



Kenney & Sams, P.C. News & Updates

October 2016

Things You Should Know!

Design Build and IPD **A Commitment To Teamwork**

By: Ross Wecker

Not that many years ago, one can recall having discussions with clients about a new-fangled project delivery system known as design-build. Many parties to the construction industry were resistant to what was at the time a more "exotic" project delivery method, and speculated that it was a fad that would pass after being proven to be too complex and/or risky.

Under the IPD process, what is good for the project is truly good for the parties.

[Read Full Article Here](#)

New Equal Pay Law Offers Little Clarity

By: Ryan P. Menard, Esq.

Employers, quick question-does any man in your company get paid more than any woman for work that is "substantially similar" in the "skill, effort and responsibility" required? If you answered that question with another question-"what on earth does that mean?"-you are not alone.

Happenings

Congratulations!

Chris Kenney and Mike Sams were recently nominated by their peers for inclusion in 2017 The Best Lawyers in America©

Kenney & Sams, P.C. is pleased to announce that Chris Kenney and Mike Sams have been named to the 2017 Edition of *The Best Lawyers in America*, the oldest and most respected peer-review publication in the legal profession.



Christopher Kenney has been appointed as the 2018 Trial Academy Director



The IADC Trial Academy is one of the oldest and most respected programs for developing defense trial advocacy skills. 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 meets at Stanford University Law School in Palo Alto, CA. It 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.

Chris served on the Trial Academy faculty in 2011; will be Director-Elect in 2017 and Director in 2018

DRI Comes to Boston

Mike Sams is Chair of DRI's Construction Law

Committee. He will speak at the Annual Meeting concerning how to *Help Your Clients Avoid Spending Too Much Time with You: A Top 10 on Construction Law Risk Management*. This program will focus on the high-risk types of issues that our clients face and need to be advised on—from design risk to payment issues, to indemnity and additional insured issues. Use this program as a means to spend productive time with your clients now to manage their risk exposure so that they don't have to spend more later in litigation.

Join the DRI's 2016 Annual Meeting October 19-23, at Sheraton Boston Hotel and Hynes Convention Center. There is a planned a week of spectacular keynote speakers, cutting-edge CLE presentations, and plenty of networking events-- all just for you.

[Register Now!](#)



Silent Advocacy: It's Not What You Say, It's How You Say It

Chris Kenney recently spoke at the International Association of Defense Counsel's Annual Meeting in Bermuda. His presentation focused on how counsel can use body language and other non-verbal communication to enhance, complement, and reinforce oral advocacy at trial, in mediation, and in settlement negotiations.

Click here to review full text:

[Mastering the Unspoken Word](#)



- **Chris Kenney** elected treasurer of the MBA for the 2016-2017 Year
- **Mike Sams** appointed to the MBA's Civil Litigation Counsel
- **Sakib Khan** is selected as a fellow of the MBA's new Leadership Academy
- **Judy Murray** has been appointed as a member of the Law Practice Management Section Council

Thanks for joining us at the 3rd Annual Kenney & Sams Semi-St. Patrick's Day Party!

We raise our glass to you, our friends, family and clients!



Slainte!

Recent Successes

Mike Sams and Tony DeProspo recently assisted a general contractor winding up its business following the death of the contractor's principal. The family had managed to finish out all of the company's pending construction projects except for one - a municipality's water well improvement project. The municipality had inexplicably stopped work on the project, thereby preventing the contractor from winding down, but had not issued a stop work order. Mike and Tony alleged that the town's conduct caused the contractor to sustain significant delay damages and forced the municipality to quickly wrap up the project and pay the contractor (and its subs) all amounts owed.

Mike Sams recently obtained summary judgment on a claim for

negligent infliction of emotional distress in a wrongful death action the firm is defending. The decedent's spouse had claimed she sustained emotional distress upon hearing of her husband's death. The Court dismissed the claim, finding that because the spouse had not actually witnessed the circumstances of her husband's death, Massachusetts law precluded recovery for emotional distress.



Trial-Think ['tri(ə)l θɪŋk] *noun*

1. An approach to dispute resolution and risk management that brings trial experience, preparation and effectiveness to everything we do for our clients.

**Litigation - Construction Law - Employment Law - Business
Law - Insurance Law - Risk Management**

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