



NYSBA

Friday, September 19, 2014
Albany

Tuesday, September 30, 2014
Syracuse

Friday, October 17, 2014
Long Island

Monday, October 20, 2014
New York City

Monday, October 27, 2014
Buffalo

2014 Law School for Insurance Professionals

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Sponsored by the New York State
Bar Association Torts, Insurance and
Compensation Law Section



Program Description

Join insurance industry professionals and their counsel for an interactive day exploring topics which confront insurance professionals daily. New York’s most respected attorneys will provide insights and updates on the law affecting discovery, disclaimers, the right to independent counsel, assessing the priority of coverage, liens, and an update on the law regarding automobile liability and coverage issues.

This year’s program will also include an interactive presentation on intruder/negligent security cases.

A program coursebook will be distributed to all attendees the morning of the program.

Register online now at www.nysba.org/ticl to guarantee your seat at the program.

Agenda

8:30 – 8:55 Registration

8:55 – 9:00 Welcome and Introductions

9:05 – 10:00 a. m.

Back to the Basics and Beyond: Crafting a proper disclaimer, the right to independent counsel, claw back on defense costs, and the after of the K2 decision.

Speakers: Mirna M. Santiago, Esq. (Albany)
Kevin Van Duser, Esq. (Syracuse)
Elizabeth A. Fitzpatrick, Esq. (Long Island & New York)
Dan D. Kohane, Esq. (Buffalo)

10:00 -10:50 a. m.

Discovery Dilemmas—Give them what?: New Caselaw affecting the discoverability of documents, counsel reports, and preservation of materials.

Speakers: Jay A. Smith, Esq. (Albany)
Maureen E. Maney, Esq. (Syracuse)
Dennis M. Wade, Esq. (Long Island)
Kevin J. Harrington, Esq. (New York)
Jessica L. Foscolo, Esq. (Buffalo)

10:50 - 11:00 Break

11:00-12:00

Assessing the Priority of Coverage : Multiple insurers on the risk—who owes defense?, allocation of defense and indemnity, equitable subrogation, recovering from other responsible insurers

Speakers: Jeffrey T. Culkin, Esq. (Albany)
Rona L. Platt, Esq. (Long Island)
Patti Fern Potash, Esq. (New York)
Kristen B. Degnan, Esq.,
Renata Kowalczyk, Esq. (Syracuse & Buffalo)

12:00 - 1:10 p. m. Lunch (on your own)

1:10 - 2:05 p. m.

Liens, Liens Everywhere: subrogation versus lien interests, duty to protect Medicare interest under Medicare Secondary Payer Act, Medicare replacement plan interests, extinguishment of subrogation claims under GOL 5-335, ERISA plan rights of reimbursement.

Speakers: Gary A. Cusano, Esq. (Albany)
Laurie A. Giordano, Esq. (Syracuse)
Dirk Marschhausen, Esq. (Long Island)
Dirk Marschhausen, Esq. (New York)
Mark Thomas Whitford, Jr., Esq. (Buffalo)

2:05 - 3:00 p. m.

An Update on Auto Liability and Coverage Issues: Spousal coverage, permissive use, arising out of the use of an automobile, rental vehicles

Speakers: Robert J. Permutt, Esq. (Albany)
Emilio F. Grillo, Esq. (Long Island)
Gary A. Cusano, Esq. (New York)
Eileen E. Buholtz, Esq. (Syracuse & Buffalo)

3:00 – 3:10 p. m. Break

3:10 -4:20 p. m.

INTERACTIVE PRESENTATION INVOLVING THE USE OF AN EXPERT/MEDIATOR/JUDGE: Intruder/Negligent security cases
This panel consisting of an expert and attorneys skilled in this area of the law will address general issues regarding these cases, the use of experts, investigation that may be undertaken, defenses and coverage issues.

Speakers: Brian W. Colistra, Esq., Donald H. Greene (Albany)
TBD (Syracuse)
Kevin Gerard Faley, Esq.,
Norman D. Bates, Esq. (Long Island)
Hon. Stanley B. Green, Donald H. Greene,
Glenn A. Monk, Esq., (New York),
Thomas P. Durkin, Esq., Eugene R. Ehmann,
Hon. Donna M. Siwek (Buffalo)

4:20 p. m. – Adjourn

A Certificate of Attendance will be provided to each attendee.

The New York State Bar Association is not an accredited provider of Continuing Education “CE” programs for insurance professionals. Program attendees must follow up in their respective jurisdictions to obtain “CE” credits for participation in this course.

Please Note: This course is geared toward insurance professionals and does not carry MCLE credit for attorneys.

Program Faculty

Overall Planning Chairs

Elizabeth A. Fitzpatrick, Esq.
Hurwitz & Fine, PC,
Melville, NY

Anthony J. Piazza, Esq.
Hiscock & Barclay LLP
Rochester, NY

Chair, Torts Insurance and Compensation Law Section

Robert H. Coughlin, Esq.
Flink Smith LLC, Albany

Albany: **Robert J. Permutt, Esq.**, (Chair) Nationwide Insurance, Elmsford, NY * **Brian W. Colistra, Esq.**, Pino & Associates, White Plains, NY * **Jeffrey T. Culkin, Esq.**, Epstein, Gialleonardo & Rayhill, Latham, NY * **Gary A. Cusano, Esq.**, Yorktown Heights, NY * **Donald H. Greene**, Strategic Security Concepts, Inc., Skaneateles, NY * **Mirna M. Santiago, Esq.**, White Fleischner & Fine LLP, White Plains, NY * **Jay A. Smith, Esq.**, Flink Smith LLC, Albany, NY

Syracuse: **Laurie A. Giordano, Esq.**, (Chair) Leclair Korona Giordano Cole LLP, Rochester, NY * **Eileen E. Buholtz, Esq.**, Connors & Corcoran, PLLC, Rochester, NY * **Kristen B. Degnan, Esq.**, Brown & Kelly, Buffalo, NY * **Renata Kowalczyk, Esq.**, Brown & Kelly, Buffalo, NY * **Maureen E. Maney, Esq.**, Hancock Estabrook, LLP, Syracuse, NY * **Kevin Van Duser, Esq.**, Sugarman Law Firm LLP, Syracuse, NY

Long Island: **Elizabeth A. Fitzpatrick, Esq.**, (Chair) Hurwitz & Fine, PC, Melville, NY * Norman D. Bates, Esq., Liability Consultants * **Kevin Gerard Faley, Esq.**, Morris, Duffy, Alonso & Faley, New York, NY * **Emilio F. Grillo, Esq.**, Goldberg Segalla LLP (New York, NY) * **Dirk Marschhausen, Esq.**, Marschhausen & Fitzpatrick PC, Westbury, NY * **Rona L. Platt, Esq.**, Oakland Gardens, NY * **Dennis M. Wade, Esq.**, Wade, Clark, Mulcahy, New York, NY

New York City: **Glenn A. Monk, Esq.**, (Co-Chair) Harrington Ocko & Monk, White Plains, NY * **Elizabeth A. Fitzpatrick, Esq.**, (Co-Chair) Hurwitz & Fine, PC, Melville, NY * **Gary A. Cusano, Esq.**, Law Office of Gary A. Cusano PC, Yorktown Heights, NY * **Hon. Stanley B. Green**, Supreme Court, Bronx County, NY * **Donald H. Greene**, Strategic Security Concepts, Inc., Skaneateles, NY * **Kevin J. Harrington, Esq.**, Harrington Ocko & Monk, White Plains, NY * **Patti Fern Potash, Esq.**, White Fleischner & Fino LLP, White Plains, NY

Buffalo: **Anthony J. Piazza, Esq.**, (Chair) Hiscock & Barclay LLP, Rochester, NY * **Eileen E. Buholtz, Esq.**, Connors & Corcoran, PLLC, Rochester, NY * **Kristen B. Degnan, Esq.**, Brown & Kelly, Buffalo, NY * **Thomas P. Durkin Esq.**, Allstate & Encompass Insurance & Esurance, Pittsford, NY * **Eugene R. Ehmann**, Eugene R. Ehmann Investigations, Rochester, NY * **Jessica L. Foscolo, Esq.**, Kenney Shelton Liptak Nowak LLP, Buffalo, NY * **Dan D. Kohane, Esq.**, Hurwitz & Fine, Buffalo, NY * **Renata Kowalczyk, Esq.**, Brown & Kelly, Buffalo, NY * **Hon. Donna Siwek**, Supreme Court, Erie County, NY * **Mark Thomas Whitford, Jr., Esq.**, Hiscock & Barclay LLP, Rochester, NY

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 Tina Rothaupt or Pat Johnson at 518.463.3200 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 pm) two business days prior to the date of the program for which you are registered. To cancel, write Pat Johnson at One Elk

Street, Albany, New York 12207; or digital fax 518.487.5688 or call Pat Johnson or Tina Rothaupt at 518.463.3200. 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.

Tape Recording of NYSBA Seminars is not permitted.



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 Pat Johnson at 518.487.5688.

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PROGRAM FEES

Registration Fee - **\$90** | Discounted rate for CPCU and RIMS Members - **\$80**

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Group Rate (for groups of 5 or more) - **\$80 per person**

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



Fax the order form to **518.463.5993**

Program Locations

Friday
September 19, 2014
Albany

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

Tuesday
September 30, 2014
Syracuse

Sheraton Syracuse Hotel and Conference Center
801 University Avenue
Syracuse, NY 13210

Friday
October 17, 2014
Long Island

Melville Marriott
1350 Old Walt Whitman Road
Melville, Long Island, NY 11747

Monday
October 20, 2014
New York City

NYS Insurance Fund
199 Church Street
Auditorium – 15th Floor
New York, NY 10007

Monday
October 27, 2014
Buffalo

Holiday Inn Amherst
1881 Niagara Falls Boulevard
Amherst, NY 14228



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

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