

## Member Benefit

# NYSBA CLE All Access Pass

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New programs added each month!

Learn more | [www.nysba.org/AllAccess](http://www.nysba.org/AllAccess)

## Torts, Insurance and Compensation Law Section

For resources like publications, education, and committees, join the Torts, Insurance and Compensation Law Section. Become a member and receive exclusive publications including the *TICL Journal* and the *Construction & Surety Law Newsletter*. The Section hosts annual MCLE programs. Committees focus on all aspects of Torts, Insurance and Compensation Law, including Automobile, Professional, Premises and Products Liability, plus two Law Divisions – the Construction and Surety Law Division and the Workers' Compensation Law Division.

Learn More | [www.nysba.org/TICL](http://www.nysba.org/TICL)

### Fall TICL CLE Programs:

Construction Site Accident Claims & Litigation  
Workers' Compensation: Law and Practice Update  
Truck Claims, Accidents, and Litigation  
Premises Liability: Issue and Considerations

Check [www.nysba.org](http://www.nysba.org) for dates and locations!

### Join or Renew Your NYSBA Membership and Save



- Save money with members-only discounts on CLE of more than 30%
- Stay informed with up-to-date, accurate members-only information and publications
- Access members-only job and career resources at [www.nysba.org/jobs](http://www.nysba.org/jobs)
- Network with the best via exclusive, members-only Section benefits

Learn more | [www.nysba.org/join](http://www.nysba.org/join)

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## NYSBA Law Practice Management

Whether you're a solo practitioner or a managing partner at a national law firm, you'll find law practice management resources to meet your day-to-day practice needs. Checklists, best practices, publications, and continuing legal education programs provide up-to-date information and practical tips to help you better manage your law practice.

Starting a Practice | Managing Your Practice | Protecting Your Practice | Technology and Your Practice  
Marketing Your Practice | Escrow Accounts, IOLA, Ethics | Selling Your Practice and Retirement | Planning Ahead

[www.nysba.org/LPM](http://www.nysba.org/LPM)

## Insurance Coverage Update 2019

Friday, May 10 | Buffalo  
Friday, May 10 | NYC  
Friday, May 17 | Albany & Webcast  
Friday, May 17 | Long Island

9:00 a.m. – 4:00 p.m.

[www.nysba.org/InsuranceCoverageUpdate](http://www.nysba.org/InsuranceCoverageUpdate)

### 4 WAYS TO REGISTER

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

**Mail** New York State Bar Association  
Member Resource Center  
One Elk Street  
Albany, NY 12207

**Fax** 518.463.5993  
Download an order form online at [www.nysba.org/CLEOrderForm](http://www.nysba.org/CLEOrderForm)

**Online** [www.nysba.org/CLE](http://www.nysba.org/CLE)  
[www.nysba.org/InsuranceCoverageUpdate](http://www.nysba.org/InsuranceCoverageUpdate)

#### Please Note

- Registrations cancelled less than three days from the program date will be assessed a \$25.00 cancellation fee.

# Insurance Coverage Update 2019

Friday, May 10 | 9:00 a.m. – 4:00 p.m. | Buffalo

Friday, May 10 | 9:00 a.m. – 4:00 p.m. | NYC

Friday, May 17 | 9:00 a.m. – 4:00 p.m. | Albany & Webcast

Friday, May 17 | 9:00 a.m. – 4:00 p.m. | Long Island

## NYSBACLE

Live Program & Webcast



INCLUDES  
1.0 Ethics



[www.nysba.org/InsuranceCoverageUpdate](http://www.nysba.org/InsuranceCoverageUpdate)

## Program Description

Sponsored by the Torts, Insurance and Compensation Law Section of the New York State Bar Association, this full-day CLE program will explore a number of complex substantive and procedural issues in the insurance coverage area.

Panelists will explore coverage topics including policy terms and disclaimers. This year's update will include coverage analysis and execution, representation of insurance companies and insureds where misrepresentation or fraud is suspected in the insurance application or in the presentment of a claim and examination of coverage for property damage.

Recent important liability coverage decisions and cases from the past year will also be discussed. The program also includes an ethics segment on disclosure.

Register today and guarantee your seat at the program. The Albany program will also be the recorded and streamed as a live webcast. All registrants will receive access to the program archive.

Who Should Attend: Insurance company attorneys; civil litigators, both plaintiff and defense, attorneys interested in learning more about insurance coverage

## Program Faculty

### Overall Planning Chair

Paul J. Callahan | Brown & Kelly LLP

### Local Program Chairs

**Albany:** Laurie A. Vahey | Vahey Getz LLP

**Buffalo:** Steven E. Peiper | Hurwitz & Fine, P.C.

**Long Island:** Elizabeth A. Fitzpatrick, C.R.I.S. | Island Companies

**NYC:** Alan Eagle | Rivkin Radler LLP

## Program Locations

**Friday, May 10** | 9:00 a.m. – 4:00 p.m. | Buffalo

**Friday, May 10** | 9:00 a.m. – 4:00 p.m. | NYC

**Friday, May 17** | 9:00 a.m. – 4:00 p.m. | Albany & Webcast

**Friday, May 17** | 9:00 a.m. – 4:00 p.m. | Long Island

## Pricing

**Member \$175** | Non-member \$275 | TICL Section Members: \$150

## Register Online

**Online:** [www.nysba.org/InsuranceCoverageUpdate](http://www.nysba.org/InsuranceCoverageUpdate)

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

## 6.5 MCLE Credits

This course is approved for MCLE credit in New York for all attorneys, including those newly admitted.

**New York:** 6.5 Total Credits: 5.5 Areas of Professional Practice, 1.0 Ethics

**California and Pennsylvania:** 4.5 Substantive Law, 1.0 Ethics

**New Jersey:** 6.5 Total Credits: 1.0 Ethics/Professionalism, 0.0 towards certification in civil trial law, criminal trial law, workers compensation law and/or matrimonial law

Uniform Certificates of Attendance can be issued for use in other jurisdictions.

The New York State Bar Association 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.

For information about the CLE Rules, visit [www.nycourts.gov/attorneys/cle](http://www.nycourts.gov/attorneys/cle)

## Program Agenda and Faculty

8:30 – 9:00 a.m.

### Registration

9:00 – 9:10 a.m.

### Welcome and Introductions

9:10 – 10:00 a.m.

### Great Coverage Analysis

#### Fundamentals of Policy Interpretation:

- Black Letter Law
- Ambiguities
- Intent of Parties
- Extrinsic Evidence

Albany: Eileen E. Buholtz | Connors, Corcoran & Buholtz, PLLC

Buffalo: Patrick Omilian | Gerber Ciano Kelly Brady LLP

Long Island: Elizabeth Fitzpatrick | Island Companies

NYC: Bryce L. Friedman | Simpson Thacher & Bartlett

*1.0 Credit in Areas of Professional Practice*

10:00 – 10:10 a.m.

### Break

10:10 – 11:25 a.m.

### Great Coverage Execution

#### Fundamentals of Preparing and Enforcing Coverage Denials:

- Reservation of Rights and Effective Disclaimers
- Common Law Waiver and Estoppel
- Statutory Preclusion
- Use of Declaratory Judgment Actions

Albany: Dan D. Kohane | Hurwitz & Fine, PC

Buffalo: Kevin D. Szczepanski | Barclay Damon, P.C.

Long Island: Michael A. Miranda | Miranda Slone Sklarin Verveniotis

NYC: Patti F. Potash | Fleischer Potash LLP

*1.5 Credits in Areas of Professional Practice*

11:25 a.m. – 12:15 p.m.

### The Representation of Insurance Companies and Insureds

#### Where Misrepresentation or Fraud Is Suspected in the Insurance Application or in the Presentment of a Claim

- Insured's Duties Under the Policy
- The Use and Scope of EUOs and IMEs
- Waiver by Delay and Ratification
- Discovery Issues if Claim Litigated

Albany: TBD

Buffalo: Brian D. Barnas | Hurwitz & Fine, P.C.

Long Island: Dennis M. Wade | Wade Clark Mulcahy LLP

NYC: Robert M. Horkovich | Anderson Kill & Olick, P.C. and Justin Nolan Kinney | Kinney Lisovicz Reilly & Wolff PC

*1.0 MCLE Credit in Areas of Professional Practice*

12:15 – 1:15 p.m.

### Lunch (on your own)

1:15 – 2:05 p.m.

### An Examination of Coverage for Property Damage

- Dwelling, Contents and Additional Living Expense Claims
- Named Perils vs. All Risk Coverage
- RCV vs. ACV
- Use of Appraisals
- Examination of Standard Fire Policy
- Subrogation

Albany: TBD

Buffalo: Marco Cercone | Rupp Baase Pfalzgraf Cunningham, LLC

Long Island: Dennis M. Perlberg | Speyer & Perlberg, LLP

NYC: Johnathan C. Lerner | Lerner Arnold & Winston, LLP

*1.0 MCLE Credit in Areas of Professional Practice*

2:05 – 2:55 p.m.

### Important Liability Coverage Cases from Past Year

Albany: Lindsey Erin Lafond | Coughlin Duffy LLP

Buffalo: Timothy E. Delahunt | Kenney Shelton Liptak Nowak

Long Island: Joanna M. Roberto | Gerber Ciano Kelly Brady LLP

NYC: Alan C. Eagle | Rivkin Radler LLP and Rose M.J. Charles | Sompo International

*1.0 MCLE Credit in Areas of Professional Practice*

2:55 – 3:05 p.m.

### Break

## Program Agenda and Faculty

3:05 – 3:55 p.m.

### Ethical Considerations

#### To Disclose or Not to Disclose: Can Defense Counsel Throw Its Client Under the Bus? (examination of fact pattern and ethical rules)

Albany: TBD

Buffalo: Kristen Degnan | Brown & Kelly, LLP

Long Island: David J. Tetlak | Picciano & Scahill, PC

NYC: Jeffrey M. Pollock | Fox Rothschild and Cheryl P. Vollweiler | Traub

Lieberman Staus & Shrewsbury LLP

*1.0 Credits in Ethics*

3:55 – 4:00 p.m.

### Q&A

4:00 p.m.

### Adjournment

*6.5 MCLE Credits: 5.5 Areas of Professional Practice, 1.0 Ethics*

## Coming Soon!

### Insurance Law Practice | Third Edition

Practitioners will benefit from this compilation of the vast hands-on and litigation experience of its dozens of contributing authors and editors. This two-volume title covers many insurance-related topics, including general principles of insurance contracts, contract litigation, types of insurance policies, and other issues.

*Insurance Law Practice*, Third Edition is an invaluable reference for attorneys who practice insurance law in New York State.



## You might also be interested in:

### Keeping Current With Automobile Litigation in New York 2019

#### Program Description

Most attorneys are consulted at some point to advise clients on the complex legalities that follow an automobile accident. Attorneys must be generally familiar with the fundamental principles of New York's automobile "no-fault" law, the applicable regulations, and the important filing and notice requirements and deadlines. This program will cover new developments in no-fault law and the intricacies of automobile litigation in New York State. Topics will include an overview of the latest developments in mediation and ADR proceedings, how to take a meaningful deposition, the use of medical and bio-mechanical experts at the time of trial, and automobile products liability claims. Outstanding and experienced lecturers will cover what you need to know about this important area of the law.

#### Program Locations

**Thursday, May 30** | NYSBA | Albany

**Friday, May 31** | Hyatt Place Buffalo/Amherst | Buffalo

**Friday, May 31** | Melville Marriott | Long Island

**Monday, June 3** | Convene | NYC

9:00 a.m. - 4:30 p.m. at all locations

## Information and Policies

**Cancellations Are Easy:** Full refunds are given with notice three days prior to the program date. Registrations cancelled less than three business days from the program date will be assessed a cancellation fee of \$25.00.

**Tuition Assistance:** Any New York attorney who has a genuine financial hardship may apply for tuition assistance for a CLE program. Learn more at [www.nysba.org/TuitionAssistance](http://www.nysba.org/TuitionAssistance).



**Accommodations for Persons 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 [cobrien@nysba.org](mailto:cobrien@nysba.org).

[www.nysba.org/CLEProgramPolicies](http://www.nysba.org/CLEProgramPolicies)