

**THE PLAINTIFF'S
PERSONAL INJURY
ACTION
IN NEW YORK STATE**

SECOND EDITION

**EDITOR-IN-CHIEF
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Chapter 12 The Infant Settlement in New York and Infant’s Structured Settlements: Almost All You Need To Know (and Forms, Too)

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VOLUME TWO

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W. Russell Corker, Esq.

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PREFACE

We started updating the Treatise for this Edition in earnest in late 2019. Then COVID-19 happened, and everything changed. Since that time, we have been tracking the constantly changing landscape from how we take depositions, to the differing immunity orders issuing as to New York hospitals and nursing homes, to the new normal of jury trials. And yes, we learned how to work from home, and Zoom is now part of our daily life. It remains to be seen whether anyone will show up again in person for a preliminary conference. In February, 2021, new court rules issued, moving state court practice closer to commercial division and federal practice.

The New York State Bar Association and the New York State Academy of Trial Lawyers, among others, have done a yeoman's job keeping the plaintiff's trial bar up to date on the continual changes occurring over the COVID 19 pandemic. We have attached as a Special Alert the new court rules that will impact the plaintiff's personal injury practice. Things continue to change as we fight the pandemic and try to get back to normal, whatever that means now. Trials are starting again all over New York, and that is a good thing. We will all have to work together to try cases quicker, better, and with more pre-trial stipulations and work.

We offer this 2021 Edition to help the plaintiff's personal injury practitioner thrive and advance in these most challenging of times. Thank you to our authors who contribute the treasure of their time and experience while balancing their family and professional time. Thank you also to Kathryn Calista, Esq. the Treatise's capable and encouraging NYSBA editor, and Naomi Pitts, NYSBA's Publication Coordinator, for keeping the Second Edition on track and bringing it to press. As we roll out the Second Edition, COVID 19 continues to change our practice. We wish you the best and that you continue to learn and grow and stay committed to helping personal injury clients.

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¹ The National Board of Trial Advocacy is not affiliated with any governmental authority.

DAVID PAUL HOROWITZ, ESQ.

David Paul Horowitz (david@newyorkpractice.org or david.horowitz@mcnamarahorowitz.com) is a member and managing partner of McNamara & Horowitz in New York City. Mr. Horowitz has represented parties in personal injury, professional negligence, and commercial cases for over thirty years. In addition to his litigation practice, he acts as a private arbitrator and mediator, and as a discovery referee appointed by courts to oversee pre-trial proceedings. He is the author of *Bender's New York Evidence and New York Civil Disclosure* (LexisNexis), and the most recent supplement to *Fisch on New York Evidence* (Lond Publications). Since 2004 he has authored the monthly column *Burden of Proof*, first in the *NYSBA Journal* and, since 2018, in *The New York Law Journal*. Mr. Horowitz teaches New York Practice and Electronic Evidence & Discovery at Columbia Law School and, on behalf of the New York State Board of Bar Examiners, presents the lecture on New York Practice that all candidates for the Uniform Bar Exam since July, 2016 are required to attend. He lectures statewide for the New York State Judicial Institute to judges, law secretaries, and referees. He serves as an expert witness in legal malpractice and legal fee dispute actions, and is a frequent lecturer and writer on civil practice, evidence, ethics, and alternative dispute resolution issues. He has previously taught evidence, professional responsibility, and electronic evidence and disclosure at Brooklyn, St. John's, and New York Law Schools. He serves on the Office of Court Administration's Civil Practice Advisory Committee, is active in a number of bar associations, and served as Reporter to the New York Pattern Jury Instruction (P.J.I.) Committee.

LUKAS M. HOROWITZ, ESQ.

Mr. Horowitz is an attorney with Lippes Mathias' Public Sector Labor Team, focusing his practice on representing public sector labor unions in matters involving members' terms and conditions of employment, including disciplinary arbitrations, contract grievance arbitrations, improper employer practices before the New York State Public Employment Relations Board, administrative hearings before the New York State Justice Center and related litigation matters in New York State courts.

ROBERT A. HYMAN, ESQ.

Robert A. Hyman, deceased, was the managing partner at the Law Offices of Robert A. Hyman, P.C., in Pleasantville, N.Y. He concentrated his practice in the representation of the victims of nursing home and elder care neglect and abuse, medical malpractice, automobile accidents, negli-

gence, construction accidents and premises liability. Mr. Hyman was a President's Club member of the Association of Trial Lawyers of America and a member of the New York State Trial Lawyers Association and the New York State Bar Association. Mr. Hyman was also a member of the National Citizens Coalition for Nursing Home Reform, the Long Term Care Community Coalition, Friends and Relatives of Institutionalized Aged, and the American Medical Directors Association. Admitted to practice in both New York and Massachusetts, Mr. Hyman was a *cum laude* graduate of Vermont Law School, and held a master's degree in cell and molecular biology from the State University of New York at Buffalo. He also wrote and lectured on nursing home negligence in New York.

PAUL K. ISAAC, ESQ.

Paul K. Isaac, is a former practicing trial attorney who has achieved a number of seven-figure plus results/verdicts in factually challenging personal injury cases.

He is a member of *The Million Dollar Advocates Forum* and has been recognized as a *Lawyer of Distinction* and has authored a number of Articles for New York State Trial Lawyers *Bill of Particulars* magazine as well. He is a past president of NYSTLA's Western Region Affiliate. For the last 21 years he has been a licensed financial planner, currently holding his series 6, 63, 66, and 7 licenses. In 2003 he merged his background in law and financial planning to specialize in settlement planning, founding Paramount Settlement Planning.

Mr. Isaac been fighting back against claimed liens on his cases early in his career as a personal injury attorney and it became a passion for him. In order to combat the raging growth in the lien collection industry Mr. Isaac became the founder and Chief Counsel at Precision Resolution in 2011 where he, along with his team of attorneys combats these collection agents on a daily basis. In just 9 years they have returned well over \$100 Million Dollars in claimed liens back to plaintiffs.

Mr. Isaac regularly attends mediations and uses his legal, financial and lien resolution backgrounds to assist plaintiffs' attorneys with problem solving, presenting economic projections and reports, drafting settlement language, and identifying lien existence and resolution. A well-respected problem solver, Mr. Isaac is a frequent lecturer for the New York State Bar Association local bar associations and trial lawyer organizations.

Mr. Isaac is a graduate of Duquesne University School of Law.

E. STEWART JONES, JR., ESQ.

E. Stewart Jones, Jr. graduated from Williams College in 1963 and Albany Law School in 1966, joining the firm of E. Stewart Jones, PLLC, in Troy, N.Y. following graduation. His practice concentrates on the representation of victims in personal injury and wrongful death cases of all kinds and in the defense of major criminal cases in all federal and state courts. Mr. Jones is a Fellow of the International Academy of Trial Lawyers, the Inner Circle of Advocates, the International Society of Barristers, the American College of Trial Lawyers, the American Board of Criminal Lawyers, and the American and New York State Bar Foundations. He is also a Diplomat of the American Board of Trial Advocates. Mr. Jones has been listed in the Best Lawyers in America from the first through the current editions (currently in five areas), and is listed in Who's Who in American Law and Who's Who in America. Since the inception of the Upstate New York Super Lawyers Magazine in 2007, Mr. Jones has been listed as one of top 10 lawyers and has been number 1 in 2007, 2016, 2017 and 2018, and second in 2008 and 2009. Active in civic and community affairs, he has served on many boards of trustees including the Legal Aid Society of Northeastern New York, the Albany Academy, Albany Law School (each of which he also chaired) and the Saratoga Performing Arts Center, among many others, and has chaired numerous capital campaigns and annual funds.

Mr. Jones is the recipient of the New York State Bar Association's Criminal Justice Section's Outstanding Practitioner Award (1980), the Albany Academy Distinguished Alumnus Award (2002), the Albany Law School Trustees Gold Medal (2003), Law Day 2005—Equal Access to Justice Award from the Legal Aid Society of Northeastern New York, Partners in Literacy Award—Literacy Volunteers of Rensselaer County (2005), Capital District Trial Lawyers Association—Daniel Mahoney Memorial Charter President's Award (2006), Citizen Laureate Award—The University at Albany Foundation (2008), American Cancer Society—Beacon of Hope Award (2010 & 2018), and St. Rose Community Service Award (2010). Envoy Solute Award from the Albany-Colonie Regional Chamber of Commerce for leadership, philanthropy and impact on the economic vitality of the region (Empire State Plaza Convention Center, (March 5, 2015), The Edward H. Pattison "Ebbie" Citizenship Award - Rensselaer County Chamber of Commerce - September 15, 2016. He has authored numerous articles and chapters in a broad variety of trial advocacy books, and lectured extensively throughout the state of New York on all facets of personal injury lawsuits.

ROBERT E. LAHM, ESQ.

Robert E. Lahm, of the firm Robert E. Lahm, PLLC, concentrates his practice on personal injury, medical malpractice, products liability, and all other torts and trial law. Admitted to practice in the State of New York and the State of Pennsylvania, the Federal District Courts and the Federal 2d Circuit Court of Appeals, he is a Board Certified Civil Trial Advocate. Mr. Lahm is a Past President, Director and one of the founders of the New York State Academy of Trial Lawyers. He is also Co-Chair of the Fifth District Jury Project and Co-Chair of the Fifth Judicial District Task Force. Mr. Lahm is a Past President of the New York State Trial Lawyers Association and Past President of the Upstate Trial Lawyers Association. He has lectured widely on topics as diverse as products liability, opening statements and jury selection, trial techniques, trial practice and anatomy. He is listed in *The Best Lawyers in America, 1997—Present* and the 2013 *New York Super Lawyers Upstate* edition, and was recently honored as Best Lawyer of the Year 2014 by *The Best Lawyers in America*. A former Adjunct Associate Professor, Department of Medicine, S.U.N.Y. Health and Science Center, Mr. Lahm was a *magna cum laude* graduate of Fairleigh Dickinson University and received his Juris Doctor from Syracuse University College of Law. He is a member of the American Association of Justice, the New York State Bar Association, the New York State Academy of Trial Lawyers, the Onondaga County Bar Association, the Oswego County Bar Association, the Civil Justice Foundation and the Women's Bar Association of New York.

PAUL A. LEVINE, ESQ.

A member of the law firm Lemery Greisler, LLC, in Albany, New York, Paul A. Levine concentrates his practice on bankruptcy, creditors' rights and commercial litigation. A graduate of George Washington University Law School, he is a frequent lecturer for the New York State Bar Association, Capital Region Bankruptcy Bar Association and other CLE providers. Mr. Levine was Chair of the 2000 and 2016 Annual Conferences of the Capital Region Bankruptcy Association and Co-Chair of the American Bar Association 2005 Judicial Divisions Inaugural Bench and Bar Bankruptcy Conference in Washington, D.C. He is a Past President and current board member of the Capital Region Bankruptcy Bar Association and serves on the Local Rules Committee for the U.S. Bankruptcy Court, NDNY. Licensed in both New York State and District of Columbia, he is a member of New York State Bar Association and Capital Region Bankruptcy Bar Association.

KEVIN J. MACDONALD, ESQ.

Kevin J. Macdonald is a Principal Court Attorney with the New York State Court of Claims. He provides counsel to the Clerk's Office and its staff regarding court operations, procedure and jurisdiction as well as information regarding Court of Claims practice and procedure to attorneys and pro se litigants. He also performs legal research and writing services for the court's judges and supervises the court's pro se unit and library. He is also a panel member of the Unified Court System's Anti-Discrimination Panel. Prior to his position as Court Attorney, he was an Appellate Court Attorney for the Appellate Division, Third Department, Law Clerk to a Court of Claims Judge; and a Law Clerk to an Associate Judge of the Court of Appeals. He received his B.A. from State University of New York at Albany and his J.D. from Vanderbilt University School of Law.

HENRY G. MILLER, ESQ.

Henry G. Miller was the senior member of the White Plains, New York, law firm of Clark, Gagliardi & Miller, P.C. Mr. Miller's trial work had usually been for plaintiffs in civil cases. A graduate of St. John's College (1952) and St. John's Law School (1959), Mr. Miller was a Past President of both the Westchester County Bar Association and the New York State Bar Association. He was a Past Regent of the American College of Trial Lawyers, a Past Director of the International Academy of Trial Lawyers, a Past Director of the New York State Trial Lawyers Association and a Fellow of both the American and New York Bar Foundations. Mr. Miller was appointed by Governor Mario Cuomo to chair the Commission on Local Government Ethics. He was appointed by Governor George Pataki to be a member of the Committee on Cameras in the Courtroom.

Mr. Miller had frequently appeared on television and radio. He often lectured at law schools and at Bar Associations on all aspects of trial practice. He was the author of *Settlements* in the Art of Advocacy series as well as the editor of the *New York Practice Guide on Negligence*, both published by Matthew Bender, and most recently, *On Trial: Lessons from a Lifetime in the Courtroom*, published by ALM Publishing.

A former Adjunct Professor of Law at St. John's Law School, Mr. Miller had written the "Ethics" chapter in the American Trial Lawyers Association's text on plaintiffs personal injury litigation titled *Atla's Litigating Tort Cases*. He was a past recipient of the Pace University School of Law Distinguished Service Award.

LESLEY E. NIEBEL, ESQ.

Lesley E. Niebel has been an associate at Faraci Lange, LLP in Rochester, N.Y. since 2015. She focuses her practice on all aspects of personal injury litigation, including cases involving sexual abuse, medical malpractice, automobile negligence, construction accidents, and premises liability.

Lesley was born and raised in Fredonia, New York. She went to the State University of New York College at Geneseo where she obtained a bachelor's degree in English and Economics. Lesley then graduated from the Syracuse University College of Law with her Juris Doctor. Following law school, Lesley started at Faraci Lange and has spent her career with the firm. She is admitted to practice in state and federal court in New York and state court in Massachusetts.

Lesley is an active member of the legal community. As part of the Monroe County Bar Association, Lesley serves on its Ethics Committee and on the Board of the Young Lawyers Section as its Treasurer (2020-2021), Secretary (2019-2020), co-chair of the community service committee (2018-2019), and co-chair of the nominations committee (2017-2018). In addition, Lesley serves as a Board Member for the Volunteer Legal Service Project of Monroe County, an Associate Board Member for the New York State Academy of Trial Lawyers, chair of the Committee on Professional Ethics, Discipline and Practice for the Women's Bar Association of the State of New York (2020-2021), and co-chair of the Women's Health Committee for the Greater Rochester Association for Women Attorneys (2020-2021). Formally, Lesley was part of the New York State Bar Association's Attorney Professionalism Committee and Professional Discipline Committee.

In her spare time, Lesley serves on the Board of Directors for the Rochester Spinal Association and writes articles related to legal topics, which have been published in the Journal of Legal Nurse Consulting, the Rochester Daily Record, and the Buffalo Law Journal.

STEVEN E. NORTH, ESQ.

Steven E. North has devoted the past thirty-five years of his career litigating major medical malpractice, legal malpractice, products liability and severe personal injury cases. He has successfully tried hundreds of such cases with numerous multimillion-dollar verdicts to his credit. Mr. North has been selected by the New York State Bar Association to author

CONTRIBUTOR BIOGRAPHIES

the Medical Malpractice chapter for the 2012 edition of its Personal Injury treatise.

Many cases handled by Steven E. North P.C. have been featured in *The New York Times*, the *New York Daily News* and national law publications along with commentary by Mr. North. He has appeared as a legal expert on *Court TV*, *Eyewitness News* and other television news programs, written several volumes of a treatise on medical-legal issues, served as editor of the *Cancer Litigation Bulletin*, and written more than twenty-five articles that have been published in respected professional journals, including the *New York Law Journal* and the *Journal of Perinatology*. In addition, he has served on the visiting faculty of several law schools where he lectures on trial practice.

Mr. North graduated from New York University School of Law with an LL.M. degree and from Brooklyn Law School where he earned a J.D. degree. He is admitted to the bar in New York, to the United States District Courts and to the Supreme Court of the United States. He is listed in *New York Magazine's* "The New York Area's Best Lawyers", *The New York Times Annual Supplement's* "The New York Area's Best Lawyers" and similar publications. Mr. North has been named in *The New York Times Supplement* as one of the Top 100 Lawyers in New York City.

KEVIN T. O'BRIEN, ESQ.

Kevin T. O'Brien is a structured settlement broker with Secure Settlements LLC in New York City. He is also an attorney, formerly with the law firm of Shearman & Sterling. He received his J.D. from Boston College Law School and an LLM in taxation from New York University School of Law. He is accredited by the New York State Continuing Legal Education Board to give lectures on structured settlements, and he lectures frequently to judges and attorneys on how to protect plaintiffs in structured settlements.

MARY ELLEN O'BRIEN, ESQ.

Mary Ellen O'Brien is a solo practitioner who has focused her practice in appellate advocacy of New York appeals and appellate motion practice since 2001. She is responsible for all phases of taking, perfecting and arguing appeals as well as preparation of pre- and post-trial substantive motions. She serves of counsel to appellate, insurance defense and plaintiff's firms. A 1999 graduate of St. John's University School of Law, she is admitted to practice in the state of New York. A former Second Judicial Department court attorney, Ms. O'Brien has served as in-house appellate

counsel for multifaceted insurance defense litigation firm with a concentration in Labor Law, Construction, Personal Injury Defense, and Contract Law. Ms. O'Brien is also a member of several legal and professional bar associations including the Nassau County Bar Association and Catholic Lawyers' Association of Nassau County. Before joining the law profession, Ms. O'Brien, a former Peace Corps volunteer, had a long career as an investment analyst and portfolio manager for many well-known Wall Street investment-banking institutions.

MICHELLE LECLAIR PANICCIA, ESQ.

Michelle LeClair Paniccia graduated, *cum laude*, from Thomas M. Cooley Law School in 1995. Thereafter, she was employed by Unum, First Cardinal Corporation and in 2001 joined the New York State Workers' Compensation Board. As a Senior Attorney in the Appellate Review Division, Ms. Paniccia reviews appeals, conducts research and prepares Memorandum of Board Panel Decisions, many of which involve issues surrounding Workers' Compensation Law § 29.

PAUL J. PENNOCK, ESQ.

For the last two decades, Paul J. Pennock has been Chair of the Pharmaceutical and Medical Device practice group at Weitz & Luxenberg. He is directly responsible for all aspects of leading a large national litigation department involving all aspects of litigation from inception through trial. He has served as lead plaintiffs' counsel as well as plaintiff steering committee member and liaison counsel in numerous state and federal MDL mass tort litigations. Mr. Pennock has handled numerous "bellwether" trials and *Daubert* hearings in both state and federal courts.

GARY B. PILLERSDORF, ESQ.

Gary B. Pillersdorf, deceased, was a board-certified Civil Trial attorney practicing in New York City. He had over 35 years of courtroom experience, having taken over 350 verdicts, including 28 verdicts over \$1 million. He was the principal attorney of Gary B. Pillersdorf & Associates, P.C., practicing in courtroom litigation.

Mr. Pillersdorf served as Dean Emeritus of New York State Trial Lawyers Continuing Legal Education Institute. He was the author of the highly acclaimed textbook *New York Motor Vehicle Accidents*, published by James Publishing, and was a frequent contributor to *Trial* magazine. He also authored a chapter on "Case Selection" in *Litigating Tort Cases*, Thomson-West Publishers 2003.

A highly sought-after speaker, Mr. Pillersdorf lectured throughout the nation. He taught courses in Trial Advocacy, Medicine for Lawyers and Courtroom Techniques in New York. He was a past president and current member of the Melvin Belli Society, a member of the Million-Dollar Advocates Forum, was included in *Who's Who in American Law* and was a "Super Lawyer"—Top Lawyers of New York. He was the senior New York State representative to the State Delegates Committee of the American Association of Justice (formerly ATLA) and had served as chair of their Motor Vehicle Collision, Highway and Premises Liability Section. A winner of the prestigious Mel Award as National Trial Lawyer of the Year, Mr. Pillersdorf was the only Northerner to win the War Horse Award from the Southern Trial Lawyers Association. He handled numerous high-profile cases, including several that were the largest verdict in the state for the year in which they were tried, and tried many cases against municipalities.

JASON J. PLATT, ESQ.

Jason J. Platt is a partner of Doolan Platt & Setareh, LLP in Dobbs Ferry, New York. His practice is concentrated in personal injury matters, and, since 2004, he has focused almost exclusively on negligence, neglect, and abuse matters arising in nursing home, hospital, assisted living, and home care settings. Mr. Platt is a founding member and past president of the New York Plaintiff's Nursing Home Litigation Group. An active member of the American Association for Justice Nursing Home Litigation Group, the New York State Trial Lawyers Association, and the New York State Bar Association, Mr. Platt also belongs to the National Citizens' Coalition for Nursing Home Reform, the Long Term Care Community Coalition, Friends and Relatives of the Institutional Aged, and the American Medical Directors Association. Mr. Platt has lectured on, and co-authored, the following papers: "Civil Prosecution of a Nursing Home Case," the Professional Education Systems Institute; "Nursing Home Neglect and the Regulations in New York" for Lorman Education Services; and "Case Intake, Investigation, Pleadings, and Disclosure" for the Suffolk County Bar Association.

A *cum laude* graduate of the State University at Geneseo with a B.A. in Economics, Mr. Platt received his J.D. from Brooklyn Law School, where he was a member of the Moot Court Honor Society. His practice encompasses the five boroughs of New York City, surrounding counties, and upstate New York.

Mr. Platt grew up in Rhinebeck, New York and lives in Hastings on Hudson with his wife and two children.

JAMES B. REED, ESQ.

James B. Reed is a trial attorney admitted in New York and Pennsylvania and is the managing partner of the Ziff Law Firm of Elmira, New York. A 1986 graduate of Dickinson School of Law, he is a member of the Multi-Million Dollar Advocates Forum, and was selected as “Lawyer of the Year” by Best Lawyers in America in 2015, 2017 and 2019. Mr. Reed was selected a “Best Lawyer in the United States” for personal injury and medical malpractice cases and his firm was selected as a Tier 1 “Best Law Firms in the United States.”

JOAN LENSKY ROBERT, ESQ.

Joan Lensky Robert is an attorney with ROBERT LEGAL GROUP, PLLC, a law firm in New York City, Long Island and Westchester, practicing in the areas of elder law, special needs planning, guardianships and trusts and estates. Ms. Robert is a graduate of Skidmore College, where she was a member of Periclean, the University of Pennsylvania, where she studied pursuant to a Ford Foundation Fellowship, and Touro College School of Law, *summa cum laude*, where she was valedictorian of the part-time division. Prior to entering the practice of law, Ms. Robert taught French with the Valley Stream Central High School District.

Ms. Robert served as Chair of the New York State Bar Association, Elder Law & Special Needs Section from 2003-2004 and serves as Co-Chair of its Special Needs Planning Committee. She founded and served as Chair of its Mentorship Committee. She received a Lifetime Achievement Award from the New York State Elder Law and Special Needs Section in January, 2014. She is a Fellow of the New York State Bar Association. She co-wrote the chapter on Special Needs Planning in the book *Guardianship Practice in New York State* and wrote the chapters on Medicaid liens and planning in *Personal Injury Actions in New York* published by the New York State Bar Association. She is an attorney member of the Guardianship Advisory Committee formed by the Office of Court Administration.

Ms. Robert has been named a Super Lawyer since 2013 and was chosen as a Top Lawyer in North America. Ms. Robert has been Board Certified as a Certified Elder Law Attorney (CELA) by the National Elder Law Foundation, as accredited by the ABA. In March, 2016, she was honored as one of the 50 Outstanding Women in the Law on Long Island.

CONTRIBUTOR BIOGRAPHIES

Ms. Robert served as a member of the Board of Directors of the Nassau County Bar Association for 6 years, and is past chair of its Elder Law/Social Services/Health Advocacy Committee. Ms. Robert served as Dean of the Nassau Bar Academy of Law, and now is co-chair of the Senior Lawyers committee.

Ms. Robert is a member of the Board of Directors of NAELA. She received the NAELA award as outstanding member of the New York Chapter in 2012 and also received the Theresa Foundation Award for outstanding service and advocacy to persons with special needs. She is a member of the Council of Advanced Practitioners.

Ms. Robert has been honored for outstanding service by the Long Island Alzheimer's Foundation, Project Real, the New York State Trial Lawyers Association and the National Multiple Sclerosis Society. She served on the Board of Editors of the *Bill of Particulars*, the publication of the New York State Trial Lawyers Association. She is a past Editor-in-Chief of the *New York Elder Law and Guardianship Newsletter*.

Joan and Charles Robert are the proud parents of Heather Robert Coffman, who practices employment law in San Francisco, and of Jay Robert, an attorney with Kassoff, Robert & Lerner. They are the dotting grandparents of Naomi and Leo Coffman and Edie and Ike Robert.

LAWRENCE N. ROGAK, ESQ.

Since graduating from Brooklyn Law School in 1981, Lawrence N. "Larry" Rogak has spent most of his career on the defense side of the insurance and liability area of the law, including two years working in the claims departments of insurance companies. A prolific writer, he has published hundreds of articles on insurance law practice, and two books. *Rogak's New York No-Fault Law & Practice* is the first comprehensive guide to the subject ever published. He also wrote a general liability claims-handling guide, *Rogak's New York Insurance Law*. Mr. Rogak is the managing partner of Lawrence N. Rogak LLC, an insurance defense law firm in Oceanside, New York, which is listed in *Best's Directory of Recommended Insurance Attorneys*.

Although Mr. Rogak is almost always on the defense side of the bar, the New York State Trial Lawyers Association invited him to write the no-fault section for its personal injury law treatise, released in January 2008. Mr. Rogak also publishes a daily insurance law newsletter, *The Rogak Report* (www.Rogak.com), which examines the latest court decisions.

DANIEL R. SANTOLA, ESQ.

Daniel R. Santola is a founding partner of Powers and Santola LLP, a law firm that has received the top ranking from *U.S. News* and Best Lawyers/Best Law Firms in plaintiffs' personal injury litigation and medical malpractice. He practices in the areas of personal injury, medical malpractice, construction accidents and product liability law. A graduate of Albany Law School, he is the author of the book *Litigating Construction Accidents in New York* (West Publishing Co.) and has authored chapters in *Representing Plaintiffs in Medical Malpractice Cases* (Aspatore/Thomson Reuters); "Medical Equipment," in the *Products Liability Practice Guide* (Matthew Bender & Co.); and "Construction Accidents," in the *New York Negligence Guide* (Matthew Bender & Co.). Since 1989, he has been listed in the *Best Lawyers in America*. Mr. Santola is a Dean of the New York State Academy of Trial Lawyers, past president of the Albany County Bar Association, the Albany Chapter of the American Board of Trial Advocates, and the Capital District Trial Lawyers Association. He has been a frequent lecturer on construction accidents and has given legal seminars on medical malpractice and trial tactics.

STEPHEN G. SCHWARZ, ESQ.

Stephen G. Schwarz has been the managing partner of Faraci Lange, LLP in Rochester, N.Y., since 1995. He focuses on personal injury and business litigation, including medical malpractice, serious auto accident cases, product liability and toxic tort and environmental contamination cases, practicing in both state and federal courts. A graduate of Albany Law School, Mr. Schwarz is a former confidential law clerk to Chief Judge Michael A. Telesca, U.S. District Court for the Western District of New York. He is a Fellow in the American College of Trial Lawyers and is Past President of the Rochester Chapter of the American Board of Trial Advocates. He is also a member of the American Association for Justice, the New York State Bar Association (where he has served as Chair of the Committee on Judicial Administration), the Monroe County Bar Association (where he has served as chair of various committees and twice on the board of trustees), and is a Past President of the Genesee Valley Affiliate of the New York State Trial Lawyers Association. Mr. Schwarz has been awarded Martindale-Hubbell's highest rating and has been named as "Lawyer of the Year", Rochester by Best Lawyers in the areas of plaintiffs' personal injury law, plaintiffs' medical malpractice and plaintiffs' product liability law numerous times since these awards have been given. He has also been listed in the Super Lawyers directory as a Top Rated Personal Injury Lawyer. He is a frequent lecturer on a range of litigation

topics at continuing legal education programs presented by the New York State and Monroe County Bar Associations as well as private CLE providers such as ALI.

EDWARD G. SHAPIRO, ESQ.

Edward G. Shapiro received a B.A. from Sarah Lawrence College and a J.D. from Fordham University School of Law. He joined the New York State Court of Claims in 1999, where he served as principal law clerk to Hon. S. Michael Nadel and Hon. David A. Weinstein. Currently, he is a principal court attorney with the Court of Claims.

ARTHUR J. SIEGEL, ESQ.

Arthur J. Siegel, a member of Bond, Schoeneck & King, PLLC, is a trial lawyer practicing in the areas of commercial, personal injury, product liability, medical malpractice, and environmental litigation in both state and federal courts. He also maintains an active appellate practice in both state and federal courts. He is Past President of the Legal Aid Society of Northeastern New York; Past Co-Chair, Board of Directors, Fund Equal Justice; President of Congregation Beth Emeth, Albany, New York; and recipient of the Community Builder's Award from the Council of Community Services of New York State, Inc. He is a member of the New York State Bar Association, for which he has led CLE programs in personal injury and product liability litigation, the Federal Bar Association, Northern District of New York, and the Albany County Bar Association.

ROBERT S. STOCKTON, ESQ.

Robert S. Stockton is currently of counsel to Stockton, Barker & Mead, LLP. He has extensive experience in litigation of workers' compensation claims before the New York State Workers' Compensation Board and appellate courts. A graduate of Albany Law School, Mr. Stockton has litigated personal injury defense cases before the Supreme Court and appellate courts of New York since 1975. He served as an appointed member of the Workers' Compensation Board Recodification Commission in 1996. Mr. Stockton is a member of NYSBA, the New York State Trial Lawyers Association, the Capital District Trial Lawyers Association, the American Bar Association, the Albany County Bar Association, the Rensselaer County Bar Association, and the Saratoga County Bar Association. He has lectured and served as a CLE panelist on workers' compensation and personal injury litigation-related issues for NYSBA. He has been listed in the *Best Lawyers in America* for New York workers' compensation law and was named a *Super Lawyer* in 2019.

HONORABLE PAUL A. VICTOR

Paul A. Victor is a Justice of the Supreme Court of the State of New York, Bronx County. A graduate of Fordham Law School, he was previously a Judge in the Civil Court of the City of New York, Bronx County; a partner with the law firm Dublirer, Haydon, Straci & Victor; an Arbitrator with the American Arbitration Association; Counsel to Assemblyman Roberto Ramirez; Counsel to Senator Martin Connor; Counsel to Assemblyman George Friedman; Commissioner of the Law Revision Commission; member of the Medical Malpractice Mediation Panel, Bronx County Supreme Court; Board Member of the New York City Conciliation and Appeals Board; Arbitrator for the New York City Civil Court, Bronx County; Counsel to Assemblyman Alexander Chananau; partner in the law firm Russo, Stein & Carola & Victor; Assistant District Attorney in Bronx County; and a Law Assistant to Hon. Adrian P. Burke, New York Court of Appeals. Justice Victor is a Presiding Justice at the Regional Finals of the National Student Advocacy Competition sponsored by the Association of Trial Lawyers. A frequent lecturer, he presents for the New York State Trial Lawyers Association and the Bronx County Bar Association; he is a lecturer and faculty member at the annual OCA-sponsored New Judges Orientation Seminars. He was also a participating Justice in the OCA-sponsored "Jury Trial Project" and a Judge for the New York City Law Department's moot court training program.

STEPHEN A. WEINBERG, ESQ.

Stephen A. Weinberg was born and raised in the Bronx, New York, received a B.A. from Stony Brook University in 1975 and a J.D. from Pace University Law School in 1979. After five years of private practice in White Plains, he joined the Court of Claims in 1985 as law clerk to Hon. Henry W. Lengyel. During his 30+ years with the Court of Claims, he served as law clerk to presiding Judge Christopher J. Mega, Judge Melvin L. Schweitzer and Judge Stephen J. Mignano, and also was the court's Principal Court Attorney for a period of 10 years, during which he was responsible for the creation and development of the court's website, including a searchable database of the court's decisions. He is currently of counsel to Lipsig, Shapey, Manus & Moverman, P.C. and Vincent J. Aceste, Esq. practicing in the fields of Labor Law, Products Liability, Municipal Liability and Automobile and No-Fault Litigation.

STEPHEN YALE-LOEHR, ESQ.

Stephen Yale-Loehr has practiced immigration law for more than 35 years. He is co-author of *Immigration Law and Procedure*, the leading 21-

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volume treatise of U.S. immigration law. Of counsel at Miller Mayer, LLP, in Ithaca, New York, he also teaches immigration and asylum law at Cornell Law School as a Professor of Practice. Mr. Yale-Loehr received his B.A. in 1977 from Cornell University, where he was a College Scholar and Phi Beta Kappa. In 1981, he received his J.D., *cum laude*, from Cornell Law School, with a concentration in international legal affairs; he was also editor-in-chief of the *Cornell International Law Journal*. After graduation, Mr. Yale-Loehr clerked for the Chief Judge of the Northern District of New York. For the next four years, Mr. Yale-Loehr practiced international trade and immigration law at Eversheds Sutherland in Washington, D.C. From 1986 to 1994, he was managing editor of *Interpreter Releases* and executive editor of *Immigration Briefings*, two leading immigration law publications.

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