



Declaration of Candidacy

Candidates for election as Second Vice President or Director Elected Nationally must complete this form and submit it to the Chief Executive Officer at the principal headquarters of DRI by 5:00 PM (CDT) on July 1st of the year in which the election is held.

National Director Requirements - Directors Elected Nationally or by Region must be Individual Members of the Corporation admitted to the practice of law. Each such director must meet the following qualifications at the time of election: (a) The candidate shall have been a DRI member for a total of at least five (5) years, and (b) The candidate shall have been a member of at least one DRI substantive law committee for at least three (3) years, and (c) The candidate must have registered for and attended at least one (1) DRI Annual Meeting within the previous three (3) years, and, within the three (3) years prior to the final day of the Annual Meeting, the candidate must have 1) registered for and attended at least two (2) DRI seminars, or 2) registered for and attended one (1) DRI seminar and one (1) DRI Regional Meeting.

Position sought

Second Vice President* Secretary- Treasurer X National Director

*If you have declared your candidacy for Second Vice President and are not the successful candidate, will you consider the Secretary - Treasurer Officer position?

Yes No

Name Stephen G. Pesarchick, Esq.

Firm/Company Sugarman Law Firm, LLP

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Education Niagara University (B.A., 1981)

The Franklin Pierce Law Center (J.D., 1987)

Awards and achievements

I am one of three senior partners at Sugarman Law Firm, LLP. Sugarman has been recognized as a defense firm in Upstate New York since 1909.

At Sugarman, I have been given the opportunity to build my own practice and to run and establish our Auburn, New York office. That includes marketing and handling various defense cases.

DRI has assisted me in achieving these goals. The focus of my practice has been handling catastrophic personal injury and property damage defense cases in the following practice areas: trucking/transportation, construction, products liability, fire loss, etc.

Although the assigned lawyer handles the case, I have been instrumental in fostering a team approach to achieve the best results for the client. This has resulted in continued success in the firm across New York State and the establishment of our Auburn location.

Areas of practice

Transportation Claims, Motor Carrier Accidents, Construction Cases, Products Liability Cases, Fire Claims, Municipal Claims, School Claims, Environmental (Toxic Torts), Premises Liability Cases, Motor Vehicle Accidents, Labor Law Claims, General Liability, Coverage Matters, Catastrophic Injuries

Employment history (Please do not include years)

Sugarman Law Firm, LLP, Syracuse and Auburn, New York (The only firm I have worked for)

Noteworthy defense work

I have handled cases in many different practice areas; however, I have recently been involved in the handling of catastrophic trucking/transportation cases as well as products liability and fire loss cases.

Throughout my career, I have defended multiple trucking/transportation cases that involved highway accidents, truck fires, fifth wheel failures, etc. which have resulted in wrongful death actions and other catastrophic injuries which were resolved under the cloak of confidentiality.

I also defended a fire loss that involved repair work that my client (car dealership) allegedly performed on a used motor vehicle. The plaintiff alleged that the cause of the fire was the repair work to the motor vehicle which resulted in a fire at a townhouse that was deemed a total loss resulting in a substantial dollar amount being claimed. The end result was after extensive inspections and discovery, we were able to prove that the allegations of the plaintiff against the car dealership were proven to be inaccurate and my client was discontinued from the case.

Finally, I handled an alleged construction law case where I argued for limitation of the application of strict liability as against owners and contractors. In this case, the Fourth Department dismissed all Labor Law claims against the owner (specifically, Section 240(1)) when the plaintiff (employee of GC) fell from the side of a delivery truck while standing on rebar. The bundle or piece of rebar that struck the plaintiff swung outward contacting the plaintiff's leg. In dismissing the case against the defendant owner, the Court held that Labor Law Section 240(1) did not apply for the following reasons: (1) the accident was not caused by a force of gravity but rather the rebar swung in a horizontal direction; (2) the rebar did not fall while being hoisted or secured; and (3) standing on a pile of rebar rather than on the bed of the truck does not move this case from one involving the normal risks of a construction site to those provided by Labor Law Section 240(1). This was a substantial win for the defense where the Court limited the application of strict liability against owners and contractors.

Professional Affiliations

Defense Research Institute (DRI); Transportation Lawyers Association (TLA) (former member); Onondaga County Bar Association, Cayuga County Bar Association; Risk Insurance Management Society (former member); Professional Liability Underwriting Society (former member)

Have you been a DRI member for 5 or more years? Yes, since 2006.

Please describe your previous involvement in DRI, including but not limited to, leadership positions held. Projects contributed to, Committee memberships, presentations given, and written materials authored. Special accomplishments should also be noted.

I have been an active member of DRI since 2006.

Committee Memberships: (1) Trucking Law Committee, (2) Product Liability, (3) Diversity and Inclusion, (4) Women in the Law

Leadership Roles: (1) Chair, DRI Trucking Law Committee (TLC) (2021-2022); (2) Vice Chair, DRI TLC (2019-2020); (3) Membership Chair, DRI TLC (2017-2018); (4) Publications Chair, DRI TLC (2011-2016); (5) Chair, DRI TLC Seminar "Outsmarting the Trucking Reptile at Trial" (2017)

I was also Chair of the TLC during the pandemic and through the present. During the pandemic year, my TLC team achieved the following: held two virtual seminars, five webinars, two podcasts, published five articles in *The Voice* and *In Transit*, published five articles in *For the Defense*, and the TLC far exceeded their membership goals. Also, approximately 65 members had the opportunity to either present at a conference, speak on a podcast, speak at a seminar, or write an article.

In April of 2022, the TLC held their national seminar in Austin, Texas. It was entitled, "The Future of Trucking Litigation: Smarter, Faster, Better." It was highly attended with 541 attendees (372 paid) and over \$100,000 was earned in sponsorships.

Presentations:

2020- Lecturer, DRI Leadership Conclave on "Committee Development of Online Programming"

2018- Lecturer, DRI Trucking Law Seminar on "Strategies for Resolving Serious Losses Within Days"

2017- Chair/Lecturer of DRI Trucking Law Seminar on "Outsmarting the Trucking Reptile at Trial."

2016- Lecturer, DRI Fire Science and Litigation Seminar on "Investigating Asbestos: Contaminated Fire Scenes"

2015- Lecturer, DRI Trucking Law Seminar on "Deposition Issues for Accident Reconstruction Experts"

2013- Lecturer, DRI Trucking Law Seminar on "Discovery and Use of Experts"

2013- Lecturer, DRI Fire Science and Litigation Seminar on "Investigating Heavy Commercial Vehicle Fires"

Articles: I authored the introductions to the December 2020 and December 2021 Trucking Law issues of *For the Defense* magazine. I also co-authored "Strategies for Resolving Serious Losses Within Days" which was featured in the December 2018 issue of *For the Defense*. I also authored introductions to *In Transit* during my tenure as editor. In addition, each presentation at the DRI Trucking Law and Fire Science and Litigation seminars included a written paper.

List any leadership roles in other defense organizations.

I have been committed to DRI since 2006. Although I have belonged to other defense organizations, I focused on DRI to build my legal skills, resume, and network. The knowledge, camaraderie, and success I have achieved is through my commitment to DRI and the quality legal education they have provided me. I have become a better lawyer because of what I learned through becoming a leader, writing articles, as well as attending and presenting at DRI seminars.

I have been a member of other defense organizations, but I have not pursued leadership positions in those organizations.

I am a supporter of our firm's commitment to The Make-A-Wish Foundation. Our firm makes a yearly sizeable financial commitment to Make-A-Wish. Also, the firm has chaired the Central New York Make-A-Wish Ball since the early 2000's. I served on the Central New York Make-A-Wish Board of Trustees from 2012-2018. The firm has granted and paid for wishes throughout Central New York and once we opened an office in Auburn, New York, we extended our Make-A-Wish commitment to Cayuga County. We are honored to give children with life threatening medical conditions the joy, hope, and opportunity that comes with spending quality time with their loved ones.

Describe your goals if you are elected to the above position.

1. Get DRI back to its roots of providing high quality education to its members and make them recognized as the premiere organization to educate defense attorneys and help them succeed.

2. Keep DRI out of highly contested political issues.
3. Build up the overall membership. In order to do so, DRI must be recognized as the #1 quality education provider for the defense bar. We must also offer memberships and seminars that are at a cost commensurate with both large and small firm budgets. I believe participating and attending seminars has become too high for many firm budgets. A reduced cost combined with quality educational programs, recognition, and an opportunity to meet new clients should result in a positive cost benefit analysis to law firms and increase DRI's overall membership.
4. Give smaller firms (who do much of the work to make DRI a success) the opportunity to be recognized and be able to afford sponsorships.
5. Build on the same philosophy that has made the Trucking Law Committee what it is today.
 - a. Build a reputation for DRI that is synonymous with "Quality Education, Success and Affordability."
 - b. Focus on the future leaders of the committee. Provide a known path for future leaders of each committee. They are the future of DRI and they must understand and acknowledge that being involved in DRI is the pathway to success.
 - c. Know from the onset that to be a leader, you have to work hard and timely complete your tasks.
 - d. Help members' careers (recognition) and have them understand how they are expected to help DRI.
 - e. Reward those who are committed to our programs, DRI, and those who get tasks timely and substantively completed.
 - f. Foster an attitude that promotes diversity and inclusion, and young lawyers SLGs in each SLC.
 - g. Communication with each SLC.
6. Focus on a more streamline approach to membership. The focus needs to be on the total number of DRI members and not the total committee members. I believe the current program is too complicated. I would anticipate that a majority of the SLCs do not understand it.

What do you believe is the most important issue confronting the defense bar?

Runaway verdicts. Lately, we have been seeing verdicts that are out of control (seven to nine figures and more). The problem is that the smaller cases are resulting in verdicts substantially above where they should be. DRI must share ideas and develop a national narrative of what these verdicts are doing to businesses and the nation as a whole. We are finding that verdicts in the smaller cases that have a \$100,000 value are being resolved for \$200,000, etc.

Define the appropriate role for DRI as the national defense bar organization.

I believe that DRI should be known as the organization that provides the following:

1. Quality education programs;

2. A known path to success in the legal profession (national notoriety of being a quality defense attorney in your practice area);
3. An opportunity for all to succeed;
4. Rewards to those who are committed to DRI and work hard to build their committee;
5. A team approach to address legal issues plaintiff's attorneys are building success;
6. All of the above for a reasonable cost (favorable cost/benefit analysis). If potential members and their firms feel like they are receiving value for their membership, they will join; and
7. Finally, each member must know that for their commitment to DRI, they will be offered quality programming, networking opportunities, leadership opportunities, professional support (DRI for Life), an opportunity to give back (DRI Cares). DRI must continue to provide their members with not only the ability to meet potential clients but the ability to build relationships with colleagues, access to top experts, etc. DRI is a way of life not just some organization you belong to. If you commit yourself to DRI, you will reap the rewards and succeed just like I have.