

# Construction Site Accident Claims & Litigation 2019

Friday, October 25 | New York City

Wednesday, November 6 | Buffalo

Friday, November 8 | Long Island

Wednesday, December 11 | Albany and Webcast

## NYSBACLE

Live Program & Webcast



INCLUDES  
1.0 ethics credit



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

## Program Description

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Litigating construction site accidents can be daunting without knowing the right techniques. In this program, respected litigators demonstrate effective trial techniques while updating you on the latest statutory and case law changes.

Get practical tips from seasoned attorneys on investigations, depositions, and motions for summary judgment, and learn the dynamics of the carrier/defendant relationship. New and experienced practitioners alike will benefit from this seminar's coverage of all the major aspects of a labor law trial.

## Who Should Attend

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Personal injury attorneys, both plaintiff and defense; liability insurance carrier's in-house counsel; workers' compensation attorneys; municipal attorneys; attorneys for construction companies, general contractors and sub-contractors.

## Overall Planning Co-Chairs

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**Joanna M. Roberto, Esq.** | Gerber Ciano Kelly Brady LLP

**Elizabeth A. Fitzpatrick, Esq.** | Island Companies

## Local Chairs

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**Buffalo: Timothy E. Delahunt** | Kenney Shelton Liptak Nowak LLP

**Long Island: Elizabeth A. Fitzpatrick** | Island Companies

**NYC: Robert W. Berbenich** | Gerber Ciano Kelly Brady LLP

**Albany: TBD**

## Program Locations

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**Friday, October 25** | New York City

Convene | 101 Park Avenue (41st & Park Ave) | New York, NY 10178

**Wednesday, November 6** | Buffalo

Classics V Banquet & Conference Center | 2425 Niagara Falls Blvd | Amherst, NY 14228

**Friday, November 8** | Long Island

Melville Marriott | 1350 Walt Whitman Road | Melville, NY 11747

**Wednesday, December 11** | Albany & Webcast

NYSBA | 1 Elk Street | Albany, NY 12207

## Pricing

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**NYSBA Members: \$175** | Non-member: \$275

**Torts, Insurance and Compensation Law Section: \$150**

Register Online [www.nysba.org/ConstructionLitigation](http://www.nysba.org/ConstructionLitigation)

### 7.0 MCLE Credits

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

**New York:** 7.0 Total Credits: 4.0 Areas of Professional Practice, 1.0 Ethics, 2.0 Skills

**California and Pennsylvania:** 5.0 Substantive Law, 1.0 Ethics

**New Jersey:** 7.0 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.

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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

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8:30 a.m. – 9:00 a.m.	<b>Registration   Continental Breakfast</b>
9:00 a.m. – 9:10 a.m.	<b>Welcome and Introductions</b>
9:10 a.m. – 10:00 a.m.	<b>An Overview and Update on the Labor Law Statute</b> <ul style="list-style-type: none"><li>• The Statutory Requirements/the Courts' Interpretation of Sections 200, 240 and 241(6)</li><li>• Preserving and Addressing Defenses</li><li>• An Update on Relevant Caselaw</li></ul> <i>1.0 MCLE Credit in Areas of Professional Practice</i>
10:00 a.m. – 10:50 a.m.	<b>Privilege, Ethics and the Construction Site Lawsuit</b> <ul style="list-style-type: none"><li>• How Does the Tripartite Relationship Affect the Suit?</li><li>• The Role of In-House Counsel and the Maintenance of Privilege</li><li>• Counsel's Role and Duty When Life and Safety Are at Risk</li></ul> <i>1.0 MCLE Credit in Ethics</i>
10:50 a.m. – 11:05 a.m.	<b>Break</b>
11:05 a.m. – 11:55 a.m.	<b>The Effect and Interplay of Workers' Compensation</b> <ul style="list-style-type: none"><li>• WCB Hearings and Findings Made</li><li>• The Effect of Findings and Penalties Assessed</li><li>• Establishing Grave Injuries and TBI Injuries</li></ul> <i>1.0 MCLE Credit in Areas of Professional Practice</i>
11:55 a.m. – 1:00 p.m.	<b>Lunch</b> (On Your Own)
1:00 p.m. – 1:50 p.m.	<b>Handling Discovery in the Lawsuit</b> <ul style="list-style-type: none"><li>• Electronically Stored Information (ESI), Litigation Holds and Preserving Evidence, Including Pre-Suit Discovery</li><li>• Types of Information and Documents Relevant to the Case</li><li>• Social Media and Wearables and Their Effect on the Litigation</li></ul> <i>1.0 MCLE Credit in Skills</i>
1:50 p.m. – 2:40 p.m.	<b>Insured Coverage Issues and the Construction Accident</b> <ul style="list-style-type: none"><li>• Additional Insured Endorsements, Privity and Priority of Coverage</li><li>• Criminalization of Construction Accidents and the Impact on Coverage</li><li>• Effect and Significance of Wrap-Up Policies for a Construction Project Including Completed Operations</li></ul> <i>1.0 MCLE Credit in Areas of Professional Practice</i>
2:40 p.m. – 3:30 p.m.	<b>New Laws Impacting the Construction Industry in New York</b> <ul style="list-style-type: none"><li>• OSHA 10 and 30, Crane Usage, NYC's New Mandatory Safety Training Under Local Law 196, Silica Testing Standards and Requirements</li><li>• Use and Legality of Medical Marijuana and Opioid Prescriptions and Their Impact on Safety</li></ul> <i>1.0 MCLE Credit in Areas of Professional Practice</i>
3:30 p.m. – 3:40 p.m.	<b>Break</b>
3:40 p.m. – 4:30 p.m.	<b>Tips from The Masters—Best Practices for Handling the Construction Site Case in New York</b> <ul style="list-style-type: none"><li>• Plaintiff vs. Defense Approaches to Depositions and Motion Practice</li><li>• To Mediate or Try-Alternative Dispute Resolution and Its Role in the Construction Site Lawsuit</li><li>• Valuing Your Case</li></ul> <i>1.0 MCLE Credit in Skills</i>
4:30 p.m.	<b>Adjourn</b>

*Please check [www.nysba.org/ConstructionLitigation](http://www.nysba.org/ConstructionLitigation) for program faculty.*

# Torts, Insurance and Compensation Law Section

Join the Torts, Insurance and Compensation Law Section for resources like publications, education, and committees. 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)

NEW YORK STATE BAR ASSOCIATION

## TECHNOLOGY SUMMIT

CONTINUING LEGAL EDUCATION  
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9.19.19 - 9.20.19

[www.nysba.org/2019TechSummit](http://www.nysba.org/2019TechSummit)

### Other Programs of Interest:

#### Workers' Compensation Law Update 2019

Monday, September 23 | 9:00 a.m. – 4:00 p.m. | Syracuse

Monday, October 7 | 9:00 a.m. – 4:00 p.m. | NYC

Wednesday, October 16 | 9:00 a.m. – 4:00 p.m. | Albany & Webcast

Friday, October 18 | 9:00 a.m. – 4:00 p.m. | Buffalo

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

#### Honing Your Deposition Skills: Basics & Beyond

Thursday, November 21 | 9:00 a.m. – 1:00 p.m. | Long Island

Friday, November 22 | 9:00 a.m. – 1:00 p.m. | Albany & Webcast

Monday, November 25 | 1:00 p.m. – 5:00 p.m. | NYC

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

### Special Offer from the NYSBA Bookstore

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#### Construction Site Personal Injury Litigation, 2nd Ed.

Written by leading trial attorneys, this publication covers the many aspects of a claim brought under New York Labor Law §§ 200, 240(1) and 241(6). Topics such as construction accident investigation and recovery, risk transfer, theories of recovery and defenses, and insurance coverage and indemnity unveiled are clearly explained.

Print: 40474 | 2018 | **NYSBA Members \$135** | Non-Members \$180

E-Book: 40474E | 2018 | **NYSBA Members \$135** | Non-Members \$180

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

### Information and Policies

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**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).



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

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Marketing Your Practice | Escrow Accounts, IOLA, Ethics | Selling Your Practice and Retirement | Planning Ahead

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

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NYSBA Members: \$175  
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Section Member: \$150

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### 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  
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[www.nysba.org/ConstructionLitigation](http://www.nysba.org/ConstructionLitigation)

#### Please Note

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