



2nd Annual Brains, Trains & Automobiles



April 22-24, 2010

*The Westin Verasa Napa
Napa Valley, California*



Seminar Overview

Welcome to the 2nd Annual Seminar on Brains, Trains & Automobiles. Building upon the tremendous success of our first seminar, faculty members will share new insights as well as secrets to successfully handle any brain injury case, railroad case, and serious auto injury case.

Brains, Trains & Automobiles brings together experts from around the country. Strategies, insights, and tools will be shared to enable you to obtain top dollar in settlement and trial. Sharing their extensive expertise, faculty members will assist you in increasing your efficiency and effectiveness both in pre-trial discovery and during trial. Top-notch litigators Michael Bee, Robert Pottroff, and Randy Scarlett, 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 traumatic brain injury, this seminar will expand your knowledge and sharpen your skills regarding brain injury.
- ◆ If you have a case where a member of the public was injured in the railroad environment, whether it be a motorist, pedestrian, commuter, or other member of the public, 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.
- ◆ Maximizing neuropsychology and neuro-imaging to build a winnable TBI case.

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.



Brains, Trains & Automobiles

Program of Events

Thursday, April 22	Friday, April 23	Saturday, April 24
AUTOMOBILES	TRAINS	BRAINS
11:30 a.m. – Registration	8:00 a.m. – 12:30 p.m. Conference	8:00 a.m. – 12:30 p.m. Conference
12:30 – 5:00 p.m. Conference	6:00 p.m. Winemaker's Dinner at Falcor Winery	
5:00 p.m. Taste of the Stars - Top Winemakers' Reception, Westin, Bank Patio		

Seminar Faculty

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 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 a member of the Traumatic Brain Injury Litigation Group and served on its Board of Directors for many years. Mr. Bee has also taught at the University of Florida as an adjunct professor in their professional certification programs.

Richard Paul Bonfiglio, M.D., is a board certified physician in Physical Medicine and Rehabilitation. His clinical practice includes identifying the long-term care needs of individuals with catastrophic injuries and illnesses, including providing the medical foundation for Life Care Plans. Dr. Bonfiglio has served as the Medical Director of major rehabilitation hospitals including Schwab Rehabilitation Hospital in Chicago, Bryn Mawr Rehabilitation Hospital in Philadelphia, and HealthSouth Harmarville Rehabilitation Hospital in Pittsburgh. Dr. Bonfiglio is on the faculty of the University of Pittsburgh in Occupational and Environmental Medicine and Temple Medical School in Physical Medicine and Rehabilitation. He has given hundreds of talks nationally and internationally.

Paul F. Byrnes, Bingham, IL, is an expert on railroad train operations, air brakes and train handling, and the scope, applicability, intent and effect of Federal Railroad Administration ("FRA") rules and regulations. Prior to becoming a consultant, Mr. Byrnes was a lawyer in private practice, preceded by serving as a trial/enforcement attorney for the Department of Transportation, FRA. He also worked as a locomotive engineer over a 25 year span for Illinois Central Railroad, Atchison, Topeka & Santa Fe Railway, The National Rail Passenger Corp (Amtrak), and the Association of American Railroads.

Mark Eastham, M.D., is Chief of Neurosurgery at Marin General Hospital in Greenbrae, CA. He received his degree from the University of Massachusetts Medical School with an in-

ternship/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.

George A. Gavalla is Executive Vice President of PVB Consulting Group, Inc., and has over 33 years of experience in the railroad industry. He began his railroad career as a signalman and eventually became the head of the Office of Safety for the Federal Railroad Administration (FRA). In that capacity he was responsible for the safety oversight of the entire U.S. railroad industry and led the agency's development of safety standards and regulations, regulatory enforcement, safety inspections and accident investigations. During his nearly 7 year tenure, railroad employee fatalities declined 48 % and overall train accidents fell by 19%. In 2005 Mr. Gavalla co-founded PVB Consulting Group, Inc. (PVB), a full service railroad safety and security consulting firm with a team of affiliated experts in every railroad discipline. Mr. Gavalla and the PVB Team have performed accident analysis and expert witness testimony in scores of railroad accident cases. They also perform railroad safety and operations assessments, develop safety and operational improvement strategies, and conduct railroad worker training programs.

Richard T. Gill, an Engineering Consultant for Applied Cognitive Sciences, Spokane, WA, holds a Ph.D. in Mechanical Engineering and is certified as a Human Factors Professional by the Board of Certification in Professional Ergonomics and XL Tribometrist by the International Safety Academy. He has served as an expert witness in more than 1000 cases and is qualified in human factors, accident reconstruction, mechanical engineering, safety engineering, and risk management.

Leonard Matheson, Ph.D., is a Vocational Evaluator, Rehabilitation Counselor, and Psychologist. He has served on the faculties of several major medical schools, most recently the Washington University School of Medicine. He is a clinical researcher with more than 40 years of experience in disability and rehabilitation. He invented Work Hardening and has developed many of the major tests and procedures used in

Seminar Faculty (Continued)

occupational rehabilitation throughout the world. His most recent peer-reviewed research (2010) demonstrated that IQ was not a useful predictor of executive dysfunction. He specializes in working with "bright brain injuries".

Claude S. Munday, Ph.D., is a Neuropsychologist who has been working in brain injury rehabilitation since 1976. He has treated and evaluated people at various levels of recovery and with various levels of permanent disability. He currently serves on the Board of Directors of the California Brain Injury Association and was previously President of the Brain Injury Association of California. He also serves on the Board of Directors of the California Society of Industrial Medicine and Surgery (CSIMS), and just finished a year as President of that organization. CSIMS is an organization of medical treatment providers and evaluators of injured workers. Evaluating 250-300 new brain-injured persons each year, Dr. Munday estimates he's seen in excess of 8,000 TBI cases. His interest is in understanding how people with TBI are impacted in their actual lives and helping those patients and their families better understand the effects of TBI.

Gregory J. O'Shanick, M.D., board certified in psychiatry, neurorehabilitation, and psychosomatic medicine, is the Medical Director for the Brain Injury Association in Washington, D.C., and the Center for Neurorehabilitation Services in Richmond, VA. Dr. O'Shanick served on the Founding Board of Governors for the National Academy for Certification of Brain Injury Rehabilitation Specialists.

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.

Randall H. Scarlett, Esq., is the principal of San Francisco-based Scarlett Law Group. Mr. Scarlett is a Leaders Forum/Presidents Club Member of the American Association of Justice, and is past-Chair and current Executive Board Member of AAJ's Traumatic Brain Injury Litigation Group. He is Past-President and serves on the Board of Directors of both the California Brain Injury Association and the Belli Society. Mr. Scarlett maintains a nationwide practice and has obtained numerous verdicts in excess of \$1 million.

Mr. Scarlett recently received a verdict in excess of \$49 million for a 23 year old client with traumatic brain injury who was struck by a big rig outside of San Jose, California. This verdict has been reported by Verdict Search as one of the top 100 verdicts rendered

in the United States in 2009. Mr. Scarlett also received a top 100 verdict in 2007 of over \$22 million for a 51-year-old client sustaining traumatic brain injury after she was struck by a tour bus in San Francisco. Indeed, Mr. Scarlett's top 100 verdicts reach back into the 1980s and 1990s, and include a \$26 million top 100 verdict for a then seven-year-old child sustaining catastrophic brain injuries as a result of an emergency room physician's failure to properly diagnose meningitis."

Anthony D. Sciara, Ph.D., ABPP, CLCP, is a practicing psychologist who obtained his Ph.D. degree from the University of Nebraska in 1976. Dr. Sciara has been preparing Life Care Plans since the early 1980's and is a Certified Life Care Planner. He maintains a private practice in forensic psychology in Ashville, NC, and provides evaluations for clients with physical, psychological, and neuropsychological deficits as a result of injuries. Part of his work involves the preparation of vocational, rehabilitation, and Life Care Plans. He also provides evaluations for clients involved in criminal, domestic, and other civil proceedings. As a trained neuropsychologist he is especially familiar with the needs of traumatically brain injured (TBI) clients. His focus on preparing Life Care Plans for TBI clients is to work with the best medical, neurological, neuropsychological, and vocational specialists to devise carefully crafted Life Care Plans which meet the unique needs of each client.

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.

Harry W. Zanville, Esq., is one of the leading railroad safety and railroad labor law attorneys in the United States. In addition to teaching Transportation Law, Negotiation, and Arbitration at the Thomas Jefferson School of Law in San Diego, CA, he provides legal services in highly specialized matters in a national law practice. His past client list includes federal government departments, agencies, federally chartered corporations, Fortune 500 companies, national labor unions, and individuals. He has been a speaker/lecturer on topics of national importance for over 30 years.

Dr. Ziejewski 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.

For several years Dr. Ziejewski has been involved in the Emergency Room (ER) Biomechanical Brain Injury Evaluation Research, FM Ambulance Service, MertiCare Trauma Center, sponsored by the MeritCare Foundation. He has published two book chapters and fifty 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. With panoramic views of the vineyard covered mountains, this contemporarily designed property features the award winning five star La Toque Restaurant. 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; Taste of the Stars Winemakers' Reception on the Bank Patio at the Westin on Thursday; and, the Falcor Wine-maker'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 \$75.

Seminar Room Rates – A limited block of rooms at the group rate of \$189 single/double per night (plus tax & fees) 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 March 23, 2010. 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 12.5 general credits for 60 minute states and approximately 15 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

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By Fax: (304) 345-1519

By Email: laurie@media-rich.com

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Charleston, WV 25311



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
- ☐ \$ 1,095 per person early registration, if registering prior to March 19, 2010
- ☐ \$ 995 per person for the second + person from the same firm
- ☐ \$ 75 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? _____