

**Event Location:**

McKimmon Conference
& Training Center
1101 Gorman Street
Raleigh, NC 27606

Registration Fee:

\$170 for state UF council
members and municipal employees,
\$200 non-members

Need a hotel?

Try these nearby locations:

Holiday Inn Express & Suites

3741 Thistledown Drive
Raleigh, NC 27606
(919) 854-0001

Aloft Raleigh

2100 Hillsborough Street
Raleigh, NC 27607
(919) 828-9900

**Double Tree by Hilton –
Brownstone Hotel**

1707 Hillsborough Street
Raleigh, NC 27605
(919) 828-0811

Southeast Trees & The Law Symposium:

Navigating the Complexities of Neighborhood Tree Law

February 13, 2020

Raleigh, NC

No single topic cuts through the heart of the various disciplines in arboriculture as trees and the law. Regardless of what we do in arboriculture; regardless of our area of expertise, trees and the law can and do negatively affect us all daily. North Carolina State University and the NC Urban Forest Council are excited to present: **Southeast Trees & the Law Symposium: Navigating the Complexities of Neighborhood Tree Law.**

This day long, intensely focused symposium will help attendees avoid being part of the lawyer's food chain. Arborists, and more recently, landscape architects, face the ever-increasing challenges of litigation and becoming a part of the dreadful process that negatively affects them and their family. The lessons learned and education presented are derived from the knowledge gained after 1000 litigated cases involving trees. Topics will include neighbor law, wrongful death, personal injury, and attorney interpretations of the ANSI A300 series. Attendees will be presented with actual case law, and the resultant outcomes of that case law, as it relates to their daily activities in arboriculture. Whether you are a government arborist, employee of a tree care service, or owner of an ancillary service in our professional community, learn from the mistakes of others so that the past is not repeated for you, your company, and your family.

Presenters include:

Joe Samnik, Consulting Forensic Arborist

Skip Kincaid, Arborist and Executive
Director of ISA Southern Chapter

Hunt Choi, Deputy City Attorney
for the City of Raleigh

A Special Thanks to Our Sponsors:**Event by:**

Questions? contact Leslie Moorman, ncufc1@gmail.com or 252-653-6277

A G E N D A

7:30 am – 8:30 am **Check-in**

8:15 am – 8:30 am **Welcome**

Dr. Barbara Fair, *NCSU Extension Specialist and*
Leslie Moorman, *NCUFC Executive Director*

8:30 am – 9:30 am **Trees and Liability/Negligence and Duty**

Hunt Choi, *Deputy City Attorney for the City of Raleigh*

North Carolina appellate court cases which dealt with liability in connection with falling trees or tree limbs. Discuss the general framework of liability for negligence in North Carolina, and discuss several of the Appeals Court and Supreme Court cases that have dealt with damages and injuries related to trees.

9:30 am – 9:45 am **Break with Exhibitors**

9:45 am – 11:15 am **Concepts of Risk and Liability**

Skip Kincaid, *Executive Director Southern Chapter ISA*

Basic introduction to the concepts of "Duty of Care" and "Standard of Care" as they apply to arborists. Tree risk assessment process will be discussed, including the TRAQ credential currently offered by ISA. How arborists approach and apply tree risk assessment can affect their exposure to liability.

11:15 am – 12:00 pm **Question and Discussion**
for morning speakers

12:00 pm – 1:00 pm **Lunch (provided)**

1:00 pm – 2:30 pm **Neighbor Law**

Joe Samnik, *Forensic Consulting Arborist*

Every arborist or professional managing or working in the Urban Forest encounters neighbors and the resultant legal issues they create. This presentation shall cover numerous case laws relevant to Neighbor Law. From the private residential setting to the

commercial development, the intricacies which often defy logic regarding laws and property rights shall be discussed in this extended-time period presentation. Attendees shall be presented with the learning objectives of duty, due diligence, and how the courts view your professional conduct in the field.

2:30 pm – 3:30 pm **Legal Hot Spots for Arborists**

Skip Kincaid, *Executive Director Southern Chapter ISA*

This discussion will focus on a few "hot spot" topics such as neighbor law (encroachment etc), exercising duty of care, and utility responsibilities and rights and will include case studies that provide insight about good steps and bad steps arborists can take to reduce liability.

3:30 pm – 3:45 pm **Break with Exhibitors**

3:45 pm – 4:45 pm **ANSI A300, Courtrooms, and You**

Joe Samnik, *Forensic Consulting Arborist*

Until now, attendees have typically considered and thought the ANSI A300 Standards were a peripheral or tangential set of Standards that are casually reviewed by our industry professionals, if at all. This presentation will include the ANSI A300 Standards as courts view them. Deposition and courtroom testimony shall be presented with the learning objective of discovering how the ANSI Standards comprise the framework and ground rules involving lawsuits with arborists and other Urban Forest professionals. This presentation will not be a boring review of the ANSI Standards but rather a comprehensive framework for which your future thinking and successful outcome in a lawsuit may be viewed by the legal system.

Attendees shall also be presented with contradictions within the ANSI Standards and how those contradictions may be managed during litigation and before.

4:45 pm – 5:00 pm **Questions/Closing remarks**

Registration

Registration closes February 5th

- ☐ member and municipal employee rate - \$170
(if you are a member of the NC Urban Forest Council, Georgia Tree Council, Trees Virginia, Trees SC or TN Urban Forest Council you qualify for the discounted rate)
- ☐ standard registration - \$200
- ☐ need vegetarian meal

For EACH Registrant, please copy this form and fill out separately for each person. You can also register online at www.ncufc.org

Name: _____

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Make checks payable to: NC Urban Forest Council and mail to NCUFC- PO Box 37426 - Raleigh, NC 27627