

# Risk Management 2014

**Friday, October 17, 2014**  
Westchester

**Friday, October 24, 2014**  
Long Island

**Thursday, October 30, 2014**  
Albany

**Friday, November 14, 2014**  
NYC

**Friday, November 21, 2014**  
Buffalo

**Friday, December 5, 2014**  
Syracuse

## NYSBACLE

**9:00 am - 1:00 pm**



**INCLUDES**  
4.0 ethics credits

## Save on Your Professional Liability Insurance

*Participants in this program will receive a 7.5% credit toward their CNA Lawyers' Professional Liability premium. Please note that the 7.5% credit is per attorney participating in the program regardless of status (open to full-time, part-time and moonlighting attorneys).*

**Earn 4.0 Ethics Credits**

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

**\$125\* NYSBA Member Rate**



*This program is sponsored by the Law Practice Management Committee, the Committee on Association Insurance Programs and the Committee on Continuing Legal Education of the New York State Bar Association*



# RISK MANAGEMENT 2014

## PROGRAM DESCRIPTION

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The New York State Bar Association is pleased to present Risk Management for Lawyers. Designed for all practicing attorneys regardless of their level of expertise, this program will provide practical tips to help improve your practice and lessen the possibility of a malpractice claim or grievance. The program includes an overview of the New York Rules of Professional Conduct, disciplinary rules, recent developments and cases of interest.

Earn 4.0 MCLE Ethics credits while getting up-to-date tips from experienced practitioners and consultants.



**Course Materials**  
Electronic Course Materials!  
Go to [www.nysba.org/ECM](http://www.nysba.org/ECM)  
for more information!

## PROGRAM FACULTY

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### Overall Planning Chair:

**Marian C. Rice, Esq.**, L'Abbate Balkan Colavita & Contini, LLP, Garden City, NY

### Local Chairs and Speakers:

#### Westchester:

**Mark E. Housman, Esq. (Local Chair)**, Housman & Associates PC, Tarrytown, New York \* **Jeffrey G. Steinberg, Esq.**, Steinberg & Cavaliere, LLP, White Plains, NY \* **Andrew S. Kowlowitz, Esq.**, Furman Kornfeld & Brennan LLP, New York, NY \* **Marian C. Rice, Esq.**, L'Abbate Balkan Colavita & Contini, LLP, Garden City, NY

#### Long Island:

**Marian C. Rice, Esq. (Chair)**, L'Abbate Balkan Colavita & Contini, LLP, Garden City, NY \* **Mark K. Anesh, Esq.**, Lewis Brisbois Bisgaard & Smith LLP, New York, NY \* **Janice J. DiGennaro, Esq.**, Rivkin Radler LLP, Uniondale, NY \* **Matthew K. Flanagan, Esq.**, Catalano Gallardo & Petropoulos LLP, Jericho, NY

#### Albany:

**Scott W. Bush, Esq. (Chair)**, Corrigan, McCoy & Bush, PLLC, Rensselaer, NY \* **P.G. Ferrara, Esq.**, Costello, Cooney & Fearon, PLLC, Syracuse, NY \* **William T. McCaffery, Esq.**, L'Abbate, Balkan, Colavita & Contini, LLP, Garden City, NY \* **Mike Mooney**, USI Affinity, Philadelphia, PA

#### NYC:

**Mark K. Anesh, Esq. (Chair)**, Lewis Brisbois Bisgaard & Smith LLP, New York, NY \* **A. Michael Furman, Esq.**, Furman Kornfeld & Brennan, LLP, New York, NY \* **Mark E. Housman, Esq.**, Housman & Associates, P.C., Tarrytown, NY \* **Marian C. Rice, Esq.**, L'Abbate Balkan Colavita & Contini, LLP, Garden City, NY

#### Buffalo:

**Dennis R. McCoy, Esq. (Chair)**, Hiscock & Barclay LLP, Buffalo, NY \* **Glenn Fjermedal, Esq.**, Davidson Fink LLP, Rochester, NY \* **Mollie C. McGorry, Esq.**, Connors & Vilardo, LLP, Buffalo, NY \* **Harry F. Mooney, Esq.**, Hurwitz & Fine, PC, Buffalo, NY

#### Syracuse:

**P.G. Ferrara, Esq. (Chair)**, Costello, Cooney & Fearon, PLLC, Syracuse, NY \* **Robert A. Barrer, Esq.**, Hiscock & Barclay LLP, Syracuse, NY \* **Mary E. Gasparini, Esq.**, Attorney Grievance Committee-Fifth Judicial District, Syracuse, NY \* **Nicole M. Jones, Esq.**, Costello Cooney, Fearon, PLLC, Syracuse, NY \* **Lee S. Michaels, Esq.**, Michaels & Smolak PC, Auburn, NY

**Webcast** | Albany | October 30, 2014

### Can't Attend in Person?

This program offers a simultaneous live webcast option allowing you to "attend" the program from the convenience of your office.

NOTE: Newly admitted attorneys must attend in person to receive New York MCLE credit

# RISK MANAGEMENT 2014

## PROGRAM LOCATIONS

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**Friday, October 17, 2014 | 9:00 a.m. – 1:00 p.m. | ODP87**

Westchester | Holiday Inn Mt. Kisco  
1 Holiday Inn Drive, Mt. Kisco, NY | 914.241.2600  
[www.nysba.org/2014RiskManagementWestchester](http://www.nysba.org/2014RiskManagementWestchester)

**Friday, October 24, 2014 | 9:00 a.m. – 1:00 p.m. | ODP83**

Long Island | Hilton Huntington  
598 Broadhollow Road, Melville, NY | 631.845.1000  
[www.nysba.org/2014RiskManagementLongIsland](http://www.nysba.org/2014RiskManagementLongIsland)

**Thursday, October 30, 2014 | 9:00 a.m. – 1:00 p.m. | ODP81**

Albany | State Bar Center  
One Elk Street, Albany, NY | 518.463.3200  
[www.nysba.org/2014RiskManagementAlbany](http://www.nysba.org/2014RiskManagementAlbany)

**Friday, November 14, 2014 | 9:00 a.m. – 1:00 p.m. | ODP84**

NYC | Wyndham New Yorker Hotel  
481 8th Ave. (at 34th St.), New York, NY | 212.244.0719  
[www.nysba.org/2014RiskManagementNYC](http://www.nysba.org/2014RiskManagementNYC)

**Friday, November 21, 2014 | 9:00 a.m. – 1:00 p.m. | ODP82**

Buffalo | Holiday Inn Amherst  
1881 Niagara Falls Blvd., Amherst, NY | 716.691.8181  
[www.nysba.org/2014RiskManagementBuffalo](http://www.nysba.org/2014RiskManagementBuffalo)

**Friday, December 5, 2014 | 9:00 a.m. – 1:00 p.m. | ODP86**

Syracuse | Sheraton Syracuse University Hotel  
801 University Ave., Syracuse, NY | 315.475.3000  
[www.nysba.org/2014RiskManagementSyracuse](http://www.nysba.org/2014RiskManagementSyracuse)

## PROGRAM TOPICS

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- Competency in Area of Practice
- Recognizing and Handling Conflicts of Interest – Proper Client Intake
- Effective Client Relations and Resolving Attorney-Client Disputes
- Relations with Others, Including Partners and Non-Clients
- Insurance Considerations, including the Appropriate Coverage and the Importance of Proper and Timely Notice

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**1.800.582.2452** | source code **PUB2108** | [www.nysba.org/deskbook](http://www.nysba.org/deskbook) Use coupon code **CLE52014** when you order online and save 20%\*

\*Offer expires 30 days after program date.

# AGENDA

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- 8:30 a.m. Registration**
- 9:00 – 9:10 a.m. Welcome and Introduction**
- 9:10 – 10:00 a.m. Competency in Area of Practice & Insurance Considerations**
- Mandatory continuing legal education
  - Referrals and associations with attorneys proficient in area of representation
  - Dangers in office sharing and implied partnerships
  - Graphs/Charts – problematic areas of practice
  - Develop a docket control procedure for appointments and reminders
  - File retention
  - Purchasing the appropriate coverage
  - The insurance application
  - Claims made coverage
  - Coverage for prior acts
  - The importance of proper and timely notice
  - Extended reporting periods/retirement
- (1.0 ethics)*
- 10:00 – 10:10 a.m. Refreshment Break**
- 10:10 – 11:00 a.m. Recognizing and Handling Conflicts of Interest – Proper New Matter/Client Intake**
- Maintenance of conflict procedures
  - Lateral hires
  - Identifying the client
  - Conflicts between attorney and client
  - Simultaneous representation of clients with adverse interests
  - Transactions between lawyer and client
  - Conflict between present and former client
  - Representing business organizations
- (1.0 ethics)*
- 11:00 – 11:10 a.m. Refreshment Break**
- 11:10 – 12:00 p.m. Effective Client Relations and Resolving Attorney-Client Disputes**
- Choosing the client carefully
  - Client's expectations
  - Informative and truthful communications
  - Statement of Client's Rights and Responsibilities
  - Importance of the clear, unambiguous written letter of engagement
  - Standardization of engagement, non-engagement & disengagement letters
  - Informed consent
  - Preserving the secrets and confidences of a client
  - Limiting liability to a client
  - How to avoid suits for fees – Fee Arbitration Rules
  - Escrow requirements
  - Importance of documenting a file
  - Resolving attorney-client disputes – Mediation of Attorney-Client Disputes
  - E-mail
  - Proper withdrawal from employment
- (1.0 ethics)*
- 12:00 – 12:50 p.m. Relations with Others, Including Partners and Non-Clients**
- Integrity in dealing with non-clients – Standards of Civility
  - Intra-firm relationships
  - Dealing with partners
  - Supervisory responsibilities of law firms and attorneys
  - Scope of supervisory responsibility of lawyers
  - Ethical issues facing newly admitted attorneys
  - Stress management and Lawyers' Assistance Programs
  - The "innocent" partner
  - Lawyer advertising and marketing
- (1.0 ethics)*
- 12:50 – 1:00 p.m. Question and Answer Session**
- 1:00 p.m. Adjournment**

## REASONS TO ATTEND

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- Earn 4.0 Ethics credits
- Learn about standardization of engagement, non-engagement and disengagement letters
- Learn about malpractice insurance considerations and purchasing the appropriate coverage
- Learn about dangers in office sharing and implied partnerships
- Includes a segment on conflicts of interest

## 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.

**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 p.m. EST) on the day prior to the date of the program for which you registered. To cancel, write the State Bar Service Center at One Elk Street, Albany, New York 12207; or fax (518) 487-5618; or call (800) 582-2452. If you do not cancel and do not attend the program, access to a complete set of course materials in PDF format will be forwarded to you via e-mail in consideration of the registration fee. Non-registrants may purchase program materials after the final program date.

**MCLE Credit:** This program is acceptable for MCLE credit in New York and many other MCLE jurisdictions.

**Tuition Assistance:** New York attorneys may apply for tuition assistance to attend this program based on financial hardship. Any New York attorney who has a genuine financial hardship may apply for tuition assistance for a CLE program by completing a *Tuition Assistance Request Form* and returning it to the CLE Department no later than five working days prior to the program, explaining the basis of his/her hardship. If granted, the attorney will receive tuition assistance, depending on the individual's circumstances. For more details, please contact our State Bar Service Center at (800) 582-2452.

**Recording of NYSBA Seminars in any form is strictly prohibited.**



**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 Cindy O'Brien at (518) 487-5585 or [cobrien@nysba.org](mailto:cobrien@nysba.org)

### 4.0 TOTAL CREDITS: 4.0 ethics

This course has been approved for MCLE credit in New York for all attorneys, including newly admitted (less than 24 months).

This program has also been approved for MCLE credit by the **State Bar of California** and the **Pennsylvania Continuing Legal Education Board** for **3.0** credit hours of ethics. All inquiries regarding MCLE credits may be directed to **(518) 487-5606**.

This program has been approved by the **Board on Continuing Legal Education of the Supreme Court of New Jersey** for **4.0** hours of total CLE credit. Of these, **4.0** qualify as hours of credit for ethics/professionalism, and **0.0** qualify as hours of credit toward certification in civil trial law, criminal trial law, workers compensation law and/or matrimonial law. This course does not qualify under any of the nine specified new admit areas, in five of which New Jersey attorneys admitted in 2009 or thereafter, in their first full two-year compliance period, must take 15 of their 24 required credit hours (see [BACLE Reg. 201:2](#)).

This course includes 2.0 credit hours for the Continuing Professional Education (CPE) requirements of **New York** and **New Jersey** CPAs. Sponsor numbers: New York: 000026; New Jersey: 20CE00099900.

The New York State Bar Association's Committee on Continuing Legal Education 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.

**IMPORTANT NOTICE: PARTIAL CREDIT FOR PROGRAM SEGMENTS NOT ALLOWED.** Under the New York State Continuing Legal Education Board Regulations and Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

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# Risk Management 2014

4.0 MCLE Credits

9:00 am - 1:00 pm

Westchester | Long Island |  
Albany | Buffalo | Syracuse

## 4 WAYS TO REGISTER

- Call** 1.800.582.2452 (U.S. and Canada) or 518.463.3724 in Albany & surrounding area
- Mail** State Bar Service Center  
New York State Bar Association  
One Elk Street  
Albany, NY 12207
- Fax** 518.463.5993
- Online** [www.nysba.org/CLERiskManagement](http://www.nysba.org/CLERiskManagement)
- Pricing** NYSBA members: \$125.00\*  
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Student Members: \$35.00
- Note** \*Registration fees for live programs increase ten days prior to the program date.

Source Code: CL????