

Construction Law Boot Camp

Workplace Injury: How to Defend
Against the Rise in Nuclear Verdicts

- Learn about the benefits of early investigation and use of advanced technologies from experts in the field
- Hear about the use of ADR and the challenges to settlement from an experienced mediator



November 7, 2019

Lewis Brisbois

New York, NY

DRI proudly presents our second annual **Construction Law Boot Camp**, an all-inclusive review of construction claims.



Ellen H. Greiper
Program Chair



Diana M. Gerstberger
Committee Chair



Glenn M. Zakaib
Law Institute



David L. Jones
Committee Vice Chair

PRESENTED BY **DRI's Construction Law Committee**

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What You Will Learn

- Experienced practitioners and industry professionals will discuss the recent updates in the law, along with strategies to narrow the issues and resolve claims
- Hear about the use of new technologies that can assist experts in contract defense, along with experts who will provide the groundwork for these defenses

Members Get More

- Access to **LegalPoint**™ at **dri.org**: Committee newsletters, seminar course materials, and other publications.
- Access to the **DRI Construction Law Committee Community**: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to **dri circles**, where lawyer-to-lawyer connections happen. Search **dri circles** in your app store:



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PROGRAM SCHEDULE

Click on any speaker name to view bio.

WEDNESDAY, NOVEMBER 6

6:00 p.m. **Networking Reception** at 25 Broad St.—corner of Exchange Place. For more information please contact Ellen Greiper at Ellen.Greiper@lewisbrisbois.com.

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THURSDAY, NOVEMBER 7

7:30 a.m. **Registration**

7:30 a.m. **Continental Breakfast**

8:00 a.m. **Welcome and Introductions**

Ellen H. Greiper, *Lewis Brisbois Bisgaard & Smith LLP*, New York, NY

8:05 a.m. **Overview of Workplace Injury:**

Mitigating Against Nuclear Verdicts

Hear from seasoned practitioners about the benefits of early investigation to diminish damages and focus liability. How can different discovery devices assist in defending the claim? What are the viable defenses and how should they be pursued?

Jason Aaron, *Fullerton Beck LLP*, White Plains, NY

Timothy J. (Tim) Donnelly, *Sompo International*, New York, NY

Mark D. Shifton, *Seiger Gfeller Laurie LLP*, Princeton, NJ

9:15 a.m. **Labor Law Statutes 200, 240, and 241(6):**

Game-Changing Updates

Explore the application of New York's draconian labor law statutes in light of recent case law.

Megan Boyar, *Lewis Brisbois Bisgaard & Smith LLP*, New York, NY

Chevon Andre Brooks, *Brooks Berne & Herndon PLLC*, New York, NY

Steven R. Lau, *Black Marjeh & Sandford LLP*, Elmsford, NY

Stephanie A. Nashban, *Cozen O'Connor*, Chicago, IL

10:45 a.m. **Refreshment Break**

11:00 a.m. **Retention of Experts: Using Experts to Navigate the Minefield of Litigation**

When is the right time to retain an expert? What type of expert do you need? Should you share experts with co-defendants?

♦ **Angela DiDomenico, PhD**, *ARCCA Inc.*, Penns Park, PA

Abe M. Rychik, *Katz & Rychik PC*, New York, NY

♦ **Kirk Wolf**, *S-E-A*, Columbus, OH

12:00 p.m. **Lunch** (on-site)

1:00 p.m. **Hot Topics: Emerging Damage Trends**

Learn about the latest topics at the forefront of workplace injury litigation—the reptile theory and how to counter, TBI (“the new mold”), back fusions, and concussions—and how to disprove these claims.

Tracy J. Abatemarco, *Wood Smith Henning & Berman LLP*, New York, NY

Christine A. Bernstock, *Tishman Construction Corporation*, New York, NY

Rosary A. Hernandez, *Tiffany & Bosco PA*, Phoenix, AZ

2:00 p.m. **ADR: Effective Tips for Successful Resolution**

When should alternative dispute resolution be used? Who is the appropriate mediator or arbitrator for your claim?

Jennifer Herscovici, *National Arbitration and Mediation*, New York, NY

George R. Truitt, Jr., *Cole Scott & Kissane*, Miami, FL

3:00 p.m. **Adjourn**

FACULTY

Click on any name to view bio.

Jason Aaron, Fullerton Beck LLP, White Plains, NY

Tracy J. Abatemarco, Wood Smith Henning & Berman LLP, New York, NY

Christine A. Bernstock, Tishman Construction Corporation, New York, NY

Megan Boyar, Lewis Brisbois Bisgaard & Smith LLP, New York, NY

Chevon Andre Brooks, Brooks Berne & Herndon PLLC, New York, NY

♦♦ **Angela DiDomenico, PhD**, ARCCA Inc., Penns Park, PA

Timothy J. (Tim) Donnelly, Sompco International, New York City, NY

♦♦ **Diana M. Gerstberger**, Axis Insurance Company, Alpharetta, GA

Ellen H. Greiper, Lewis Brisbois Bisgaard & Smith LLP, New York, NY

Rosary A. Hernandez, Tiffany & Bosco PA, Phoenix, AZ

Jennifer Herscovici, National Arbitration and Mediation, New York, NY

David L. Jones, Wright Lindsey & Jennings LLP, Little Rock, AR

Steven R. Lau, Black Marjeh & Sandford LLP, Elmsford, NY

Stephanie A. Nashban, Cozen O'Connor, Chicago, IL

Abe M. Rychik, Katz & Rychik PC, New York, NY

Mark D. Shifton, Seiger Gfeller Laurie LLP, Princeton, NJ

George R. Truitt, Jr., Cole Scott & Kissane, Miami, FL

♦♦ **Kirk Wolf**, S-E-A, Columbus, OH

Glenn M. Zakaib, Borden Ladner Gervais LLP, Toronto, ON

View faculty bios on the Construction Law Boot Camp webpage; click on “View speakers” button.

♦♦ Denotes the **DRI CLIENT CONNECTION**: In-house and claims professional speakers

♦♦ Denotes expert

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.**

Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

Seminar Location

Lewis Brisbois, 77 Water Street, 21st Floor, New York, NY 10004

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **5.50** hours, including **0** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each

attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please **check the DRI website at dri.org** for the latest information for your state.

Registration Policy

The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **October 15, 2019** (*please allow 10 days for processing*). Registrations received after **October 15, 2019**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **October 15, 2019**. Cancellations made after **October 22** will not receive a refund. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Travel Discounts

DRI offers discounted meeting fares on various major air carriers for **DRI Construction Law Boot Camp** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

Hotel Accommodations

Click here for a list of nearby hotels on the DRI website (visit dri.org and go to the **Construction Law Boot Camp webpage**; click on the "Nearby hotels" button).

DRI Financial Aid Policy

See page 5 for details.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

DRI Financial Aid Policy

Individuals who demonstrate need may receive limited financial aid to attend DRI CLE programs under the following terms and conditions:

- Applicants must be licensed to practice law in the United States, Canada or other foreign jurisdiction. Proof of admission to the bar, including applicant's bar or Supreme Court number, must accompany the request.
- Applicants must show proof of identity and citizenship.
- Applicants must execute and deliver the approved DRI application for financial aid to the DRI Education Department, 55 W. Monroe, Suite 2000, Chicago, IL 60603 at least sixty (60) days in advance of the first day of the seminar.

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Capitol Square, Columbus, OH*

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Nursing Home/ALF Litigation

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September 19–20, 2019

Talc Litigation

*JW Marriott Washington, D.C.,
Washington, DC*

October 16–19, 2019

Annual Meeting

New Orleans Marriott, New Orleans, LA

November 14–15, 2019

Defense Lawyers Asbestos Symposium

Westin Boston Waterfront, Boston, MA

November 14–15, 2019

Asbestos Medicine

Westin Boston Waterfront, Boston, MA

December 5–6, 2019

Insurance Coverage and Practice Symposium

*Sheraton New York Times
Square Hotel, New York, NY*

December 5–6, 2019

Professional Liability

*Sheraton New York Times
Square Hotel, New York, NY*

January 22–24, 2020

Women in the Law

*The Scottsdale at McCormick Ranch,
Scottsdale, AZ*

January 30–31, 2020

Civil Rights and Governmental Tort Liability

Manchester Grand Hyatt, San Diego, CA

February 5–7, 2020

Product Liability Conference

New Orleans Marriott, New Orleans, LA

April 29–May 1, 2020

Life, Health, Disability and ERISA

Sheraton New Orleans, New Orleans, LA

April 30–May 1, 2020

Trucking Law

JW Marriott Austin, Austin, TX



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.

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November 7, 2019 | Lewis Brisbois
77 Water Street, 21st Floor, New York, NY 10004

Register online

Download form
to fax or mail

FORMAL NAME TITLE

NAME (as you would like it to appear on badge)

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Please list any special needs

Are you a first-time attendee at this DRI seminar? ☐ Yes ☐ No

How many attorneys are in your firm? What is your primary area of practice?

REGISTRATION FEE

Registration fee includes seminar attendance, networking receptions, and course materials. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. Only members of DRI will have access to the PowerPoint presentations after the seminar.

- ☐ Member/Nonmember \$250
- ☐ Government Member \$150
- ☐ In-House Counsel Member* FREE
- ☐ Claims Executive Member/Nonmember* FREE

* As defined on page 4.

For inclusion on the
preregistration list and to receive
course materials in advance,
register by October 15, 2019.

PAYMENT METHOD

- ☐ My check for (USD) is enclosed.
- ☐ Please charge my ☐ VISA ☐ MasterCard ☐ American Express.

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