



Issue: XIII

August 2015

Dear Patty,

Thank you for reading **news & views** from Kenney & Sams, P.C. We value your time, and promise to keep the content brief, educational and direct. If you would like to discontinue receiving this type of communication, please unsubscribe below.

Around the Firm

Chris Kenney and Mike Sams
have been selected for inclusion in
2016 *The Best Lawyers in America*®



***Kenney & Sams, P.C.
Committed to Excellence***

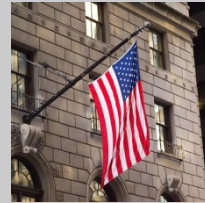
In This Issue

- [Around the Firm](#)
- [Super Lawyers](#)
- [Committed to Excellence](#)
- [Sound Advice](#)
- [Articles of Interest](#)
- [Noteworthy Successes](#)

Quick Links:

[Newsletter Archive](#)
www.KandSlegal.com

NOTEWORTHY CASES AND MATTERS



Mike Sams and **Ryan Menard** successfully argued an appeal before the First Circuit Court of Appeals to obtain insurance coverage for one of our general contractor clients. The insurer claimed that a broad endorsement in the insurance policy meant that it was not required to defend our client from a lawsuit brought by an unrelated person injured on a job site. The First Circuit judges, including former U.S.

Why Choose Kenney & Sams, P.C.?

Kenney & Sams, P.C. focuses exclusively in risk management and civil litigation in the areas of construction law, employment law, tort and insurance law, and general business dispute resolution.

Our legal team is experienced, skilled, accomplished and efficient. We pride ourselves on providing "big firm" service and results at a better value than large firms can achieve. Our "boutique" law firm culture is a plus, as it minimizes legal conflicts, promotes nimble responsiveness, allows for flexibility in rates, and fosters specialized expertise. That foundation provides us with a framework to efficiently and effectively anticipate, identify and solve the common business risks and disputes our clients encounter.

We have represented a wide range of players in litigation-from individual entrepreneurs and start-ups to Fortune 500 companies. We recognize that litigation can be a distraction and unnecessary expense to our clients' business operations. Therefore, when it's favorable to do so, we proactively, pragmatically and efficiently work to resolve disputes to our clients' satisfaction. When necessary, however, we deploy our litigation skill and courtroom experience to take assertive and aggressive legal action to protect our clients' rights.

Included among our ranks are the 2012 Massachusetts Defense Lawyer of the Year, the former Chief of the Trial Division and Chief of the Government Bureau of the Massachusetts Attorney General's Office, the General Counsel of the Gould Construction Institute, the Vice President of the Massachusetts Bar Association, four former Presidents of the Boston Inn of Court and two past Presidents of the Massachusetts Defense Lawyers Association. You can find more information about our firm on our website, at www.KandSlegal.com.

Supreme Court Justice David Souter, agreed with us that our client's insurance policy entitled it to a full defense and indemnification.

The U.S. Court of Appeals for the First Circuit recently issued a unanimous ruling affirming a novel employment law dispute that **Chris Kenney** and **Ryan Menard** won at the federal district court level. The case involves the federal court's balance of preemption and abstention doctrines as applied to state administrative proceedings that raise federal claims. The opposing party, an international insurer, is considering appeal to the U.S. Supreme Court.

Mike Sams obtained summary judgment for one of our general contractor clients against an owner in a payment dispute case. As part of establishing breach of contract, Mike demonstrated that, as a matter of law, the parties had created a binding agreement for a lump sum contract based on an exchange of emails.

Frank Sally and Lindsay Manning are defending a biotechnology manufacturing organization against claims brought by a pharmaceutical company alleging that certain materials for use in clinical studies were contaminated.

Chris Kenney achieved Summary Judgment in New Hampshire state court for a major aviation insurer.

Our litigation experience and expertise includes:

Employment law disputes, including MCAD/EEOC discrimination and wrongful discharge claims, and labor arbitrations resulting from termination of unionized employees;

Construction contract review, drafting, risk management, bid protests, and litigation;

Insurance coverage work;

Product liability claims and litigation;

Tort/premises liability claims, including personal injury and wrongful death cases; and

Civil rights and privacy rights in the public and private sectors.

Thank you for entrusting us with your important legal work and valuable referrals. We appreciate your friendship, trust and confidence in our firm.

Congratulations
Kenney & Sams, P.C.
2015 Super Lawyers



Christopher
Kenney



Michael
Sams



Francis
Sally

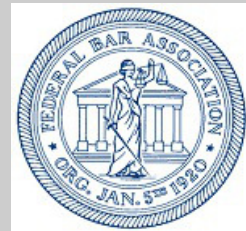


Anthony
DeProspero

Frank Sally and Amanda Cox successfully resolved a disputed claim against a Boston-based business client who was embroiled in a large professional fee dispute. After resisting an inequitable and unwarranted demand to submit to binding arbitration, Frank and Amanda negotiated a complete resolution of the dispute on favorable terms for their client.

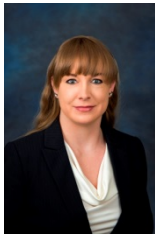
Chris Kenney & Amanda Cox succeeded in negotiating settlement of indemnification claims for a major public authority against a service contractor and its insurer.

The Federal Bar Association has appointed **Chris Kenney** to the Past Presidents Advisory Council. Chris served as president of the FBA's Massachusetts Chapter from 2009-2010.



Amanda Cox

Amanda Cox to serve as Treasurer for the Milford Bar Association.



Amanda Cox



Ross Wecker



Lindsay Manning
Burke

Super Lawyers®

Massachusetts Bar Association Sound Advice

Litigator Ross Wecker explains the ins and outs of the Bay State's mechanics lien law, specifically Section 15a.

[Listen to what you need to know here:](#)



Ross C. Wecker



The 'Inn' Crowd

Firm Tradition. David Kerrigan recently served as the fourth attorney at Kenney & Sams, P.C. to serve as co-president of the Boston Inn of Court.

[Read Full Article Here](#)

Kenney & Sams, P.C. Sponsors 2015 MBA Annual Dinner

Massachusetts Bar Association recently held its Annual Dinner in Boston. The dinner featured keynote speaker and internationally acclaimed trial lawyer Mark. J. Geragos, principal of Geragos & Geragos, ABC, in Los

Mike Sams has been appointed to serve as President of the Northeastern University School of Law Alumni Association.



Frank Sally, a co-chair for the Human Resource Committee of the Massachusetts Biotechnology Council, will be participating in two forums scheduled in July. The forums are entitled; "The Patient Protection and Affordable Care Act - Reporting Requirements for Employers" and "Social Media: Bridging Your Career Your Employees & Your Company".



Listen to what our clients are saying:



"I have not seen anyone in any case I have ever been involved in put forth more effort. I have been humbled and impressed by the skill and persistence shown by everyone involved on your team."

Angeles. The Annual Dinner also included the presentation of the Massachusetts Bar Association's President's Award to House Speaker Robert A. DeLeo, the Chief Justice Edward F. Hennesey Award to Massachusetts Superior Court Associate Justice Dennis J. Curran, and a scholarship award to a third-year law student, in addition to honoring the 2015 Access to Justice award recipients. Kenney & Sams, P.C. was proud to be a sponsor for this event.



Articles of Interest



Taken for a Ride: Massachusetts SJC Rules That Taxi Drivers are Independent Contractors

By: Lindsay Manning Burke

In a decision that will have us watching whether there is a changing court view to a less strict reading of the "Independent Contractor Statute," the Massachusetts Supreme Judicial Court (SJC) recently ruled that Boston taxi drivers are independent contractors under the Wage Act.

[Read Full Article Here](#)

Sleeping On Your Rights Can Be Hazardous To Your (Fiscal) Health

By: Anthony DeProspero, Esq.

Consider the following scenario: You lease space in a retail shopping center. You sell custom-made men's clothing. Your real estate counsel negotiates an ironclad lease restriction which prohibits the landlord from leasing space in the shopping center to another men's clothing retailer. Your landlord is on the hook for any legal fees you may incur in enforcing the



restriction. Business is good. Or is it? You wake up one day to discover that a national men's clothing retailer has leased space three doors down from you. Foot traffic immediately drops off. (Does anyone really need custom-made clothing?) You bring a lawsuit. As expected, the court finds the lease restriction to be fully enforceable. Yet the national men's retailer is allowed to remain in the shopping center. You can't recover your legal fees. Is this possible? It is.

[Read Full Article Here](#)

Attorney General Proposes Regulations to Clarify Sick Leave Law and Announces Safe Harbor for Qualifying Massachusetts Employers

By: Amanda J. Cox



In the previous Kenney & Sams newsletter, we highlighted the new paid sick leave law that went into effect on July 1, 2015. As you may know by now, that law requires that all Massachusetts employers provide their employees with time off for personal or family illnesses and domestic violence issues. This time off must be paid time off for employers with 11 or more employees but may be unpaid time off for employers of fewer than 11 employees. Massachusetts voters overwhelming approved this law in November 2014. Since then, lawyers and employers alike have grappled with the law's ambiguities.

[Read Full Article Here:](#)



~ Committed to Excellence ~

Kenney & Sams, P.C. | 617-722-6045 | events@kandslegal.com | <http://www.kandslegal.com>
45 School Street
617-722-6045
Boston, MA 02108