



Legal news & views

Issue: VIII

September 2013



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.



Chris Kenney Recognized In Best Lawyers in America 2014

Selection to Best Lawyers is based on an exhaustive and rigorous peer-review survey comprising more than three million confidential evaluations by top attorneys. Inclusion is based entirely on peer-review and is designed to capture the consensus of legal professionals about their colleagues professional abilities.



Best Lawyers in America 2014

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Mike Sams **Named Vice Chair of DRI's Construction Law Committee 2014**

The Construction Law Committee focuses on best practices for attorneys who work in the construction industry. DRI is the leading national organization of civil defense attorneys and in-house counsel.

Mike is Vice Chair of DRI's national Construction Law Seminar taking place from September 25-27th in Las Vegas, Nevada. This DRI program will focus on experienced litigators seeking to develop advanced skills in construction law.



Massachusetts Defense Lawyers Association To Receive Rudolph A. Janata Award

Under the leadership of Mike Sams, the Massachusetts Defense Lawyers Association will receive the Rudolph A. Janata Award. This award is presented annually to the most outstanding civil defense bar organization in the country based on the work it has done over the prior year. Mike was the President of the Massachusetts Defense Lawyers Association during this past year.



Kenney Elected Secretary of Massachusetts Bar Association

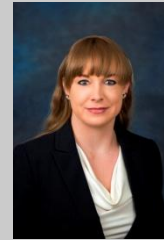
Christopher A. Kenney has been elected secretary of the Massachusetts Bar Association for its 2013-14 year, beginning on Sept. 1.

A founding member and managing shareholder of Kenney & Sams PC, Kenney has tried cases before every level of the state and federal trial court system in Massachusetts, and has served as an appellate advocate before the Massachusetts Appellate Division, Massachusetts Appeals Court, Massachusetts Supreme Judicial Court and the United States Court of Appeals for the First Circuit.

Kenney is the chair of the MBA's Consumer Advocacy Committee and a member of the MBA's Executive Management Board, Membership Committee and has served in the association's House of Delegates. Kenney is also a former chair of the MBA's Civil Litigation Section. In addition to his work with the MBA, Kenney is a former president of the Massachusetts Defense Lawyers Association, former president of the Massachusetts Chapter of the Federal Bar Association and co-founder of the Boston Inn of Court.

The Massachusetts Defense Lawyers Association named Kenney the 2012 "Massachusetts Defense Lawyer of the Year." Boston magazine ranked Kenney as one of the Top 100 Lawyers in Massachusetts and Kenney was named a "Super Lawyer" in the areas of business litigation and civil litigation defense, a designation limited to the top 5 percent of attorneys in the Commonwealth of Massachusetts. Kenney was also selected for inclusion in every edition of The Best Lawyers in America since 2009.

Kenney has served as adjunct faculty at Boston University School of Law and frequently writes and lectures for business groups, trade associations and bar associations. Boston University School of Law honored Kenney in 2012 with the Silver Shingle Award for outstanding service to the school. Kenney served as president of the Boston University School of Law Alumni Association in 2010-11.



Amanda Cox
Selected to Participate in Women's Leadership Initiative

The Women's Leadership Initiative, a high selective legal program brings together senior women attorneys and up-and-coming stars of the legal profession for mentoring and leadership development.



Dave Kerrigan President
Elect Boston Inn of Court 2014-2015

The Boston Inn of Court has some of Boston's best and brightest members of the bench, bar, and academia. The Inn and its members practice the principles conceived during the Inn's formation. Cross-sections of the bar gather together to share ideas. Plaintiffs lawyers sit with those who do defense work. Seasoned practitioners mix with law students. Judges share ideas with counsel. The purpose of this endeavor is to share experiences, encourage professionalism, and promote a dedication to ethics.

Kenney earned his B.A. from the College of the Holy Cross in 1987 and went on to graduate from Boston University School of Law in 1990.



Kenney & Sams, P.C. Helps Lead DRI Regional and International Meetings

The Defense Research Institute (DRI), an international association of defense lawyers, corporate counsel and insurance executives, recently held its regional meeting in Mystic, CT. Chris Kenney hosted the meeting as DRI's Director for the Northeast Region of the United States. Kenney also served on the DRI Board at the international conference in Prague, Czech Republic in June.



Independent Contractors and the Perils of Misclassification

By: Amanda Cox and Michael Sams

Businesses often amplify their workforce by hiring independent contractors to perform short-term, project-based, or skill-specific labor. They do this for many reasons (cost savings, short term lack of employees, etc.). Massachusetts employers must take

Today, the Inn continues to practice these ideals while encouraging good practice and good sportsmanship among its membership and throughout the bar at large.



One Fund Pro Bono

The One Fund awarded our Pro Bono client, \$125,000 for serious injuries she sustained in the Boston Marathon bombing tragedy. Kenney & Sams provided representation throughout the Massachusetts Bar Association's Marathon Tragedy Assistance program. Our client was standing only a few feet away from the finish line when one of the explosive devices detonated. She sustained serious injuries including shrapnel wounds and hearing loss. Kenney & Sams was honored to assist her.



Kenney Selected 2013 Top Rated Appellate Lawyer

By American Lawyer Media and Martindale Hubbell

care, however, when classifying workers as independent contractors as opposed to employees. If an employer misclassifies an employee as an independent contractor, the law empowers Massachusetts courts and the Attorney General to enforce strict and costly civil and criminal penalties. It is important to understand that any time someone is hired, that person is presumed under Massachusetts law to be an employee. To properly be classified as an independent contractor, the relationship must pass a three part test, known as the ABC test.

To read the complete article explaining the three part test and penalties for violations, click here:

[Independent Contractors and the Perils of Misclassification](#)

Adam Ponte Featured in Boston.com

***Renting?
Know Your Rights?***



[Boston.com](#)

Firm Retreat 2014

Kenney & Sams, P.C. wrapped up the summer with an action packed firm retreat followed by games and a family bar-b-que.

The competition was fierce, and fun was had by all!



NOTEWORTHY SUCCESSES



Mike Sams and Adam Ponte successfully negotiated a \$110,000.00 surety payout to our client, a major New Hampshire-based contractor. Our client was a materials vendor on a significant water treatment plant replacement project in New Jersey, one of the largest and most technologically advanced on the east coast. After satisfying its subcontract by timely providing fabricated metals, the subcontractor failed to fully pay our client, forcing us to turn to the surety company which provided the project's payment and performance bonds. Following hotly contested negotiations, we convinced the surety to pay the full \$110,000 amount, by overnight mail, within one month of receiving the case.

Chris Kenney and Joe Calandrelli recently negotiated a favorable settlement for an Indiana manufacturer on its surety bond claim in Massachusetts. The settlement included full payment of the disputed contract balance, plus attorneys fees and interest.

Mike Sams and Amanda Cox recently staved off a third party complaint against our client, a Massachusetts developer that owned a building in Boston. Our client hired a construction company to complete demolition and renovation work within the building. The construction company completed the demolition work in a careless and non-workmanlike manner, causing building damage including a partial cave-in. The insurer that provided coverage for the loss, sued the site subcontractor and the general contractor to recover the funds it paid as a result of the building damages caused by the cave-in. The general contractor then sought court permission to sue our client as a third party defendant in the case. Attorneys Michael Sams and Amanda Cox convinced Suffolk Superior Court Judge MacLeod that the general contractor was not

legally entitled to bring such a third party complaint. As a result, the Court denied the motion to assert a third party complaint against our client and our client was spared the cost and aggravation of a lawsuit.



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