

MARTY, WHATEVER HAPPENS



DONT EVER GO TO 2020!



**KENNEY
& SAMS**

December 2020

Dear clients and friends,

In the spirit of Thanksgiving, Kenney & Sams is grateful for the wonderful clients we partner with, and the teammates we consult with and rely on. If we've learned anything this crazy, unpredictable year — it's that one never knows exactly what will happen next year. Kenney & Sams is here for you regardless of what comes next. On behalf of our entire team, thank you for your continued support and loyalty!

Please see all of our current articles on our website:

[Kenney & Sams COVID-19 Updates](#)

**We are excited to announce our attorneys who
have been included in the
2020 Massachusetts Super Lawyers List**

***Top 100 Massachusetts Super Lawyers**

****Massachusetts Super Lawyers Rising Stars**



J. Nathan Cole



Michelle De Oliveira**



Tony DeProspero



Anthony Fioravanti



Julianne Fitzpatrick **



Chris Kenney*



David Kerrigan



Mike Sams



Ross Wecker



Alex Zwillinger**



NEW TEAM MEMBERS



Tony DeProspo

Tony DeProspo is a civil litigator who defends businesses and individuals in a range of complex disputes involving substantial stakes, multifaceted issues or a web of regulations that need to be sorted out and analyzed.



Tristan Foley

Tristan Foley is a litigator who resolves construction disputes for contractors and owners of residential and commercial real estate. Tristan also proactively advises clients on risk management matters to preserve and enforce their rights under a variety of situations.

WE HAVE BEEN BUSY

Remote Depositions: Best Practices and Pitfalls



Host Jordan Rich speaks with **Julianne Fitzpatrick**, of Kenney & Sams, along with Laurie Berg and Kenny Zais as they reflect on the last 6-7 months in litigation when the pandemic has forced the legal community to adjust and conduct depositions (and many other hearings) virtually.

The episode examines:

- How did we get to remote depositions?
- What has it been like adapting to the technology/different processes?
- Best practices for prep, during and post deposition
- Pitfalls - what to look out for
- Look ahead, will this "new normal" stick?

[Hear the full podcast here!](#)

Post Covid-19 employment litigation is coming

How can Employers Avoid it?



Michelle De Oliveira of Kenney & Sams, along with Adam Hammel and Steve Venus discuss what Massachusetts employers need to know about post-Covid-19 employment litigation.

Listen to
the entire
podcast
here!

ARTICLES OF INTEREST

Two Sneaky Clauses That Present Unanticipated Risk



By: Drew Colby

Virtually everyone in the construction industry believes line items in cost-plus contracts do not constitute individual guarantees. By and large, this belief is correct. However, those provisions are often stricken and their protection should never be presumed.

[Read Full Article Here](#)

Discrete and Separate Condominium Buildings Considered "Improvements" Under Massachusetts Statute of Repose



By: Tony DeProspo

In a recent decision, the Massachusetts Supreme Judicial Court held that the Massachusetts six-year statute of repose is not tolled until the entire multi-unit condominium development is finished. The SJC answered a certified question posed by the Massachusetts federal court concerning the applicability of the statute of repose in a situation where the construction was completed over various phases of the development.

[Read Full Article Here](#)



"Spotlight" on Michelle De Oliveira



Michelle De Oliveira has long been an invaluable team member, even more since the pandemic hit in March 2020. She has been instrumental keeping our clients updated about important information to keep their businesses up and running smoothly.

Michelle was recently appointed Vice Chair of the Massachusetts Bar Association's Labor and Employment Section Council. She has authored many articles ([Click Here for the full list](#)) and presented and chaired several discussions related to workplace issues during these challenging times.

Topics have included:

- *Employment Law 101, Discrimination & Sexual Harassment*
- *HR & Families First Coronavirus Response Act*
- *Employer Considerations in the Midst of COVID-19*
- *Managing a Changing Workforce During COVID-19*
- *Complying with New DOL Guidelines*
- *COVID-19 and the Workplace: What Employers Should Know & Perspectives from the DOL and the AGO*
- *Post-COVID-19 Employment Litigation is Coming. How Can Employers Prepare*

David Kerrigan Acts as Program Chair for Training for 30A Cases in Middlesex Superior Court



On December 15, David Kerrigan will act as the program chair to lead a training conducted jointly with the Superior Court and the Massachusetts Bar Association on a major pro bono initiative to provide legal representation at no cost in administrative appeal cases that are brought in Middlesex Superior Court by parties who are not able to hire a lawyer on their own. The cases typically involve review of agency decisions ranging from denial of public benefits to motor vehicle surcharge appeals to appeals from licensing actions by agencies regulating trades and professions.

The Trial Court and the MBA hope that attendees will be able to assist

those who cannot afford to hire a lawyer to ease the burden on the courts and on the parties involved with these cases. The training represents one of the court initiatives from the Covid-19 Task Force of the Access to Justice Commission and will involve three superior court judges and two other leading lawyers practicing in this area. The firm is glad to see David helping with this important initiative.

Join the MBA for this FREE virtual training on
Tuesday, Dec. 15, from 3 to 5 p.m.

[To Register For the Program Click Here](#)

Getting to Know K&S Team Member Christina Kennedy Souza



What's the best professional advice you have been given?

“Be reliable and trustworthy. As a legal assistant, we are often our attorney’s right-hand person. Being on time, organized and proactive builds strong partnerships for success.”

What's your favorite part about working at Kenney & Sams?

“My favorite part about working at K&S is the teamwork environment. This is truly the best team I have ever worked with. This is just one of the many reasons K&S is so successful.”

What is the best non-legal job you've ever had?

“A.C. Moore. I love crafts and crocheting. It was fun to talk with customers about their projects and get new ideas for my own!”

What is something they may not know about you?

“I am an ultramarathon runner. I love exploring new trails and spending time in the woods. I started distance running about two years ago and have run three 50-mile races. I hope to compete in a 100-mile race next!”

