



# APPLICATION FOR ACCREDITATION OF CLE ACTIVITY

## State Bar of Texas Minimum Continuing Legal Education

P.O. Box 13007 Austin, TX 78711-3007 Street Address: 1414 Colorado St., Fifth Floor, Austin, TX 78701  
Phone: 1 (800) 204-2222 ext. 1806 Fax: 1 (512) 427-4423 E-mail: [mcle@texasbar.com](mailto:mcle@texasbar.com)



**SUBMITTED BY:**  Sponsor of the CLE Activity (Complete parts A, B, C and E)  Individual Attorney Seeking Credit for Out-of-State CLE Activity (Complete Parts A, B, and D)

### PART A NON-ACCREDITED SPONSOR INFORMATION

SPONSOR NUMBER: \_\_\_\_\_ SPONSOR NAME: **Provider Compliance Solutions, Inc.**

CONTACT NAME: **John Schmidt** PHONE: ( **214** ) **965-0244** EXT: \_\_\_\_\_ FAX: ( \_\_\_\_\_ )

MAILING ADDRESS: **2633 McKinney Avenue, Suite 130 Mb 525, Dallas, Texas 75204**

E-MAIL ADDRESS: **johnschmidtdc@gmail.com**

### PART B CLE ACTIVITY INFORMATION

TITLE OF ACTIVITY: **Medical Factors That Influence The Settlement Value Of A Personal Injury Case**

HOTEL/OFFICE: \_\_\_\_\_ DATE: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

ADDITIONAL LOCATIONS?  NO  YES (Attach Schedule) TOTAL NUMBER OF ATTORNEYS EXPECTED TO ATTEND: **20**

REGISTRATION FEE: **\$0** TOTAL NUMBER OF NON-ATTORNEYS EXPECTED TO ATTEND: **10**

AREA(S) OF STUDY (Please see reverse side for areas of study): **PER**

**CHECK ALL THAT APPLY:**

**METHOD OF PRESENTATION**

- IN-HOUSE ACTIVITY (Only offered to attorneys within your firm or organization)
- WRITTEN MATERIALS WILL BE DISTRIBUTED
- THE ACTIVITY IS DESIGNED FOR, AND TARGETED TO ATTORNEYS
- THE ACTIVITY IS TARGETED TO OTHER PROFESSIONALS OR CLIENTS  
(Attach a description of target audience) : \_\_\_\_\_

- LIVE GROUP PRESENTATION  OTHER: \_\_\_\_\_
- GROUP VIDEO PRESENTATION \_\_\_\_\_
- GROUP SATELLITE PRES.  ON DEMAND ONLINE SEMINAR
- LIVE TELEPHONE/WEBCAST

**CLE CREDIT HOURS:** Calculation of CLE credit hours is based upon actual instruction time, rounded to the nearest one-quarter (.25) hour.

TOTAL MINUTES OF INSTRUCTION: **50**  
(Including ethics)

TOTAL PARTICIPATORY HOURS: **10**  
(TOTAL MINUTES DIVIDED BY 60)  
(Include ethics in this total)

TOTAL ETHICS: **0**  
(Number of ethics hours included in the total hours)

**REQUIRED ATTACHMENTS:** Attach an outline, agenda and/or brochure for the activity which describes the following:

1. The overall objective and purpose of the program;
2. The content and subject matter of each lecture and/or session;
3. Names and qualifications of each speaker or presenter; and
4. A timed outline or agenda which identifies the instructional time devoted to each lecture or session. The agenda should identify beginning and ending times for the program as well as scheduled breaks, lunches, opening/closing remarks and Q & A sessions.

### PART C SPONSOR ACCREDITATION FEE Please select one of the following payment options

- Payment Option A = \$20.00 X total participatory hours (the full fee is due upon submission if Payment Option A is selected)
- Payment Option B = \$10 X the number of attorneys attending
- Exempt (See instructions on reverse side to determine eligibility)

**MCLE Late Filing Fee:** A \$100 late filing fee is required for applications that are not received in the MCLE office at least 15 calendar days prior to the starting date of the activity. This fee is in addition to the accreditation fee and is required even if the activity is exempt from the accreditation fee. (See MCLE Regulations, Section 10.8.9)

(This form cannot be returned by fax if you are required to pay an accreditation fee)

(Unless exempt, the minimum fee, regardless of the option selected, is \$50.00)

**\$ 50** AMOUNT PAID (Including late fee if applicable)

/s/ John Schmidt 05/10/2017  
Authorized Signature Date

### PART D INDIVIDUAL ATTORNEY INFORMATION (A \$25 fee is required with each application)

ATTORNEY NAME: \_\_\_\_\_ BAR NUMBER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE ( \_\_\_\_\_ ) - \_\_\_\_\_ EXT: \_\_\_\_\_ FAX ( \_\_\_\_\_ ) - \_\_\_\_\_ EMAIL: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

INDIVIDUAL APPLICATIONS FOR TELEPHONE, INTERNET OR OTHER INTERACTIVE PARTICIPATORY ACTIVITIES WILL NOT BE ACCEPTED  
**A \$25 FEE IS REQUIRED WITH EACH INDIVIDUAL APPLICATION. PLEASE MAKE CHECKS PAYABLE TO 'STATE BAR OF TEXAS.'**

### PART E ADDITIONAL FORMS REQUEST

Accreditation Application: available at [www.texasbar.com/MCLE](http://www.texasbar.com/MCLE)

Attendance Forms \_\_\_\_\_ Please note: submission of attendance forms requires a \$2 per attendee fee.

## Instructions

**GENERAL:** Please indicate at the top of the form whether this application is being submitted by a CLE sponsor/provider, or by an individual attorney. A separate application form must be completed and filed for each CLE activity or course, except when the course is repeated in exactly the same format and with identical content and only the date and location of the activity are changed for the repeat presentation. If you are a CLE sponsor or provider applying to have one of your courses accredited, you will need to complete Parts A, B, C and E of the application. If you are an individual attorney applying to have an out-of-state CLE course accredited in Texas, you will need to complete parts A, B, and D of the application. All required sections must be completed and all application fees paid upon submission of the application.

**NON ACCREDITED SPONSOR INFORMATION:** New sponsor and individual attorneys may leave the 'SPONSOR NUMBER' field blank. All other fields in Part A should be completed.

**CLE ACTIVITY INFORMATION:** Complete this section with the basic information about the program, including title, date, location and registration fee. Additional dates and locations can be submitted on an attachment. A series of CLE activities on a similar subject, or a series of similar monthly or weekly meetings, will not be considered as one activity. An application will need to be received for each activity. Please estimate the total number of attorneys and other professionals expected to attend. Area(s) of study can be found below. Please indicate the code(s) for the applicable area of study in the space provided.

**METHOD OF PRESENTATION:** Identify the method of presentation. Attach additional explanation if necessary.

**CLE CREDIT HOURS:** Calculations of CLE credit hours is based on the actual instruction time and expressed in terms of 60 minute hours, rounded to the nearest one-quarter (.25) hour. Time devoted to breaks, meals, keynote speeches, introductory and closing remarks, is excluded from the calculation. If the course schedule or agenda does not show breaks for attendees at reasonable intervals, breaks will be automatically included in staff calculation of the total number of credit hours. If any portion of the activity is devoted to legal ethics/professional responsibility, then these parts or sessions must be indicated in the course agenda before credit may be granted.

**REQUIRED ATTACHMENTS:** The required attachments must be submitted with the application form. Failure to submit the required documentation will result in the application being denied accreditation.

**SPONSOR ACCREDITATION FEE:** Sponsors who meet the following criteria, may be EXEMPT from the accreditation fee and course attendance form fee: **The CLE activity is sponsored solely by a local or district bar association, (defined as a bar association contained within a particular geographical area of a city, county or state judicial district, and is open for membership to the entire general lawyer population, within such area) AND there is no registration fee charged for attending the activity.** Otherwise a payment option must be selected. The minimum fee, regardless of payment option selected, is \$50. If PAYMENT OPTION A is selected, the entire fee is due upon submission of the application. If PAYMENT OPTION B is selected, then the minimum \$50 is required with the application. Remaining fees should be submitted with the course attendance.

**INDIVIDUAL ATTORNEY INFORMATION:** Individual attorneys applying for out-of-state CLE credit may skip PART C and complete PART D instead. A separate application is required for each activity. The fee for submission of the application is \$25. Applications for telephone, Internet or other interactive participatory activities require sponsor submission and cannot be accepted by individual member request.

**ADDITIONAL FORMS REQUEST:** Use this part of the form to request additional forms, if needed.

**ACCREDITATION APPLICATIONS:** Available at [www.texasbar.com/mcle](http://www.texasbar.com/mcle).

Sponsors may report attendance free of charge at the online sponsor site found at [www.texasbar.com/mcle](http://www.texasbar.com/mcle). You may request a password by email to [mcle@texasbar.com](mailto:mcle@texasbar.com). Include your name and sponsor number in your request.

**Course Attendance Forms:** Attendance may be submitted by sponsors via course attendance form. A \$2 per form service charge will be owed upon submission. Each sponsor should estimate the number of forms needed, and request that number of forms for their CLE activities. Course Attendance Forms should not be sent to individual attorneys and are only accepted when submitted to MCLE by CLE sponsors.

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## AREAS OF STUDY

Administrative and Public Law (ADM)  
Admiralty and Maritime Law (MAR)  
Antitrust and Trade Regulation (ANT)  
Appellate Practice and Advocacy (ADV)  
Aviation Law (AVL)  
Banking Law (BNK)  
Business Law (BUS)  
Civil Liberties (CIV)  
Communications and Media Law (COM)  
Constitutional Law (CNL)  
Construction Law (CST)  
Consumer Law (CSM)  
Creditor/Debtor Law (CRD)  
Criminal Law (CRM)  
Entertainment/Sports Law (ENT)

Environmental/Nat. Resource Law (ENV)  
Estate Planning and Probate (EST)  
Ethics/Professional Responsibility (ETH)  
Family Law (FAM)  
Government Contracts Law (GOV)  
Guardianship Law (GRD)  
Health Law (HEA)  
Immigration/Naturalization Law (IMM)  
Insurance Law (INS)  
Intellectual Property Law (IPL)  
International Law (INT)  
Judicial (JUD)  
Juvenile Law (JUV)  
Labor/Employment Law (EMP)  
Law Office Management (LOM)

Litigation (LIT)  
Malpractice/Professional Liability (MAL)  
Mediation/ADR (MED)  
Military Law (MIL)  
Municipal and Government Law (MUN)  
Oil, Gas & Mineral Law (OGM)  
Other (OTH)  
Personal Injury Compensation (PER)  
Practice Skills (PRC)  
Real Estate (REL)  
School Law (SCH)  
Securities Regulation Law (SEC)  
Taxation Law (TAX)  
Transportation Law (TRN)

# **Continuing Legal Education Course Overview**

## **Presenter**

John Schmidt, DC

## **Course Title**

Medical Factors That Influence The Value of Personal Injury Claims

## **Course Topics**

1. Understanding Colossus
2. The Medical Factors That Influence The Settlement Value of A PI Case
3. The Significance of Ligament Laxity in PI Cases
4. The Impact of Impairment Ratings on PI Cases
5. Defending Minor Impact Soft Tissue Cases In PI Cases
6. Technology That Documents Soft Tissue Injuries
7. Working With Chiropractors on PI Cases

## Legal Skills Enhanced By This Course

Negotiation of PI settlements, defending **motion's *in limine***, defending **Daubert** and **Frye** challenges, questions to ask during depositions and direct/cross examination of medical expert witnesses, writing a proper demand letter.

## Course Description

Today, most insurance settlements are calculated using software that determines losses based primarily on medical factors rather than attorney negotiating skills alone. If an attorney does not understand these facts, they will end up being offered less compensation for their clients.

This course will discuss the medical factors that influence the settlement value of personal injury settlements. This will include discussing **ICD-10** codes, insurance company software and the **AMA Guides to the Evaluation of Permanent Impairment** regarding their significance in determining the value of personal injury claims.

The information presented will improve the professional competence of an attorney by increasing their specific knowledge of the mechanisms and consequences of injuries due to trauma. It will improve an attorney's ability to gather pertinent facts from their client, from documents, and from other persons with specialized knowledge to formulate the issues raised by their client's problem.

During discovery, the information will assist the attorney in framing more informed questions of expert witnesses in deposition, and assist their client in producing more informed and defined answers to interrogatories.

At pre-trial conferences, settlement conferences, and mediations, the information will improve the attorney's ability to articulate the facts of their client's injury and clarify the issues in dispute, improving the chance of settlement.

At trial, the attorney will be able to elicit testimony from his/her expert on direct examination to assist the jury in understanding the significance of the

injury, and will also give the attorney a knowledge base adequate to effectively cross examine the opposing party's expert.

The value of a personal injury case is determined by property damage, lost earnings, the level of pain and suffering of a patient caused by injury, permanent functional impairment, loss of enjoyment, duties under duress and medical bills. The practice of personal injury law will be improved through the information presented.

The subject matter will improve the legal services of attorneys in personal injury cases by assisting the attorney in:

Understanding some of the recent advancements in neuroimaging and how it can objectively determine the severity of injury to the brain;

Determining the impact that injuries will have on the client's future, including the client's ability to work or perform services;

Identifying key terms in medical records to assist the attorney in assessing the value of a case;

Determining what types of experts are best utilized for mild traumatic brain injuries;

Determining proper lines of questions for experts and opposing experts related to the client's injuries;

## **Objectives**

1. Learn the 5 medical factors that influence the settlement value of a PI case.
2. How to defend a **Motion *in limine*** regarding a **Daubert** or **Frye** challenge when using Computerized Radiographic Mensuration Analysis (CRMA) to document ligament laxity.
3. How to depose and cross-examine insurance company doctors.
4. How to dismantle "junk science" in personal injury claims
5. Understand the impact of permanent impairments based on the AMA Guides
6. How to defend minor impact denials
7. The ethics of dealing representing clients while respecting health care providers

## **Outline**

We will discuss:

1. The transition from ICD-9 to ICD-10
2. The 5 most significant medical factors that influence the settlement value of a PI case.
3. Understanding Colossus and other software programs to negotiate higher settlements for clients
4. How to get a claim out of the MIST category
5. The significance of obtaining stress x-rays on all whiplash clients
6. What Emergency Rooms (ER) treat and do not treat
7. How to use the AMA Guides to Permanent Impairment
8. The significance of Translation and Angulation on stress x-rays
9. Courtroom mannerisms and examination techniques regarding impairment ratings, lines of mensuration.
10. How to depose and cross examine insurance company doctors

## **References**

1. The AMA Guides (4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Editions)
2. The Essentials of Skeletal Radiology by Yochum & Rowe
3. Analysis of White, et al
4. Published research articles
5. Daubert and Frye challenges
6. Colossus from DXC Technologies
7. Article from Mark Romano
8. Article from Aaron DeShaw, DC, JD