

PROGRAM LOCATIONS

(M) May 23, 2011

Buffalo
Holiday Inn Amherst
 1881 Niagara Falls Blvd.
 Amherst, NY 14228
 (716) 691-8181

Westchester (Tarrytown)

Westchester Marriott
 670 White Plains Road
 Tarrytown, NY 10591
 (914) 631-2200

Long Island (Melville)

Melville Marriott
 1350 Old Walt Whitman Road
 Melville, NY 11747
 (631) 423-1600

(T) May 24, 2011

Syracuse
Sheraton Syracuse University
Hotel
 801 University Avenue
 Syracuse, NY 13210-0801
 (315) 475-3000

Albany
New York State Nurses
Association
 11 Cornell Road
 Latham, NY 12110
 (518) 782-9400

(W) May 25, 2011

New York City
The New Yorker Hotel
 481 Eighth Avenue @ 34th Street
 New York, NY 10001
 (212) 244-0719 Ext 4423

Important Note: If you plan to pre-register within 10 days of the program or register at the door, please call us at **(800) 582-2452** or in Albany and surrounding area, dial **(518) 463-3724**, to verify that the program is not sold out or that the date or location has not been changed. Those who pre-register in advance of the program will automatically be notified of any such changes and will receive a full refund up to the day prior to the program, if they cannot attend and notify us of their cancellation. Please pre-register as early as possible.

See our Fall schedule online at www.nysba.org

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. 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 **(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: 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 CLE Registrar's Office 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, a complete set of materials will be forwarded to you 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. Please see inside of this brochure for details.

Tuition Assistance: NYSBA members may apply for tuition assistance 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 five working days prior to the program, explaining the basis of his/her hardship, and, if approved, may receive tuition assistance, depending on the circumstances. For more details, please contact our CLE Registrar's Office at **(800) 582-2452**.

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

If you wish to join, please contact NYSBA Membership Services at **(518) 487-5577** and an application will be sent to you.

Tape Recording of NYSBA Seminars is not permitted.

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.

6.5 TOTAL CREDITS

3.0 skills; 3.5 professional practice.

This program has been approved for MCLE credit by the State of New York for all attorneys, including newly admitted (less than 24 months).

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 5.5 credit hours of substantive law. All inquiries regarding MCLE credits may be directed to (518) 487-5606.

This course includes 0.0 credit hours for the Continuing Professional Education (CPE) requirements of New York and New Jersey CPAs. Sponsor numbers: New York: 000026; New Jersey: 20CE0099900.

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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NEW YORK STATE BAR ASSOCIATION
 CONTINUING LEGAL EDUCATION
 One Elk Street, Albany, NY 12207




PRACTICAL SKILLS — HOW TO COMMENCE A CIVIL LAWSUIT

(M) May 23 Buffalo (OB152) Syracuse (OB156) Westchester (OB157)

(T) May 24 Albany (OB151) Long Island (OB153) **(W) May 25** New York City (OB154)

REGISTRATION FORM

Name _____ Member ID _____

Address 1 _____

Address 2 _____

City _____ State _____ Zip _____

Business Phone (_____) _____ Email _____

PROGRAM FEES AND METHOD OF PAYMENT

Early Registration – received or postmarked 10 days prior to the date of the session:

NYSBA Members \$125

Non-Members \$175

NYSBA Student Members \$40

Late Registration – received or postmarked thereafter, and on-site registration:

NYSBA Members \$140

Non-Members \$190

NYSBA Student Members \$55

Source Code CL3348 **TOTAL \$** _____

Check or money order enclosed in the amount of \$ _____
 (Please make checks payable to the New York State Bar Association.)


Charge \$ _____ to American Express Discover MasterCard Visa
 Valid from _____ to _____


Card Number _____

Authorized Signature _____

4 EASY WAYS TO REGISTER

 **Online at www.nysba.org/fall2008**

 **Mail to:** Registrar's Office
 New York State Bar Association
 One Elk Street, Albany, NY 12207

 **Call us at 1.800.582.2452 (U.S. and Canada) or 518.463.3724 in the Albany & surrounding area**

 **Fax the order form to 518.487.5618**

Practical Skills —

How to Commence a Civil Lawsuit

9:00 a.m. – 4:00 p.m.

Monday, May 23, 2011

Buffalo
Syracuse
Westchester (Tarrytown)

Tuesday, May 24, 2011

Albany
Long Island (Melville)

Wednesday, May 25, 2011

New York City

NYSBACLE



INCLUDES
 0.0 ethics credits

By Attending This Program, You Will:

- Be instructed on how to initiate a civil lawsuit, step by step
- Learn procedural and strategic aspects of bringing and defending cases
- Discover methods to effectively investigate, plead and prove your case or defenses
- Hear about winning approaches to discovery and deposition techniques
- Gain valuable knowledge from a panel of experts, including well respected litigators, court personnel and distinguished judges



Co-sponsored by the Trial Law Section, the General Practice, Solo & Small Firm Section, and the Committee on Continuing Legal Education of the New York State Bar Association.



PROGRAM DESCRIPTION

This program will provide a step by step guide to initiating a civil lawsuit. The procedural, as well as the strategic aspects of bringing and defending cases will be discussed by the local faculties, comprised of well respected litigators, court personnel and distinguished judges. Special focus will be on methods to effectively investigate, plead and prove your case or defenses. The seminar will also highlight “winning” approaches to discovery and deposition techniques.

WHO SHOULD ATTEND

- All attorneys seeking a fundamental but practical overview of handling a civil lawsuit.
- Attorneys practicing in the area of trial law, litigation, general practice.

AGENDA

8:30–9:00 REGISTRATION

9:00–9:50

1. PLEADINGS

- Researching, Investigating and Organizing Your Case To Properly Draft the Complaint
- Required Elements of Form For All Pleadings, Pleadings—Related Papers and Filing Rules
- Verification of Pleadings
- Summons and Complaint
- Special Proceedings
- Answer
- Relating the Pleadings to the Eventual Trial of Your Case
- Amendment of Pleadings
- Third-Party Practice and Pleadings

Speakers: **Michael J. Willett, Esq.** (Buffalo); **Robin C. Zimpel, Esq.** (Syracuse); **Elizabeth McDonald Hecht, Esq.** (Westchester); **Ryan T. Donovan, Esq.** (Albany); **TBA** (Long Island); **TBA** (New York City)

9:50–10:05 BREAK

10:05–10:55

2. MOTIONS DIRECTED TO THE PLEADINGS (INDIVIDUAL JUDGES’ AND LOCAL RULES WILL BE STRESSED)

- Factual Investigation of the Pleadings and the Items Described Therein
- Motions “Dispositive” of a Claim, Defense or Entire Pleading, Including Motion to Dismiss, Motion for Summary Judgment and Motion in Lieu of an Answer
- “Corrective” Motions
- Tactical, Strategic and Timing Considerations
- Sanctions and Frivolous Motions

Speakers: **J. Joseph Wilder, Esq.** (Buffalo); **Gabrielle Mardany Hope, Esq.** (Syracuse); **Stephen B. Lowe, Esq.** (Westchester); **William S. Nolan, Esq.** (Albany); **TBA** (Long Island); **TBA** (New York City)

10:55–11:45

3. USE OF BILLS OF PARTICULARS AND INTERROGATORIES, INCLUDING STATE AND FEDERAL PROCEDURES

- Purpose and Contents, Including the Necessity of Verification
- Organization and Management of the Case To Prepare or Respond to Bills of Particular

- Who May Demand
- Allowable Scope of a Demand for Particulars
- Mechanics of Obtaining a Bill of Particulars
- Precluding Evidence at Trial Due to Failure to Serve a Bill or Serving Defective or Insufficient Bill
- Use of Interrogatories in Civil Actions—When Permissible, Scope, Motions Directed to Them

Speakers: **Michael A. Brady, Esq.** (Buffalo); **Kristy L. Fischmann, Esq.** (Syracuse); **Hon. Lewis J. Lubell** (Westchester); **Scott M. Peterson, Esq.** (Albany); **TBA** (Long Island); **TBA** (New York City)

11:45–12:00 QUESTION AND ANSWER PERIOD

12:00–1:00 LUNCH (on your own)

1:00–1:50

4. INVESTIGATION OF THE CASE AND USE OF EXPERTS IN THE EARLY STAGES OF A CASE

- Interviews
- Governmental and Institution Records and Information
- Private Investigations
- Particular Types of Cases
- Retention and Proper Use of an Expert
- Norms of the Lawyers’ Professional Relations with Clients, Courts, Other Institutions and Other Parties in Gathering Information

Speakers: **TBA** (Buffalo); **Peter M. Hobaica, Esq.** (Syracuse); **Peter K. Overzat, Esq.** (Westchester); **Timothy J. Higgins, Esq.** (Albany); **TBA** (Long Island); **TBA** (New York City)

1:50–2:40

5. DISCOVERY—AN OVERVIEW (INDIVIDUAL JUDGES’ AND LOCAL RULES WILL BE STRESSED)

- Purpose of Discovery; Acquiring Information, Preventing Surprises
- Discovery Excess, Discovery Abuse and Sanctions Available; Zealous Advocacy and Its Limits; Professional Obligations to Opposing Counsel and the Court
- Means of Discovery
- Timing and Sequence of Discovery Devices

Speakers: **Frederick J. Attea, Jr., Esq.** (Buffalo); **Michael J. Laucello, Esq.** (Syracuse); **William H. Bave, Jr., Esq.** (Westchester); **Noreen DeWire Grimmick, Esq.** (Albany); **TBA** (Long Island); **TBA** (New York City)

2:40–2:55 BREAK

2:55–3:45

6. THE DEPOSITION

- Beginning the Process—The Notice and Its Necessary Elements
- Preparing Yourself for the Deposition; Marshalling, Organizing and Managing the Information
- Preparing and Counseling Your Witness
- Conducting the EBT
- Document Production in Relation to and for Use at EBT

Speakers: **Lawlor F. Quinlan, III, Esq.** (Buffalo); **Hon. Robert F. Julian** (Syracuse); **Lucille A. Fontana, Esq.** (Westchester); **Justin O’Connell Corcoran, Esq.** (Albany); **TBA** (Long Island); **TBA** (New York City)

3:45–4:00 QUESTION AND ANSWER PERIOD

4:00 ADJOURNMENT

PROGRAM FACULTY

Overall Planning Chair

Thomas P. Valet, Esq., Rheingold, Valet, Rheingold, Shkolnik & McCartney LLP, New York, NY

Local Panels (listed in order of appearance)

Monday, May 23, 2011

Buffalo

Chair: **James C. Cosgrove, Esq.**, Cosgrove Law Firm, Buffalo, NY

Panel: **Michael J. Willett, Esq.**, Damon Morey LLP, Buffalo, NY * **J. Joseph Wilder, Esq.**, Wilder & Linneball, LLP, Buffalo, NY * **Michael A. Brady, Esq.**, Hagerty & Brady, Buffalo, NY * **TBA** * **Frederick G. Attea, Jr., Esq.**, John J. Fromen Attorneys At Law, Buffalo, NY * **Lawlor F. Quinlan, III, Esq.**, Connors & Vilardo, LLP, Buffalo, NY

Syracuse

Chair: **Hon. Robert F. Julian**, Brindisi, Murad, Brindisi, Pearlman, Julian & Pertz, LLP, Utica, NY

Panel: **Robin C. Zimpel, Esq.**, Principal Law Clerk To Hon. John C. Cherundolo, SCJ, Onondaga County, Syracuse, NY * **Gabrielle Mardany Hope, Esq.**, Smith, Sovik, Kendrick & Sugnet, P.C., Syracuse, NY * **Kristy L. Fischmann, Esq.**, Gale & Dancks, LLC, Syracuse, NY * **Peter M. Hobaica, Esq.**, Offices of Peter M. Hobaica LLC, Utica, NY * **Michael J. Laucello, Esq.**, Principal Law Clerk To Hon. Anthony F. Shaheen SCJ, Oneida County Courthouse, Utica, NY

Westchester (Tarrytown)

Chair: **Elizabeth McDonald Hecht, Esq.**, Mead, Hecht, Conklin & Gallagher, LLP, Mamaroneck, NY

Panel: **Elizabeth McDonald Hecht, Esq.**, Mead, Hecht, Conklin & Gallagher, LLP, Mamaroneck, NY * **Stephen B. Lowe, Esq.**, Principal Court Attorney/Referee, Rockland County Courthouse, New City, NY * **Hon. Lewis J. Lubell**, Supreme Court, Westchester County, White Plains, NY * **Peter K. Overzat, Esq.**, Morelli Ratner PC, New York, NY * **William H. Bave, Jr., Esq.**, Wilson Bave Conboy Cozza Couzens, PC, White Plains, NY * **Lucille A. Fontana, Esq.**, Clark, Gagliardi & Miller, P.C., White Plains, NY

Tuesday, May 24, 2011

Albany

Chair: **Scott M. Peterson, Esq.**, Tully Rinckey PLLC, Albany, NY

Panel: **Ryan T. Donovan, Esq.**, Harris, Conway & Donovan, PLLC, Albany, NY * **William S. Nolan, Esq.**, Whiteman Osterman & Hanna LLP, Albany, NY * **Scott M. Peterson, Esq.**, Tully Rinckey PLLC, Albany, NY * **Timothy J. Higgins, Esq.**, Powers & Santola, LLP, Albany, NY * **Noreen DeWire Grimmick, Esq.**, Hodgson Russ LLP, Albany, NY * **Justin O’Connell Corcoran, Esq.**, O’Connor O’Connor Bresee & First PC, Albany, NY

Long Island (Melville)

Chair: **Cory J. Rosenbaum, Esq.**, Rosenbaum Faria, LLP, New York, NY

Panel:

Wednesday, May 25, 2011

New York City

Co-Chairs: **John P. Connors, Jr., Esq.**, Connors & Connors, PC, Staten Island, NY

Angelicque M. Moreno, Esq., Avanzino & Moreno, PC, Brooklyn, NY

Panel: