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RECYCLABLE

Register online at [www.minncle.org](http://www.minncle.org)

## The 2022 Workers' Compensation Institute

APRIL 25 & 26, 2022  
**NEW HYBRID MODEL** – See Course Information for details.

**LIVE HYBRID –  
April 25 & 26, 2022**  
\$395 MSBA member  
\$395 paralegal  
\$445 standard rate

**LIVE WEBCAST REPLAY –  
May 12 & 13, 2022**  
\$365 MSBA member  
\$365 paralegal  
\$395 standard rate

**IN-PERSON PASSHOLDERS –**  
You may use your Pass to register  
for the live webcast or the webcast  
replay at no charge.

3905-22  
AMS | LMP | PAmcs

### NEW LAWYER DISCOUNT!

New lawyers who have been admitted to the bar fewer than 3 years receive a 50% discount.

### SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those with a financial need. To obtain an application, please contact Grant at [gdavies@minncle.org](mailto:gdavies@minncle.org) or 651-254-2111.

### JOIN THE MSBA AND PAY LESS FOR MINNESOTA CLE SEMINARS!

To join, go to [www.mnbar.org](http://www.mnbar.org)  
Or for more membership advantages call 1-800-882-6722

### Can't attend? Get the materials!

You may purchase the Workers' Compensation Institute materials for \$95 (plus tax and handling) by calling Minnesota CLE at 651-227-8266 or 800-759-8840. Available in hard copy or online. Orders filled after the Institute.



**MONDAY & TUESDAY  
APRIL 25 & 26, 2022**

IN-PERSON AND ONLINE!

*In-Person Passholders – You may use  
your Pass to register for the live webcast  
or the webcast replay at no charge.*

# The 2022 Workers' Compensation Institute

## New Hybrid Model

Attend Day 1 In Person and Day 2 Online  
–or– Attend Both Days Online  
*Choose the format that works for you!*

## Don't Miss These 2022 Institute Highlights!

- Minnesota Supreme Court **Justice Paul C. Thissen** on Arguing Workers' Compensation Cases Before the Court
- Annual Case Update**
- 19 Timely Sessions**
- Q&A Session with **New Agency Leaders**
- 3 Medical-Focused Sessions** – Low Back Injuries, Post-COVID Syndrome, and Spinal Cord Injuries
- 1-Year **"Watch Again"** Access to All Institute Sessions
- And More!**

**CAN'T ATTEND ON THE DATES LISTED?**  
Attend the LIVE Webcast REPLAY on May 12-13, 2022.

The 2022  
**Workers' Compensation  
Institute**

**MONDAY & TUESDAY  
APRIL 25 & 26, 2022  
NEW HYBRID MODEL!**

# Minnesota's Premier Workers' Compensation Institute!

## COURSE INFORMATION

### DAY 1 – Monday, April 25

#### ATTEND IN-PERSON OR ONLINE

8:15 – 8:50 a.m. CHECK-IN AT CONFERENCE CENTER  
–or– JOIN ONLINE

8:50 – 9:00 a.m.

#### Welcome & Introduction

*Dana L. Gerber, Institute Co-Chair*

*Erin E. Gross, Institute Co-Chair*

#### KEYNOTE FIRESIDE CHAT

9:00 – 9:45 a.m.

#### A View from the Bench – Arguing Workers' Compensation Cases Before the Minnesota Supreme Court

Associate Justice Paul C. Thissen shares practical insight on how workers' compensation attorneys can most effectively present their cases to the Minnesota Supreme Court. This fireside chat will include tips for written statements of the case, proposed issues on appeal, briefs, motions, and oral arguments before the court.

*Honorable Paul C. Thissen*

*Kathryn Hipp Carlson (moderator)*

9:45 – 9:50 a.m. BREAK

9:50 – 10:50 a.m.

#### Workers' Compensation Subrogation: Maximizing Client Outcomes

The employer/insurer's right to recovery under section 176.061 is one of the most misunderstood rights among personal injury and workers' compensation practitioners. Understanding the nuances of 176.061 recovery can lead to better results for both the employer/insurer and employee. This presentation will provide practical tips using both common and less-common examples of work-related injuries caused by a third party.

*Isaac Tyroler*

*Molly N. Tyroler*

10:50 – 11:05 a.m. BREAK

11:05 a.m. – 12:05 p.m.

#### Post-COVID Syndrome – Symptoms, Diagnosis & Rehabilitation

Dr. Greg Vanichkachorn developed Mayo Clinic's COVID Activity Rehabilitation Program (CARP) to help patients with long-haul COVID symptoms get back to work.

Dr. Vanichkachorn is an occupational and aerospace medicine specialist, and he will join us to discuss –

- The true presentation of long-haul COVID;
- What is known and what's being researched about the long-term effects of COVID;
- The basic treatment paradigm at Mayo Clinic;
- Strategies for helping workers with long-haul COVID return to work.

*Greg Vanichkachorn, M.D., MPH*

12:05 – 1:00 p.m. LUNCH BREAK (on your own)

1:00 – 1:15 p.m.

#### 2022 Operational Update

Join us for an annual update of happenings at the Office of Administrative Hearings.

*Chief Judge Jenny L. Starr*

1:15 – 1:20 p.m. BREAK

1:20 – 2:20 p.m.

#### Low Back Injuries – What Is the Pain Generator?

Important topic coverage presented by a board-certified, fellowship-trained spine surgeon.

*Todd E. Jackman, M.D., FAAOS*

2:20 – 2:25 p.m. BREAK

2:25 – 3:10 p.m.

#### Insights from an Intervenor – Recurring Issues, New Trends

Over the last several years with the rising cost of medical care, providers and insurers have become more aggressive in pursuing their workers' compensation intervention claims. With that context, this session tackles pivotal topics such as –

- The information intervenors need to quickly evaluate settlement offers;
- Present and future challenges associated with COVID claims;
- The possibility of partial settlements;
- Not all intervention interests are created equally.

*Mary Lemieux*

*Todd J. Thun*

3:10 – 3:20 p.m. BREAK

3:20 – 4:20 p.m.

#### Classification and Treatment for Spinal Cord Injury

Dr. Uzma Samadani supervises the NeuroTraumaResearch Lab located within the Department of Bioinformatics and Computational Biology, in the School of Engineering at the University of Minnesota. The lab is involved in a number of exciting and possibly ground-breaking studies with funding from MN State, NIH/DOD, and industry – including studies regarding stimulating nerves after severe spinal cord injuries. Dr. Samadani will discuss this research and what it may mean for medical treatment of employees injured on the job.

*Uzma Samadani, M.D., Ph.D.*

### DAY 2 – Tuesday, April 26

#### ATTEND LIVE ONLINE ONLY

8:15 – 8:55 a.m. JOIN ONLINE

8:55 – 9:00 a.m. WELCOME & INTRODUCTION

9:00 – 10:00 a.m.

#### The Year's Most Significant Workers' Compensation Cases

Jeff Jacobs is back to deliver his highly rated, annual case review! Jeff packs this session with practical insights about significant workers' compensation cases decided over the past 12 months by the Minnesota Supreme Court and the Workers' Compensation Court of Appeals.

*Jeffrey W. Jacobs*

10:00 – 10:15 a.m. BREAK

#### 10:15 – 11:15 a.m. BREAKOUT A

001

#### Mastering Medicare's Moving Targets – How New Law, New CMS Policies, and Current Trends Are Impacting Workers' Comp Claims

Significant changes continue to impact Medicare Secondary Payer (MSP) compliance. Through its new MSA Reference Guide requirements, CMS takes aim at non-submit MSAs. The new Provide Accurate Information Directly (PAID) Act is now live and can help secure critical information via Section 111's query process for your conditional-payment analysis. Medicare Advantage Plans continue to pursue claims payers for "double damages" on their lien claims. This session breaks down these important MSP developments – and more – and outlines practical compliance strategies to protect client interests and get claims settled.

*Mark Popolizio*

002

#### DOLI Medical Services Review Board: What Is It and How Will It Affect Future Treatment Parameters and PPD?

This panel will introduce you to the new additions to the Department of Labor and Industry, Kate Daly and Dr. Emily Bannister. Attendees will learn more about the roles and background of the panelists, in addition to a discussion about the ins and outs of the medical review panel and the rulemaking process.

*Emily Bannister, M.D., MPH, CPH, FACEOM*

*Kate Daly*

*Norbert Cuellar (moderator)*

*Kelly B. Lambert (moderator)*

003

#### Practical Tips for Litigating Presumption Cases – with a Focus on PTSD

In this breakout session, we will provide practical tips for establishing (and rebutting) the elements of Minn. Stat. 176.011, subd. 15 presumptions for heart disease, cancer, infectious disease, COVID, and PTSD. The presenters will focus on the PTSD presumption, as a case study, to walk through the legal hurdles and discuss how PTSD presumption cases are actually litigated, from requesting the FROI to preparing for trial, and discuss emerging issues that are likely to be heavily litigated (and appealed) in the next few years.

*Timothy P. Jung*

*Lindsey Rowland*

11:15 – 11:30 a.m. BREAK

#### 11:30 a.m. – 12:30 p.m. BREAKOUT B

101

#### Understanding Care Needs in Medically Complex Cases

Fortunately, catastrophic or serious injury claims do not happen every day. But when they do, you will want to be prepared to ensure the injured worker is given the best opportunity for optimal recovery. During this session, you will be provided with information and resources to better understand some of the most important areas to focus on when helping an injured worker navigate their 'new' normal.

*Natalie Haefner, RN, CCM, CDMS, ARM*

102

#### Buttressing or Attacking Witness Credibility – What Works, What Doesn't

Lawyers are better advocates when they understand witness examination rules and apply witness interview skills to workers' compensation matters. Fundamentally, these rules should be construed and applied to facilitate a search for the truth, guarantee a fair trial, and protect witnesses from harassment. Join Judge Marshall for an insightful discussion of how the Minnesota Rules of Evidence furthers these goals, and what skills you should be applying in your next case.

*Kerry O. Atkinson*

*Jennifer M. Fitzgerald*

*Judge William J. Marshall*

103

#### Employment Claims to Watch Out for and Consult with an Employment Lawyer About

Enhance your understanding of important topics in employment law that intersect with claims:

- (1) employment releases as part of workers' compensation settlements;
- (2) retaliation claims;
- (3) federal medical leave requirements as found in the ADA and FMLA; and
- (4) state unemployment claims.

*Thomas Atkinson*

*Joni M. Thome*

12:30 – 1:15 p.m. LUNCH BREAK

#### 1:15 – 2:15 p.m. BREAKOUT C

201

#### Game Changers: Top 10 Workers' Compensation Cases

A review of the ten most important cases in workers' compensation law that every practicing attorney should know. A lively discussion about how these significant decisions continue to affect compensability determinations, practice and procedure, and case value. A session that will be helpful for the most seasoned attorney or the new lawyer.

*Amanda Furth*

*Melissa M. (Juedes) LaRocca*

202

#### Negotiation Skills: De-Escalating Conflict and Overcoming Settlement Barriers in Your Cases

*Back by Popular Demand!*

Dispute resolution professionals from private practice, government and community mediation programs share how they have seen the pandemic affect settlement discussions over the past year. Learn how remote platforms and operating in a pandemic affect the personal/psychological negotiation styles of the parties and how they adjusted and innovated to adapt to difficult circumstances. The panel will provide strategies to de-escalate conflict and produce productive interactions with your clients and adversaries, which can lead to enhanced settlement outcomes.

*Judge David M. Bateson*

*Lorrie L. Bescheinen*

*Molly N. Tyroler*

203

#### Elimination of Bias in the Legal Profession – Mental Health and Double Stigma

*1.0 elimination of bias credit applied for*

While it's hard for anyone to ask for help, there is a double stigma for those already in underrepresented groups. This program will address the challenges faced by lawyers, judges, and law students when asking for help for mental health issues. It will also address the relationship between mental health issues and diversity and inclusion. The program includes a discussion of strategies to overcome these issues.

*Joan Bibelhausen*

2:15 – 2:30 p.m. BREAK

#### 2:30 – 3:30 p.m. BREAKOUT D

301

#### The Ethical Implications of Accepting Cryptocurrency for Legal Fees, Ransomware, and Other Technology-Related Issues in Legal Ethics

*1.0 ethics credit applied for*

This CLE will address interesting topics at the intersection of legal ethics and technology, including:

1. Cryptocurrency – the legal ethics implications of accepting cryptocurrency as a form of payment for legal services;
2. Ransomware – with ransomware becoming an increasing risk to law firms of all sizes, firms should consider the legal and ethical implications of such attacks.

*Aram V. Desteian*

*Timothy J. Greenfield*

302

#### You Be the Judge! Expert Medical Opinions – An Evidentiary Quiz Show

This session will utilize short medical scenarios and allow viewers to vote on the outcome of each, with discussion around findings and what you can apply to your next case.

*Honorable John H. Guthmann*

*Jerry Sisk*

*Katherine S. VanHavermaet*

#### CAN'T ATTEND ON APRIL 25 & 26?

Join us for the live webcast replay on May 12 & 13.

#### DATES & LOCATIONS

■ **Monday, April 25, 2022** – Attend online or attend in person at: **Minnesota CLE Conference Center**  
600 Nicollet Mall, Suite 370  
Third Floor City Center, Minneapolis

■ **Tuesday, April 26, 2022** – Attend online only

#### HOW TO REGISTER

Registration for the Institute must be made online at [www.minncle.org](http://www.minncle.org).

**NOTE:** Even if you wish to attend Day 1 in-person, you must register online at [www.minncle.org](http://www.minncle.org) for the "live simulcast" option. You won't need to do anything to your registration to attend in-person. We will contact you closer to the event to confirm your attendance preference.

#### SEASON PASSHOLDERS

All Minnesota CLE Season Passholders may attend the 2022 Workers' Compensation Institute at no charge.

#### WEBCAST REPLAY

**Thursday & Friday, May 12 & 13, 2022**  
Attend online at [www.minncle.org](http://www.minncle.org)

The webcast replay will include all plenary sessions, plus select breakout sessions. Registration must be made online at [www.minncle.org](http://www.minncle.org).

#### CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **10.75 CLE credits, including 1.0 elimination of bias credit for session #203 and 1.0 ethics credit for session #301**. The maximum number of total credits attendees may claim for this Institute is **10.75** credits.

#### CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar materials through their website account. Passholders may purchase the materials at 50% of the full retail price.

#### SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those with a financial need. To obtain an application, contact Grant at 651-254-2111 or [gdavies@minncle.org](mailto:gdavies@minncle.org).

#### ACCOMMODATION

If you have a disability and need an accommodation in order to attend, please contact Minnesota CLE at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call 651-227-8266 or 800-759-8840.

#### QUESTIONS?

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