

## PROGRAM LOCATIONS

**Thursday, May 6, 2010**

### Albany

New York State Bar Center  
1 Elk Street  
Albany, NY 12207  
(518) 463-3200

### Long Island

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

### Buffalo

Holiday Inn Amherst  
1881 Niagara Falls Blvd.  
Amherst, NY 14228  
(716) 691-8181

### Westchester

Holiday Inn Mt. Kisco  
1 Holiday Inn Drive  
Mt. Kisco, NY 10549  
(914) 241-2600

**Friday, May 7, 2010**

### New York City

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

### Syracuse

Renaissance Syracuse Hotel  
701 East Genesee St.  
Syracuse, NY 13210  
(315) 479-7000

**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.

 See our schedule online at [www.nysba.org/cle](http://www.nysba.org/cle)

## INFORMATION AND POLICIES

**Pre-registration Strongly Advised:** You can save money and guarantee your seat and course materials by registering early. Registrations received or postmarked within 10 days of the event, or at the door, are subject to a higher registration fee. Seating is limited in all locations and registrations are taken on a first-come, first-served basis. If you plan to pre-register within 10 days of the program or to register at the door, please call the CLE Registrar's Office at (800) 582-2452 to verify that the program is not sold out or that the date or location has not been changed. Pre-registrants are guaranteed a seat and set of course materials, and will automatically be notified if there are any such changes in the date or location of the program.

**Cancellations are easy – full refunds are given:** Your full registration fee will be refunded if you give us notice no later than the close of business (4:45 p.m. EST) on the day prior to the date of the program for which you registered. To cancel, write the CLE Registrar's Office at One Elk Street, Albany, New York 12207; or fax (518) 487-5618; or call (800) 582-2452. If you do not cancel and do not attend the program, a complete set of materials will be forwarded to you in consideration of the registration fee. Non-registrants may purchase program materials after the final program date.

**MCLE Credit:** This program is acceptable for MCLE credit in New York and many other MCLE jurisdictions.

**Tuition Assistance:** NYSBA members may apply for tuition assistance to attend this program, based on financial hardship. Under that policy, any member of our Association who has a genuine financial hardship may apply in writing, not later than five working days prior to the program, explaining the basis of his/her hardship, and, if approved, may receive tuition assistance, depending on the circumstances. For more details, please contact our CLE Registrar's Office at (800) 582-2452.

**Non Members** - Join the NYSBA and enjoy great discounts on CLE seminars, products, and other valuable NYSBA services. NYSBA members can save 30 percent or more over non-members on CLE seminars alone. Join now and take advantage of NYSBA membership discounts throughout the year.

If you wish to join, please contact NYSBA Membership Services at (518) 487-5577 and an application will be sent to you.

**Tape Recording of NYSBA Seminars is not permitted.**

**Accommodations for Persons with Disabilities:** We will make every reasonable effort to ensure that our programs are held in locations with barrier-free access for persons with mobility impairments. If you are planning to attend one of our programs and need assistance relating to some other type of disability, please contact us sufficiently in advance and let us know so that we can be prepared to make reasonable accommodations.

### 6.5 TOTAL CREDITS

5.5 credit hours of skills; 1.0 of ethics

This basic-level course has been approved for MCLE credit in New York for all attorneys, including newly admitted (less than 24 months).

This program has also been approved for MCLE credit by the **State Bar of California** and the **Pennsylvania Continuing Legal Education Board** for 4.5 credit hours of substantive law and 1.0 credit hour of ethics. All inquiries regarding MCLE credits may be directed to (518) 487-5606.

This course includes **NO** credit hours for the **Continuing Professional Education (CPE)** requirements of **New York** and **New Jersey** CPAs. Sponsor numbers: New York: 000026; New Jersey: 20CE00099900.

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.

NEW YORK STATE BAR ASSOCIATION  
CONTINUING LEGAL EDUCATION  
One Elk Street, Albany, NY 12207



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Permit No. 155

### PRACTICAL SKILLS - BASIC TORT AND INSURANCE LAW PRACTICE

**May 6**  Albany (0A031)  Buffalo (0A032)  Long Island (0A033)  Westchester (0A037)  
**May 7**  New York City (0A034)  Syracuse (0A036)

### REGISTRATION FORM

Name \_\_\_\_\_ Member ID \_\_\_\_\_  
Address 1 \_\_\_\_\_  
Address 2 \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Business Phone ( \_\_\_\_\_ ) \_\_\_\_\_ Email \_\_\_\_\_

### PROGRAM FEES AND METHOD OF PAYMENT

**Early Registration** – received or postmarked 10 days prior to the date of the session:

<b>NYSBA Members</b>	\$125
Non-Members	\$175
NYSBA Student Members	\$40

**Late Registration** – received or postmarked thereafter, and on-site registration:

<b>NYSBA Members</b>	\$140
Non-Members	\$190
NYSBA Student Members	\$55


**Source Code CL3290** **TOTAL \$** \_\_\_\_\_

- Check or money order enclosed in the amount of \$ \_\_\_\_\_  
(Please make checks payable to the New York State Bar Association.)
- Charge \$ \_\_\_\_\_ to  American Express  Discover  MasterCard  Visa  
Valid from \_\_\_\_\_ to \_\_\_\_\_


Card Number \_\_\_\_\_


Authorized Signature \_\_\_\_\_

## 4 EASY WAYS TO REGISTER

 Online at [www.nysba.org/cle](http://www.nysba.org/cle)

 Mail to: Registrar's Office  
New York State Bar Association  
One Elk Street, Albany, NY 12207

 Call us at 1.800.582.2452 (U.S. and Canada) or 518.463.3724 in the Albany & surrounding area

 Fax the order form to 518.487.5618

NEW YORK STATE BAR ASSOCIATION

# NYSBACLE

## Practical Skills— Basic Tort and Insurance Law Practice

9:00 a.m.– 4:00 p.m.

**Thursday, May 6, 2010**

Albany  
Buffalo  
Long Island  
Westchester

**Friday, May 7, 2010**

New York City  
Syracuse

6.5  
MCLE  
Credits

INCLUDES  
1.0 ethics credit



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



## PROGRAM DESCRIPTION

This full-day practical skills program is designed for the newly-admitted general practitioner, as well as the more experienced attorney, who is interested in learning or reviewing the issues confronting those who litigate cases involving bodily injury, whether incurred in an automobile accident, an accident at commercial or personal premises, or on a sidewalk. In addition to providing a general overview of substantive law relative to bodily injury litigation, the local faculties, comprised of experienced litigators, will also address recurring insurance issues as they relate to the specific claims and will address the topic of liens and subrogation, including the recent amendment to New Insurance General Obligations law and the new Medicare set aside legislation.

## AGENDA

**8:30-9:00 REGISTRATION**

**9:00-9:05 INTRODUCTION**

**9:05-9:55**

### 1. THE FUNDAMENTALS OF A CIVIL LAWSUIT

- The Plaintiff's Perspective – Identifying Necessary Parties and Causes of Action
- The Defendant's Perspective – Affirmative Defenses, Discovery and Motion Practice
- Available Resources and Forms to Assist the Practitioner

**Speakers:** Paul Pelagalli, Esq. (Albany); John C. Murrett, Jr., Esq. (Buffalo); TBA (Long Island); Hon. Lewis J. Lubell (Westchester); Neil L. Sambursky, Esq. (New York City); TBA (Syracuse)

**9:55-11:10**

### 2. INSURANCE COVERAGE FUNDAMENTALS – OVERVIEW

- Policy Fundamentals – Understanding the Basics
- Insurance Law 3420-The New Notice Prejudice Legislation: Notice and Disclaimer Issues
- Recent Caselaw

**Speakers:** William C. Foster, Jr., Esq. (Albany); Alexandra M. George, Esq. (Albany); Sarah J. Delaney, Esq. (Buffalo); TBA (Long Island); Charles Hyman, Esq. (Westchester); Michael A. Miranda Esq. (New York City); TBA (Syracuse)

**11:10-11:20 BREAK**

**11:20- 12:10**

### 3. PREMISES LIABILITY CLAIMS – OVERVIEW

- General Principles from Plaintiff and Defendant's Perspectives
  - Notice of Defect
  - Proof of Prior Accidents
  - Creation of a Condition
  - Recent Caselaw

**Speakers:** Jennifer Dominelli Lecakes, Esq. (Albany); Steven E. Peiper, Esq. (Buffalo); TBA (Long Island); Eric J. Sauter, Esq. (Westchester); Lawton W. Squires, Esq. (New York City); TBA (Syracuse)

**12:10-1:10 LUNCH**

**1:10-2:00**

### 4. PREMISES LIABILITY COVERAGE - OVERVIEW

- Additional Insured Coverage
- Commonly Litigated Coverage Exclusions
- Priority of Coverage – Analysis and Caselaw

**Speakers:** Carolyn B. George, Esq. (Albany); Steve Boyd, Esq. (Buffalo); TBA (Long Island); Patti F. Potash, Esq. (Westchester); Elizabeth A. Fitzpatrick, Esq. (New York City); TBA (Syracuse)

**2:00-2:50**

### 5. AUTO INSURANCE COVERAGE

- Identifying Sources of Coverage
- Supplementary Uninsured Motorist (SUM), Mandatory Uninsured and No-Fault Coverage
- Priority of Coverage – Issues and Analysis

**Speakers:** Mirna M. Santiago, Esq. (Albany); Nicole B. Palmerton, Esq. (Buffalo); TBA (Long Island); TBA (Westchester); Jonathan A. Dachs, Esq. (New York City); TBA (Syracuse)

**2:50-3:00 BREAK**

**3:00-3:50**

### 6. ADDRESSING THE CHALLENGES OF SETTLING A CIVIL LAWSUIT ETHICALLY

- Liens: Workers Compensation, No Fault
- GOL 5-335—The New Subrogation Legislation
- Medicare Set Aside

**Speakers:** Timothy J. Higgins, Esq. (Albany); Laurie A. Giordano, Esq. (Buffalo); TBA (Long Island); Anthony Pirrotti, Jr., Esq. (Westchester); Michael T. Colavecchio, Esq. (New York City); TBA (Syracuse)

**3:50-4:00**

### QUESTION AND ANSWER PERIOD

**4:00 ADJOURNMENT**

## PROGRAM FACULTY

### Overall Planning Chair

Elizabeth A. Fitzpatrick, Esq., Lewis Johs Avallone Aviles, LLP, Melville, NY

### Local Panels (listed in order of appearance)

#### Albany

**Chair:** Robert H. Coughlin, Jr., Esq., Flink Smith LLC, Latham, NY \* Paul Pelagalli, Esq., Law Office of Paul Pelagalli, PLLC, Ballston Spa, NY \* William C. Foster, Jr., Esq., Hiscock & Barclay LLP, Albany, NY \* Alexandra M. George, Esq., Hiscock & Barclay LLP, Albany, NY \* Jennifer Dominelli Lecakes, Esq., Flink Smith LLC, Latham, NY \* Carolyn B. George, Esq., Friedman, Hirschen & Miller, LLP, Albany, NY \* Mirna M. Santiago, Esq., Nationwide Insurance Company, Elmsford, NY \* Timothy J. Higgins, Esq., Powers & Santola, LLP, Albany, NY

#### Buffalo

**Chair:** Dan D. Kohane, Esq., Hurwitz & Fine, P.C., Buffalo, NY \* John C. Murrett, Jr., Esq., Cellino & Barnes P.C., Buffalo, NY \* Sarah J. Delaney, Esq., Goldberg Segalla LLP, Buffalo, NY \* Steve Boyd, Esq., O'Brien Boyd P.C., Williamsville, NY \* Steven E. Peiper, Esq., Hurwitz & Fine, P.C., Buffalo, NY \* Nicole B. Palmerton, Esq., Brown & Kelly, LLP, Buffalo, NY \* Laurie A. Giordano, Esq., Leclair Korona Giordano Cole LLP, Rochester, NY

#### Long Island

**Chair:** Elizabeth A. Fitzpatrick, Esq., Lewis Johs Avallone Aviles, LLP, Melville, NY \* FACULTY TBA

#### Westchester

**Chair:** Patti F. Potash, Esq., White Fleischner & Fino, LLP, White Plains, NY \* Hon. Lewis J. Lubell, New York State Supreme Court Justice, Orange County, Goshen, NY \* Charles Hyman, Esq., Kissel Pesce Hirsch & Wilmer, Tarrytown, NY \* Eric J. Sauter, Esq., Wilson Elser Moskowitz Edelman & Dicker LLP, White Plains, NY \* Patti F. Potash, Esq., White Fleischner & Fino, LLP, White Plains, NY \* TBA \* Anthony Pirrotti, Jr., Esq., Pirrotti Law Firm LLC, Scarsdale, NY

Friday, May 7, 2010

#### New York City

**Chair:** Michael A. Miranda, Esq., Miranda Sambursky Slone Sklarin Verveniotes LLP, Mineola, NY \* Neil L. Sambursky, Esq., Miranda Sambursky Slone Sklarin Verveniotes LLP, Mineola, NY \* Michael A. Miranda, Esq., Miranda Sambursky Slone Sklarin Verveniotes LLP, Mineola, NY \* Lawton W. Squires, Esq., Herzfeld & Rubin, P.C., New York, NY \* Elizabeth A. Fitzpatrick, Esq., Lewis Johs Avallone Aviles, LLP, Melville, NY \* Jonathan A. Dachs, Esq., Shayne, Dachs, Corker, Sauer & Dachs, LLP, New York, NY \* Michael T. Colavecchio, Esq., Lewis Johs Avallone Aviles, LLP, Melville, NY

#### Syracuse

**Chair:** David M. Gouldin, Esq., Levene Gouldin & Thompson, LLP, Binghamton, NY \* FACULTY TBA

