Commercial Lines: Coverage for the Construction Defect Claim

Register Early, Save Money, and Guarantee Your Seat at the Program!!!
Program Description

Construction defect litigation-claims involving damage to property resulting from faulty or defective construction practices-is on the rise. Such claims often involve damage to the work itself, as well as damage to the property of others, and therefore implicate multiple lines of insurance coverage. The purpose of this seminar is to provide you with an overview of the claims, and the various types of coverage that may be called upon to respond to these losses. The seminar will take a case study approach to the problem by addressing the most significant coverage issues among the various coverages implicated through the use of a commonly encountered hypothetical claim.

A bound coursebook prepared especially for the seminar will be distributed to registrants at the seminar. 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. We will gladly assist attorneys admitted in New York and those admitted in other MCLE states in obtaining MCLE credit for attending this program.

Under New York’s MCLE Rules, this program has been approved for credit for all attorneys, including those who are newly admitted (less than 24 months). This basic-level course may be used for New York MCLE credit consisting of 1.0 credit hour in ethics, and 5.5 credit hours in practice management and/or areas of professional practice; for a total of 6.5 credit hours.

The New York State Bar Association certifies that this program has been approved for MCLE credit by the State Bar of California in the amount of 5.0 hours, of which 1.0 will apply to ethics, and by the Pennsylvania Continuing Legal Education Board for 4.0 hours of substantive law and 1.0 hour of ethics. All inquiries regarding mandatory continuing legal education credits may be directed to (518) 487-5586.

Important notice—partial credit for program segments not allowed:

In the fall of 2001, the New York State Continuing Legal Education Board revised its Regulations and Guidelines. Under those revisions, attendees at CLE programs cannot get MCLE credit for a program segment (typically, a lecture or panel, of which there are usually several in a program) unless they are present for the entire segment. Therefore, persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

Agenda

8:30-9:00 a.m. REGISTRATION (outside of the meeting room)
9:00-9:10 WELCOME AND INTRODUCTION
9:10-9:35
I. PROGRAM OVERVIEW
   A. Claims Resulting from Construction Defects
   B. Insurance Policies Implicated by Construction Claims
   C. Presentation of Hypothetical
Speakers: Sarah J. Delaney, Esq.; Matthew S. Lerner, Esq.

9:35-10:25
II. COMMERCIAL GENERAL LIABILITY POLICIES
   A. Covered Property Damage
   B. Occurrences within Coverage
   C. Progressive Losses-Trigger of Coverage, Numbering of Occurrences and Allocation Among Successive Policy Periods
   D. Known Loss
   E. Business Risk Exclusions
Speakers: Kevin D. Szczepanski, Esq. (Buffalo); Patti F. Potash, Esq. (New York City); Timothy J. Perry, Esq. (Syracuse); Joan F. Gerbini, Esq. (Albany); Joel A. Sweetbaum, Esq. (Uniondale, LI)

10:25-10:35 COFFEE BREAK

10:35-11:00
II. (CONTINUED) COMMERCIAL GENERAL LIABILITY POLICIES
   A. Property Covered
   B. Covered Causes of Loss/Excluded Perils
   C. Priority Disputes
   D. Additional Insureds
   E. Anti-Subrogation Rule
   F. Contractual Indemnification and Supplementary Payments Provisions
   G. Payments Provisions
   H. Priority of Insurers
Speakers: Kevin D. Szczepanski, Esq. (Buffalo); Patrick M. Tomovic, Esq. (Buffalo); Judith F. Goodman, Esq. (New York City); Stephen M. Lazare, Esq. (New York City); Thomas R. Smith, Esq. (Syracuse); Matthew S. Lerner, Esq. (Albany); Joan M. Gilbride, Esq. (Uniondale, LI)

11:00-11:25
III. COMMERCIAL GENERAL LIABILITY POLICIES
   A. Employers Liability and Contractually Assumed Liability Exclusions
   B. Workers Compensation
Speakers: Audrey A. Seeley, Esq. (Buffalo); Judith F. Goodman, Esq. (New York City); Stephen M. Lazare, Esq. (New York City); Paul J. Callahan, Esq. (Syracuse); Carolyn B. George, Esq. (Albany); Elizabeth Fitzpatrick, Esq. (Uniondale, LI)

11:25-12:15 p.m.
IV. COMMERCIAL GENERAL LIABILITY POLICIES-PASS THROUGH
   A. Additional Insureds
   B. Contractual Indemnification and Supplementary Payments Provisions
   C. Priority Disputes
   D. Contribution and Subrogation
   E. Anti-Subrogation Rule
Speakers: Anthony J. Piazza, Esq. (Buffalo); Alan C. Eagle, Esq. (New York City); James J. Gascon, Esq. (Syracuse and Albany); Neil L. Sambursky, Esq. (Uniondale, LI)

12:15-1:15 p.m. LUNCH (on your own)

1:15-2:05
V. ETHICAL CONSIDERATIONS
   A. Selection of Counsel
   B. Effects of Insured-Insurer Relationship on Ethical Constraints
   C. Conflicts of Interest
Speakers: Laurie A. Giordano, Esq. (Buffalo); Patti F. Potash, Esq. (New York City); Alan J. Pierce, Esq. (Syracuse); Linda J. Clark, Esq. (Albany); Michael A. Miranda, Esq. (Uniondale, LI)

2:05-2:20 COFFEE/SOFT DRINK BREAK

2:20-3:10
VI. COMMERCIAL PROPERTY AND BUILDERS RISK POLICIES
   A. Property Covered
   B. Covered Causes of Loss/Excluded Perils
   C. MOLD/EFIS
Speakers: Thomas P. Cunningham, Esq. (Buffalo); Gilbert M. Coogler, Esq. (New York City); Timothy J. Perry, Esq. (Syracuse); Edward J. Sheats, Jr., Esq. (Albany); Monte E. Sokol, Esq. (Uniondale, LI)

3:10-4:00
VII. OTHER POLICIES AVAILABLE FOR CONSTRUCTION DEFECT CLAIMS
   A. & O Policies
   B. Professional Service Exclusion in CGL Policies
   C. Owners, Contractors and Protective Policies
   D. Wrap-Up Plans
Speakers: Eileen E. Buhoitz, Esq. (Buffalo); Daniel W. Gerber, Esq. (New York City); James G. Stevens, Jr., Esq. (Syracuse); Edward J. Sheats, Jr., Esq.; Jean F. Gerbini, Esq. (Albany); Richard S. Sklarin, Esq. (Uniondale, LI)

4:00 p.m. ADJOURNMENT
Discounts and Scholarships:
NYSBA members may apply for a discount or scholarship to attend this program, based on financial hardship. Under that policy, any member of our Association who has a genuine financial hardship may apply in writing, not later than two working days prior to the program, explaining the basis of his/her hardship, and, if approved, may receive a discount or scholarship, depending on the circumstances. For more details, please contact our CLE Registrar’s Office at 518-487-2452 (in Albany and surrounding area, dial 463-3724).

Non Members - Join the NYSBA and enjoy great discounts on CLE seminars, products, and other valuable NYSBA services. NYSBA members can save up to 30 percent over non-members on CLE seminars alone. Join now and take advantage of NYSBA membership discounts throughout the year.

Please check the appropriate box on the registration form if you wish to join, or contact NYSBA Membership Services at 518-487-5577 and a special application will be sent to you.

Program Faculty

Pre-registration Strongly Advised: You can save money and guarantee your seat and course materials by registering early. Registrations received or postmarked within ten 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. If you plan to pre-register within 10 days of the program or to register at the door, please call the CLE Registrar’s Office at 1-800-582-2452 to verify that the program is not sold out or that the date or location has not been changed. Pre-registrants are guaranteed a seat and set of course materials, and will automatically be notified if there are any such changes in the date or location of the program.

Cancellations are easy – full refunds are given: Registrations received or postmarked within ten 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: Early cancellations, postmarked within ten days prior to the date of the program for which you registered. To cancel, write the CLE Registrar’s Office at 1-800-582-2452: or call us a message at 518-457-5618; or call 1-800-582-2452. If you do not cancel and do not attend the program, a complete set of materials will be forwarded to you in consideration of the registration fee. Non-refunds 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. See the Program Description in this brochure for details.

Discounts and Scholarships: NYSBA members may apply for a discount or scholarship to attend this program, based on financial hardship. Under that policy, any member of our Association who has a genuine financial hardship may apply in writing, not later than two working days prior to the program, explaining the basis of his/her hardship, and, if approved, may receive a discount or scholarship, depending on the circumstances. For more details, please contact our CLE Registrar’s Office at 518-487-2452 (in Albany and surrounding area, dial 463-3724).

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Tape Recording of NYSBA Seminars is not permitted.

Accommodations for Persons with Disabilities: We will make every reasonable effort to ensure that our programs are held in locations with barrier-free access for persons with mobility impairments. If you are planning to attend one of our programs and need assistance relating to some other type of disability, please contact us sufficiently in advance and let us know so that we can be prepared to make reasonable accommodations.

REGISTRATION FORM

Please copy photo or clip out and return the bottom portion of this page when registering, including the mailing label on the back page.

Registrant: Please check your name and address on mailing label on back page and indicate corrections if needed

Business Phone ( ) Years in Practice No. of Lawyers in Firm

Primary Subject Area(s) of Practice

Are you a member of the New York State Bar Association? Yes No Please send me a special application.

Are you a member of the Torts, Insurance and Compensation Law Section? Yes No

Please enroll me in “Commercial Lines: Coverage for the Construction Defect Claim” Buffalo (06772) New York City (06774) Syracuse (06776) Albany (06771) Uniondale, L.I. (06773)

PROGRAM FEES:

Early registrations, received or postmarked within ten days prior to the date of the session for which you register:

NYSBA members-$130 non-members-$205 NYSBA student members-$40

Late registrations, received or postmarked thereafter, and on-site registrations:

NYSBA members-$145 non-members-$220 NYSBA student members-$55

Our CLE Seminar Coupon Plan offers substantial savings on our full-day live programs – please contact our Registrar’s Office for further details: 1-800-582-2452

Charge $ to American Express Discover MasterCard Visa Valid from to

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Source Code: CL2651

See our Spring 2006 schedule online at www.nysba.org/de/spring2006.
Program Locations

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(F) May 5
Buffalo
HOLIDAY INN AMHERST
1881 Niagara Falls Blvd.
Amherst, NY 14228
(716) 691-8181

(F) May 12
Syracuse
HOLIDAY INN CARRIER CIRCLE
655 Old Collamer Road S.
E. Syracuse, NY 13057
(315) 437-2761

(F) May 12
New York City
THE NEW YORKER HOTEL
481 Eighth Avenue @ 34th Street
New York, NY 10001
(212) 244-0719

(F) May 19
Albany
NEW YORK STATE NURSES ASSOCIATION
11 Cornell Road
Latham, NY 12110
(518) 782-9400

(F) May 19
Long Island
LONG ISLAND MARRIOTT
101 James Doolittle Boulevard
Uniondale, NY 11553
(516) 794-3800

REGISTRANT: PLEASE PROVIDE MAILING INSTRUCTIONS
■■ Send program admission ticket to address shown on label at right
■■ This is a new address, please change your records
■■ Send to the address below
Name__________________________________________________________________
FIRST/INITIAL/LAST
Firm ___________________________________________________________________
Business Address ______________________________________________________
STREET/SUITE NUMBER/CITY/STATE/ZIP
Telephone ( )______________________________________________________

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