Alternative Dispute Resolution Strategies for Medical Malpractice Cases

Target Audience
Risk managers
Healthcare attorneys
Patient Safety Officers

Physician leaders
Physician Office Managers
Compliance Officers

Agenda
9:30 am  Registration

9:50 am  Welcome and Introductory Comments
David Stuckey  President  SC ASHRM

10:00 am  Overview of Alternative Dispute Resolution
This session will focus on:
- A historical overview of alternative dispute resolution, including applicable statutes and case law
- The role of the mediator
- Ten mistakes risk managers make in dispute resolution
Karl A. Folkens, Esq.  Folkens Law Firm, PA

11:00 am  Break
11:15 am  **Tips and Tactics: A Mediator’s Perspective**  
In this session, program attendees will participate in a simulated mediation conference of a medical malpractice case. The session will provide tips and strategies for:  
- Effective opening presentations  
- Strategies for communication with your client and opponent  
- Negotiation tactics  

*Karl A. Folkens, Esq. | Folkens Law Firm, P.A.*

12:15 pm  **Networking Lunch**

1:00 pm  **Begin with the End in Mind: How Choosing the Right Resolution Strategy Can Lead Your Organization to Success in Difficult Negotiations**  
This session will address the most common Alternative Dispute Resolution mechanisms (mediation, arbitration, and direct negotiation) and identify how risk managers and claims committees can improve outcomes by developing a solid resolution strategy early on. The session will cover:  
- The current status of enforceability of arbitration agreements and whether they are right for your organization  
- The Resolution Strategy Index Tool  
- The ADAPT Strategy for case assessment and decision making  
- A playbook approach to successful mediations  

*John E. Hall, Jr., Esq. & Drew Graham, Esq. | Hall Booth Smith, P.C  
Janna Bennet, CPHRM, Risk Control | CNA HealthPro*

3:00 pm  **Adjourn**
**Speaker Biographies**

**Karl A. Folkens, Esq.** is the founding partner of Folkens Law Firm, P.A. in Florence, SC. With over 36 years of legal experience, Karl has presented at numerous continuing legal education seminars, the South Carolina Judicial Conference, and professional association conventions on topics ranging from advanced mediation techniques, effective advocacy in mediation, arbitration certification, starting a mediation practice, exploring new forms of ADR, guardian ad litem certification, applying computer technologies to the practice of law, equitable division of marital and business assets, and legal ethics. Karl is certified civil court mediator and arbitrator in state and federal courts and a certified family court mediator. Karl maintains an active ADR practice, having mediated over 3,800 cases in four states and arbitrated over 330 cases in three states, and is a member of the National Academy of Distinguished Neutrals. He served on the Association for Conflict Resolution South Carolina Chapter Organizing Committee and it’s founding Board of Directors. He was Vice-Chair and board member of the South Carolina Council for Conflict Resolution.

**John E. Hall, Jr., Esq.** is one of the founding partners of Hall Booth Smith, P.C. in Atlanta, GA. John specializes in the defense of high exposure cases, including medical malpractice, construction, commercial litigation, mass torts, transportation, and products liability. During his legal career, he has tried in excess of 100 cases to resolution. His expertise in high exposure birth trauma and catastrophic cases resulted in his being named National Counsel for several major insurance carriers. This National Counsel Program establishes a litigation approach, which enables a team of specialized attorneys to become involved and assist local counsel on high exposure cases at all phases of the legal process.

**Drew Graham, Esq.** is a partner of Hall Booth Smith, P.C. in Atlanta, GA. Drew specializes in the management of high exposure professional liability claims including complex regulatory and reimbursement actions, class actions, and batch claims. He has tried more than 40 cases to resolution and has resolved hundreds of professional liability of cases through the use of alternative dispute resolution strategies including arbitration and mediation. He created the firm’s Long Term Care Practice Group in response to industry demand for specialist attorneys in the evolving area of long term care litigation.

**Janna Bennett, CPHRM** is a Healthcare Risk Control Consultant for CNA HealthPro. Janna has 18 years of risk management and loss control consulting experience and 10 years of experience as a risk manager and performance improvement coordinator in acute care settings. She provides risk control consulting services in Tennessee, North Carolina, South Carolina, and Mississippi. She has worked in the areas of risk management, safety, loss control, Joint Commission accreditation, compliance, credentialing, medical staff services, peer review, medical records, marketing and public relations.
general information

register online!

To register, visit the SCHA web calendar, www.scha.org/calendar, select this meeting, and click “Register Online”. A registration and payment confirmation will be emailed directly to you once you complete the registration process.

registration fees

<table>
<thead>
<tr>
<th>Membership</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASHRM Members</td>
<td>$30</td>
</tr>
<tr>
<td>Non-Members</td>
<td>$60</td>
</tr>
</tbody>
</table>

registration & fees

Online registration will close 3 business days prior to the meeting. Persons wishing to register after that time must email Erin Watson at ewatson@scha.org.

substitution/refund/cancellation

Any registrant who cannot attend may send a substitute from the same organization by emailing Erin Watson at ewatson@scha.org with the name of the substitute. The registration fee is refundable if SCHA is notified of cancellation no later than August 22. No refunds issued past this date. No refunds issued for no-shows.

continuing education credits

Certified Professional in Health Risk Management
This program has been approved for a total of 4.0 contact hours of continuing education credit toward fulfillment of the requirements of ASHRM designations of Fellow (FASHRM) and Distinguished Fellow (DFASHRM) and towards Certified Professional in Healthcare Risk Management (CPHRM) renewal.

Continuing Nursing Education
The South Carolina Hospital Association is an approved provider of continuing nursing education by the South Carolina Nurses Association, an accredited provider by the American Nurses Credentialing Center’s Committee on Accreditation. Participants who attend the entire program and complete an evaluation will earn 4.0 contact hours.

Continuing Legal Education
Application submitted for 4.0 Continuing Legal Education credit hours.

speaker presentations/handouts available online only

All speaker presentations and handouts for this event will be posted on the SCHA website. Please note that paper copies of these handouts will NOT be available onsite. Participants can view the handouts after the event. Participants will be sent an
electronic program evaluation following the meeting. Once program evaluation is completed, participants will be able to access the link to the meeting presentations and handouts.

work to be fit

SCHA is committed to providing a safe and healthy work environment for its employees and guests, compliant with our “Work to be Fit” wellness program. Therefore, policies and standards for tobacco, nutrition, and physical activity have been implemented to support such a culture. Tobacco- SCHA encourages tobacco free people and places so tobacco use is prohibited at SCHA events and on SCHA grounds. Nutrition- SCHA provides a healthy food environment where the healthy choice is the easy choice. Healthy menu items that comply with the healthy food nutrition criteria will be available at each meal service. Please note, sugar sweetened beverages do not comply with the nutrition criteria and will not be readily available. Physical Activity- SCHA encourages the use of scheduled breaks for physical activity (stretching, walking, etc.) to help maintain optimal health. A paved community walking trail is available adjacent to SCHA grounds.

special dietary needs

If you have any special dietary needs, please contact Educational Services at (803) 744-3512.

special note for the disabled

The South Carolina Hospital Association wishes to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently from other individuals because of the absence of auxiliary aids and services. If you need any of the auxiliary aids or services identified in the American with Disabilities Act, please write or call Educational Services at (803) 744-