



ALFA International Transportation St. Louis Regional Seminar

Wednesday, February 20, 2019
Busch Stadium Conference Center
700 Clark Avenue
St. Louis, Missouri 63102

The logo for ALFA International, featuring a stylized white globe icon on the left side of the text.

ALFA International

The Global Legal Network
Local Relationships Worldwide

SEMINAR PROGRAM SCHEDULE

Tuesday, February 19, 2019

Women's Initiative Happy Hour

Tin Roof

1000 Clark Avenue, St. Louis, MO 63102

4:30 p.m. - 6:30p.m.

St. Louis Blues vs. Toronto Maple Leaves

Enterprise Center

1401 Clark Avenue, St. Louis, MO 63103

7:00 p.m.

Wednesday, February 20, 2019

Welcome & Introduction

Joseph Swift (Brown & James) 9:00 - 9:15 a.m.

Turning Lemons into Lemonade: 9:15 a.m. – 10:00 a.m.

Speakers: Jessica Holliday, Joseph Swift (Brown & James), and Brad Telfeyan (Lewis Thomason)

Each day in commercial transportation litigation, we are faced with a wide range of challenges. We have learned that if we gather investigative information as soon as the accident occurs, we are in a much better position to defend the case at a later date. What often seems like a very challenging situation at first turns into a manageable matter with proper investigation and evidence preservation. In this presentation, you will learn about best practices in investigation and evidence preservation. From there, the presenters will take the evidence from cradle to grave and show how it is used effectively to resolve claims quickly and how it can be used to defend issues at trial. In short, this presentation focuses on how to turn our everyday "lemon" situations into "lemonade."

Break: 10:00 a.m. – 10:15 a.m.

Don't Bogart that Liability: 10:15 a.m. – 11:00 a.m.

Speakers: Kevin Adrian, John McLeod, and Steve Schwartz (Brown & James)

Several states are addressing medical marijuana legalization and its impact on liability issues, including admissibility of marijuana usage in civil cases. This presentation will include the implications of the medical marijuana legislation in the employment context, including an employer's right to discipline or discharge employees for positive drug tests, and the potential effect of proposed federal legislation on those issues. How does this impact a workers' compensation claim? How do all of these issues impact a CDL driver and the mandates of the Federal Motor Carrier Safety Regulations?

Break: 11:00 a.m. – 11:15 a.m.

Technology: Sword or Shield: 11:15 a.m. – 12:00 p.m.

**Speakers: Philip Davidson (Hinkle Law Firm LLC) and
Jeremy Ward (Franden | Farris | Quillin | Goodnight + Roberts)**

We are living in a world where the vast information superhighway is not only at our fingertips, but literally sits in the palm of our hands. It is no secret that personal use of mobile devices has exploded over the past twenty, but technology keeps gaining in sophistication and the means and methods by which it becomes part of everyday life may surprise you. The digital world offers bountiful opportunities for disputing liability theories and damages from sources such as CSA scores, Fitbit information, previous sudden stop data, Drive Cam video, and social media. While gathering and preserving data pre-suit is difficult, using it at trial presents unique challenges. This session explores methods to ensure digital data will be both admissible and effectively utilized at trial.

Client/Lawyer Roundtable - 12:00 p.m. - 12:15 p.m.

Lunch & Stadium Tour 12:15 p.m. - 1:15 p.m.



Case Roundtable 1:15 p.m. - 2:00 p.m.

**Speakers: Clark Aspy (Naman, Howell, Smith & Lee, P.L.L.C.) and Rob Foos
(Lewis Wagner)**

Your driver is talking on the cell phone when the accident happens – automatic liability, right? The presenters will take hypothetical fact patterns and discuss strategies and tactics including how to apply comparative fault, joint and several liability, medical liens how low-impact, low-property-damage cases can fool experienced lawyers in terms of evaluation, what investigative materials should be requested in every case, and how to handle and make aggressive preservation requests. To include the variables in state laws and what is the value? The audience weighs in with Poll Everywhere!!

** Approved for 4 hours of California, Illinois, and Missouri CLE*

Closing Comments & Batting Practice– 2:00 p.m. -3:00 p.m.

SPEAKERS



Kevin J. Adrian is a Principal with the ALFA International law firm of Brown & James, P.C. in Saint Louis, Missouri. Mr. Adrian received his B.S. degree in Biomedical Engineering from Northwestern University, and is an honors graduate of the Saint Louis University School of Law. Mr. Adrian practices in Missouri and Illinois, and focuses his workers' compensation practice on defense of employers, self-insured's, and insurance carriers. Mr. Adrian also practices health care law, including defense of health care professionals in malpractice claims, and defense of pharmaceutical and medical device manufacturers in product liability matters.



Clark Aspy is a member of Texas firm Naman Howell Smith & Lee. He has tried and handles cases in the areas of personal injury/negligence, products liability, condemnation and eminent domain, construction disputes, DTPA/business claims, employment discrimination, and real estate litigation in various courts around the state. His clients include small and large businesses, individuals, insurance companies, and public utilities. Mr. Aspy is also active in Alternative Dispute Resolution, both as a participant and a facilitator. He has completed the 40-hour basic training course for certification as a mediator and the "Redress" training required for U.S.P.S. mediations. He is an approved arbitrator for the Western District of Texas and has served as a mediator in hundreds of cases. He is rated by Texas Super Lawyers.



J. Philip Davidson is a leader of Hinkle Law Firm LLC's insurance, transportation, construction & hospitality/ food/beverage practice groups. Mr. Davidson handles the defense of a full range of motor carrier/ transportation, construction (including blasting and explosives liability), food & beverage safety/hospitality industry, products liability and professional liability matters. Philip has an active litigation and trial practice, often involving catastrophic loss and wrongful death claims in these industry sectors. In the transportation arena, Philip has handled hundreds of commercial transportation cases, including direction of the initial response, investigation and defense of litigation arising out of motor carrier accidents, railroad derailments and motor coach/ school bus accidents. He has tried numerous civil jury trials,

including high exposure personal injury and wrongful death cases. He is a frequent presenter for ALFA International, TIDA, ATA and state motor carrier associations on issues germane to the transportation industry and motor carrier safety. He has also served as national coordinating counsel to an international restaurant franchise-holder's association for its delivery driver/commercial vehicle exposures and national coordinating/ trial counsel for an international food and beverage company on mass tort liability. Admitted in Kansas and Missouri, Philip has represented clients in litigated matters in more than 25 states. He is a Litigation Counsel of America Fellow, Missouri & Kansas Super Lawyer (2005-present), Best Lawyers in America (2007-present), and a member in the International Association for Food Protection; International Society of Explosives Engineers; and, International Society for Fall Protection.



Robert Foos is a partner at Lewis Wagner, LLC, and focuses his practice on the representation of commercial carriers and commercial drivers in catastrophic injury and wrongful death cases. He represents several national carriers and a host of local, inter and intra-state transportation companies. A frequent speaker at national seminars, Rob also works closely with clients, insurers and reinsurers to provide case law updates and presentations on the latest tactics in defending trucking related claims and new technologies in the trucking industry. Rob is licensed to practice in both Indiana and Illinois and is a member of ALFA's Transportation Practice Group, the Trucking Industry Defense Association (TIDA), Transportation Lawyers Association (TLA), the Indiana Motor Truck Association (IMTA) and the American Board of Trial Advocates (ABOTA).



Jessica S. Holliday is a partner with Brown & James, P.C., practicing in the firm's Belleville, Ill., office. She has been with the firm since 2011. Jessica focuses her practice on premises liability, transportation, and employment matters. In addition, she has argued before the Illinois Fifth Appellate District. Jessica graduated from the Saint Louis University School of Law. She serves as a judge for moot court competitions at Saint Louis University School of Law, as well as mock trial competitions at Washington University School of Law. She also participates as an arbitrator in the St. Clair County, Ill., mandatory arbitration program. As a college graduate of the University of Tennessee, Jessica is an avid supporter of Tennessee athletics.



John McLeod is a principal in the St. Louis firm of Brown & James. He practices in the areas of transportation and insurance defense. He regularly handles cases in both state and federal courts in Missouri. He works on cases through all stages of litigation, from initial investigation through trial. He is also the chair of the firm's Associate Training Committee. John has been recognized as an Up & Coming attorney by Missouri Lawyers Weekly. He is a graduate of the Saint Louis University School of Law and frequently conducts presentations for the insurance, risk management, and transportation industries on Missouri and Illinois law.



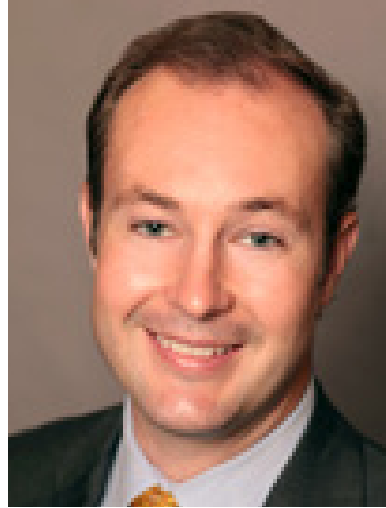
Steven H. Schwartz is a shareholder at the ALFA International law firm of Brown & James, P.C. in St. Louis, Missouri. Steve is an active trial lawyer who has handled business litigation, professional liability, officer/director liability, employment and technology cases for over 30 years. Steve defends lawyers, accountants, insurance agents and brokers, real estate agents, appraisers and title companies. Steve also represents employers in all types of employment disputes from discrimination and retaliation to non-compete agreements and theft of confidential information. Steve has also handled many technology related claims, including software disputes, data breach and intellectual property disputes. Steve received his J.D. with Honors from George Washington University and his B.A. with Distinction from Indiana University.



Joseph R. Swift is a shareholder of the St. Louis, Missouri ALFA International law firm of Brown & James, P.C. He is a graduate of Luther College (B.A. 1984 cum laude) and Creighton University School of Law. (J.D. 1987 cum laude). Mr. Swift's practice emphasizes transportation cases and product liability cases. He is a frequent lecturer on transportation law to various industry groups. He has firsthand experience in driving, he drove a dynamite truck in college and law school. He is a long standing member of the ALFA International Transportation Practice Group Steering Committee and is has Chaired the Transportation group. He is also active in the ALFA International Product Liability Group. He has served on the ALFA International Board of Directors. He has a busy trial practice and has tried over sixty-five trials to verdict.



Brad Telfeyan, a shareholder is located in the firm's Nashville office, practicing primarily in the areas of commercial transportation litigation and products liability. Prior to joining the firm, Mr. Telfeyan served as a captain in the United States Army Judge Advocate General's Corps from 2006-2011 at Fort Carson, Colorado and Fort Campbell, Kentucky. During that time, he served as lead counsel in numerous jury and bench trials successfully prosecuting and defending matters before courts-martial. His awards include the Meritorious Service Medal, the Army Commendation Medal, and the Army Achievement Medal.



Jeremy Ward is an ALFA Construction and Product Liability Practice Group member with the Tulsa, Oklahoma firm of Franden | Farris | Quillin | Goodnight + Roberts. He routinely represents companies on claims based on product liability, catastrophic incidents and accidents, construction defects, and professional negligence to include cybersecurity incidents. He is special counsel for the boards of the Tulsa Metropolitan Utility Authority, Tulsa Utility Board, and Regional Metropolitan Utility Authority. He has been recognized as a Super Lawyer Rising Star since 2011. Jeremy is AV[®] Preeminent[™] Peer Review Rated by Martindale-Hubbell and is admitted to practice before all state and federal courts in Oklahoma and Arkansas, the Northern District of Oklahoma Bankruptcy Court, and the 8th and 10th Circuit Courts of Appeal.