

Workers' Compensation Law and Practice

Sioux Falls, SD - August 30, 2016

Early Registration

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- SD Insurance 8.0 property and casualty
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 - ABIH 6.5
 - CSP 0.6
 - PACE 8.0
- See inside for details.

PRESENTED BY:

Comet H. Haraldson, *Woods, Fuller, Shultz & Smith P.C.*

Laura K. Hensley, *Boyce Law Firm, L.L.P.*

Charles A. Larson, *Boyce Law Firm, L.L.P.*

(See complete biographies inside)

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Workers' Compensation Law and Practice

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3712 Spooner Avenue
Altona, WI 54720

Workers' Compensation Law and Practice

AGENDA

- I. General Principles of Workers' Compensation**
 - 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. The Workers' Compensation Case**
 - 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. Maintaining Your Claim File**
 - A. Claims notes
 - B. Proper investigation of a claim
- IV. Legislative and Case Law Update**
 - A. Legislative
 - B. Case law
 - C. What changes are coming in WC
- V. Discussion Topics in Workers' Compensation**
 - A. Settlements
 - B. Return to work issues
 - C. Independent contractors
 - D. Managing chronic pain
 - E. Aggregate wages
 - F. Employee documentation
- VI. Ethical & Professional Behavior**
 - A. Ethical hypotheticals
 - B. Ethics and social media
 - C. Other challenges in today's workers' compensation law practice

DATE & TIME

DATE: Tuesday, August 30, 2016

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

Country Inn and Suites by Carlson

200 East 8th Street

Sioux Falls, SD 57103

605-373-0153

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 evaluate 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

SD Insurance

This course has been **approved** for **8.0 property and casualty credit** from the **South Dakota Division of Insurance Department of Labor and Regulation**.

IA CLE

This seminar is an accredited program that has been **approved** under the regulations of the **Iowa Supreme Court Commission on CLE** to provide a maximum of **6.75 hours of regular credit**, including **1.0 hour of Attorney Professional Conduct**, toward the MCLE requirements under the Iowa Rule.

MN CLE

This course has been **approved** by the **Minnesota State Board of CLE** for **6.5 hours** in the following category or categories of credit: **standard continuing legal education and 1.0 hour in ethics or professional responsibility**.



Sterling Education Services is recognized by **SHRM** to offer professional development credits (PDCs) for **SHRM-CP** or **SHRM-SCP**. This program is valid for **6.75 PDCs for the SHRM-CP or SHRM-SCP**. For more information about certification or recertification, please visit shrmcertification.org.



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

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

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

PACE

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

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

MEET THE FACULTY

COMET H. HARALDSON, a shareholder of Woods, Fuller, Shultz & Smith P.C. in Sioux Falls, practices in the areas of workers' compensation and litigation, administrative law, and employment law. He is a litigation attorney with thirty-six years of experience and his emphasis is on defense and workers' compensation. Mr. Haraldson has handled well over five thousand workers' compensation cases during his time at his current firm. He is a member of the State Bar of South Dakota and the Second Circuit Bar Association, and he has appeared in *Best Lawyers® in America*, *Chamber USA: America's Leading Lawyers for Business*, and *Great Plains Super Lawyers®*, all in the area of workers' compensation. Mr. Haraldson received his B.A. and his M.A. from the University of South Dakota and his J.D. from the University of South Dakota School of Law.

LAURA K. HENSLEY, of the Boyce Law Firm, L.L.P. in Sioux Falls, is a member of the firm's Litigation Section, working primarily on workers' compensation, insurance defense, and employment matters, and she also has experience in managing and defending bad faith claims. Ms. Hensley represents employers and insurers in all stages of workers' compensation and employment matters, and she regularly counsels clients prior to litigation. Ms. Hensley represents insurance companies in negligence disputes, prepares and negotiates settlement agreements for workers' compensation clients, counsels clients on compliance with workers' compensation laws and employee documentation, and conducts training for adjusters, employees, and management at client sites. She is a member of the State Bar of South Dakota and the Second Circuit Bar Association, the vice president of Women in Law, a committee member of the South Dakota Defense Lawyers Association Young Lawyers Section, and a planning committee member of the National Workers' Compensation Defense Network. Ms. Hensley received her B.A., Dean's List, from Augustana College and her J.D., *cum laude*, from the Creighton University School of Law.

CHARLES A. LARSON, of the Boyce Law Firm, L.L.P. in Sioux Falls, practices in the areas of workers' compensation, personal injury, employment law and litigation, and insurance litigation. Mr. Larson works in the areas of civil litigation and workers' compensation; approximately eighty-five percent of his practice is devoted to bringing and defending workers' compensation matters. He has taken and defended over one hundred depositions, first and second-chaired trials and arbitration, argued and defended various motions in front of the courts, and conducted workers' compensation hearings on issues varying from medical causation to notice, as well as several other issues. Mr. Larson has been recognized by *Chambers USA* as a leading attorney in Labor & Employment Law and Workers' Compensation, and he was selected as a *Great Plains Super Lawyer® Rising Star®* of 2013, 2014, and 2015. He is a member of the State Bar of South Dakota, the South Dakota Young Lawyers Section, the Defense Research Institute, the Second Circuit Bar Association, and the National Workers' Compensation Defense Network. Mr. Larson received his B.A., *summa cum laude*, from Southwest Minnesota State University and his J.D., with honors, from the University of Nebraska—Lincoln College of Law, where he was selected Order of the Coif.

Workers' Compensation Law and Practice Sioux Falls, SD - August 30, 2016

Registration Fee: (includes manual)

- \$339 per person
- \$329 per person for 2 or more
- \$309 per person **if paid by July 19th**

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)

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Seminar # 16SD08203

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- 2) Name: _____ Job Title/Practice Area: _____
Email: _____ †
- 3) Name: _____ Job Title/Practice Area: _____
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*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>.

ESSENTIALS OF EMPLOYMENT LAW - Seminar # 16SD02055

Hiring and Terminating Employees in the Current Economy; Critical Issues in FLSA/Wage and Hour; Employers' Map to the ACA Maze of Requirements; Handling Medical and Leave Issues; Harassment and Discrimination in the Workplace; Privacy and Today's Technology in the Workplace

PRESENTED BY:

Heather Lammers Bogard with Costello, Porter, Hill, Heisterkamp, Bushnell & Carpenter; Jennifer Suich Frank with Lynn, Jackson, Shultz & Lebrun, P.C.; Kassie McKie Shiffermiller with Lynn, Jackson, Shultz & Lebrun, P.C.; and Kathleen R. Barrow with Jackson Lewis P.C.

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

RESIDENTIAL LANDLORD-TENANT LAW - Seminar # 15SD11323

Commencement of the Tenancy; Tenant and Landlord Obligations During Tenancy; Termination of Tenancy and Tenant Remedies and Defenses; The Eviction Process

PRESENTED BY:

Tyler C. Wetering with Gunderson, Palmer, Nelson & Ashmore, LLP; Matthew C. Hasvold with Gunderson, Palmer, Nelson & Ashmore, LLP; and Christopher A. Christianson with Costello Porter Hill Heisterkamp Bushnell & Carpenter LLP

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

4 Easy Ways to Register:

- **Web:** www.sterlingeducation.com
Enter # in "Express Registration"
- **Mail:** Sterling Education Services
3712 Spooner Avenue
Altoona, WI 54720
- **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.**

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