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The heart of the NYSBA lies in its Sections, which provide a forum for attorneys practicing in particular practice areas. The Section's delegates to the NYSBA House of Delegates participate in the Sections Caucus, which was formed to represent the interests of the Sections at the House of Delegates and to provide a forum for all the Sections.

www.nysba.org/Sections

Torts, Insurance and Compensation Law Section (TICL)

Join the Torts, Insurance and Compensation Law Section of the New York State Bar Association. As a member, you have access to our journals, MCLE programs, networking events with members of the bench and bar, and online community. But there is more. Our section hosts over 15 committees in substantive areas of law, as well as two Divisions. As a member of our section, they are free to join. Please consider getting involved with one or more committees or divisions. There is no required time commitment to join a committee or division, but active participation is encouraged. Please also tell your colleagues about us.

www.nysba.org/TICL

Trial Lawyers Section

The Trial Lawyers Section hosts events to provide new attorneys and diverse attorneys an opportunity to hear from a panel of judges and experienced attorneys regarding bar association membership and provide support to all trial attorneys and law students through involvement in the New York State Bar Association and the promotion of high professional standards and courtesy. The section won the Section Diversity Champion Awards in the 2012 and the 2013 NYSBA Diversity Challenges.

www.nysba.org/Trial



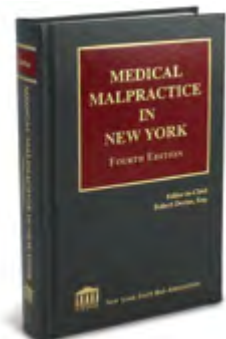
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Medical Malpractice in New York 4th ed.

This edition of *Medical Malpractice in New York* provides you with advanced insight into the many aspects of the trial of a medical malpractice case. The 32 chapters provide a wealth of knowledge and hundreds of practical tips that can be used by both plaintiff's and defendant's counsel. *Medical Malpractice in New York, Fourth Edition*, includes many forms and other appendices, a thorough table of authorities and a detailed index, making this a necessary addition to your reference library.



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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

Medical Malpractice Litigation 2019

7.0 MCLE Credits: 4.0 Skills,
3.0 Areas of Professional Practice

Wednesday, February 27
Long Island | Melville Marriott

Wednesday, February 27
Syracuse | Sheraton Syracuse University Hotel

Friday, March 1
New York City | Convene

Friday, March 8
Albany | New York State Bar Association

Monday, May 6
Buffalo | Hyatt Place Buffalo/Amherst

NYSBA Member \$175
Non-Member \$275
Section Member \$150

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

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

Online www.nysba.org/CLE
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MedicalMalpracticeLitigation](http://www.nysba.org/MedicalMalpracticeLitigation)

Please Note

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

Source Code: **CL4576**

NEW YORK STATE BAR ASSOCIATION

Medical Malpractice Litigation 2019

9:00 a.m. – 4:30 p.m.

Wednesday, February 27 | Long Island
Melville Marriott

Wednesday, February 27 | Syracuse
Sheraton Syracuse University Hotel

Friday, March 1 | New York City
Convene

Friday, March 8 | Albany
New York State Bar Association

Monday, May 6 | Buffalo
Hyatt Place Buffalo/Amherst

NYSBACLE

Live Program & Webcast



4.0 Skills,
3.0 Areas of
Professional
Practice

www.nysba.org/MedicalMalpracticeLitigation



Sponsored by the Committee on Continuing Legal Education,
the Torts, Insurance & Compensation Law (TICL) Section, and the
Trial Lawyers Section of the New York State Bar Association



Program Description

A must for both new and experienced attorneys, this practical seminar will provide an overview of the key issues in medical malpractice litigation through a combination of lectures and practical demonstrations. Learn how to determine the relevant standard of care, how to prepare your case, how to avoid common pitfalls and how to examine expert witnesses.

This seminar will be filled with valuable tips and useful information. Don't miss this opportunity to learn trial strategies and techniques in medical malpractice actions from top-notch litigators and distinguished State and Federal Judges.

Program Chairs

Overall Planning Chair: Andrew S. Kaufman, Esq. | Kaufman Borgeest & Ryan LLP | NYC
W. Russell Corker, Esq. | Law Office of W. Russell Corker, P.C. | Long Island
Danielle Mikalajunas Fogel, Esq. | Fager Amsler Keller & Schoppmann LLP | Syracuse
Adam H. Cooper, Esq. | Carter Conboy | Albany
John P. Danieu, Esq. | Roach, Brown, McCarthy & Gruber P.C. | Buffalo

Faculty

Long Island

Scott Gerard Christesen, Esq. | Fumuso, Kelly, Deverna, Swart, Farrell, Polin & Christesen LLP
Alan W. Clark, Esq. | The Law Firm of Alan W. Clark & Associates LLC
Anthony Francis Barbiero, Esq. | Bartlett LLP
Charles E. Kutner, Esq. | Law Office of Charles E. Kutner LLP
Ben B. Rubiniowitz, Esq. | Gair, Gair, Conason, Steigman, Mackauf, Bloom & Rubiniowitz
Hon. Arthur M. Diamond | Nassau County Supreme Court

Syracuse

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Michael A. Bottar, Esq. | Bottar Law PLLC
Hon. Robert F. Julian | Robert F. Julian P.C.
Hon. James P. Murphy | Onondaga County Courthouse

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Michael B. Ronemus, Esq. | Ronemus & Vilensky
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Albany

Nancy May-Skinner, Esq. | Fager Amsler Keller & Schoppmann LLP
Laura Jordan, Esq. | Powers & Santola LLP
Tom Mortati, Esq. | Martin, Harding and Mazzotti LLP
Adam Cooper, Esq. | Carter Conboy
Paul Jureller, Esq. | Thorn Gershon Tymann and Bonanni LLP
Peter Moschetti, Esq. | Anderson, Moschetti & Taffany
Hon. Kimberly O'Connor | Albany and Ulster County Supreme Courts

Buffalo – TBD

7.0 MCLE Credits

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

New York: 4.0 Skills, 3.0 Areas of Professional Practice

California and Pennsylvania: 5.5 Substantive Law, 0.0 Ethics

New Jersey: 7.0 Total Credits: 0.0 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

Program Agenda

9:00 – 9:10 a.m. Welcome and Introduction

9:10 – 10:00 a.m. **I. Developments in the Substantive Law**

- Hot legal issues and legislative developments
- e-Discovery
- Ex parte interviews with treating physicians
- Lien law developments
- Neurologically Impaired infant fund

1.0 Credits in Areas of Professional Practice

10:00 – 10:50 a.m. **II. Discovery**

- Social media and internet information
- Pre versus post deposition discovery
- Surveillance
- Arons Authorizations
- Documents and records
- Pre-suit discovery
- Rules and regulations
- Clinical guidelines
- Social media and internet information
- Non-party depositions of treating physicians
- Authoritative literature

1.0 Credits in Areas of Professional Practice

10:50 – 11:00 a.m. Coffee Break

11:00 – 11:50 a.m. **III. Deposition/Trial Examination of the Defendant**

- Setting them up and knocking them down
- Where and when
- Manner of questioning (open ended versus leading)

1.0 Credits in Skills

11:50 – 1:00 p.m. Lunch (on your own)

1:00 – 1:50 p.m. **IV. Preparation of the Defendant for Deposition**

- How to answer Consider, Significance and Importance question
- How to navigate the waters of informed consent and recognized risks
- Recollection and Custom and Practice
- Altered records
- Documentation of significant findings
- Is earlier treatment better/Do you need a diagnosis to treat?
- Causation questions

1.0 Credits in Skills

1:50 – 2:40 p.m. **V. Cross of Expert**

- Collateral cross
- Authoritative texts
- Use of transcripts from other cases
- Attacking the expert's opinions

1.0 Credits in Skills

2:40 – 2:50 p.m. Coffee/Soft Drink Break

2:50 – 3:40 p.m. **VI. Openings and Summations**

- What to include and what to omit
- Fair comment
- Persuasion techniques
- Ethical issues

1.0 Credits in Skills

3:40 – 4:30 p.m. **VII. View from the Bench**

- Practice pointers
- Trial strategy
- Ethical considerations
- Mistakes attorneys make

1.0 Credits in Areas of Professional Practice

4:30 p.m. Adjournment

Pricing

NYSBA Member \$175 | Non-Member \$275
Section Member \$150

Register Today | www.nysba.org/MedicalMalpracticeLitigation

Program Locations

Wednesday, February 27 | Long Island

Melville Marriott | 1350 Walt Whitman Road | Melville, L.I., NY 11747

Wednesday, February 27 | Syracuse

Sheraton Syracuse University Hotel | 801 University Avenue | Syracuse, NY 13210

Friday, March 1 | NYC

Convvene | 810 Seventh Avenue (Between 52nd and 53rd Streets | New York, NY 10019

Friday, March 8 | Albany

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

Monday, May 6 | Buffalo

Hyatt Place Buffalo/Amherst | 5020 Main Street | Amherst, NY 14226

Agendas may vary slightly by location.

Please check registration page for details.

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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.



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.

www.nysba.org/CLEProgramPolicies