



NYSBA CLE

Half day program
9:00 a.m. – 12:45 p.m.

Friday, March 20, 2009
Albany

Friday, March 20, 2009
New York City

Friday, March 20, 2009
Westchester

Friday, March 27, 2009
Long Island

Friday, March 27, 2009
Syracuse



See inside for
more details.

Anatomy of a Legal Malpractice Action

Register Now!

**Save Money, and Guarantee
Your Seat at the Program!!!**

Co-sponsored by the Torts, Insurance
and Compensation Law Section, Law
Practice Management Committee and
the Committee on Continuing Legal
Education of the New York State Bar
Association



Program Description

Unfortunately, lawsuits against lawyers are on the rise, and it is now an integral part of a law firm's business practice to evaluate its legal risk and malpractice insurance needs. This program is designed to educate attorneys about their legal malpractice exposures, and what they should do in the event that a lawsuit is filed against them, or situations arise that indicate that a legal malpractice claim is likely. Both solo practitioners and members of larger firms would benefit from knowing how to assess professional liability risk and manage legal malpractice litigation.

To bring you up-to-date on these important issues, the Torts, Insurance and Compensation Law Section and the Law Practice Management Committee of the New York State Bar Association are pleased to invite you to a new half-day seminar on legal malpractice. The excellent faculties in all five sites consist of experienced attorneys and representatives from leading insurance companies.

Agenda

8:30-9:00 a.m.

REGISTRATION (outside of the meeting room)

9:00-9:10

WELCOME AND INTRODUCTION

9:10-10:00

I. IDENTIFYING AND RESPONDING TO PROFESSIONAL LIABILITY CLAIMS

- Claim Notification and Reporting Issues
 - * What Constitutes a "Claim" Under a Typical Lawyers Professional Liability Policy
 - * Responding to and Reporting of Potential Claims
- * Misrepresentation in the LPL Application and Late Notification of Claims
- What is covered Under the Typical LPL Policy
 - * The Scope of Professional Services
 - * Non-Covered Acts, Errors or Omissions
 - * Damages Excluded from Coverage
 - * Intentional Acts/Fraud Exclusions
 - * Typical Exclusions

Speakers: **Albany:** Brett A. Scher, Esq.
New York City: Andrew L. Margulis, Esq.
Westchester: Jeffrey G. Steinberg, Esq.
Long Island: Steven Verveniotis, Esq.
Syracuse: R. Evon Howard, Esq.

10:00-10:50

II. SOURCES OF LEGAL MALPRACTICE CLAIMS

- Panel Discussion with Professional Liability Industry Leaders Regarding:*
- Typical Claim Scenarios
 - * Conflicts of Interest
 - * Failure to Investigate/Evaluate Claims or Defenses
 - * Failure to Comply with Statute of Limitations
 - * Neglect of Prosecution/Trial Errors
 - * Failure to Protect Secured Interests/Assets/Property
 - Claimants and Vicarious Liability—Who Can Sue and Be Sued
 - * Liability to Clients/Third-Parties
 - * Liability of Law Firm/Partners for Acts of Another
 - Legal Malpractice Claim Defense Strategy
 - * Pre-Suit Discussions/Settlement
 - * Discovery/Legal Malpractice Litigation Management
 - * Use of Experts
 - * Motion Practice
 - * Trial Strategies/Tactics

Speakers: **Albany:** Scott Barabash, Esq.; Renard G. Wright; Dorothy Watkins, Esq.
New York City: Shauna Reeder, Esq.; Penelope Stothers, Esq.; Brian Baney, Esq.; David Ackerman, Esq.; Lana James-Moore
Westchester: Dennis Supraner; Colleen McNicholas, Esq.; Jon Grant; Noelle Albanese, Esq.
Long Island: Thomas F. Ascher, Esq.; Michael Deegan, Esq.; Lana James-Moore; Brenda K. Dorsett, Esq.
Syracuse: Robert Tighe, Esq.; Renard G. Wright; Kylie McNally, Esq.; James Bradley

10:50-11:00

COFFEE BREAK

11:00-11:50

III. LEGAL MALPRACTICE CAUSES OF ACTION AND LITIGATION STRATEGY

- Theories of Liability
 - * Negligence
 - * Breach of Fiduciary Duty
 - * Statutory Liability
 - * Violations of Disciplinary Rules and Ethical Considerations
 - * Conflicts of Interest
- Statute of Limitations
 - * Claim Accrual
 - * Continuous Representation Doctrine
 - * Concealment and Discovery
- Capacity to Sue and Standing
 - * Privity
 - * Ripeness and Mootness
 - * Collateral Estoppel and Res Judicata
 - * Release and Waiver
- The Standard of Care
 - * Negligence, Breach of Fiduciary Duty
 - * Statutory Liability/Violations of Disciplinary Rules
 - * Conflicts of Interest
- The Burden of Proof
 - * Causation
 - * Expert Opinions
 - * Damages
- Trial Tactics and Motion Practice
 - * Jury Selection
 - * Evidentiary Issues
 - * Expert Testimony
 - * Jury Instructions

Speakers: **New York City:** Marian C. Rice, Esq.; Mark K. Anesh, Esq.
Albany: Scott W. Bush, Esq.
Westchester: Lisa L. Shrewsbury, Esq.; Jack Babchik, Esq.
Long Island: Mark K. Anesh, Esq.; Janice J. DiGennaro, Esq.; Marian C. Rice, Esq.
Syracuse: Dennis R. McCoy, Esq.

11:50-12:45

IV. RISK MANAGEMENT FOR LAWYERS

- Discussion of Law Firm Risk Management Principles and Issues Involving:*
- * New Client/Matter Intake
 - * Conflict Management and Avoidance
 - * Engagement Letters/Part 1215 Requirements
 - * Docket and Calendar Management
 - * Billing Systems and Controls
 - * File Closing and Disengagement Letters
 - * Training and Associate Supervision
 - * Fee Actions
 - * Client Management

Speakers: **New York City:** Philip Touitou, Esq.
Albany: William T. McCaffery, Esq.
Westchester: Thomas A. Leghorn, Esq.
Long Island: A. Michael Furman, Esq.
Syracuse: Daniel G. Ecker, Esq.

12:45

ADJOURNMENT

4.0 TOTAL CREDITS

2.0 credit hours in professional practice; 2.0 credit hours in law practice management

This **basic-to-intermediate-level** course may be used for New York MCLE credit by all attorneys, including those who are newly admitted (less than 24 months).

This program has been approved for MCLE credit by the **State Bar of California** in the amount of **3.0** hours, of which **3.0** will apply to ethics; and by the **Pennsylvania Continuing Legal Education Board** for **3.0** credit hours of substantive law and **3.0** credit hours in ethics. All inquiries regarding MCLE credits may be directed to **(518) 487-5606**.

The New York State Bar Association's Committee on Continuing Legal Education has been certified by the New York State Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York.

IMPORTANT NOTICE: PARTIAL CREDIT FOR PROGRAM SEGMENTS NOT ALLOWED. Under the New York State Continuing Legal Education Board Regulations and Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

Program Locations

Important Note: If you plan to pre-register within 10 days of the program or register at the door, please call us at **(800) 582-2452** or in Albany and surrounding area, dial **(518) 463-3724**, to verify that the program is not sold out or that the date or location has not been changed. Those who pre-register in advance of the program will automatically be notified of any such changes and will receive a full refund up to the day prior to the program, if they cannot attend and notify us of their cancellation. Please pre-register as early as possible.

Friday
March 20, 2009
Albany

Albany Marriott
189 Wolf Road
Albany, NY 12205
(518) 458-8444

Friday
March 27, 2009
Long Island

Melville Marriott
1350 Old Walt Whitman Road
Melville, L.I., NY 11747
(631) 423-1600

Friday
March 20, 2009
New York City


The New Yorker Hotel
481 Eighth Avenue @ 34th Street
New York, NY 10001
(212) 244-0719

Friday
March 27, 2009
Syracuse

Sheraton Syracuse University Hotel & Conference Center
801 University Avenue
Syracuse, NY 13210-0801
(315) 475-3000

Friday
March 20, 2009
Westchester

Westchester Marriott
670 White Plains Road
Tarrytown, NY 10591
(914) 631-2200

 See our Fall 2008 schedule online at www.nysba.org/cle

REGISTER EARLY, SAVE MONEY, AND GUARANTEE YOUR SEAT AT THE PROGRAM!!!

NYSBA **CLE** *presents*

Anatomy of a Legal Malpractice Action



See inside for more details.



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