

# **CITY BAR CENTER FOR CLE**

## **LEGAL MALPRACTICE LITIGATION**

### **&**

## **RISK MANAGEMENT**

### **WHAT EVERY ATTORNEY MUST KNOW TO MANAGE & REDUCE THESE CLAIMS**

*Co-sponsored with: American Bar Association, Professionals' Officers' and Directors' Liability Committee of the Tort Trial and Insurance Practice Section*

Tuesday, December 11, 2007 / 9:00 a.m. to 12:45 p.m.

Claims of legal malpractice against attorneys are increasingly common and can have a devastating impact, whether the target is a solo practitioner or a large law firm. This program will review recent developments in the area of legal malpractice, emerging areas of potential liability exposure, and provide insight and guidance for the management and reduction of malpractice exposures in everyday practice. This program will include a review of the relevant legal issues pertaining to the standard of care in legal malpractice actions, proximate causation and damages. The speakers will review the anatomy of a legal malpractice action from start to finish, including initial investigation, theories of liability and defense, pleadings, motion practice, discovery and trial and strategy.

This seminar will also address risk management techniques, including procedures for the identification of potential conflicts and waiver issues, the importance of defining the scope of engagement and the significance of effective management of the attorney-client relationship in preventing potential legal malpractice claims. Professional liability insurance industry leaders will also discuss the major issues that regularly give rise to legal malpractice claims and offer insights on how to manage and reduce risk exposures. Issues concerning insurance coverage for professional liability claims will also be discussed.

#### **Program Chair**

**A. Michael Furman**  
Kaufman Borgeest & Ryan LLP

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#### **Faculty**

**Brian T. Baney**  
Assistant Vice President  
& Director-Professional Program Claims  
Zurich American Insurance

**Andrew L. Bluestone**  
Law Office of Andrew Lavoott Bluestone

**James Bradley**  
Vice President  
Aon  
AIS Affinity Insurance Agency

**Kenneth Coffin**  
Vice President  
Liberty International Underwriters

**David Grossbaum**  
Hinshaw & Culbertson LLP

**Jane E. Keller**  
Chief Claims Officer  
Navigators

**Andrew L. Margulis**  
Ropers, Majeski, Kohn & Bentley

**Shauna J. Reeder**  
Assistant Vice President  
CNA Global Specialty Lines  
Lawyers Professional Liability Claims

**Marian C. Rice**  
L'Abbate, Balkan, Colavita & Contini, L.L.P.

**Matthew F. Schwartz**  
Law Office of Schwartz & Ponterio, PLLC

**Bertrand C. Sellier**  
Proskauer Rose LLP

**Philip Touitou**  
Hinshaw & Culbertson LLP

**Renard Wright**  
Senior Vice President Professional Markets  
Bertholon Rowland Corporation

**New York & California CLE Credit for Live Program:**

**4 credits total: 2 ½ practice management & 1 ½ professional practice**

*This program provides transitional credit for newly admitted attorneys.*

*Illinois credit differs as it is based on a 60 minute credit hour.*

# Agenda

8:30-9:00

## Registration

9:00-9:10

## Welcome & Introduction

*A. Michael Furman*

9:10-9:40

## Common Sources of Legal Malpractice Claims

Panel Discussion with Lawyers Professional Liability Plaintiffs Lawyers Regarding:

- Legal Malpractice Litigation Strategy from the Plaintiff's Perspective
- Claimants and Vicarious Liability- Who Can Sue and Be Sued

*Andrew L. Bluestone, Matthew F. Schwartz & Bertrand C. Sellier*

9:40-10:10

## Lawyers Professional Liability Claims Management

Panel Discussion with Lawyers Professional Liability Insurance Industry Leaders Regarding:

- Typical Claim Scenarios
- Claim Investigation
- Legal Malpractice Claims Handling Strategy

*Brian T. Baney, James Bradley, Kenneth Coffin, Jane Keller, Shauna J. Reeder & Renard Wright*

10:10- 10:40

## Risk Management Techniques for Law Firms

- Discussion of Law Firm Risk Management Principles & Issues

*David Grossbaum & Philip Touitou*

10:40-10:50

## Break

10:50-12:05

## Legal Malpractice Principles & Litigation Strategy

- Statute of Limitations
- Capacity to Sue and Standing
- The Standard of Care
- The Burden of Proof
- Trial Tactics and Motion Practice

*A. Michael Furman & Marian C. Rice*

12:05-12:45

## Professional Liability Insurance Coverage Issues

- Legal Malpractice Insurance Coverage Issues
- Claim Notification & Reporting Issues
- What is Covered Under the Typical Lawyers Professional Liability Policy

*Andrew L. Margulis*

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**Live Program (includes materials):**

- \$205 Member NYCBAR/ABA TIPS\*  
 \$315 Nonmember

**Walk in Registration (includes materials):**

- \$230 Member\*  \$340 Nonmember

**CDs (includes materials):**

- \$335 Member  \$405 Nonmember

**Videotapes (includes materials):**

- \$405 Member  \$475 Nonmember

**DVDs (includes materials):**

- \$445 Member  \$535 Nonmember

**Materials Only (no CLE credit):**

- \$105 Member  \$135 Nonmember

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Please check if you are interested in receiving  
California and/or Illinois CLE credit.

Please note the credits for Illinois differ from New York & California

- California  Illinois

## Registration Information

**Program Location:**

All programs are held at  
New York City Bar  
42 West 44th Street, New York, NY 10036

**To Register:** Call (212) 382-6663 or fax (212) 869-4451; mail registration form to the City Bar Center for CLE, 42 West 44th Street, New York, NY 10036 or register online at [www.nycbar.org](http://www.nycbar.org). Scholarships & Discounts: Financial scholarships are available; please call (212) 382-6663 for an application. All applications must be submitted 3 weeks prior to the program. 50% discounts off of member and non-member prices are available for government and public interest attorneys, students and academics. A 20% discount off of member and non-member prices are available for firms and corporations that register 4 or more people for a combination of programs or video replays.

**\*Non-legal Professionals Receive the Member Rate.**

**For Illinois credit, ethics credits cannot be awarded until the MCLE Board of Illinois approves an ethics component per individual program.**

**Cancellations & Refunds:** For live programs and video replays, refunds and program credits are available provided cancellation is made in writing and received by the City Bar Center prior to the program. A \$35 administrative fee will be charged for all refunds. The cancellation fee will be deducted directly from the refund. For program credits no administrative fee will be charged. Program credits must be used within one year of the original program date. Cancellations must be in writing and faxed to the City Bar Center at (212) 869-4451. Refunds and program credits are not available for the purchase of tapes, CDs, DVDs, course materials or online programs.

**CLE certificates:** Certificates for attending a program are given out and signed by a CLE staff member at the end of the program. You are responsible for keeping a copy of the CLE certificate for your own records. An administrative fee of \$10 will be charged for replacement CLE certificates.

**Advance registration is advised. An additional fee of \$25 will be charged for "walk-in" registrations--those received later than 3:00 p.m. one business day prior to the program. Please allow 3-5 weeks for delivery of Tapes, CDs, DVDs and course materials. International orders will be sent by traceble means, and an additional charge for shipping will be named by the recipient.**

All information is subject to change.

All programs and products are sponsored by the CLE Committee, Valerie L. Fitch, Chair.

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Please specify your area of practice \_\_\_\_\_

Enclosed is my check for \_\_\_\_\_, payable to the City Bar Center for CLE or the New York City Bar.

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