



MISSOURI ORGANIZATION OF DEFENSE LAWYERS

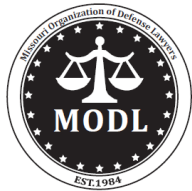
38th Annual Meeting
JUNE 1-3, 2023



BIG CEDAR[®] LODGE

† AMERICA'S PREMIER WILDERNESS RESORT †

RIDGEDALE, MO



MISSOURI ORGANIZATION OF DEFENSE LAWYERS

101 East High Street
P.O. Box 1072
Jefferson City, Missouri 65102
(573) 636-6100
FAX: (573) 636-9749

www.modllaw.com

Dear MODL Member:

The 38th Annual Meeting of the Missouri Organization of Defense Lawyers will be held June 1-3, 2023, at the beautiful Big Cedar Lodge in Ridgedale, Missouri. We invite all members to take advantage of earning a majority of their CLE credit at our annual conference. Bring your family to Big Cedar, which is billed as America's Premier Wilderness Resort.

The Annual Meeting kicks off with the "President's Welcome Reception" Thursday evening at Arnie's Barn Restaurant which is situated at the Top of the Rock overlooking the famous "sinkhole" and the beautiful golf course.

The conference's Keynote Speaker is Jerry D. Hamilton from Miami, Florida, who will speak on "Runaway Verdicts" and things you can do to limit one from happening to you. It is a presentation you will not want to miss on Friday morning. Also on Friday, members will enjoy a CLE presentation from MATA's Jeff Bauer and MODL's own Chris Rackers. On Saturday, Randy and Brian will provide their "Legislative Update." That will be followed by a presentation from the Honorable Jeffrey Bates on rule changes for e-filing associated with the public's access to e-files. Rod Chapel, Jr., will provide a CLE on implicit biases related to our trial practices. Last but not least, Supreme Court Judge Brent W. Powell will moderate a blended panel of trial and appellate court judges from around the State. The entire program will provide our members with 8.2 hours of CLE credit.

Members and their spouses can participate in the MODL Golf Tournament, to be held on Friday afternoon at the Top of the Rock Golf Course. If golf is not your sport, then come play Bingo from 2:00-3:00 p.m. on Friday. Come Friday evening, MODL will celebrate with the Cocktail Party followed by the Awards Dinner.

Once again with the help of our sponsors, MODL has arranged a Kids Program to take place during the Cocktail Party and Awards Dinner. During the conference your kids can participate in a Kids Fishing Event on Friday morning, and each child registered will receive a voucher to use at FUN MOUNTAIN. This 50,000 square-foot amusement complex features fun for the whole family, with 16 lanes of bowling, state-of-the-art laser tag, arcade, rock climbing wall, ropes course, electric go-karts, and bumper cars. Of course, the resort also offers swimming, miniature golf, boating, biking, and hiking for everyone to enjoy.

Rooms are limited at Big Cedar and the room cut-off is **MAY 1, 2023**. Please make your room reservations ASAP as we anticipate Big Cedar being sold out (the room reservation form is located at the end of this brochure). You can register for the meeting on-line at www.modllaw.com, or by emailing the registration form to info@modllaw.com, or by mailing the form to the MODL Office (please see the meeting registration form). We look forward to seeing you!

Best Regards,

Josh

Joshua Engelbart, Annual Meeting Chair

AGENDA

THURSDAY, JUNE 1, 2023



5:00 p.m. – 7:00 p.m.

PRESIDENT'S WELCOME RECEPTION.....Arnie's Barn

ARNIE'S BARN RESTAURANT

Arnie's Barn is inspired by the Ozarks and offers stunning views of Top of the Rock and the natural Landscape. The beautiful, rustic structure began as an old barn near Arnold Palmer's hometown of Latrobe, PA. The 150-year-old barn was carefully disassembled by Ozarks craftsman Danny Schwartz and his family, transported to Top of the Rock and rebuilt plank by plank.

7:00 p.m.

DINNER ON YOUR OWN

FRIDAY, JUNE 2, 2023

7:00 a.m. – 9:30 a.m. **FAMILY BUFFET BREAKFAST**.....Grandview Ballroom C&D

10:00 a.m. – 11:00 a.m. **KIDS FISHING**.....Kids' Fishing Pond
Children must be accompanied by an adult.

CLE AGENDA

8:00 a.m. – 8:30 a.m. **REGISTRATION/EXHIBITS**.....Grandview Ballroom A&B

8:30 a.m. – 8:40 a.m. **WELCOME/OPENING**.....Grandview Ballroom A&B
JAMES P. MALONEY, MODL PRESIDENT,
BAKER STERCHI COWDEN & RICE, L.L.C., KANSAS CITY, MO

8:40 a.m. – 9:30 a.m. **"MATA MEMBER/MODL MEMBER"**.....Grandview Ballroom A&B
JEFF BAUER, STRONG-GARNER-BAUER, P.C., SPRINGFIELD, MO
CHRIS RACKERS, SCHREIMANN, RACKERS & FRANCKA, L.L.C., JEFFERSON CITY, MO

9:30 a.m. – 9:45 a.m. **BREAK/EXHIBITS**.....Grandview Ballroom A&B
SPONSORED BY IMS CONSULTING & EXPERT SERVICES

9:45 a.m. – 12:00 noon **KEYNOTE:**
"RUNAWAY VERDICTS – HOW TO PREVENT, MITIGATE AND STOP THE MADNESS".....Grandview Ballroom A&B
JERRY D. HAMILTON, HAMILTON, MILLER & BIRTHISEL, LLP, MIAMI, FL
The problem of rising jury verdicts is real. The cause is juror anger, exploited by plaintiffs' attorneys taking a formulaic approach to these cases. Defense attorneys are failing to adapt to these new approaches. This presentation will facilitate a discussion as to the problem of runaway verdicts, what causes them, and focus on the practical and necessary techniques on for how to avoid them. Defense attorneys will come away armed with a greater understanding of how to prepare their case in discovery and how best to present their case to a jury to win at trial or to ensure that there is a just, reasonable and fair verdict.

12:00 noon **FAMILY BUFFET LUNCH**.....Grandview Ballroom C&D



12:30 p.m.

GOLF TOURNAMENT

Top of the Rock

150 Top of the Rock Road

1001 Branson Creek Boulevard

Ridgedale, MO

**REFRESHMENTS SPONSORED BY RINGLER -
DENISE FREY**

1:00 p.m. – 6:00 p.m.

FAMILY/KIDS' TIME

The New Fun Mountain - Kids will be given a voucher for Fun Mountain at the Registration Desk.

2:00 p.m. – 3:00 p.m.

BINGO (*This activity is limited attendance; you must sign up on the registration form*).

MODL'S CELEBRATION

6:00 p.m. – 7:00 p.m.

COCKTAIL PARTY.....Grandview Ballroom BCD

6:00 p.m. – 8:00 p.m.

KID'S PROGRAM.....Hallway Grandview Ballrooms

7:00 p.m. – 9:30 p.m.

AWARDS DINNER.....Grandview Ballroom BCD

- ♦ Service and Amicus Awards
- ♦ Retiring Board Member Recognition
- ♦ Karl Blanchard, Jr. Award of Excellence
- ♦ President's Award
- ♦ Ben Ely, Jr. Award

SATURDAY, JUNE 3, 2023

7:00 a.m. - 9:00 a.m.

FAMILY BUFFET BREAKFAST.....Grandview Ballroom C&D

CLE AGENDA

8:00 a.m. – 8:30 a.m.

"LEGISLATIVE UPDATE"Grandview Ballroom A&B

RANDY J. SCHERR, MODL EXECUTIVE DIRECTOR, JEFFERSON CITY, MO

BRIAN BERNSKOETTER, MODL OFFICE, JEFFERSON CITY, MO

A review of legislation considered during the 2023 Legislative Session.

8:30 a.m. – 9:30 a.m.

"REMOTE ACCESS TO PUBLIC DOCUMENTS RULE CHANGE"

.....Grandview Ballroom A&B

**THE HONORABLE JEFFREY BATES, MISSOURI COURT OF APPEALS –
SOUTHERN DISTRICT, SPRINGFIELD, MO**

This presentation will address the new Missouri Supreme Court rule changes requiring redaction by attorneys beginning on July 1, 2023. It will review what has to be redacted and how that should be done.

9:30 a.m. – 10:30 a.m.	“IMPLICIT BIAS IN TRIAL PRACTICE”Grandview Ballroom A&B NIMROD “ROD” CHAPEL, JR., CHAPEL LAW GROUP, LLC, JEFFERSON CITY, MO
10:30 a.m. – 10:45 a.m.	BREAK/EXHIBITSGrandview Ballroom A&B
10:45 a.m. – 12:00 p.m.	BLENDED JUDICIAL PANELGrandview Ballroom A&B MODERATOR: THE HONORABLE W. BRENT POWELL, SUPREME COURT OF MISSOURI, JEFFERSON CITY, MO PANEL: THE HONORABLE MATTHEW T. SCHELP, US DISTRICT COURT, EASTERN DISTRICT, ST. LOUIS, MO THE HONORABLE JOHN P. TORBITZKY, MO COURT OF APPEALS, EASTERN DISTRICT, ST LOUIS, MO THE HONORABLE SARAH A. CASTLE, 16TH CIRCUIT COURT, KANSAS CITY, MO THE HONORABLE BROUCK JACOBS, 13TH CIRCUIT COURT, COLUMBIA, MO
12:00 p.m. – 12:10 p.m.	CLOSING REMARKSGrandview Ballroom A&B JAMES P. MALONEY, MODL PRESIDENT, BAKER STERCHI COWDEN & RICE, L.L.C., KANSAS CITY, MO
12:10 p.m. – 12:15 p.m.	MEMBERSHIP MEETING

**8.2 hours Missouri CLE which includes 1.2 hours Cultural Competency, Diversity, Inclusion and Implicit Bias
_____ hours Kansas CLE applied for**

MODL PAST PRESIDENTS

2021-2022 – Brian Waller
2020-2021 – Debbie Champion
2019-2020 – Mimi Doherty
2018-2019 – Dana Frese
2017-2018 – Kurt Hentz
2016-2017 – Wm. Clayton Crawford
2015-2016 – Scott E. Bellm
2014-2015 – John J. Farmer
2013-2014 – Steven F. Coronado
2012-2013 – Robert J. Buckley
2011-2012 – Jeffrey J. Brinker
2010-2011 – Louis (Lou) J. Leonatti
2009-2010 – Dale L. Beckerman
2008-2009 – Martin J. Buckley
2007-2008 – Karl W. Blanchard, Jr.
2006-2007 – Jack T. Bangert
2005-2006 – Dean L. Franklin
2004-2005 – Susan Ford Robertson
2003-2004 – Lisa Weixelman

2002-2003 – Clark H. Cole
2001-2002 – Duane E. Schreimann
2000-2001 – Randa Rawlins
1999-2000 – Gerard T. Noce
1998-1999 – Jeffrey O. Parshall
1997-1998 – Joseph J. Roper
1996-1997 – John H. Quinn III
1995-1996 – Wendell E. Koerner, Jr.
1994-1995 – Stephen E. Scheve
1993-1994 – Robert A. Wulff
1992-1993 – Michael A. Dallmeyer
1991-1992 – W. James Foland
1990-1991 – John L. Oliver, Jr.
1989-1990 – Lawrence B. Grebel
1988-1989 – Robert A. Babcock
1987-1988 – Raymond E. Whiteaker
1986-1987 – Ben Ely, Jr.
1984-1986 – Paul L. Wickens

ABOUT YOUR SPEAKERS



JERRY D. HAMILTON is a Board-Certified Civil Trial Lawyer. He has been nationally recognized as one of the Top Ten Defense Lawyers in the United States by one of the largest insurance companies in the world. He is a Fellow of the Litigation Counsel of America, an invitation-only trial honorary society composed of less than one half percent of lawyers in The United States. He has been selected as one of America's Top 100 High Stakes Litigators® and invitation only organization reserved for nation's most exceptional trial attorneys in high value, high stakes legal matters. He is the Managing Partner of the Hamilton, Miller & Birthisel which is a defense firm, of over

100 lawyers headquartered in Miami, Florida with offices through Florida, New York, Caribbean. He is a member of the Federation of Defense & Corporate Counsel. A Member of International Association of Defense Counsel and he sits on the CLM Task Force for on How To Mitigate And Prevent Nuclear Verdicts. He has a win rate at trial of 90% and for the past 30 years has dedicated his practice to defending his clients in complex litigation matters, including business litigation and other commercial disputes, class actions, catastrophic personal injury, wrongful death, product liability claims, medical and professional malpractice claims, maritime disputes, hospitality and transportation claims.



JEFF BAUER graduated Cum Laude from the University of Notre Dame Law School in 1997. At Notre Dame, he was the recipient of the Dean's Award for Excellence in Statutory Interpretation and the winner of the Thomas C. Hollywood scholarship. Before law school, Jeff graduated with honors from Southwest Missouri State University. Jeff Bauer joined Strong-Garner-Bauer P.C., in 2000, and has been a shareholder since 2004.



CHRIS RACKERS has practiced law in Jefferson City since 1993. After clerking at the Supreme Court, he joined Hendren and Andrae, defending insurers and their insureds. He later joined Schreimann, Rackers, and Francka, LLC, in 2002.



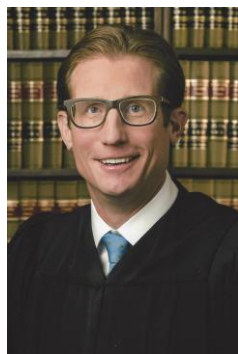
RANDY J. SCHERR is President and founder of R. J. Scherr and Associates and a principal in the lobbying firm of Scherr, Winter LLC. He holds both a Bachelor and a Master of Arts Degree in Political Science. Mr. Scherr has been actively involved in the political and legislative process in Missouri on a full-time basis for 45 years and represents over 30 clients before the Missouri Legislature. Mr. Scherr is the Executive Director for the Missouri Organization of Defense Lawyers.



JEFFREY BATES graduated in 1979 from Southwest Missouri State University with a Bachelor of Science in Speech. Graduated from law school in 1984 from the University of Missouri – Columbia. Served as Associate Editor-in-Chief of the Missouri Law Review. Engaged in private practice in Springfield, Missouri, from 1984 through 2003, trying complex personal injury and wrongful death cases. Member of the Springfield Metropolitan and Missouri Bar Associations. Appointed to the Court of Appeals, Southern District, for a term beginning on December 1, 2003, and retained in 2006 and 2018. Member, State Judicial Records Committee and Court Management of Technology Committee.



NIMROD "ROD" CHAPEL, JR. is a Missouri trial lawyer and former Commissioner of the Administrative Hearing Commission where he held over 900 hearings and issued nearly as many decisions. Rod clerked at the Missouri Supreme Court for then Missouri Supreme Court Chief Justice Duane Benton. Rod served as the Director of the Missouri Department of Labor and Industrial Relations as well as General Counsel/Director of Legal Services for the Missouri Department of Revenue. He is married to Denise Chapel and has 2 young sons. Currently, he serves as President of the Jefferson City, MO, NAACP, as a member of The Board of Governors for The Missouri Bar.



W. BRENT POWELL is from Springfield, Missouri, and completed his undergraduate degree at William Jewell College in Liberty, Missouri. He received his J.D. from the University of Missouri-Columbia School of Law in 1996. Following law school, Brent Powell began his legal career at Lathrop & Gage in Kansas City, Missouri. In 2001, he began working as an Assistant United States Attorney in Kansas City, Missouri. During his tenure at the United States Attorney's Office, he served as the Chief of the General Crimes Unit. He served as a Circuit Court Judge in Division 11 of the 16th Judicial Circuit in Jackson County, Missouri. As a Missouri Circuit Court Judge, he served on the Missouri Supreme Court Committee on Procedure in Criminal Cases, the Committee on Access to Family Courts, the Trial Judge Education Committee and the Missouri Sentencing Advisory Commission. Brent Powell was appointed to the Missouri Supreme Court by Governor Eric Greitens on April 25, 2017. He was named "Judge of the Year" in 2009 by the Association of Women Lawyers of Greater Kansas City, and he received the Kansas City Metropolitan Bar Association President's Award in 2014 for outstanding service to the Bar. In 2022, he was elected to the American Law Institute to bring his legal expertise in clarifying the law through Model Codes and Restatements. He and his wife Beth live in Kansas City, Missouri.



MATTHEW T. SCHELP serves as a United States District Judge for Eastern District of Missouri. Schelp began his tenure In August 2020 when he replaced District Judge Stephen N. Limbaugh, Jr. Before being sworn in, Schelp served in a variety of roles in both the public and private sector. Most recently, he was a partner at the firm of Husch Blackwell, where he chaired the firm's government compliance, investigations and litigation practice group. Prior to his time at Husch Blackwell, Schelp served as an Assistant United States Attorney, and as a Judge Advocate in the United States Navy's Judge Advocate General Corps. Schelp received both his bachelor's and law degrees from the University of Missouri.



JOHN P. TORBITZKY was appointed by Governor Mike Parson to the Missouri Court of Appeals Eastern District Court on August 12, 2021. Torbitzky won retention election for Judge of the Missouri Court of Appeals Eastern District on November 8, 2022. Torbitzky received a bachelor's degree in English from the University of Missouri - Columbia and a J.D. from the Saint Louis University School of Law. Prior to his appointment to the court, Torbitzky was a member and owner of Reichardt Torbitzky LLC. He served as a Law Clerk for the Honorable Zel Fischer, Supreme Court of Missouri from 2012 to 2014.



SARAH A. CASTLE was appointed by Governor Michael Parson as Circuit Judge of Division 1 on October 20, 2020. At the time of her appointment, she was serving as Associate Circuit Judge of Division 27, having been appointed by the Governor to the bench on January 29, 2020. Previously, Judge Castle has served as an Assistant Prosecutor in the Jackson County Prosecutor's Office, a position she had held since 2013. Prior to that, Judge Castle served as a Special Assistant United States Attorney in the U.S. Attorney's Office where she assisted in the prosecution of criminal cases specifically related to the illegal possession of firearms. Judge Castle grew up in Denver, Colorado. She attended the University of Illinois at Urbana-Champaign where she earned a bachelor's degree in 2006, and a master's degree in 2008 in Political Science with an emphasis in Civic Leadership and Disability Studies. She obtained a Juris Doctorate degree from the University of Missouri-Kansas City Law School in 2012. Judge Castle was a member of the Women's Basketball Team of Team USA from 2005 – 2012. In 2008, Judge Castle and her teammates won a gold medal at the Paralympics in China. In 2012, the team finished fourth at the Paralympics in London. In addition, Judge Castle, who is also a swimmer, won a silver medal in 2000 in the 100-meter breaststroke for Team USA at the Paralympics in Sydney, Australia. In 2004, she came in fourth in the 100-meter breaststroke at the Paralympics in Athens, Greece. Judge Castle enjoys volunteering for community organizations, and is a member of the Kansas City Metropolitan Bar Association and the Association of Women Lawyers.



BROUCK JACOBS was appointed to the court in 2017 and was elected to a full term in 2018. He was chosen by his colleagues to serve as Presiding Judge for the 13th Circuit Court in 2021. He presides over general civil and criminal dockets, as well as family court matters. Judge Jacobs is a graduate of Florida A&M College of Law, with an undergraduate degree in history from the University of Florida. Before his appointment, Jacobs served as an assistant prosecutor in Boone County. Prior to that he worked in private practice in North Carolina, and was an assistant prosecutor in Saint Louis County, and an assistant state attorney in Florida. Judge Jacobs lives in Columbia with his wife, Dr. Janie Jacobs, and their three children."

MISSOURI ORGANIZATION OF DEFENSE LAWYERS

38TH ANNUAL MEETING

June 1-3, 2023

Big Cedar Lodge • Ridgedale, Missouri

Registration Form

MODL Member/Client (Individual)	\$575.00	_____
MODL Member/Client (Spouse/Guest and Family) <i>(Includes Member, Spouse/Guest and Member's Children under the age of 18)</i>	\$700.00	_____
Additional Guest Package (Meals and all Social Functions) <i>(Married Children and Children over the age of 18 must sign up as an additional guest package)</i>	\$200.00	_____
MODL 1 st Time Attendees Discount <i>(Includes Member, Spouse/Guest and Member's Children under the age of 18)</i>	\$480.00	_____

I ____ and my spouse/guest ____ will play golf Friday/\$130.00 per person _____

I would like to participate in Bingo - # attending _____

I would like to sign up my kids for the Fishing Tournament - # attending _____

If you wish to pay by credit card you can pay on-line at www.modllaw.com or email to info@modllaw.com or fax to (573) 636-9749 (a 3% service charge will apply).

Please check one: ☐ VISA or ☐ MASTERCARD

Charge Card No.: _____

Name of Card Holder: _____

Expiration Date: _____

AMOUNT ENCLOSED: _____

YOUR NAME _____

SPOUSE/GUEST NAME _____

CHILD NAME(S) & AGE(S) _____

CHILD NAME(S) & AGE(S) _____

FIRM/COMPANY NAME _____

ADDRESS _____

CITY _____

STATE _____

ZIP CODE _____

PHONE _____

E-MAIL _____

Sorry, No Refunds After Noon, May 18, 2023. Refunds will be made if MODL office is notified prior to that time. 573-636-6100

RETURN THIS REGISTRATION FORM AND YOUR CHECK TO:

MODL • P.O. BOX 1072 • JEFFERSON CITY, MO 65102

Please make your hotel reservations directly with BIG CEDAR LODGE (see form on last page of this brochure). Group Number #61M9C1.

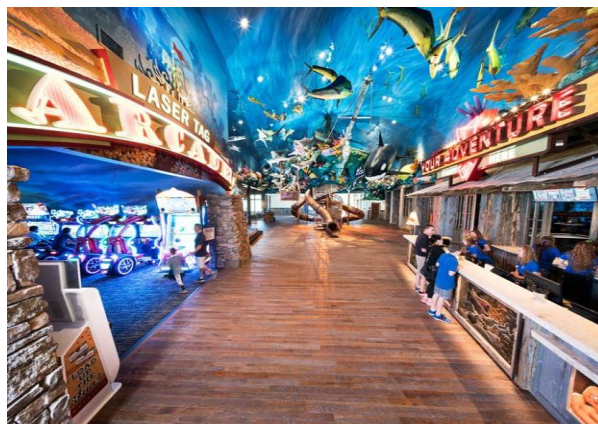
RESERVATION DUE DATE: MONDAY, MAY 1, 2023.



Big Cedar Lodge offers 50,000 square feet of endless entertainment for you and your family. Complete with a full arcade, bumper cars, underwater-themed bowling, laser tag and a golf simulator, this world-class attraction offers year-round fun for all ages. Whether you're climbing to the top of the rock wall or zooming down the slide of the pirate ship, you'll delight in the adventure of Fun Mountain, created for the kid in all of us.

OPEN DAILY

10:00 am – 10:00 pm



KIDS WILL BE PRESENTED A GAME CARD CREDIT AT REGISTRATION

Kids' Fishing - Friday, June 2, 2023 – 10:00 a.m. – 11:00 a.m.

This is the perfect opportunity for children to catch their first fish and participate in a biggest fish and casting competition.

This activity is offered at the Kids' Fishing Pond to **children ages 3-14**. Poles and bait are provided. All children must be accompanied by an adult. Reservations required – please sign up on the registration form.

Kids' Program - Friday, June 2, 2023 – 6:00 p.m. – 8:00 p.m.



**CANDY
DISPLAY**

**BALLOON
ARTIST**



Face Painting





BIG CEDAR[®] LODGE

→ AMERICA'S PREMIER WILDERNESS RESORT →

Big Cedar Lodge welcomes: MO Organization of Defense Lawyers

Group #61M9C1

Group Arrival Date: Wednesday, May 31, 2023

Group Departure Date: Sunday, June 4, 2023

Reservation Due Date: Monday, May 1, 2023

We are so excited for you to stay with us! Big Cedar Lodge is the wilderness resort of choice for guests who expect genuine hospitality, outstanding service, and a relaxing experience surrounded by nature and rustic elegance. In order to provide the best possible service, the reservation options are listed below.

Book Online at bigcedar.com

1. Select your arrival and departure dates
2. Select number of adults and children
3. Click 'Add Special Code'
4. Below 'Group' enter **61M9C1**
5. Click 'Apply'
6. Click 'Search'

You will find the room types available at a group rate during the dates of the event in vibrant color. If you would like to check availability and pricing of uncontracted dates and room types, please use the instructions below:

Phone Reservations:

1. Call Toll Free at (844) 977-0219
2. Select 1 for New Reservations
3. Select 2 for Group Reservations
4. Provide the reservationist with your group number: **61M9C1**

612 Devil's Pool Road | Ridgedale, MO 65739 | 800-225-6343 | bigcedar.com