

# PERSONAL INJURY LAW CONFERENCE

## ST. CROIX, U.S. VIRGIN ISLANDS 2023

APRIL 17-21, 2023

12 CLE HOURS



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# CONFERENCE SCHEDULE

## Monday, April 17, 2023

Lunch on your own

**12:00 p.m.**      **Check-in begins** (snacks provided for registered attendees)

**12:25 p.m.**      **Announcements begin**

**12:30 p.m.**  
**What Every Lawyer Should Know About Personal Injury Cases**

*Presented by: Scott Lundgreen, Esq. Idaho*

Lawyers will come across injury cases. Whether sought intentionally or brought to you by friends, family, neighbors or a current client, you will be asked to assess or even help with an injury claim. This discussion will help you to make a basic evaluation of the case, know what issues to watch out for, know when the case may have referral value, and know when to just say no.

**2:30 p.m.**      **Break**

**2:45 p.m.**  
**Finding and Selecting the Right Expert Witness for a Case: A process centric approach**

*Presented by: Anthony M. DiLiberto, MBA, The Experts at Robson Forensic*

Learn the process that litigators and insurance professionals use to find, vet, and select the right expert witness. This process was designed to maximize the effectiveness and financial value of working with expert witnesses. Anthony will share his unique insight and experience working with experts and how using this designed process centric approach will streamline your expert solutions and increase your financial output when hiring and using an expert on a case. Anthony will also share case examples and how this process is directly used.

**4:15 p.m.**      **CLEs end for the day**

**6:00 p.m.**  
**Reception and Dinner with Keynote: Contrast Over Conflict: How to Use Questions to Persuade and Build Unity**

*Trey Gowdy, Former State and Federal Prosecutor*

## Tuesday, April 18, 2023

**10:30 a.m.**

**City Tour**

Details to come

**Catamaran Evening Sail (time is TBA)**

Experience the beauty of a Virgin Island sunset on a spectacular sail through crystal clear waters, sipping on cocktails and savoring gourmet hors d'oeuvres.





# CONFERENCE SCHEDULE

## Wednesday, April 19, 2023

**7:00 a.m. Breakfast**

**7:45 a.m. Announcements**

**8:00 a.m.**

**Take Two Pictures and Call Me in the Morning: When an Ethical Attorney is Among the Best Medicine for an Injured Client**

*Presented by: Matthew J. McKeown, Esq., Idaho*

We have all heard the expression “your reputation precedes you.” This is one of those moments in your career where your performance should exceed reputations. And whether this is your area of specialization, an occasional opportunity or a once-in-a-career detour, your ethical obligations to your client, the court and opposing counsel remain unchanged in a personal injury case. You are not the victim of an injury or the underwriter for an insurance company. You are a highly trained professional who is expected to help guide an injured client or, just as often, a legitimate business the primary purpose of which is to make sure there are sufficient resources to address the loss suffered by the injured while also trying to stay in business itself.

This two-hour session will provide an always needed reboot regarding what it means to provide ethical legal representation, regardless of the nature of the case or matter. And it will necessarily address some of those issues that are unique to the practice of personal injury law (both for plaintiffs and defendants) in the United States. A working assumption of this session is that the best and the worst of the legal practice advertise on billboards, TV game shows and park benches. And that assumption will be no different regarding those who find clients over drinks at a country club, as a civic volunteer or at church.

There is nothing collegial or friendly about one person or entity suffering an injury and another person or entity being asked to part with hard earned resources to address that injury. The obligation of a licensed attorney is to make that inherently difficult situation better, not worse. And that is not just a good idea. It is what the Model Rules of Professional Conduct require from each of us. This session will be profoundly substantive, engaging and will challenge whatever biases are loaded onto the apps in your head.

**10:00 a.m. Break**

**10:15 a.m.**

**Traumatic Brain Injury, Spinal Cord Injuries, and How to Know if Your Client is Faking**

*Presented by: Dr. Roland Torres, Nationally Recognized Neurotrauma and Neurocritical Care Expert, Former Director of Neurotrauma and Associate Professor of Neurosurgery Stanford University Medical School.*

Traumatic brain injuries (TBIs) and spinal cord injuries are among the most devastating of injuries. TBI is a major public health problem and the primary causes of TBI vary by age, socioeconomic factors, and geographic region, so any planned interventions must be tailored accordingly. In individuals younger than 45 years, injury is the primary cause of death in the United States and other developed nations. Traumatic brain injury (TBI) is the major cause of disability, morbidity, and mortality among this group and is responsible for a significant proportion of all traumatic deaths in the U.S.

Confusion exists regarding head injury (HI) and TBI. HI is a nonspecific and antiquated term, which includes clinically evident external injuries to the face, scalp, and calvarium, such as lacerations, contusions, abrasions, and fractures, and may or may not be associated with TBI. TBI injury is more properly defined as an alteration in brain function manifest as confusion, altered level of consciousness, seizure, coma, or focal sensory or motor neurologic deficit resulting from blunt or penetrating force to the head. In mild TBI, subtle behavioral and neuropsychological changes may be the only symptom(s).

According to the National Spinal Cord Injury Association, as many as 450,000 people in the United States are living with a spinal cord injury (SCI). Other organizations conservatively estimate this figure to be about 250,000.

Every year, an estimated 17,000 new SCIs occur in the U.S. Most of these are caused by trauma to the vertebral column, thereby affecting the spinal cord’s ability to send and receive messages from the brain to the body’s systems that control sensory, motor and autonomic function below the level of injury.

The majority of spinal cord injuries are due to preventable causes such as road traffic crashes, falls or violence. People with a spinal cord injury are two to five times more likely to die prematurely than people without





# CONFERENCE SCHEDULE

## Wednesday, April 19, 2023 (continued)

a spinal cord injury, with worse survival rates in low- and middle-income countries. Spinal cord injury is associated with lower rates of school enrollment and economic participation, and it carries substantial individual and societal costs. According to the Centers for Diseases Control and Prevention (CDC), SCI costs the nation an estimated \$9.7 billion each year.

Your client may come to you with obvious wounds and disabilities but are you able to recognize the basic symptoms of a TBI or the neurological level of a spinal cord injury? How do you know if your client is faking? In this session, you'll get an overview of evidence-based management and the Science.

**12:15 p.m.** CLEs end for the day

## Thursday, April 20, 2023

[Take a tour! These tours may be taken on any day. See page 11 for ideas.](#)

## Friday, April 21, 2023

**7:00 a.m.** Breakfast

**7:45 a.m.** Announcements

**8:00 a.m.**

### **Mediating to Settle**

*Presented by: Pamela Colon, Esq. St. Croix, USVI*

Mediation is a process that requires you to prepare your client and choose a mediator that knows when and what to discuss privately prior to mediation. You'll learn how to write a demand letter by the plaintiff or a risk assessment mediation analysis for the defendant/insurance carrier and the information you will need prior to preparing the same including discovery, medical records/reports, all costs, and any liens.

Learn who the real audience is for your presentation at mediation and who the secondary audience is and why. Determine how to select a starting demand figure,

how to determine the minimum amount needed to settle and the elements that go into deciding whether to accept any particular amount. We'll also talk about what to hold back and when to use your arrows during the process. And what you can gain from mediation even if you do not settle.

**10:00 a.m.** Break

**10:15 a.m.**

### **Appellate Advocacy: From Soup to Nuts**

*Presented by: Andrew C. Simpson, Esq. St. Croix, USVI*

Trial lawyer and appellate practitioner Andrew C. Simpson will cover every aspect of appeals from both an appellant's and an appellee's point of view, starting with preserving error in the trial court and going all the way through to the rebuttal portion of oral argument. By the conclusion of the presentation, the attendee will have valuable insight into how to use every part of a brief, even the Table of Contents, as an advocacy tool to advance a client's position on appeal.

**12:15 p.m.** Conference ends







# OUR FEATURED SPEAKERS



**Colon**

**Pamela Colon** has been licensed to practice law for 39 years. She graduated from Loyola University of Chicago School of Law in 1983. Pam opened her own firm in Chicago upon graduation, with a general trial practice. She also taught paralegal studies at Wheaton and Concordia College. She joined the Law Offices of Lawrence L Kotin, P.C. in 1986 and was mentored there in

plaintiff's personal injury trial practice for 6 years.

Pam moved to the USVI in 1992, first joining the Law Offices of Desmond Maynard. Thereafter she practiced in the Solicitor General's Office and served as Legal Counsel to the Attorney General, Julio Brady. In 1996, she left the AG's office and became an Assistant Federal Public Defender until her move to St. Croix in 2000.

Pam then worked for Lee Rohn and Associates until 2003, when she opened her own office. She handles civil litigation, primarily plaintiff's personal injury, but also both plaintiff and defense commercial and employment litigation, as well as appeals and union representation. She also has an active criminal defense practice in both Federal and local courts. She is licensed in Illinois, the District Court for the Northern District of Illinois, U.S. Virgin Islands, the District Court of the U.S. Virgin Islands, the Third Circuit Court of Appeals and the United States Supreme Court.

In 2003, Pam became a certified mediator and has developed an active mediation practice. During the pandemic she has mediated cases as plaintiff's counsel, defendant's counsel and as the mediator. All of her mediations over the past 12 months have been virtual; and, all, but one, have settled.



**DiLiberto**

**Anthony DiLiberto** has worked within the litigation and insurance industry for a long tenure. His experience involves managing projects and case work for various expert witnesses at the firm Robson Forensic. Robson Forensic provides solutions to complex expert witness needs. Anthony works with over 100+ various types of experts and manages their selection and case

work on over 1000 cases, insurance claims and trials nationwide. Anthony has unique insight and knowledge regarding how to find and use the right expert witness for a case.







# OUR FEATURED SPEAKERS



**Lundgreen**

**Scott Lundgreen** was a founding member of Johnson and Lundgreen, PC in Boise, Idaho, in 1998. He and his business partner, Russell Johnson (president-elect of the Idaho Trial Lawyers Association), remain dedicated to plaintiffs' injury work. He finds joy in holding insurance companies to the promises for which they have

previously been paid. Mr. Lundgreen is licensed in Idaho and Oregon and remains active in litigating injury cases in both jurisdictions. He takes on difficult cases, but still has prevailed at a rate of approximately 80% over his last 20 jury trials. He earned his BS degree from the University of Utah and earned his JD degree from Willamette University in Salem, Oregon, where he also clerked for the trial court. Mr. Lundgreen enjoys his family above all else. He also enjoys almost any athletic activity, and still participates, even though his body has been telling him it is time to give it up.



**Simpson**

**Andrew Simpson** practices trial and appellate advocacy from his three-attorney law firm in the U.S. Virgin Islands. He briefed (both certiorari and merits) and argued *Hall v. Hall*, 584 U.S. \_\_\_\_ (2018), securing a unanimous ruling from the U.S. Supreme Court in his client's favor (and overturning contrary precedent from ten of the U.S. Circuit Courts of Appeals).

He has orally argued at least 21 cases in the U.S. Court of Appeals for the Third Circuit, regularly argues in the Supreme Court of the Virgin Islands and has also argued in the U.S. Courts of Appeals for the Federal and Fourth Circuits. In 2020, Mr. Simpson was elected as a Fellow to the American Academy of Appellate Lawyers. He is a founding member of the Bar Association for the Third Federal Circuit and presently serves at its immediate past president. He has spoken on appellate law in a variety of venues, most recently as moderator and panelist for an ABA continuing legal education program, "A Primer: Writing Compelling Appellate Briefs."



**McKeown**

**Matthew J. McKeown** has more than a quarter of a century experience in front line leadership for the federal, state, and local government. Matt recently retired from a 19-year federal career where he held national leadership positions in both the United States Department of Justice and the United States Department of

the Interior. Prior to that, Matt was a Deputy Attorney General for the state of Idaho for seven years. Matt is a frequent speaker and a recognized authority on a variety of legal and litigation subjects and his area of focus is on natural resources and jurisdictional sovereignty issues.







## OUR FEATURED SPEAKERS



Torres

**Dr. Roland Torres** is a board-certified neurosurgeon who has been in practice for more than three decades. He is a nationally recognized expert specializing in cerebrovascular neurosurgery, neurosurgical spine surgery and neurotrauma, and he is experienced in neurosurgical oncology – including treating metastatic cancer and spine tumors –minimally invasive spine surgery, skull base surgery, interventional neuroradiology/endovascular neurosurgery and cerebrovascular disease. His primary research interests include pathomechanisms of traumatic brain injury, neuroprotection trials and neuromonitoring.

After earning his medical degree at the Universidad Central del Este in the Dominican Republic, Dr. Torres undertook his neurosurgery residency at the University of California Davis, serving as Chief Resident in his final year, and was selected for elite fellowships in brain tumors and complex spine instrumentation at the University of California San Francisco and University of California Los Angeles, respectively. Complex spine encompasses all matters of the spine, including neck and back pain, degenerative spinal conditions, neck surgery, scoliosis, spinal cancer, and more. A former professor and director of neurotrauma at Stanford University, he is fluent in English and Spanish and previously served 14 years in the U.S. Air Force Reserves, where he was a Major in the Medical Service Corps.

