

Daniel W. Hayes
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SUMMARY

- Born June 21, 1972, in Fort Hood, Texas
- Licensed to practice law in North Carolina and South Carolina
- Partner in North Carolina law firm with offices in Raleigh and Asheville
- Provides consultation for compliance with Medicare Secondary Payer Act in settling liability and workers' compensation claims, as well as legal representation of employers and insurance carriers defending workers' compensation claims.

PROFESSIONAL EXPERIENCE

Teague Campbell Dennis & Gorham, L.L.P.
Asheville, North Carolina
Partner (Attorney)
January 2011 – Present;

Sowell Gray Stepp & Laffitte, L.L.C.
Columbia, South Carolina
Associate, Partner (Attorney)
March 2005 – December 2010;

Ellis Lawhorne & Sims, P.A.
Columbia, South Carolina
Associate (Attorney)
October 1997 – February 2005

EDUCATION

J.D., University of South Carolina School of Law, 1997
South Carolina Law Review, Editorial Board
CALI Award, Legal Drafting

B.S., Finance, University of South Carolina, 1994
With Honors from South Carolina Honors College

INDEPENDENT COURSEWORK

University of Florida, 2010
Medicare Set Aside Pre-Certification Program (30 hours)

BAR ADMISSIONS

South Carolina (1997-present)
North Carolina (2011-present)
United States District Court, District of South Carolina (2007-present)

CERTIFICATIONS

Certified Medicare Secondary Payer Professional (CMSP), Louisiana Association of Self Insured Employers (LASIE) (Class of 2019)

Medicare Set-Aside Certified Consultant (MSCC), International Commission on Health Care Certification, License # 0727 (July 2010-present)

Certified Circuit Court Mediator, South Carolina Board of Arbitrator and Mediator Certification (September 2008-present)

HONORS

Fellow, College of Workers' Compensation Lawyers (Inducted March 3, 2018)
The Best Lawyers in America®, Workers' Compensation Law (2010-present)
AV-Preeminent Rating, Martindale-Hubbell® (2012-present)
Nominated Super Lawyers *Rising Star*, South Carolina (2011)

PROFESSIONAL AFFILIATIONS

Buncombe County Bar (North Carolina 28th Judicial District)(current)
North Carolina Association of Defense Attorneys (current)
National Workers' Compensation Defense Network (current)
North Carolina Association of Self-Insurers (current)
Primerus Defense Institute (former)
National Association of Medicare Set Aside Professionals (current)
South Carolina Workers' Compensation Educational Association (former)
Richland County Bar Association (former)
South Carolina Defense Trial Attorneys' Association (former)
South Carolina Self-Insurers Association (former)
Columbia Stage Society/Town Theatre, Board of Governors (former)
Kids' Chance of South Carolina, Board Member (former)

PUBLICATIONS

Author, *Concurrent Laws: Medicare*, Sumwalt, LEXISNEXIS PRACTICE GUIDE NORTH CAROLINA WORKERS' COMPENSATION (2017 Edition);

Author, MEDICARE ISSUES IN LIABILITY & WORKERS' COMPENSATION SETTLEMENTS, (South Carolina Bar – CLE Division, 2015);

Author, *The 2007 South Carolina Workers' Compensation Reform Act: An Overview*, SOUTH CAROLINA LAWYER, Jan. 2008 (Part 1) & Mar. 2008 (Part 2);

Co-author, BEARD, POTEAT, LAMAR, SUMWALT, HAYES, THE LAW OF WORKERS' COMPENSATION INSURANCE IN SOUTH CAROLINA (5th ed. 2008);

Note, *Court of Appeals Adopts Restatement Approach to Determine an Accountant's Duty to Third Party Investors*, 48 S.C. L. REV. 193 (1996).

REPORTED CASES

James Smith v. Barnwell County, 384 S.C. 520, 682 S.E.2d 828 (2009) — Supreme Court confirmed the statutory average weekly wage for an inmate upon appeal by claimant who was injured during a work-release program.

Shealy v. Aiken County, 341 S.C. 448, 535 S.E.2d 438 (2000) — Supreme Court established claimant must prove mental-mental injury was unusual and extraordinary in his or her particular employment, not compared to employment in general.

Jeffrey v. Sunshine Recycling, 386 S.C. 174, 687 S.E.2d 332 (Ct. App. 2009) — Court of Appeals upheld denial of benefits where alleged transient worker could not establish employment relationship.

Broughton v. South of the Border, 336 S.C. 488, 520 S.E.2d 634 (Ct. App. 1999), *cert. denied*, May 10, 2000 — Court of Appeals upheld denial of benefits where claimant failed to demonstrate injuries sustained while checking on a co-worker were in the course of her employment.

PRESENTATIONS

Planning Committee, Medical Conference, South Carolina Workers' Compensation Educational Association (scheduled February 23, 2021 to March 1, 2021);

How to Navigate MSAs in Admitted and Denied Cases, Advanced Topics of Workers' Compensation, 2020 Workers' Compensation Law Fall CLE, North Carolina Bar Center, Cary, North Carolina (November 13, 2020);

How to Navigate MSAs in Denied Cases and Other Dangerous Pitfalls, Workers' Compensation Practice Tips from the Pros, South Carolina Bar, Columbia, South Carolina (October 3, 2019);

Medicare Set Asides: New Options to Consider, Workers' Injury Law & Advocacy Group (WILG) Southeast Regional Conference, New Orleans, Louisiana (March 24, 2019);

An Update on MSAs, Injured Workers' Advocates 35th Annual Convention, Asheville, North Carolina (November 17, 2018);

MSA's: New Options to Consider, 42nd Annual South Carolina Educational Conference on Workers' Compensation, Hilton Head Island, South Carolina (October 16, 2018);

Medicare—a Panel Discussion, National Workers' Compensation Defense Network, Fall Conference, Atlanta, Georgia (October 19, 2017);

Medicare Secondary Payer: Best Practices for Settling a Workers' Compensation Claim that May (or May Not) be Submitted for CMS Approval, 2017 Basics of Workers' Compensation CLE Program, North Carolina Bar Center, Cary, North Carolina (October 13, 2017);

Workers' Compensation, AAPA Spring Seminar, Asheville Area Paralegal Association, Asheville, North Carolina (March 31, 2017);

Medicare Issues in Liability & Workers' Compensation Settlements Lunch and Learn, South Carolina Bar – CLE Division, Columbia, South Carolina (December 2, 2015);

Complex Injury Case Management, 39th Annual Educational Conference on Workers' Compensation, South Carolina Workers' Compensation Education Association, Myrtle Beach, South Carolina (scheduled October 11-14, 2015; event cancelled due to severe weather and anticipated flooding);

The Carrier & Settlement Negotiations/MSA's, SCWCEA One Day Seminar, South Carolina Workers' Compensation Education Association, Columbia, South Carolina (May 1, 2015)

Advanced Issues in Personal Injury Litigation: Medicare Secondary Payer (MSP), Conditional Payment and Set-Aside Update and Tips, National Business Institute, Charleston, South Carolina (February 25, 2015);

Protecting the Client, National Alliance of Medicare Set-Aside Professionals, Regional Meeting, Orlando, Florida (January 29, 2015);

Medicare Set-Asides in Personal Injury Settlements – New Requirements, National Business Institute, Oakland, California, December 11, 2014;

Medicare Set-Asides in Personal Injury Settlements – New Requirements, National Business Institute, Fresno, California, December 10, 2014;

Medicare Issues in Workers' Compensation, National Business Institute, Honolulu, Hawaii (scheduled August 11, 2014; cancelled due to Hurricane Iselle);

From the Employers' Perspective: Comp Claims Across State Lines, North Carolina Association of Self-Insurers, Annual Conference, Holiday Inn, Wrightsville Beach, North Carolina, March 28, 2014;

Medicare Update, National Workers' Compensation Defense Network, Annual Workers' Compensation Symposium, Hartford, Connecticut, October 17, 2013;

First Annual "Take the Hill" Event, National Alliance of Medicare Set-Aside Professionals, Washington, D.C., September 2013 (met with Rep. Howard Coble (R-NC) and Rep. Walter Jones (R-NC) and offices of Rep. Patrick McHenry (R-NC), Rep. Robert Pittenger (R-NC), and Sen. Kay Hagan-D (NC) to establish relationships and discuss pending Medicare legislation);

Workers' Compensation Reform Legislation, Western North Carolina Safety & Health Conference, Doubletree Hotel Biltmore, Asheville, North Carolina, November 6, 2012;

Medicare Set-Asides in Personal Injury Litigation, National Business Institute, Town & Country Inn & Conference Center, Charleston, South Carolina, August 23, 2012;

Medicare Set-Asides in Personal Injury Litigation, National Business Institute, Columbia Marriott, Columbia, South Carolina, August 24, 2012;

Medicare Set-Asides in Personal Injury Litigation, National Business Institute, Holiday Inn Crabtree, Raleigh, North Carolina, March 20, 2012;

Medicare Set Asides – Federal Legislation? Washington Players and Prospects? Litigation? Rules? What's New? Responses, Questions, Alternatives and Strategies, National Workers' Compensation Defense Network, Workers' Compensation Symposium, The Ritz-Carlton–Buckhead, Atlanta, Georgia, October 6, 2011;

Medicare Set-Asides in Personal Injury Litigation, National Business Institute, Courtyard Columbia Downtown at USC, Columbia, South Carolina, August 31, 2011.

Medicare Set-Asides in Personal Injury Litigation, National Business Institute, Sheraton North Charleston Hotel, North Charleston, South Carolina, August 24, 2011.

Section 111 Mandatory Reporting, South Carolina Self-Insurers Association, Fall Business Meeting, Seawell's, Columbia, South Carolina, 2010;

Workers' Comp Academy, South Carolina Workers' Compensation Educational Conference, Myrtle Beach, South Carolina, October 2010;

Communicating with Health Care Providers, South Carolina Workers' Compensation Educational Association Medical Conference, Myrtle Beach Resort & Spa at Grand Dunes, Myrtle Beach, South Carolina, March 1, 2009;

Moderator/Introductions, Morning Session (*AMA Guides – Impairment Evaluation*), South Carolina Workers' Compensation Educational Conference, Hilton Head, South Carolina, October 22, 2008;

Workers' Compensation in South Carolina, Liability, Workers' Compensation & Risk Management Issues for Sheriffs and Supervisors, South Carolina Sheriffs' Association, Columbia Conference Center, Columbia, South Carolina, August 24, 2006;

Workers' Compensation, South Carolina Municipal Finance Officers, Clerks and Treasurers Association, Spring Meeting, Seawell's, Columbia, South Carolina, April 21, 2005;

Change of Condition Claims, South Carolina Workers' Compensation Educational Conference, Crowne Plaza Resort, Hilton Head Island, South Carolina, October 26, 2004;

2004 Workers' Compensation Update, South Carolina Counties Workers' Compensation Trust, Seawell's, Columbia, South Carolina, October 19, 2004;

South Carolina Workers' Comp Update 2003, Council on Education in Management, Holiday Inn Carolina Coliseum, Columbia, South Carolina, May 1, 2003;

Taking a Proactive Approach to Investigating & Guarding Against Workers' Comp Fraud, The South Carolina Workers' Comp Update 2002, Council on Education in Management, Holiday Inn Carolina Coliseum, Columbia, South Carolina, April 25, 2002;

Curriculum Vitae of Daniel W. Hayes

How to Manage Legal Costs in Workers' Compensation, Members Only Forum, South Carolina Self-Insurers Association, Litchfield Beach & Golf Resort, Pawley's Island, South Carolina, May 5, 2000;

Legal Issues Surrounding Workers' Compensation, School Law Workshop, South Carolina School Boards Association, Crown Reef Resort, Myrtle Beach, South Carolina, April 30, 2000.