

GETAWAY C.L.E. PRESENTS
ADVANCED OHIO WORKERS' COMPENSATION SEMINAR
6.75 CLE Hrs. including 2 hours of Professional Conduct

Thursday December 2, 2021
Nationwide Conference Center and Hotel
(IN-PERSON ATTENDANCE)

7:30 – 8:25 a.m. Registration / Continental Breakfast (Provided).

8:25 – 8:30 a.m. Moderator -- Opening Remarks (Overview of the Seminar).

8:30 – 9:15 a.m. Carley R. Kranstuber, Esq.

Emotional Impact of Stressors on Workers' Compensation Practitioners.

An examination of the impact of investing "Emotional Labor" with Clients and Participants in the Workers' Compensation Practice. Issues from various perspectives including Hearing Officers, Injured Workers' Representatives, and Employer's Representatives will be explored when looking at daily stressors encountered. Pitfalls to avoid and constructive means to manage oneself when dealing with all of the nuances encountered by workers' compensation practitioners, including financial burdens, personal physical threats, and various other emotional issues. Balancing work pressures and practitioners' well-being.

9:15 – 9:55 a.m.

Karen L. Gillmor, Ph.D. – Public Member, Industrial Commission of Ohio
Daniel J. Massey, Esq. – Employer Member, Industrial Commission of Ohio
Industrial Commission Updates after the Covid-19 Era.

Recent changes at the Industrial Commission given the constraints of Covid-19. Discussion of in-person and telephonic hearings at all levels (DHO, SHO and Commission Hearings). New developments with hearings and training after the pandemic. New Policies, Procedures, Rules, Resolutions, Discretionary Appeals, and I.C.O.N. Updates after Covid-19.

9:55 – 10:05 a.m. Break

10:05 -- 10:40 a.m. Jennifer Brunner, Justice – Supreme Court of Ohio

Practice Before the Ohio Supreme Court Regarding Workers' Compensation Issues.

A review of the workers' compensation practice before the Ohio Supreme Court, with an overview of relevant factors and their implications for workers' compensation practitioners. Guidance and critique of effective briefs and oral argument (if granted) from a Justice's perspective. Practical tips for a winning combination of briefs and oral arguments.

10:40 – 12:05 p.m. Thomas Sico, Esq. – BWC Assistant Legal Counsel

Legislative Changes to Workers' Compensation and Practical Applications of Same in Light of Court Decisions.

An examination of the various aspects of Legislation (including a history) and their impact on workers' compensation. These will include changes to various applications, continuing jurisdiction under R.C. 4123.52, and payment schedules for loss of use, etc. The recent Budget Bill (Substitute H.B. 75) will be examined with its application for workers' compensation.

12:05 – 1:05 p.m. Lunch (Provided).

1:05 – 2:20 p.m. Jonathan H. Goodman, Esq.

Extensive Case Law Review

A detailed review of workers' compensation case law, including the most recent updates affecting the practice from both injured workers' and employers' perspectives. Supreme Court Cases and noteworthy Appellate Court Cases will be examined in light of recent emerging trends as well as established law in various areas.

2:20 – 2:30 p.m. Break.

2:30 – 3:50 p.m. Jonathan E. Coughlan, Esq.

Professional Conduct Relating Specifically to Workers' Compensation Practitioners.

A discussion of various ethical issues that can particularly affect workers' compensation practitioners (both claimants' and employers' perspectives) based on the Ohio Rules of Professional Conduct. An in-depth examination of the proper methods, if any, of addressing: Fee contracts (including hybrid contracts); Fee sharing; Various methods of solicitation; Advertising; Social Media; and dealing with problematic clients from all parties' viewpoints, while following the analysis of the Supreme Court's Aspirational Ideals. Additional issues considered will be the subject of loans to clients (or assisting clients in completing paperwork for loan companies that the client has contacted personally), and specific issues regarding I.O.L.T.A. Accounts for workers' compensation practitioners, including the limited use of POAs for depositing checks. Finally, the appropriate steps to take if and when contacted by the Supreme Court's Office of Disciplinary Counsel.

3:50 – 4:35 p.m.

David B. Barnhart, Esq.

Professional Conduct for the Workers' Compensation Practitioner

A discussion of ethical issues facing workers' compensation practitioners based on the Ohio Rules of Professional Conduct, with specific reference to the application, if any, of charging liens as a method of workers' compensation fee resolution in light of the case of *Kisling, Nestico & Redick, LLC v. Progressive Ins. Co.*, 158 O.S.3d 376 (2020). In light of this case, an analysis of the applicability of it while reviewing the Supreme Court's Aspirational Ideals