Traumatic Brain Injury Litigation Group. Mr. Bee has also taught at the University of Florida as an adjunct professor in their professional certification programs.

Grant L. Davis, Esq., is one of the founding partners of the law firm of Davis, Bethune & Jones, L.L.C. in Kansas City, Missouri. He has practiced as a trial lawyer since 1987. He has been named one of the top ten lawyers in Missouri and Kansas the last two years running. He is a past president of the Missouri Association of Trial Attorneys. He has been named to the "Best Lawyers in America". This year "Best Lawyers in America" named Grant Personal Injury Lawyer of the Year for Missouri. In addition, Grant has won several awards for his charitable work in the community and DBJ has established a charitable foundation.

Grant is best known for his high level of success in jury trials. Grant has tried many different types of cases including: railroad crossings, helicopter crashes, industrial electrocutions, farmers' claims against agro chemical companies, an operation on the wrong side of the brain, a pharmacist who diluted chemotherapy drugs, and many more. He has recently represented many farmers against agro chemical corporations that have caused damage to farm families.

Grant has obtained many jury verdicts in excess of \$1 million during his career including some of the largest verdicts in the country. Grant's jury verdicts include a \$2.2 billion verdict against a pharmacist who diluted chemotherapy drugs, a \$160 million award for a young woman injured in a train wreck, a \$30 million verdict for a carpenter with electrical shock injuries, a \$25 million verdict for injuries to a 7 year old girl, a \$21 million verdict involving a helicopter crash, a \$20 million verdict for a 17 year old boy involving medical negligence, a \$48 million verdict for 11 farmers in Arkansas and many other jury verdicts for well deserving clients. In addition to the jury verdicts, Grant's trial success has helped to settle many cases for clients before trial at record levels.

Seminar Faculty (Continued)

William L. E. Dussault, Attorney at Law, is the founder and senior shareholder of William L. E. Dussault, P.S., dba Dussault Law Group, in Seattle, Washington. He is a member of the American Bar Association, Washington State Bar Association, Colorado State Bar Association, and Seattle-King County Bar Association and has been admitted to practice in the State of Washington, US Federal District Court, US Supreme Court and the State of Colorado.

Mr. Dussault was the originating author of special needs trusts for use in person injury settlements (known as "Dussault Trusts") in 1976, and the originating author of the federal legislation authorizing use of special needs settlement/judgment trusts in conjunction with continuation or establishment of eligibility for certain federal benefit programs. He is actively involved with numerous state and national groups concerned with legal issues impacting persons with disabilities, he incorporated and served as counsel to The Association for the Severely Handicapped (TASH), is Vice-Chair of the American Bar Association Family Law Committee on Mental Disability, is counsel to the Washington Association for Persons with Disabilities and is the founding president of the Washington Chapter of the National Association of Elder Law Attorneys (NAELA). Mr. Dussault was an adjunct professor at the University of Washington School of Law and the U.W. School of Nursing on Nursing, Law and Ethics. He was a member of the faculty of the International Institute on Head Injury and the Law, Emmanuel College, Cambridge University, England. He has been selected as one of Washington's Super Lawyers by Washington Law & Politics annually from 1999-2006 and by Washington Law & Politics as one of the four best lawyers in Washington State in 2003. Mr. Dussault was selected by Seattle Magazine as one of Seattle's top financial managers in 2010.

Mr. Dussault makes frequent presentations on catastrophic personal injury case settlements, ethics and management devices throughout the US, including presentations for the National AAJ, and the numerous State Trial Lawyers Associations.

Mark Eastham, M.D., is a neurosurgeon with expertise in neuro-trauma. He received his degree from the University of Massachusetts Medical School with an internship/residency at State University of New York Science Health Science / Kings County Hospital—Brooklyn, NY. He has been board certified in Neurosurgery since 1992 and has had clinical faculty positions at SUNY DOWNSTATE and UCSF. Dr. Eastham has vast experience as a trial expert on head trauma. Born in Lowell, MA, he is a lifelong Red Sox fan and thus hates the New York Yankees.

Dr. Michael Freeman, PhD, MPH, DC, MedDr, is a Forensic and Medical Epidemiologist specializing in the application of probability and epidemiologic data to forensic venues. He serves as full Affiliate Professor of Epidemiology and Psychiatry at Oregon Health and Science University School of Medicine, Departments of Public Health and Preventive Medicine and Psychiatry. Dr. Freeman is also an Adjunct Associate Professor of Forensic Medicine and Epidemiology at the Institute of Forensic Medicine, Faculty of Health Sciences, University of Aarhus, Denmark.

Dr. Freeman has more than 120 published scientific papers, books, and book chapters on forensic applications of epidemiology, crash-related injuries and death, general and specific causation, and a variety of other areas of interest. He also has a number of publications on the identification of logical fallacy and junk science in expert testimony for the legal profession.

He has served in US, Canadian, European and Australian courts as an expert in a variety of fields including injury and death litigation, product liability, toxic tort litigation, tobacco litigation, medical negligence, and life expectancy, as well as both prosecution and defense expert in a number of homicide cases.

Thomas C. Jones, Esq., is a founding member of the law firm of Davis, Bethune & Jones, LLC, in Kansas City, MO. Mr. Jones and his firm concentrate their trial practice in the areas of railroad crossing litigation, product liability, professional negligence, and mass tort litigation. Many of the firm's cases have involved traumatic brain injuries to both adults and children. Like Grant Davis, Tom was also counsel in the Alcorn case, and other crossing cases that resulted in hundreds of millions of dollars in settlements and verdicts.

Seminar Faculty (Continued)

Gregory O'Shanick, M.D., is the current Chair of the Board of Directors of the Brain Injury Association of America after serving as its first National Medical Director for the past 14 years. Over the past 30 years, he has treated over 11,000 patients with brain injuries while serving on the faculties of 3 different medical schools and in private practice. Since 1991, he has been the President and Medical Director of the Center for Neurorehabilitation Services in Richmond, VA. He holds Board Certification in 4 medical subspecialties (Behavioral Neurology and Neuropsychiatry, Neurorehabilitation, Psychosomatic Medicine and General Psychiatry) and has published 3 books, 12 academic textbook chapters, over seventy peer-reviewed publications and presented to national and international medical conferences. He has served as an advisor to numerous Federal Agencies including CDC, DoD, NIH, Department of Education and NIDRR.

Robert L. Pottroff, Esq., Pottroff Law Office, Manhattan, KS, was described by Lewis Laska, publisher and editor of the FELA Reporter and Railroad Liability Monitor, as "simply the best railroad crossing lawyer in the United States." Mr. Pottroff, an advocate for the rights of victims and a proponent of railroad safety, is a highly sought after national and international speaker. He has appeared on CNN and was featured in the New York Times and The Discovery Channel documentary "Trouble on the Tracks".

Mr. Pottroff organized the National Railroad Safety Coalition to bring together victims of railroad accidents to form a unified voice promoting rail safety. He has long fought for and been instrumental in legislative change on a national level. After 9/11 Pottroff's fight against the railroad industry resulted in courts condemning abusive railroad tactics and juries awarding verdicts in excess of \$40 million in a series of three cases. As recently as 2008, yet another jury awarded damages in excess of \$20 million to Mr. Pottroff's clients who were the families of the victims of a railroad accident case in Minnesota.

Robert J. Siracusano is a Senior Financial Advisor who has been assisting individual investors for over 15 years. With offices in New York and Chicago, he specializes in an educational approach to investment management. Rob's techniques have proven useful to all kinds of investors, from the individual coming into the money for the first time of their life to the most seasoned investor. Known to many professionals as the "*trusted advisor of trusted advisors*", Rob prides himself and his team as being able to bring clarity and confidence to the individual investor.

Dr. Mariusz Ziejewski, Ph.D., is a Professor in the College of Engineering at North Dakota State University where he is the director of the Impact Biomechanics Laboratory and the director of the Automotive Systems Laboratory. He is also an Adjunct Professor in the Department of Neuroscience at the University of North Dakota School of Medicine.

Dr. Ziejewski's most current research activity, in cellular level brain injury, is sponsored by the Department of Defense (DoD). He was invited to chair two scientific peer review committees for the DoD Post Traumatic Stress Disorder/Traumatic Brain Injury (PTSD/TBI) Research Program. Recently, Dr. Ziejewski was named Vice Chairman of North American Brain Injury Society (NABIS).

For several years Dr. Ziejewski has been involved in the Emergency Room (ER) Biomechanical Brain Injury Evaluation Research, FM Ambulance Service, MeritCare Trauma Center, sponsored by the MeritCare Foundation. He has published two book chapters and over eighty technical refereed articles on brain/neck injury.

Accommodations, Rates & Fees

The **Westin Verasa Napa** is nestled on the banks of the Napa River conveniently located in downtown Napa. This contemporarily designed property features panoramic views of the vineyard covered mountains. For more information on the Westin Verasa Napa, go to www.westin.com.

Seminar Fees - Included in the registration fee is a continental breakfast on Friday and Saturday; Falcor Wine Tasting at the Westin on Thursday; and, the Falcor Winemaker's Dinner on Friday. Complimentary private transportation will be provided to and from the winery. Additional tickets for the Falcor Wine Dinner can be purchased for \$150.

Seminar Room Rates – A limited block of rooms at the group rate of \$189 single per night (plus tax & fees) Sunday—Thursday and \$229 single (plus tax & fees) for Friday & Saturday is being held on a first come / first serve basis. Group rates have been conveniently extended 3 days pre arrival and 3 days post departure should you want to extend your stay in Napa. Cut-off date for group rate reservations is April 3, 2012. For reservations, please call 1.888.627.7169 and request the Media Rich Rate.

Continuing Legal Education

Application for continuing legal education credit will be made for approximately 19.25 general credits for 60 minute states and approximately 23.1 general credits for 50 minute states. The number of credits awarded will vary based on state regulations. Please bring your license and/or bar information with you to the program.

Contact Media Rich

Media Rich

Laurie Rich, President

By Phone: (888) 325-3044

By Fax: (304) 345-1519

By Email: laurie@media-rich.com

On-Line: <http://www.media-rich.com>

By Mail: Media Rich
500 Tracy Way
Charleston, WV 25311



Due to the confidential nature of this program, audio or video recording is not allowed. Written materials will only be made available to program attendees.



Program Registration

Or Register On-Line at www.media-rich.com/brainstrainsautomobiles.html

I and my firm represent only plaintiffs in personal injury litigation and do not represent any insurance companies in any type of litigation. _____ (Please Initial)

- \$ 1,295 per person registration
- \$ 995 per person for the second + person from the same firm
- \$ 150 per additional guest, Falcor Wine Dinner _____ Number of Additional Guests

Name: _____

Firm: _____

Mailing Address: _____

City, State & Zip: _____

Phone: _____ Cell/Alternate Phone: _____

Email Address: _____

Payment Method

- Check Enclosed, Payable to: **Media Rich**
500 Tracy Way
Charleston, WV 25311

- Credit Card Type: AMEX VISA MASTERCARD DISCOVER

Name on Card: _____

Number: _____

Expiration: _____ V-Code # _____

Billing Address (If Different from Above)

- CLE Credit is Desired
State(s): _____

State Bar Membership Number(s): _____

How Many Years have You Been Practicing Law? _____

What Percentage of Your Work is Devoted to Plaintiff Work? _____

SPEAKERS & TOPICS

THURSDAY 5/3/12 – DAVID BALL – REPTILIAN TRIAL ADVOCAY

- 8:00 – 9:00 Concept: the Science
Fundamentals: the Method
Killing Tort – “Reform” for good
- 9:00 – 10:00 Enlisting Juror Concern: the Goal
Controlling the Playing Field
“Codes”
- 10:00 – 10:15 Break
- 10:15 – 12:00 Codes continued
Community Safety and Danger
Incorporating *Rules of the Road* and *David Ball on Damages 3*
- 12:00 – 1:00 Lunch
- 1:00 – 3:00 “Rules” – Reptilian application
Rules framing Defendant’s Conduct
Rules framing Defense “Experts”
Rules framing Juror and the Law (Preponderance, etc)
Voir dire, trial, closing
Voir Dire **ethics** (.5 hr)
- 3:00 – 3:15 Break
- 3:15 – 4:15 Continue 1:15pm topics
- 4:15 – 5:15 Opening Statement
Sculpting the Case
Structure
Control
Ethics in Opening (.5 hr)

FRIDAY 5/4/12 – BRAINS

- 8:00 – 8:50 Dr. Michael Freeman – Probability, Coincidence, and Causation in
Traumatic Brain Injury Cases
- 8:50 – 9:40 Mariusz Ziejewski, Ph.D. – Biomechanics of Low Impact, Mild
Traumatic Brain Injury Cases
- 9:40 – 10:30 Gregory O’Shanick, M.D. – How to Utilize the Neuropsychiatrist in
Your Brain Injury Case
- 10:30 – 10:45 BREAK
- 10:50 – 11:40 Dr. William Dussault – How to Protect Your Brain Injured Clients’
Money after Verdict or Settlement
- 11:40 – 12:00 Rob Siracusano – Innovative Methodology for Investing Your Clients’
Proceeds from Verdict or Settlement
- 12:00 – 12:50 Dr. Mark Eastham – Could Trauma Centers have saved RFK
(Bobby Kennedy)

**SATURDAY 5/5/12 – TRAINS – ROBERT POTTROFF, MARY ALEXANDER,
GRANT DAVIS & TOM JONES**

8:00 – 9:00 Signage
9:00 – 10:00 Sight Problems
10:00 – 10:15 BREAK
10:15 – 11:15 Issues with Hearing a Horn
11:15 – 12:15 Issues relating to Horn Blowing & Compliance with Horn Blowing
12:15 – 1:15 LUNCH
1:15 – 2:15 Humped and Rough Crossings
2:15 – 3:15 Plaintiff Discovery Issues
3:15 – 3:30 BREAK
3:30 – 4:30 Defense Discovery Issues
4:30 – 5:30 The Trial of a Crossing Case