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NYSBA

Trial Lawyers Section Summer Meeting

The Malton Hotel
Killarney, Ireland
July 28 – July 31, 2013



Attendance at this meeting offers up to 6.0 MCLE credit hours – including 1.0 in ethics and 5.0 in professional practice for experienced attorneys only.

IMPORTANT INFORMATION

MCLE CREDIT: The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. **Under New York's MCLE rule, this program has been approved for a total of 6.0 credit hours; 1.0 hours in ethics and 5.0 hours in professional practice.** This is **NOT** a transitional program and is **NOT** suitable for MCLE credit for newly-admitted attorneys.

DISCOUNTS AND SCHOLARSHIPS: New York State Bar Association members and non-members may receive financial aid to attend this program. Under this policy, anyone who requires financial aid may apply in writing, **not later than fourteen working days prior to the program**, explaining the basis of his/her hardship, and if approved, may receive a discount or scholarship. Scholarships apply to the educational portion of the program only. For more details, please contact: cteeter@nysba.org or Catheryn Teeter, New York State Bar Association, One Elk Street, Albany, New York 12207. 518-487-5573.

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 Catheryn Teeter at New York State Bar Association, One Elk Street, Albany, New York 12207 or cteeter@nysba.org.

ABOUT THE MALTON HOTEL: 5 minute walk to the City Center and the Killarney Train Station

Dining at The Malton:

The Garden Room: Buffet Breakfast *included in attendee room rate for overnight guests*, 7:30 - 10:00 a.m. daily. Ala Carte Dinner available nightly, 6:30 to 9:30 p.m.

Punchbowl Bar: Lunch & Dinner daily, 12 - 9:30 p.m.

Grand Foyer & Coffee Rooms: A tradition here since Victorian times, enjoy High Tea from 12 to 6 p.m. daily.

Killarney Wine Rooms: Offering an endless array of wines nightly to sample from 6:00 p.m. Chef's Evening Dinner Specials until 9:30 p.m.

The Innisfallen Spa at The Malton

Your time at the Spa will leave you relaxed and rejuvenated from everyday stress. Offering massage, facial or body treatment services. The Spa is open 9:30 a.m. - 5:30 p.m., daily (later on Thursday, Friday and Saturday.)

Children's Activities

Complimentary supervised activities for children each evening. Outside play area.

Fitness Center

24 hour fitness center equipped with treadmills, elliptical, stationary bikes, weight machines and free weights.

Indoor Pool

50 foot pool with sauna, steam room and jacuzzi.

Tennis

Enjoy play on two outdoor courts.

SCHEDULE OF EVENTS

Sunday, July 28

- 11:00 a.m. - 5:30 p.m. **Registration** - The Reading Room off the Hotel Lobby
- 3:30 - 5:00 p.m. **Executive Committee Meeting** - The Victorian Room
- 6:00 - 7:30 p.m. **Welcome Reception** - Malton Hotel Garden
- 7:30 p.m. **Dinner** on your own
If you are planning on eating on-site at hotel's Garden Room Restaurant, please make reservations in advance of the meeting. Additional dining suggestions in town are located on page 8.

Monday, July 29

- 7:30 - 10:00 a.m. **Buffet Breakfast** - The Garden Room Restaurant
(included in room rate for overnight hotel guests)
- 8:00 - 9:00 a.m. **Executive Committee Breakfast Meeting** - Wine Room, Garden Room Restaurant
- 8:00 a.m. **Registration**
- 9:05 - 11:55 a.m. **GENERAL SESSION** - The Lower Lake Room
- 9:05 - 9:15 a.m. **New York State Bar Association Welcome**
DAVID M. SCHRAVER, ESQ., PRESIDENT
- Trial Lawyers Section Welcome**
ELIZABETH MCDONALD HECHT, ESQ., SECTION CHAIR
Mead, Hecht, Conklin & Gallagher, LLP
White Plains, New York
- 9:15 - 10:05 a.m. **THE CHALLENGE OF CHANGE IN THE IRISH COURT SYSTEM**
An overview of the Irish legal system and new challenges brought on by rising "litigant in person" - pro se litigation. Will New York face similar issues?
HON. CARROLL MORAN
Assigned Judge, South-Western Circuit
Ireland
- 10:05 - 10:15 a.m. **Coffee Break**
- 10:15 - 11:05 a.m. **EFFECTIVE WRITTEN ADVOCACY: HOW TO WRITE PERSUASIVE TRIAL MOTIONS AND APPELLATE BRIEFS**
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| HON. JUDITH J. GISCHE
New York State Supreme Court
Appellate Division, First Department
New York, New York | A. MICHAEL FURMAN, ESQ.
Furman Kornfeld & Brennan LLP
New York, New York |
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SCHEDULE OF EVENTS

Monday, July 29 *continued*

11:05 - 11:55 a.m. **MEDICAL MALPRACTICE LITIGATION: A DEFENSE PERSPECTIVE**

CLIONA CHRISTLE, PARTNER

Litigation Department

Healthcare & Life Sciences Group

A&L Goodbody

Dublin, Ireland

12:00 p.m. **Lunch** on your own

12:15 - 6:00 p.m. **Gap of Dunloe Tour**

Hewn two million years ago by giant, slow moving ice, the Gap is probably the finest example of a glaciated valley in western Europe. It's rugged scenery is awe inspiring. **Coaches depart the hotel at 12:15 p.m.** travelling to Kate Kearney's Cottage where we will catch four-person jaunting cars (horse and carts) to begin the 7 mile journey through the Gap. At the end of the Gap, a late lunch may be purchased at Lord Brandon's Cottage. From here, the 13 mile boat journey to Ross Castle across the lakes of Killarney begins. Coaches will pick us up at Ross Castle and return us to the hotel. Please note that it will be after 2:30 p.m. when we arrive at Lord Bran-



don's. For those wanting to eat earlier, ***boxed lunches may be ordered in advance from the hotel.*** Tour fee of **€ 50 per person covers tour and all transportation; lunch not included. Preregistration required for this tour.**

12:30 p.m.

Golf at Mahony's Point Course, Killarney Golf & Fishing Club

Famous for its lakeside par-three, 18th, once described by Gene Sarazan as one of golf's most memorable holes. With undulating greens, well-positioned bunkers and water hazards, this is the most scenic and friendly of the Club's three courses. **Soft-spikes only.**

First tee time is 1:00 p.m. Preregistration is required. € 96 per person, currently \$125.00 US, includes transportation to/from course, greens fee and golf cart. Club rental available. Discounts for two-day club rentals. Contact sales@killarney-golf.com for rentals.

Golf shuttle departs hotel promptly at 12:30 p.m.

Golf Chair: David S. Pollack, Esq., Uniondale, New York

7:00 - 8:00 p.m. **Cocktail Reception** - The Reading Room

8:00 - 10:00 p.m. **Dinner** - The Middle Lake Room

Tuesday, July 30

7:30 - 10:00 a.m. **Buffet Breakfast** - The Garden Room Restaurant
(included in room rate for overnight hotel guests)

8:30 a.m. **Registration**

SCHEDULE OF EVENTS

Tuesday, July 30 *continued*

- 9:05 - 11:50 a.m. **GENERAL SESSION** - Lower Lake Room, Main Hotel
- 9:05 - 9:10 a.m. **Trial Lawyers Section Greeting/Announcements**
PETER C. KOPFF, ESQ., PROGRAM CHAIR
Peter C. Kopff, LLC
Garden City, New York
- 9:10 - 10:00 a.m. **PERSONAL INJURY LAW: IRELAND VS NEW YORK PERSPECTIVE**
DERMOT F. SHEEHAN, ESQ.
Dublin, Ireland
- 10:00 - 10:10 a.m. **Coffee Break**
- 10:10 - 11:00 a.m. **NEW YORK PRACTICE AND CPLR UPDATE**
PROFESSOR PATRICK M. CONNORS
Albany Law School
Albany, New York
- 11:00 - 11:50 a.m. **ETHICS FOR TRIAL ATTORNEYS**
PROFESSOR PATRICK M. CONNORS
Albany Law School
Albany, New York
- 12:00 p.m. **Lunch** on your own
- 12:15 - 6:00 p.m. **Ring of Kerry Tour**
The Ring of Kerry takes you around the Iveragh Peninsula winding past pristine beaches, the island-dotted Atlantic Ocean, medieval ruins, mountains and loughs (lakes). **Coaches depart hotel at 12:15 p.m.** From Killarney, we head to Killorglin, home to Ireland's oldest market fair - the Puck Fair. The next stop is Waterville, a lovely fishing village on the shores of Ballinskelligs Bay, **where lunch may be purchased**. After lunch, we travel over the Cumaciste Pass with spectacular views of the Atlantic Ocean and the Skellig Islands, descending into Derrynane, home of Daniel O'Connell, known in Irish history as "The Liberator" for achieving Catholic Emancipation in the late 19th century. There will be a stop in Sneem village in the afternoon before returning to Killarney travelling alongside the National Park. **Preregistration is required. € 25 per person, lunch extra.**
- 12:30 p.m. **Golf at Killeen Course, Killarney Golf & Fishing Club**
Flagship course meanders the shore of Lough Leane against the backdrop of the Mountains of Killarney. At 6,566 metres, it will challenge long hitters. Accuracy is vital due to water on virtually every hole. **Soft-spikes only. First tee time is 1:00 p.m. Preregistration required. € 117 per person**, includes transportation to/from course, greens fee and golf cart. Club rental available; contact sales@killarney-golf.com to arrange.
Shuttle departs hotel at 12:30 p.m. promptly.
- 7:00 - 10:00 p.m. **Reception & Dinner** - Malton Gardens and The Lower Lake Room

SCHEDULE OF EVENTS

Wednesday, July 31

7:30 - 10:00 a.m. **Buffet Breakfast** - The Garden Room Restaurant
(included in room rate for overnight hotel guests)

12:00 noon **Check Out/Departure**



THINGS TO DO IN KILLARNEY

Muckross House, Gardens and Traditional Farms

Killarney National Park, County Kerry

19th c. Victorian mansion set against the stunning beauty of Killarney National Park close to the shores of Muckross Lake. Muckross House was built for Henry Arthur Herbert and his wife, the water-colourist Mary Balfour Herbert. This was actually the fourth house that successive generations of the Herbert family had occupied at Muckross over a period of almost two hundred years. William Burn, the well-known Scottish architect, was responsible for its design. Building commenced in 1839 and was completed in 1843. www.muckross-house.ie

Muckross Abbey, Killarney National Park, County Kerry

The Franciscan friary of Irrelagh, now known as Muckross Abbey was founded for the Observatine Franciscans about 1448 by Daniel McCarthy Mor. The friars remained in occupation at Muckross at least intermittently and, despite the dissolution of the monasteries, until Cromwellian times. The present well-preserved ruins include a church with a wide, square tower and fine windows, and a vaulted cloister with an arcade of arches around a square courtyard. In the middle of the courtyard grows an ancient yew tree, said traditionally to be as old as the Abbey. Muckross Abbey was the burial place of local chieftains, and in the 17th and 18th centuries, the three Gaelic poets, Geoffrey O'Donoghue, Aodhagan O'Rathaille and Eoghan Rua O'Suilleabhain. The graveyard in the grounds surrounding the Abbey is still in use with burials taking place there each year.

Killarney National Park, County Kerry

The National Park comprises 24,700 acres of beautiful lake and mountain scenery. The Park is famous for its' native natural habitats and species including oakholly woods, yew woods and red deer. The National Park Visitor Centre (located at Muckross House) and the Information Point at Torc Waterfall provide information on all aspects of the park. Access for visitors with disabilities to The Visitor Centre. The Education Centre, located at Knockreer House, provides a range of courses related to nature conservation and the ecology of The National Park for school children, students and other groups. www.killarneynationalpark.ie



THINGS TO DO IN KILLARNEY

Ross Castle

Built by O'Donoghue Mór in the 15th century on the edge of Killarney's lower lake. The Castle came into the hands of the Brownes who became the Earls of Kenmare and owned an extensive portion of the lands that are now part of Killarney National Park. Legend has it that O'Donoghue still exists in a deep slumber under the waters of Lough Leane. On the first morning of May, every seven years, he rises from the lake on his magnificent white horse and circles the lake. Anyone catching a glimpse of him is said to be assured of good fortune for the rest of their lives. The large rock at the entrance to the bay is known as O'Donoghue's prison. Ross Castle was the last stronghold in Munster to hold out against Cromwell. It was eventually taken by General Ludlow in 1652. www.heritageireland.ie/en/South-West/RossCastle

Skellig Michael World Heritage Site

This is a journey for the truly adventurous. Skellig Michael is a wilderness site and designated Nature Reserve. Formerly a 6th century monastic settlement, the island is accessed by small, licensed 12 passengers boats departing from Portmagee, Valencia or Ballinskelligs. The boat ride takes 30-40 minutes each way on potentially rough seas. Visitors spend approx. two hours on the island. The physically demanding trip entails climbing 618 steep steps, ascending over 600 feet to the monastery. There are no facilities, water or food on Skellig Michael. Visitors are advised to carry water, wear appropriate clothing and footwear and to bring their own lunch if desired. There is a small museum close by on the mainland with an audio video show about the monastery and its history. www.heritageireland.ie/en/South-West/SkelligMichael

Dingle Peninsula/Coastline

Famed for its rugged beauty and indigenous cultural heritage, the area has long been a holiday destination, drawing both Irish and foreigner visitors alike. In fact, the Dingle Peninsula has been rated amongst Tripadvisor's top 100 global destinations.

With a large Irish speaking population and some of Ireland's highest mountains, liveliest pubs and most beautiful beaches, the area has something to offer every visitor, be it music, scenery, excitement or culture.

Once referred to as "the most beautiful place on Earth" by National Geographic Traveller, the Dingle Peninsula (also known as West Kerry, or Corca Dhuibhne in Irish), is the northernmost of the two major peninsulae in County Kerry, Southwest Ireland. Tours are offered daily to the Dingle Peninsula by Dero's Tours. Visit www.derostours.com for information.

**For more information on
any of the above
activities and/or on
Killarney, visit:**

**www.killarney.ie
www.discoverireland.ie**

KILLARNEY RESTAURANTS

Treyvaud's Restaurant, 62 High Street; Lunch Tuesday - Sunday; Dinner Nightly 5 to 10:30 p.m.; €€€

An attractive and friendly town-centre restaurant that has earned a well-deserved local following. Email: info@treyvaudsrestaurant.com / www.treyvaudsrestaurant.com

Bricin, 26 High Street; Dinner Tuesday - Saturday, 6 to 9:30 p.m.; €€

Country-style first-floor restaurant which has been famous for restoring weary shoppers since 1990 and, although they are no longer open during the day, an early dinner can still round off an afternoon in the town. Email: bricin@eircom.net / www.bricin.com

West End House, 58 Lower New Street (nr. Cathedral Place); Dinner Tuesday - Saturday 5:30 to 9:30 p.m.; €€

Since the mid 1980s, West End House has been home to one of Killarney's best-loved restaurants. Recently taken over by highly regarded restaurateurs Sandra and Peter Dunlea.

Gaby's Seafood Restaurant, 27 High Street; Dinner Monday - Saturday, 6 to 10 p.m.; €€€€

One of Ireland's longest established seafood restaurants, Gaby's has a cosy little bar beside an open fire just inside the door. Several steps lead up to the main dining area, which is broken up into several sections and has a pleasantly informal atmosphere.

Cronin's Restaurant, College Street; Monday - Saturday 9 a.m. to 9 30 p.m., Sunday Dinner Only; €€

Family friendly, serving local cuisine. Email: croninsrestaurant1957@gmail.com

Mareena's Simply Food, East Avenue Road; Breakfast, Lunch and Dinner; €€

Intimate, relaxed restaurant serving fresh, simply prepared, locally sourced food (across the road from The Malton.)

Lord Kenmare's Restaurant, 18 College Street; Dinner Nightly, 5:30 to 10 p.m.; €€

Good food, service and value ensure that this cheerful place is always busy even on weekdays. Email: info@lordkenmares.com

Quinlan's Seafood Bar, 77 High Street; Open Daily from 12 noon; €€

Serving traditional fish and chips as well as shellfish specials and "the catch of the day" direct from their own fishing boats in South Kerry.

Hotel Restaurants

Lake Room Restaurant at Aghadoe Heights Hotel, Aghadoe; €€€€€

The hotel is famous for its' classic French style of food and service with quite a conservative tone, offering updated variations of many well-loved dishes. Email :info@aghadoeheights.com / www.aghadoeheights.com

Panorama Restaurant at Hotel Europe, Fossa; €€€€

The beautifully situated and elegantly appointed restaurant has views over the Lakes of Killarney with the mountains beyond, a fine setting for classic European cooking which makes full use of local produce like Kerry lamb and salmon through wide-ranging international menus. www.theeurope.com/panorama-restaurant

Park Restaurant at Killarney Park Hotel, Kenmare Place; €€€€€

The best of traditional hospitality with menus offering plenty of choices. Email: www.killarneyparkhotel.ie

Rozzers at Killeen House Hotel, Aghadoe; €€

Have an aperitif in the friendly little bar while browsing 5-course dinner menus that offer a wide choice on each course, plus specials each evening. Email: charming@indigo.ie / www.rozzers.net/home.html

Cellar One Restaurant at The Ross Hotel, Town Centre; €€€

Undoubtedly the jewel in this stylish hotel's crown, this stunningly theatrical restaurant is on two levels with a 20 seat mezzanine and a 40 seat lower dining room. Email: info@theross.ie

Cafés

Jam Cafe, Bakery & Deli, Old Market Lane; €

James Mulchrone's delightful bakery and café. Email: info@jam.ie

Wholesome Fayre Cafe, Deli & Brasserie, East Avenue Road; Breakfast, Lunch and Dinner; €

Casual, quirky, fresh healthy food served in unexpected ways - across the road from The Malton. Email: food@wholesomefayre.com