



NOVEMBER 2012

Dear Readers,

Robinson & Cole's education practice is pleased to offer you the November 2012 edition of its Education Law Update. In this edition, we have an article explaining the potential risks to educational institutions in creating safety measures for construction projects. We are also pleased to announce the Robinson & Cole attorneys who were named Best Lawyers for 2013.

We would like this update to be a source of value to our friends in the education field. We encourage our readers to contact us with any topics of interest or any questions or comments on what you read below.

Best wishes for a happy holiday season.

*Gregory R. Faulkner
Megan R. Naughton
Coeditors*

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HEALTH AND SAFETY IN CONSTRUCTION: HOW DO SCHOOLS PROVIDE COVERAGE WITHOUT ADDED EXPOSURE?

By [Gregory R. Faulkner](#), [Ryan M. Burns](#), and [Pamela K. Elkow](#)

Providing a safe environment on a school campus is a primary concern for any educational institution. These concerns are only magnified when a school embarks on a construction project. Along with their concerns for safety, however, educational institutions must balance their concern with potential liability for injuries resulting from accidents on those construction projects.

Specifically, as noted in the cases discussed below, there have been several recent instances in which injured individuals have brought suit against project owners or their representatives and contractors for injuries sustained on projects. While these plaintiffs were unsuccessful in the prosecution of their claims, educational institutions should, nevertheless, take notice of these cases to ensure that they take the proper steps to ensure safety on their campus without incurring additional liability.

Click here to read "[Health and Safety in Construction: How Do Schools Provide Coverage Without Added Exposure?](#)"

NAVIGATING THE IMMIGRATION HURDLES: IMMIGRATION ISSUES FOR FOREIGN NATIONAL PHYSICIANS

By [Megan R. Naughton](#)

Foreign nationals who receive graduate medical education/training in the United States in J-1 status are subject to a two-year home residency requirement, which requires a two-year stay in their home country at the end of their education/training. Unless this requirement is fulfilled or waived, the physician is ineligible to change status to other nonimmigrant visa categories, to obtain an H or L visa, or adjust status to become a legal permanent resident. The process for obtaining a waiver can be challenging. Once the waiver is obtained, however, there are a variety of immigrant categories that employers/physicians may consider to allow the physician to remain in the United States permanently.

Click here to read "[Navigating the Immigration Hurdles: Immigration Issues for Foreign National Physicians.](#)"

BEST LAWYERS® DISTINCTION FOR EDUCATION LAW GROUP MEMBERS

Robinson & Cole LLP was again recognized as having the highest number of attorneys in Connecticut selected by their peers for inclusion in *The Best Lawyers in America*® 2013 (© 2012 by Woodward/White, Inc., Aiken, SC). Across the firm's practice groups and offices, 55 attorneys were named to this year's list, including 46 in Connecticut, and 10 received the distinction for the first time.

Attorneys from the education law group earning the distinction include the following:

Construction Law

[Gregory R. Faulkner](#) (Hartford, CT)

Construction Law

[Martin A. Onorato](#) (Hartford, CT)

Corporate Law

[Edward J. Samorajczyk, Jr.](#) (Hartford, CT)

Employee Benefits (ERISA) Law

[Bruce B. Barth](#) (Hartford, CT)

Employment Law - Management

Energy Law

[Alice E. DeTora](#) (Hartford, CT)

[Kenneth C. Baldwin](#) (Hartford, CT)

Environmental Law

[Pamela K. Elkow](#) (Stamford, CT)

Information Technology Law

[Kathleen M. Porter](#) (Boston, MA)

Labor Law - Management

[Alice E. DeTora](#) (Hartford, CT)

Land Use and Zoning Law

[Michael S. Giaimo](#) (Boston, MA)

Land Use and Zoning Law

[Brian R. Smith](#) (Hartford, CT)

Litigation - Construction

[Gregory R. Faulkner](#) (Hartford, CT)

Securities/Capital Markets Law

[Edward J. Samorajczyk, Jr.](#) (Hartford, CT)

Securities Regulation

[Edward J. Samorajczyk, Jr.](#) (Hartford, CT)

Trademark Law

[Jacqueline Pennino Scheib](#) (Hartford, CT)

FIRM NEWS & NOTES

R&C intellectual property partner [Jacqueline Pennino Scheib](#) and accountant Frank Milone of Fiondella Milone & LaSaracina moderated a panel discussion, "University Resources as a Catalyst for Development and Investment in New Technology," on Thursday, October 11, 2012, at the University of Connecticut Graduate Business Learning Center in Hartford. Administrators from the University of Connecticut, the University of Massachusetts at Amherst, and Yale University discussed how entrepreneurs and investor groups can leverage student entrepreneurship, university research, resources, and platforms to facilitate economic development.

Construction partner [Gregory R. Faulkner](#) attended the 52nd annual conference of the National Association of College and University Attorneys (NACUA) in Chicago from June 27 to June 30, 2012. NACUA educates attorneys and administrators about legal issues on campuses and provides continuing legal education to higher education counsel.

Real estate partner [Garry C. Berman](#) and construction partners [Martin A. Onorato](#) and [Gregory R. Faulkner](#) attended the tenth annual HEREL (Higher Education Real Estate Lawyers) Conference on October 25 and 26, 2012, at Duke University, Durham, North Carolina. HEREL is an organization of lawyers committed to providing continuing legal education opportunities for attorneys who practice real estate and construction law at higher education institutions.

The annual WALKS scholarship luncheon was held on October 16, 2012, at the Hilton Hartford Hotel. WALKS (an acronym for Westminster School, Avon Old Farms School, Loomis Chaffee School, Kingswood-Oxford School, and Suffield Academy) was created over 50 years ago to provide students from Greater Hartford with an opportunity to attend one of its five member schools. Students with limited financial resources who possess the talent, energy, and commitment to achieve success in a competitive academic environment are honored each year at the luncheon. R&C business partner, [Edward J. Samorajczyk, Jr.](#), is a member of the 2012-2013 WALKS Advisory Board.

For more information on our [education law practice](#), please contact [Gregory R. Faulkner](#) in our Hartford office at (860) 275-8288 or [Megan R. Naughton](#) in our Hartford office at (860) 275-8263.

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