



November 2019



**Please visit our new website:
www.KSlegal.com**

Congratulations!



We are excited to announce our attorneys
who are included in the
2019 Massachusetts Super Lawyers List!

**Top 100: 2019 Massachusetts Super Lawyers*



Roddy Ames



Lindsay Burke



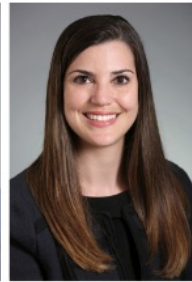
J. Nathan Cole



**Michelle
De Oliveira**



**Anthony
Fioravanti**



**Julianne
Fitzpatrick**



Chris Kenney*



**David
Kerrigan**



**Kristen
Ragosta**



Mike Sams



**Ross
Wecker**



**Alex
Zwillinger**



U.S. News and Best Lawyers Release 2020 "Best Law Firms" Awards

Firms included in the 2020 Edition of U.S. News - Best Law Firms are recognized for professional excellence with consistently impressive ratings from clients and peers.

This is the ninth consecutive year Kenney & Sams has been included.

Articles of Interest

When Seeking Coverage As An Additional Insured: Tips, Misconceptions & Avoidable Pitfalls

By: Julianne Fitzpatrick

You're a general contractor. Your subcontractor performs deficient work resulting in property damage and a lawsuit against you by the owner. Must you defend against the owner's claims, and could you bear the ultimate costs to repair the property?

You're a commercial property owner. Your tenant's employee is injured on the job. She collects workers' compensation benefits from her employer (your tenant), so your tenant is immune from suit under the Massachusetts workers' compensation statute. But when she sues you, must you defend against her claims; do you risk paying her continuing damages?

[Read Full Article Here:](#)

Big Changes Coming for Massachusetts Superior Court and District Court Civil Cases

By: J. Nathan Cole

Significant backlogs and bottlenecks at the state court level, resulting in civil cases that can drag on for three or more years, have caused the Massachusetts Supreme Judicial Court to increase the procedural amounts requirement for cases filed in state District Courts and the Boston Municipal Court from \$25,000 to \$50,000. The expectation is that lawyers and litigants will use the District Courts to resolve "smaller" disputes, freeing up the Superior Court dockets for civil damages cases seeking more than \$50,000. While this presents opportunities for citizens and businesses frustrated by the slow pace and expense of Superior Court litigation, it presents pitfalls and strategic considerations for lawyers and their clients alike.

Starting this January, if the claimed damages in a new lawsuit exceed the revised District and Boston Municipal Court amounts, or do not meet the new Superior Court minimum procedural amount, those claims can be dismissed.

[Read Full Article Here:](#)

Is Your Internal Investigation Report Privileged and Confidential? A New Decision Should Make You Think Twice.

By: Alexander Zwillinger, Esq.

When an employee or business partner accuses someone in your organization of illegal conduct, your first instinct should be to ask your lawyer to investigate so you can respond appropriately. A recent Superior Court decision, however, warns that even a lawyer's investigation report might not be privilege. The case highlights the importance of understanding what is privileged and how easily that privilege can be waived.

[Read Full Article Here:](#)

Firm Happenings

**Chris Kenney named as a member of the
2019 Irish Legal 100**



The Irish Legal 100, founded in 2008 by the Irish Voice newspaper in New York City, is an annual compilation of the most distinguished legal professionals in the United States who share one common bond: pride in their Irish roots. The list includes attorneys, legal scholars, and members of the judiciary who have distinguished themselves in their fields of endeavor. Members include United States Supreme Court Chief Justice John Roberts, Justice Anthony Kennedy, and United States Ambassador to Ireland Kevin O'Malley,

Georgetown Law Dean William Treanor, CBS News correspondent Erin Moriarty and many more, including attorneys from some of the country's top legal firms. Each fall our members are celebrated at a reception hosted by the Ambassador of Ireland to the United States.



Roddy Ames Graduates from IADC Trial Academy



The IADC Trial Academy at Stanford University is one of the oldest and most respected programs for developing defense trial advocacy skills. This seven-day intensive program blends faculty instruction and demonstration with individual student participation. The purpose of this continuing legal education program is to enhance advocacy trial skills

of less experienced lawyers. Major emphasis is placed on the learning-by-doing method of instruction. The Academy provides intensive, comprehensive and participatory education to young defense trial lawyers. Its faculty members are experienced, well-recognized trial lawyers with extensive trial experience. They are drawn from different geographic areas and diverse practices, styles and personalities. Faculties and directors rotate on an annual basis.

Lindsay Burke Named Emerging Leader by Women's Bar Association



Lindsay Burke received the *WBA's Emerging Women Leaders in the Law* Award. Lindsay is a director at Kenney & Sams, P.C. She defends and asserts the rights of companies entangled in complex disputes. Her cases often involve business-to-business contract disputes, business divorce, employment disputes, trade secret litigation, non-competition agreements, and questions regarding intellectual property ownership. Lindsay also maintains an active pro bono practice focused on representing low-income survivors of domestic violence. Prior to joining Kenney & Sams, she worked at large law firms in both New York and Boston.

Lindsay is the co-chair of the WBA's Women in the Courtroom Committee and was selected to participate in the WBA's Women's Leadership Initiative Program, 2015-2016. She is a Trustee of the WBA's sister organization, the Women's Bar Foundation (WBF), currently serving as its Clerk, and takes cases through the WBF's Family Law Project for Battered Women.

Congratulations, Lindsay!

[WBA Full Announcement](#)

Middlesex County Bar Association Outstanding Service Award

Chris Kenney recently received the *Middlesex County Bar Association's* Outstanding Service Award for his accomplishments as the 2018-2019 Massachusetts Bar Association President.



at Massachusetts Lawyers Weekly Crisis Management Conference

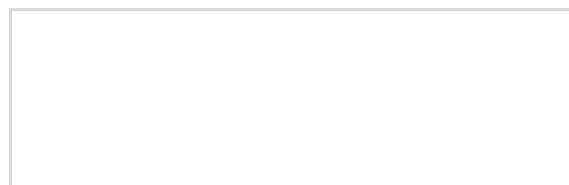
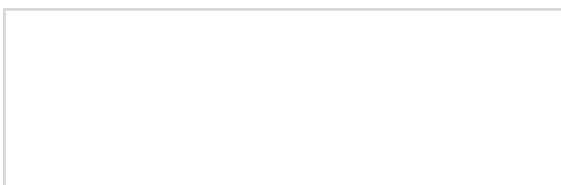


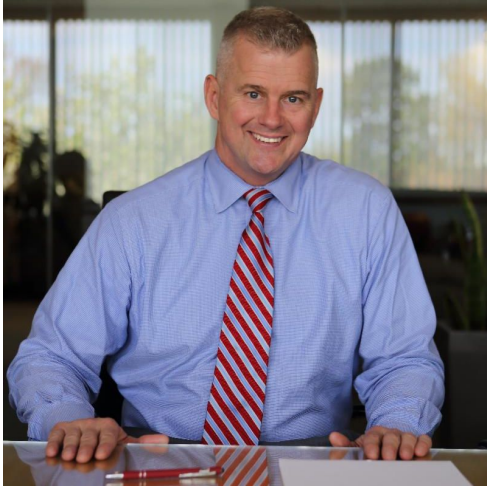
On October 24, 2019, K&S Directors, Lindsay Burke and Nate Cole, and Associate Alex Zwillinger, presented at the Massachusetts Lawyers Weekly 2019 Crisis Management Conference at Suffolk Law School in Boston, MA. Lindsay, Nate, and Alex provided practical legal advice on how to protect businesses hit with consumer protection claims, including claims under Massachusetts G.L. c. 93A. They discussed common consumer protection pitfalls under state and federal law, recommended prophylactic strategies to eliminate the potential for multiple damages and attorney's fee awards, and advised business owners and in-house counsel on managing legal strategies to protect corporate image, goodwill and standing.



Roddy Ames and Kristen Ragosta Host Worksite Safety Program **What are the OSHA & State Requirements?**

Roddy Ames and **Kristen Ragosta** present worksite safety - what are the OSHA and state requirements at Exponent, MBA' Construction Law Group, and MassDLA and effective management techniques. [Register Here:](#)





MCLE Trustee and Treasurer, Mike Sams Mike Sams participated as a panelist at MCLE's *Practicing With Professionalism* program in October.



On December 5, 2019, J. Nathan Cole will speak at MCLE about **Out-Of-State Subpoenas & Interstate Discovery: The 60-Minute Lawyer**.

[Full Program Description Can Be Found Here:](#)



Risk Management Program

Michelle De Oliveira and **Mike Sams** recently presented a half-day program on risk management to the Department of Housing and Community Development. The program was split between construction risk management focused on payment and contract issues, and a segment of employment risk management.

David Kerrigan presented at the October dinner meeting of the Air Conditioner Association of New England, a trade association of HVAC contractors from the New England states. David outlined a proposed regulatory change The Association intends to pursue concerning licensing of HVAC contractors. David has acted as outside legal counsel to the ACA NE board for several years.

David Kerrigan was recently named Vice-Chair of the Massachusetts Bar Association's Public Law Section, which acts as a forum for education and discussion concerning practicing as a government lawyer or as a private lawyer representing or practicing before government agencies.



Kenney & Sams New Faces



**Kenney & Sams
Welcomes
Anthony Fioravanti**

Anthony Fioravanti is a litigator who handles complex commercial disputes across a broad spectrum of industries. He represents clients in complex commercial litigation matters involving business-to-business contract disputes, shareholder disputes, restrictive covenant and trade secret disputes, and construction matters.



**Kenney & Sams
Welcomes
Shannon Jurgens**

Shannon Jurgens is a civil litigator who resolves tort and contract disputes related to construction, employment, real estate, personal injury, and diverse business matters. She also counsels businesses on litigation avoidance and risk management issues. Shannon conducts exhaustive legal research, drafts compelling documentation and provides critical support to clients.

Not All Work....Some Play!

ACA/NE Golf Tournament

J. Nathan Cole, David Kerrigan and Roddy Ames participated in the 2019 ACA/NE Golf Tournament at Red Tail Golf Club.



***Kenney & Sams Prides Itself on
Having "Raving Fans"***

"Great job! Thank you both for all of your good work and for all of your hard work. This outcome is a direct result of your efforts and skills - excellent work! "

