

Agenda



February 3, 2021
Live Virtual Webinar

Tort and Insurance Winter Forum 2021

Program Producer: Parke Morris

Total Credits: 2 General, 1 Dual

This 3-hour CLE will provide an overview of the ethical issues that attorneys face in conducting investigations and interviewing current and former employees of an opposing corporate litigant, as well as a discussion of emerging legal issues on the enforceability of arbitration agreements, and finally, a general discussion of recent legal developments involving claims for health care liability actions.

9:00 – 10:00 am

Arbitration Clause 101: Drafting, Defending, Avoiding, Defeating.

Phil Harvey, Parke Morris & Associates
Stephen Zralek, Bone McAllester Norton PLLC

This session will outline the legal framework, pros and cons, and practice pointers for navigating this oft-neglected corner of contract law. This one-hour course is an overview and it does not cover Employment Law Arbitration, Class Action Arbitration, or pending legislation. Nor is it a complete Case Law Update or a nuts-and-bolts course in how to litigate disputes in arbitration. The presenters will share many practice pointers along the way, however, both in illustrating both the advantages and pitfalls you should watch for when evaluating your client's agreement and when facing an arbitration dispute.

10:00 - 11:00 am

Medical Malpractice

Alan Bean, Starnes Davis Florie LLP
Parke Morris, Parke Morris & Associates

This session will review some of the more important cases interpreting Tennessee's Health Care Liability Act, formerly known as the Tennessee Medical Malpractice Act as well as several

important Tennessee Supreme Court cases that have interpreted Tennessee's Civil Justice Reform Act (tort reform) and what role these decisions play in strategy during litigation and resolution of health care liability cases.

11:00 - 11:15 am

Break

11:15 am -12:15 pm

DUAL

Can I get a Witness?

Brian Faughnan, Lewis Thomason

Parke Morris, Parke Morris & Associates

Every Tennessee lawyer knows there is an ethical restriction on communicating with someone represented by counsel. When the parties to a case are individuals, resolving questions about whether they are represented by counsel and whether the communication would relate to the matter in which they are being represented are straightforward. When one or more parties to a matter are organizational entities, however, questions can be (or at least can seem to be) less clear. This program will explore the interrelationship between RPC 1.13 governing representation of organizational entities and RPC 4.2 on communication with represented persons.