American Conference Institute’s 12th Annual Advanced Forum on

OBSTETRIC MALPRACTICE CLAIMS

June 26-27, 2013 | Union League | Philadelphia, PA

Obtain highly-specialized, practical information from leading medical experts, senior risk management and insurance professionals, and top litigators on:

- The state of obstetric malpractice: litigation trends, insurance developments, new theories of liability, emerging defense strategies, evolving standards of care, and more
- Litigating claims arising from prenatal care and identifying and managing the risks during the prenatal period
- Determining when perinatal asphyxia is the underlying cause of a brain injury
- Emerging standards of care for infants born with brain injuries and other emergency situations, including the use of hypothermia
- Developing an effective litigation strategy for claims arising from shoulder dystocia
- Fetal monitoring and surveillance: ensuring the correct interpretation and response and litigating claims relating to fetal monitoring
- How placental pathology and neuroimaging are impacting assessments of causation and timing of injuries
- Assessing the impact of intrauterine infections and genetic disorders on the placenta and fetus
- Minimizing exposure to obstetric malpractice litigation: identifying key drivers of risk, enhancing incident management practices, and utilizing a systematic approach to process improvement
- Utilizing expert witness testimony to support your case on causation, standard of care, and damages
- Determining the monetary value of a case through the effective assessment and use of life care plans and life expectancy data

Enhance your attendance by registering for the Post-Conference Litigation Master Class:

Litigation and Trial Techniques for Every Stage of an Obstetric Malpractice Case

Media Partner:
Be a part of the nation’s premier obstetric malpractice conference and ensure that you keep abreast of the evolving standards of care, emerging theories of liability, and new defense strategies.

Obstetric malpractice cases continue to result in massive verdicts, reaching amounts in excess of $100 million. Claims are evolving in response to advances in medical technology, which can increase the potential for errors in the delivery room. Further, new standards of care are emerging and with these new standards come new malpractice claims. Given the state of obstetric malpractice, it is essential that all those along the obstetric malpractice continuum, including medical professionals, risk managers, insurance professionals, plaintiffs’ attorneys, and defense counsel, be current on the latest claims and defense strategies and how they are impacting the practice.

American Conference Institute’s 12th Annual Advanced Forum on Obstetric Malpractice Claims will bring together an unparalleled faculty of medical experts, risk managers, insurance professionals, and leading plaintiffs’ and defense attorneys, who will provide you with the most up-to-date information on complex medical issues and litigation hurdles, including:

- Emerging standards of care, including the use of hypothermia
- Perinatal asphyxia and neonatal brain injury
- Shoulder dystocia
- Claims arising from prenatal care
- Fetal monitoring and surveillance
- Placental pathology and neuroimaging and their impact on assessments of causation and timing
- Intrauterine infections and genetic disorders

PLUS, add value to your attendance by also registering for the Post-Conference Litigation Master Class:

Litigation and Trial Techniques for Every Stage of an Obstetric Malpractice Case
June 27, 2013 | 1:00 p.m. – 4:00 p.m.

Register now by calling 1-888-224-2480 or by faxing your registration form to 1-877-927-1563. You can also register online at www.AmericanConference.com/ObMal.

**WHO SHOULD ATTEND**

- **Lawyers**, both plaintiff and defense, who litigate medical malpractice cases attend in order to get a solid grounding on the latest medical issues upon which cases are based. Our faculty of medical and legal experts from around the nation will provide you with the information and strategies that are essential to achieve the best outcomes for your clients.

- **Doctors**, nurses and hospital risk/quality assurance managers attend in order to benchmark their current practices and procedures and develop a deeper understanding of the current state of obstetric malpractice litigation.

- **Insurance professionals** attend in order to obtain valuable insights and strategies for assessing professional negligence claims and to better understand litigation strategies and hospital risk management techniques.
Day One: Wednesday, June 26, 2013

7:15  Registration and Continental Breakfast

8:00  Co-Chairs’ Opening Remarks

John E. Hall, Jr.
Hall Booth Smith, P.C.

Stephen H. Mackauf
Gair, Gair, Conason, Steigman, Mackauf,
Bloom & Rubinowitz


Barry S. Schifrin, MD
Consulting Obstetrician
bpm, Inc.

Michael D. Anderson
Senior Claims Representative
Medical Insurance Exchange of California

John E. Hall, Jr.
Hall Booth Smith, P.C.

• How obstetric malpractice litigation is playing out across the country
• Emerging theories of liability and claims trends from the plaintiffs’ bar
  o Reptile theory
• The rise of neonatal resuscitation as an area of liability for the neonatologist and the conflict it creates with intrapartum management
• Guidelines regarding resuscitation
• New defense strategies – what has worked and why
• Frequency of birth trauma claims – is the volume of cases trending up or down?
• Surveying payouts in obstetric malpractice cases from around the nation
• Increasing focus of insurance companies on obstetric malpractice
  o Impact on resource allocation
• Assessing current and emerging literature regarding injuries
• C-section trends and their implication for malpractice claims
• Trends regarding frequency of VBACs and complications arising from VBACs
• Impact of cerebral palsy litigation on the frequency of non-medically necessary C-sections
• How obstetric procedures and standards of care are evolving and the implications for malpractice litigation
• How healthcare reforms may affect the obstetric malpractice landscape

9:05  Identifying and Managing the Risks During Prenatal Care: Premature Delivery, Late Delivery, Preeclampsia, Gestational Diabetes, and the Claims That Arise From Such Complications

Charles W. Fisher
Kitch Drutchas Wagner Valitutti & Sherbrook

Luke M. Pittoni
Heidell, Pittoni, Murphy & Bach, LLP

• Identifying women who have an increased risk of premature delivery
  o How this risk fluctuates over the course of the pregnancy
• Assessing the effectiveness of the various tests
• Fetal risk factors
• Managing the risk factors for pre-term delivery: preeclampsia, gestational diabetes, and pre-term labor
• Determining the optimum time for delivery
  o Key factors
• Causation: what complications are directly attributable to premature delivery and not to other causes?
• Complications that can arise from a late delivery – and how to manage them
• Evaluating current practices
  o Implementing policies and procedures that will reduce liability

10:05  Networking and Refreshment Break

10:15  Fetal Monitoring and Surveillance: Ensuring the Correct Interpretation and Response

John P. Elliott, MD
Medical Director
Valley Perinatal Services

Michael G. Ros, MD, MPH
Professor of Ob/Gyn and Public Health
UCLA School of Medicine and Public Health
Chairman, Department of Ob/Gyn
Harbor-UCLA Medical Center

• Assessing the nomenclature changes for fetal strip categorization (Category I, Category II, Category III)
  o Impact on labor management and the standard of care
  o Impact on litigation strategies and impeachment of experts
• Ensuring accurate readings and interpretations of fetal strips
  o Determining what, if any, intervention is warranted
• Assessing emerging technologies that can assist with evaluations and interpretations of fetal heart rate patterns
• Common claims of negligence involving EFM
• Degree of sophistication of training of obstetrical nurses regarding fetal monitoring
• Potential liability resulting from a lack of fetal monitoring scrutiny by a physician
• Avoiding the pitfalls of overreliance on fetal heart rate algorithms

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• Use by the plaintiffs’ bar of poor fetal heart monitoring strips as evidence of ensuing hypoxia
  o Establishing an effective defense
• Determining when and for how long to monitor
  o Under what circumstances monitoring can be temporarily halted
• Utilizing EFM to detect the degree and extent of fetal hypoxia

11:35  Neonatal Brain Injury: Assessing the Standard of Care and Determining the Timing and Causation of an Injury

Marcus C. Hermansen, MD
Director of Neonatology
Southern New Hampshire Medical Center
Associate Professor of Pediatrics and OB/GYN
Dartmouth Medical School

Professor of Human Genetics, Pediatrics, Pathology and Obstetrics and Gynecology, Boston University School of Medicine; Director, Center for Human Genetics, Inc.

• Determining the timing of a brain injury
• Pinpointing the underlying cause of a brain injury
• Hypoxic ischemic encephalopathy or genetic disorder?
• Perinatal asphyxia and neonatal brain injury: how can the link be established?
  o Explaining the lack of decline in the incidence of cerebral palsy
  o The 2003 Neonatal Encephalopathy and Cerebral Palsy Criteri
  o How much CP is caused by asphyxia and what are the other causes?
  o Infections and cytokines as a cause of brain damage
  o Can asphyxia cause brain damage other than cerebral palsy?
• Is hypothermia treatment the emerging standard of care for infants born with asphyxia?
  o Recommendations of the AAP and AHA
• New and emerging plaintiffs’ theories and defense strategies relating to a failure to introduce hypothermia
• Assessing the efficacy of brain cooling
• Determining when a treating obstetrician should send an infant for brain cooling
  o Signs of fetal distress
  o Timing considerations
  o Risks of brain cooling treatment
  o Liability analysis

Avrum N. Pollock, MD
Pediatric Neuroradiologist and Radiologist
Department of Radiology
The Children’s Hospital of Philadelphia

• Assessing the most recent developments in neuroradiology and their impact on obstetric malpractice litigation
• Reading the signs of traumatic brain injury: what to look for
• Using cranial imaging studies to identify newborn asphyxia
• Examples of how neuroimaging can be used to exclude birth asphyxia as the cause of a later identified neurological deficit (such as cerebral palsy)

3:20  Networking and Refreshment Break

3:30  Using Expert Witnesses to Effectively Support Your Case on Causation and Standard of Care

Barry S. Schiffrin, MD
Consulting Obstetrician
bpm, Inc.

J. Mark Coulson
Miles & Stockbridge P.C.

• Identifying and retaining appropriate expert witnesses
• Key evidentiary issues
• The role and duties of the expert witness
• Depositions
  o Preparing your witness
  o How to get the most out of your witness
  o Tips and techniques for deposing an expert witness
• Cross-examination of the expert witness
  o What challenges to expect and how to prepare for them
  o Tips for preparing the witness
• How an expert can develop or refute causation of an injury to the child
  o What went wrong and why?
  o Would intervention have made a difference?

4:20  Assessing the Monetary Value of a Case, Determining Damages, and Making the Decision to Settle

Stephen Ruocco
Vice President
Healthcare Malpractice Claims Department
AIG

Richard T. Henderson
Vice President
Transatlantic Reinsurance Company

Robert Shavelle, PhD, FAACPDM
Technical Director
Life Expectancy Project

John E. Hall, Jr.
Hall Booth Smith, P.C.
5:45 Conference Adjourns

Day Two: Thursday, June 27, 2013

7:30 Continental Breakfast

8:00 Shoulder Dystocia: Managing the Risks and Developing an Effective Litigation Strategy

Arnold W. Cohen, MD
Chairman, Department of Obstetrics & Gynecology
Albert Einstein Medical Center

William F. Cunningham
Cunningham Meyer & Vedrine, P.C.

Stephen H. Mackauf
Gair, Gair, Conason, Steigman, Mackauf, Bloom & Rubenowitz

• Understanding the key risk factors for dystocia and how they are managed
  o Recurrence risks
  o Intrapartum risk factors
• How predictable is shoulder dystocia?
• Causation in shoulder dystocia: determining how and when the injury arose
• Assessing whether to perform a prophylactic C-section in order to avoid the risk of shoulder dystocia
  o What is the threshold regarding the risk of shoulder dystocia?
• Effectively managing dystocia in the delivery room
  o Prophylactic techniques
  o Limitations and complications that can arise
  o Downward traction
• Managing maternal complications
• Assessing the relationship between shoulder dystocia and:
  o brachial plexus injury/palsy
  o umbilical artery acidosis

9:15 Infections, Metabolic Disorders, and Genetic Defects: Determining When an Injury Occurred

David A. Clark, MD
Chair, Department of Pediatrics
Albany Medical College

Andrew S. Kaufman
Kaufman Borgeest & Ryan LLP

• New and emerging plaintiffs’ theories relating to complications arising from shoulder dystocia
• Strategies for defending the shoulder dystocia case
  o Common claims and best defenses
  o Expert witnesses

9:45 Networking and Refreshment Break

10:15 Advanced Methods for Assessing Causation Part II: Using Placental Pathology to Determine the Etiology and Timing of an Injury

Carolyn M. Salafia, MD, MS
Director, Research and Development
Placental Analytics, LLC

• How an analysis of placental tissue is conducted and what it may reveal
• Clinical examples of ways in which placental pathology can indicate the cause of many cases of poor pregnancy outcome
• How the placenta responds to a poor intrauterine environment
  o Timing

11:10 Minimizing Exposure to Obstetric Malpractice Litigation: Implementing Preventive Measures, Reducing Risk, and Managing Adverse Outcomes

Joseph S. Picchi
Galloway, Lucchese, Everson & Picchi

Norman D. Tucker
Sommers Schwartz
• Identifying key drivers of risk
• Enhancing incident management practices
• Utilizing a systematic approach to process improvement
• Developing protocols to enable calm and coordinated team responses in critical situations and reinforce the use of safe practices
  o Shoulder dystocia
  o Postpartum hemorrhage
  o Operative vaginal delivery
  o Hyperstimulation/tachysystole
• Implementing enhanced documentation tools to capture relevant information in the electronic medical record
• Developing a culture of safety
  o Engagement of staff

- Periodic refresher training
- Use of simulation
- Initiating timely communication with patients and families following an adverse event
- “I’m sorry” – Is this the new paradigm for handing birth injury claims?
- Implementing a joint professional liability program
- Achieving measurable results
  o Improved clinical outcomes
  o Decreased exposure

12:15 Conference Ends – Lunch for Master Class Participants

POST-CONFERENCE MASTER CLASS
Thursday, June 27, 2013
1:00 p.m. – 4:00 p.m.

Litigation and Trial Techniques for Every Stage of an Obstetric Malpractice Case

Luke M. Pittoni
Heidell, Pittoni, Murphy & Bach, LLP

Stephen H. Mackauf
Gair, Gair, Conason, Steigman, Mackauf, Bloom & Rubinowitz

Obstetric malpractice cases are extremely difficult to litigate. In order to effectively examine and cross-examine the expert witnesses retained in these cases, you must understand the technical details and medical jargon that are inherent in this field of medicine. Moreover, you must master the trial techniques and strategies that are specific to obstetric malpractice cases. This interactive Master Class will provide you with the tools that you need to obtain the best results for your clients in these difficult cases.

Topics to be addressed include:
• Investigating the facts concerning liability, causation and damages: what is relevant?
• Formulating a document and e-discovery plan that defends against overly aggressive requests while ensuring compliance
• Developing cost-effective, compliant, and practical e-discovery and document retention policies and procedures
• The scope of information that defendant hospitals and medical professionals must turn over to plaintiffs’ attorneys

- E-discovery as it applies to:
  o Communication with patients through email and texting; databases; medical records
- Ensuring preservation of relevant documents
  o How long must information be preserved?
- Risks and sanctions that attorneys face if the e-discovery process is not handled properly
- Confidentiality and privacy issues that arise with patient information
- Using metadata to establish relevant dates and times
- Ensuring that litigation is not driven by the cost of discovery
- Ensuring that your client is prepared for trial
- Trial briefs and motions in limine
- Overcoming the challenges of representing the institutional client
- Jury selection
- Giving an effective opening statement
- Effective use of exhibits
- Final arguments and closing statement
- Making the case for or against damages
  o What types of damages and how much?
  o Damages experts
- Settlement considerations – strategies for success

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You are required to bring your state bar number to complete the appropriate state forms during the conference. CLE credits are processed in 4-8 weeks after a conference is held.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

Questions about CLE credits for your state? Visit our online CLE Help Center at www.americanconference.com/CLE

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ACI’s highly trained team of attorney-producers are dedicated, full-time, to developing the content and scope of our conferences based on comprehensive research with you and others facing similar challenges. We speak your language, ensuring that our programs provide strategic, cutting edge guidance on practical issues.

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ACI understands that gaining perspectives from – and building relationships with – your fellow delegates during the breaks can be just as valuable as the structured conference sessions. ACI strives to make both the formal and informal aspects of your conference as productive as possible.
American Conference Institute’s 12th Annual Advanced Forum on

OBSTETRIC MALPRACTICE CLAIMS

June 26-27, 2013 | Union League | Philadelphia, PA

REGISTRATION FORM

| PRIORITY SERVICE CODE | S |

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Chief of Obstetrics, Litigation Manager, Medical Malpractice Lawyer

CONFERENC CODE: 799L13-PHI
☐ YES! Please register the following delegate for Obstetric Malpractice Claims

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Hear from leading physicians, risk managers, and insurance professionals from around the nation, as well as top plaintiffs’ attorneys and defense counsel

Plus, don’t miss the Post-Conference Litigation Master Class:
Litigation and Trial Techniques
Every Stage of an Obstetric Malpractice Case
June 27, 2013 | 1:00 p.m. – 4:00 p.m.

Registration Fee

The fee includes the conference, all program materials, continental breakfasts, lunches and refreshments.

Payment Policy

Payment must be received in full by the conference date. All discounts will be applied to the Conference Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to individuals employed by the same organization.

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You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not “share” a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify American Conference Institute (ACI) in writing up to 10 days prior to the conference date and a credit voucher valid for 1 year will be issued to you for the full amount paid, redeemable against any other ACI conference. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the conference date. ACI reserves the right to cancel any conference if it deems necessary and will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by ACI for changes in program date, content, speakers, or venue.

Hotel Information

American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly and mention the “ACI Obstetric Malpractice” conference to receive this rate.

Venue: The Union League of Philadelphia
Address: 40 South Broad Street, Philadelphia, PA 19102
Reservations: 215–567–5570

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