NEW YORK STATE BAR ASSOCIATION

NYSBA CLE

Friday, March 1, 2013
New York City
Live Webcast Option Available

Friday, March 8, 2013
Albany

Friday, March 8, 2013
Long Island

Friday, March 22, 2013
Rochester

Friday, March 22, 2013
Westchester

4.0 MCLE Credits

INCLUDES 3.0 ethics credits

See inside for more details.

Legal Malpractice 2013

Professional Liability Claims, Litigation Strategies and Ethics

You will learn to

- Identify potential legal malpractice claims and avoid professional liability risk
- Respond appropriately when you are aware of a situation that could reasonably lead to a legal malpractice claim, or when such a claim is made or threatened against you
- Identify the main elements of a legal malpractice suit
- Prosecute and defend a legal malpractice action through trial
- Interact with professional liability insurance companies

Register Now!

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

www.nysba.org/LegalMalpractice2013

NYSBA Co-sponsors

Law Practice Management Committee

Torts, Insurance and Compensation Law Section

Trial Lawyers Section

Committee on Continuing Legal Education

Committee on Insurance Programs

NYSBA

Program Description

Lawsuits against lawyers arising from errors and/or omissions in the performance of legal services are on the rise. 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 on how to prosecute and/or defend a legal malpractice action. In addition, this program will educate attorneys about their legal malpractice exposures, what they should do in the event that a lawsuit is filed against them, and what they should do when 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.

Agenda

8:30 a.m. - 9:00 a.m.

Registration

9:00 a.m. - 9:10 a.m.

Welcome and Introduction

9:10 a.m. - 10:00 a.m.

Identifying and Responding to Professional Liability Claims

—**Claim Notification and Reporting Issues**
* What Constitutes a "Claim"
* Responding to and Reporting of Potential Claims
* Representations in the LPL Application
* 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

(1.0 MCLE credit in areas of professional practice and/or law practice management)

10:00 a.m. - 10:50 a.m.

Sources of Legal Malpractice Claims & Ethical Considerations

Panel Discussion with Professional Liability Industry Leaders

—**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

(1.0 MCLE credit in ethics)

10:50 a.m. - 11:00 a.m. **Break**

11:00 a.m. - 11:50 a.m.

Legal Malpractice Causes of Action, Litigation Strategy and Ethics

—**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

(1.0 MCLE credit in ethics)

11:50 a.m. - 12:45 p.m.

Risk Management for Lawyers Discussion of Law Firm Risk Management Principles and Ethical Issues

* 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

(1.0 MCLE credit in ethics)

12:45 p.m. - 1:00 p.m. **Questions and Answers**

1:00 p.m. **Adjournment**

4.0 MCLE CREDITS:

3.0 Ethics ; 1.0 Areas of Professional Practice/Law Practice Management.

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 **3.0** credit hours of substantive law and **2.5** credit hours of ethics. All inquiries regarding MCLE credits may be directed to **(518) 487-5606**.

This program has been approved by the **Board on Continuing Legal Education of the Supreme Court of New Jersey** for 4.0 hours of total CLE credit. Of these, 1.0 qualify as hours of credit for ethics/professionalism, and 3.0 qualify as hours of credit toward certification in civil trial law, criminal trial law, workers compensation law and/or matrimonial law. This course does not qualify under any of the nine specified new admit areas, in five of which New Jersey attorneys admitted in 2009 or thereafter, in their first full two-year compliance period, must take 15 of their 24 required credit hours (see BCLE Reg. 201:2).

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 Faculty

Overall Planning Chair

A. Michael Furman, Esq.
Furman Kornfeld & Brennan, LLP
New York City

Local Chairs

Albany: Scott W. Bush, Esq., Corrigan, McCoy & Bush, PLLC (Chair)
New York City: A. Michael Furman, Esq., Furman Kornfeld & Brennan LLP (Chair)
Long Island: Marian C. Rice, Esq., L'Abbate, Balkan, Colavita & Contini, L.L.P. (Chair)
Rochester: Dennis R. McCoy, Esq., Hiscock & Barclay, LLP (Chair)
Westchester: Lisa L. Shrewsberry, Esq., Traub Lieberman Straus & Shrewsberry LLP (Chair)

Faculty:
Brett A. Scher, Esq., Kaufman Dolowich Voluck & Gonzo LLP * **Matthew K. Flanagan, Esq.**, Catalano Gallardo & Petropoulos, LLP * **Andrew S. Kowlowitz, Esq.**, Furman Kornfeld & Brennan LLP * **Anthony J. Piazza, Esq.**, Hiscock & Barclay, LLP * **R. Evon Idahosa, Esq.**, Furman Kornfeld & Brennan LLP * **Rebecca Toffolon, Esq.**, CNA * **Bryan Jordan, Esq.**, Zurich North America- Professional Programs Claims * **Faye Dottheim Brooks, Esq.**, Hartford Financial Products - Lawyers' Professional Liability Claims * **Emily Sacchetti, Esq.**, Liberty International Underwriters * **Steven Phillips, Esq.**, Travelers Insurance Company Bond & Financial Products * **Richard Mather, Esq.**, Allied World National Assurance Company * **Mike Mooney**, USI Affinity, Lisa Carol Spring, Esq., CNA * **Michael Deegan, Esq.**, Zurich North America- Professional Programs Claims * **Lana James-Moore**, USI Affinity * **Evynne Grover, Esq.**,York Pro, Inc. * **James Bradley**, Crum & Forster * **Susan Scharf, Esq.**, CNA * **Victoria Chi, Esq.**, CNA * **Karin Kruidenier**, Travelers Insurance Company Bond & Financial Products * **Michael Troiano, Esq.**, CNA * **Laurence Grob, Esq.**, Zurich North America- Professional Programs Claims * **Allison McCabe, Esq.**, Liberty International Underwriters * **Jason Joslyn, Esq.**, Travelers Insurance Company Bond & Financial Products * **Michelle Klein, Esq.**, Torus Insurance Co. * **Dennis Supraner**, Professional Liability Consulting Services, Inc. * **A. Michael Furman, Esq.**, Furman Kornfeld & Brennan LLP * **Andrew Lavoott Bluestone, Esq.**, Andrew Lavoot Bluestone, Attonrey at Law * **Scott W. Bush, Esq.**, Corrigan, McCoy & Bush, PLLC * Frank M. Putorti, Jr., Esq., Frank M. Putorti, Jr. P.C. * **Lisa L. Shrewsberry, Esq.**, Traub Lieberman Straus & Shrewsberry LLP * **Jack Babchik, Esq.**, Babchik & Young LLP * **Janice J. DiGennaro, Esq.**, Rivkin Radler, LLP * **Marian C. Rice, Esq.**, L'Abbate, Balkan, Colavita & Contini, L.L.P. * **Dennis R. McCoy, Esq.**, Hiscock & Barclay LLP * **Harry Mooney, Esq.**, Hurwitz & Fine, P.C. * **Philip Touitou, Esq.**, Hinshaw & Culbertson LLP * **William T. McCaffery, Esq.**, L'Abbate, Balkan, Colavita & Contini, L.L.P. * **Thomas A. Leghorn, Esq.**, Wilson Elser LLP * **Mark K. Anesh, Esq.**, Lewis Brisbois Bisgaard & Smith, LLP * **Daniel G. Ecker, Esq.**, Traub Lieberman Straus & Shrewsberry LLP * **Frank M. Putorti, Jr., Esq.**, Frank M. Putorti, Jr., PC * **Paul G. Ferrara, Esq.**, Costello, Cooney & Fearon, PLLC * **Scott D. Barabash, Esq.**, Aspen Specialty.

Register online www.nysba.org/LPM

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.

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 State Bar Service Center 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, access to a complete set of course materials in PDF format will be forwarded to you via e-mail 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: New York Attorneys may apply for tuition assistance to attend this program based on financial hardship. Any New York attorney who has a genuine financial hardship may apply for tuition assistance for a CLE program by completing a *Tuition Assistance Request Form* and returning it to the CLE Department no later than five working days prior to the program, explaining the basis of his/her hardship. If granted, the attorney will receive tuition assistance, depending on the individual's circumstances. For more details, please contact our State Bar Service Center at **(800) 582-2452**.

Group Discounts: Subject to availability and exclusions, group discounts are available to law firms and organizations sending 3 or more employees to any one NYSBA CLE program. Please contact Jane Nielsen, at (518) 487-5586 for more information.

CLE Coupon Plan: For more information on our CLE Coupon Plan offering substantial savings on full-day, live programs, please contact the Registrar's Office at 1.800.582.2452.

Recording of NYSBA Seminars in any form is strictly prohibited.

Accommodations for Persons with Disabilities: NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Cindy O'Brien at (518) 487-5585 or cobrien@nysba.org

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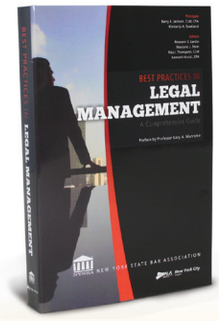
NYSBACLE
ELECTRONIC COURSE MATERIALS

New this Spring: All program materials will be distributed online in searchable PDF format, allowing attendees more flexibility in storing this information and allowing you to copy and paste relevant portions of the materials for specific use in your practice. A *CLE NotePad©* (paper) will be provided to all attendees at the live program site. The *CLE NotePad©* includes lined pages for taking notes on each topic, as well as any PowerPoint presentations submitted prior to printing. Traditional printed course books can be ordered at the program site for a discounted price and will be shipped subsequent to the program date.

Special Offer from the NYSBA Bookstore
Save 20% on our featured product

Best Practices in Legal Management
Includes Forms on CD

This comprehensive textbook provides an exhaustive treatment of the subject of the business aspects of running a law firm. Included are practical tips and best practices as well as useful forms and templates.



Topics include:
- Law firm accounting
- Client development
- Risk management
- Business continuity plans
- Job descriptions

PN: 4131 / **Member $139** / List $179 / 498 pages

1.800.582.2452 | **www.nysba.org/pubs** | Mention code **CLES2013** and save 20%.*

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4 WAYS TO REGISTER

Online www.nysba.org/CLE

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

Download an order form online at **www.nysba.org/CLEOrderForm** and

Mail State Bar Service Center
New York State Bar Association
One Elk Street
Albany, NY 12207

Fax **518.463.5993**

Pricing **NYSBA members: $125.00**
Non-members: $225.00
Students: $45.00

Note Registration fees for live programs increase ten days prior to the program date.

Source Code: CL4075

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 1, 2013
New York City
PC: (0D444)

Conceirge Conference Center
780 Third Avenue
New York, NY 10017
(212) 735-0072

Friday
March 8, 2013
Albany
PC: (0D441)

New York State Nurses Association
11 Cornell Road
Latham, NY 12110
(518) 782-9400

Friday
March 8, 2013
Long Island
PC: (0D443)

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

Friday
March 22, 2013
Rochester
PC: (0D445)

Holiday Inn Rochester Airport
911 Brooks Avenue
Rochester, NY 14624
(585) 328-6000

Friday
March 22, 2013
Westchester
PC: (0D447)

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

Can't attend in person?

The NYC program is available live and via a simultaneous live webcast option.

Newly admitted attorneys (less than twenty-four months) must attend the program in person to receive New York MCLE credit.

See our Spring 2013 schedule online at www.nysba.org/cle

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

NYSBA CLE *presents*

Legal Malpractice 2013

Professional Liability Claims, Litigation Strategies and Ethics

www.nysba.org/LegalMalpractice2013

4.0 MCLE Credits

INCLUDES
3.0 ethics credits

See inside for more details.

NYSBA

NEW YORK STATE BAR ASSOCIATION
CONTINUING LEGAL EDUCATION

Mail to: State Bar Service Center
New York State Bar Association
One Elk Street, Albany, NY 12207

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