

# Risk Management 2017

## Protecting Your Law Practice

**Friday, October 13, 2017**

Buffalo | Classics V Banquet & Conference Center

**Friday, October 20, 2017**

Rochester | RIT Inn & Conference Center

**Friday, October 20, 2017**

Westchester | Holiday Inn Mt. Kisco

**Friday, October 27, 2017**

Long Island | L'Abbate Balkan Colavita & Contini, LLP |  Webcast

**Monday, October 30, 2017**

Albany | New York State Bar Association

**Friday, November 3, 2017**

Syracuse | Crowne Plaza Syracuse Downtown

**Friday, November 17, 2017**

New York City | NY Society of Security Analysts



**4.0 ethics credits**

## NYSBACLE

9:00 a.m. – 1:00 p.m.

### Save on Your Professional Liability Insurance!

*Participants will receive a 7.5% credit towards their CNA Lawyer's Professional Liability per Attorney premium.*

**Learn practical tips to help improve your practice and lessen the possibility of a malpractice claim or grievance including:**

- NY Rules of Professional Conduct
- Disciplinary Rules
- Recent Developments
- Cases of Interest

**Special NYSBA Member Rate \$135**

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



*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*



## 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.

### Save on Your Professional Liability Insurance!

Participants in this program receive a 7.5% credit toward their CNA Lawyers' Professional Liability premium. If your renewal has already passed, the credit will be applied at your next renewal. 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).

## PROGRAM LOCATIONS

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### Friday, October 13, 2017

Classics V Banquet & Conference Center | 2425 Niagara Falls Blvd | Amherst, NY  
[www.nysba.org/RiskManagement2017Buffalo](http://www.nysba.org/RiskManagement2017Buffalo)

### Friday, October 20, 2017

RIT Inn & Conference Center | 5257 West Henrietta Road | Rochester, NY  
[www.nysba.org/RiskManagement2017Rochester](http://www.nysba.org/RiskManagement2017Rochester)

### Friday, October 20, 2017

Holiday Inn Mt. Kisco | 1 Holiday Inn Drive | Mount Kisco, NY  
[www.nysba.org/RiskManagement2017Westchester](http://www.nysba.org/RiskManagement2017Westchester)

### Friday, October 27, 2017 | Webcast

L'Abbate Balkan Colavita & Contini, LLP | 1001 Franklin Ave | Garden City, NY  
[www.nysba.org/RiskManagement2017LongIsland](http://www.nysba.org/RiskManagement2017LongIsland)

### Monday, October 30, 2017

New York State Bar Association | 1 Elk Street | Albany, NY  
[www.nysba.org/RiskManagement2017Albany](http://www.nysba.org/RiskManagement2017Albany)

### Friday, November 3, 2017

Crowne Plaza Syracuse Downtown | 701 East Genesee St | Syracuse, NY  
[www.nysba.org/RiskManagement2017Syracuse](http://www.nysba.org/RiskManagement2017Syracuse)

### Friday, November 17, 2017

NY Society of Security Analysts | 1540 Broadway at 48th | Suite 1010 | NYC  
[www.nysba.org/RiskManagement2017NYC](http://www.nysba.org/RiskManagement2017NYC)

## 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 0 credit hours of substantive law and 3.5 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 4.2 hours of total CLE credit. Of these, 4.2 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 BCLE Reg. 201:2).

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.

# 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 Areas of Practice and Insurance Considerations

- Mandatory continuing legal education
- Referrals & associations with attorneys proficient in area of representation
- Dangers in office sharing and implied partnerships
- Graphs/Charts – problematic areas of practice
- Law firm exposure to cyber liability
- Develop a docket control procedure for appointments and reminders
- File retention
- Purchasing the appropriate coverage
- The insurance application
- Claims – made coverage and coverage for prior acts
- The importance of proper and timely notice
- Extended reporting periods/retirement

*(1.0 MCLE Credit in 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 MCLE Credit in 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 MCLE Credit in 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 and 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 MCLE Credit in Ethics)*

12:50 – 1:00 p.m.

## Question and Answer Session

1:00 p.m.

## Adjournment

## PROGRAM CHAIRS



**Marian C. Rice, Esq.**  
Overall Planning Chair  
Long Island Program Chair  
L'Abbate Balkan Colavita  
& Contini, LLP  
Garden City, NY



**Paul G. Ferrara, Esq.**  
Syracuse Program Chair  
Costello, Cooney & Fearon, PLLC  
Syracuse, NY



**Michael F. Perley, Esq.**  
Buffalo Program Chair  
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Hurwitz & Fine, P.C.  
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**Scott W. Bush, Esq.**  
Albany Program Chair  
Corrigan, McCoy & Bush, PLLC  
Rensselaer, NY



**Mark K. Anesh, Esq.**  
NYC Program Chair  
Lewis Brisbois Bisgaard  
& Smith LLP  
New York, NY



**Mark E. Housman, Esq.**  
Westchester Program Chair  
Housman & Associates PC  
Tarrytown, NY

## PROGRAM FACULTY

### Albany

**Scott W. Bush, Esq.**, Corrigan, McCoy & Bush, PLLC; **Paul G. Ferrara, Esq.**, Costello, Cooney & Fearon, PLLC; **William T. McCaffery, Esq.**, L'Abbate, Balkan, Colavita & Contini LLP; **Mike Mooney**, USI Affinity

### Buffalo

**Michael F. Perley, Esq.**, Hurwitz & Fine, P.C.; **Greg Cooke**, USI Affinity; **Thomas J. Drury, Esq.**, Barclay Damon, LL; **Curtis A. Johnson, Esq.**, Bond Schoeneck & King, PLLC; **Mollie C. McGorry, Esq.**, Law Offices of Connors LLP

### Long Island

**Marian C. Rice, Esq.**, L'Abbate Balkan Colavita & Contini, LLP; **Greg Cooke**, USI Affinity; **Janice J. DiGennaro, Esq.**, Rivkin Radler; **Matthew K. Flanagan, Esq.**, Catalano, Gallardo & Petropoulos, LLP; **Brett A. Scher, Esq.**, Kaufman Dolowich & Voluck LLP

### New York City

**Mark K. Anesh, Esq.**, Lewis Brisbois Bisgaard & Smith LLP; **A. Michael Furman, Esq.**, Furman Kornfeld & Brennan LLP; **Mark E. Housman, Esq.**, Housman & Associates PC; **Mike Mooney**, USI Affinity; **Marian C. Rice, Esq.**, L'Abbate Balkan Colavita & Contini LLP

### Rochester

**Michael F. Perley, Esq.**, Hurwitz & Fine, P.C.; **Curtis A. Johnson, Esq.**, Bond Schoeneck & King, PLLC; **Mollie C. McGorry, Esq.**, Law Offices of Connors LLP

### Syracuse

**Paul G. Ferrara Esq.**, Castello, Cooney & Fearon PLLC; **Mike Mooney**, USI Affinity; **Mary E. Gasparini, Esq.**, Attorney Grievance Committee; **Nicole Mariow-Jones, Esq.**, Costello Cooney & Fearon, PLLC

### Westchester

**Mark E. Housman, Esq.**, Housman & Associates PC; **Mark K. Anesh, Esq.**, Lewis Brisbois Bisgaard & Smith LLP; **Andrew S. Kowlowitz, Esq.**, Furman Kornfeld & Brennan LLP; **Jeffrey G. Steinberg, Esq.**, Steinberg & Cavalier LLP

Learn more about the program faculty at  
[www.nysba.org/RiskManagementCLE](http://www.nysba.org/RiskManagementCLE)

## SAVE ON YOUR PROFESSIONAL LIABILITY INSURANCE



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

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## INFORMATION AND POLICIES

**Pre-registration Strongly Advised:** You can save money and guarantee your seat and course materials by registering early. 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) three business days prior to the date of the program for which you registered. Registrations canceled less than three business days from the program date will be assessed a cancellation fee of \$25.00. To cancel, call or email the Member Resource Center at (800) 582-2452 or [mrc@nysba.org](mailto:mrc@nysba.org). 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 Holly Hirsch at (518) 487-5586.

**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).

## Join or Renew Your NYSBA Membership and Save



**With NYSBA Membership You Can Do More:**

1. Save money with members-only discounts on CLE of more than 30%
2. Stay informed with up-to-date, accurate members-only information and publications
3. Access members-only job and career resources at [www.nysba.org/jobs](http://www.nysba.org/jobs)
4. Network with the best via exclusive, members-only Section benefits

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## NYSBA Law Practice Management

*Whether you're a solo practitioner or a managing partner at a national law firm, you'll find law practice management resources to meet your day-to-day practice needs. Checklists, best practices, publications, and continuing legal education programs provide up-to-date information and practical tips to help you better manage your law practice.*

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

# Risk Management 2017

4.0 MCLE Ethics Credits

9:00 a.m. – 1:00 p.m.

Albany | Buffalo | Long Island  
NYC | Rochester | Syracuse  
Westchester

**\$135 for NYSBA Members**  
\$235 for Non-Members

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

## 4 WAYS TO REGISTER

- Call** 1.800.582.2452 (U.S. and Canada) or 518.463.3724 in Albany & surrounding area
- Mail** Member Resource Center  
New York State Bar Association  
One Elk Street  
Albany, NY 12207
- Fax** 518.463.5993  
Download an order form online at [www.nysba.org/CLEOrderForm](http://www.nysba.org/CLEOrderForm)
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[www.nysba.org/LPM](http://www.nysba.org/LPM)  
[www.nysba.org/RiskManagementCLE](http://www.nysba.org/RiskManagementCLE)

This program will also be streamed as a live webcast on Friday, October 27, 2017

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