

**HURWITZ & FINE, P.C.**  
ATTORNEYS AT LAW

**Practice Groups**

[24 Hour Emergency Response](#)  
[Construction Accidents, Defects  
& Labor Law](#)  
[Employment Litigation Defense](#)  
[Premises Liability](#)  
[Product Liability](#)  
[Professional Errors & Omissions](#)

**Court Admissions**

Courts of the State of New York  
United States District Court  
- Western District of New York  
- Northern District of New York  
United States 2nd Circuit Court  
of Appeals

**Admitted to Practice**

New York

**Education**

University at Buffalo Law School  
(J.D., 1995)  
Canisius College (B.S., 1991)

**Professional  
Associations**

[Bar Association of Erie County](#)  
[New York State Bar Association](#)  
Western New York Defense Trial  
Lawyers Association  
[Claims & Litigation Management  
Alliance](#)

**Speaking Out**

[Construction Litigation](#)

[New York State Labor Law  
Update](#)

**DAVID R. ADAMS**

Email: [dra@hurwitzfine.com](mailto:dra@hurwitzfine.com)

Phone: (716) 849-8900

[View Reported Decisions](#)

Mr. Adams is a Member in the firm's Litigation department and has extensive experience litigating in construction negligence, labor law, product liability, transportation negligence, employment litigation and other complex and catastrophic injury litigation. Mr. Adams heads our New York Labor Law team and is the editor of the firm's monthly electronic newsletter Labor Law Pointers, which provides a review and analysis of the most current and significant New York State Labor Law cases. He is also a member of the firm's 24-Hour Emergency Response Team.

Mr. Adams is admitted to practice in the State of New York and the United States Courts for the Western and Northern Districts of New York. He is a past President of the Western New York Defense Trial Lawyers Association, a member of the New York State Bar Association, (Trial Lawyers, Torts, Insurance and Compensation and the Labor and Employment Law sections), a member of the Bar Association of Erie County and a member of the Western New York Trial Lawyers Association.

Mr. Adams earned his Juris Doctor from the State University of New York at Buffalo School of Law where he was awarded the Connelly Award for outstanding performance in trial technique and was selected to the UB Law School National Mock Trial Team. Mr. Adams is a cum laude graduate of Canisius College.



## **Valerie L. Barbic**

**Location:** Rochester, New York

**Phone:** 585-851-8952

800-474-0793

**Fax:** 585-454-4026

Valerie L. Barbic, a partner of the firm, was admitted to the New York State Bar in January 1992. She is also admitted to Federal District Court in the Western and Northern Districts. Ms. Barbic has extensive experience, including trial experience, in the areas of insurance defense and Labor Law litigation. In addition, she has a broad range of experience in toxic tort defense. She has defended homeowners in lead paint cases since 1998. She has engaged in the defense of asbestos claims for insulation and friction defendants. She is also experienced in the defense of mold claims, construction defect cases and product liability actions.

### **Areas of Practice**

- Insurance Defense Litigation (auto, premises, products liability, construction accidents)
- Toxic Tort Litigation (lead paint, asbestos, mold)
- Adoptions
- Commercial Litigation

### **Bar Admissions**

- New York, 1992
- U.S. District Court Western District of New York, 2000
- U.S. District Court Northern District of New York, 2003

### **Education**

- **New England Law, Boston, Massachusetts**

- J.D. - 1991
- **Union College, Schenectady, New York**
  - B.A. - 1988
  - Honors: Recipient Robert Porter Patterson Scholarship
  - Major: Political Science

### **Representative Clients**

- AMICA
- The Hartford - Complex Claims
- Travelers - Environmental Claims

### **Classes/Seminars**

- Insurance Coverage 2011 - What Every Practitioner Needs to Know, New York State Bar Association, 2011
- Basics of Civil Practice ? The Trial; Direct Examination, New York State Bar Association
- How to Litigate a Products Liability Case: The Fundamentals, New York State Bar Association, 2009
- General Auto Liability Seminar, New York State Bar Association, 2009
- Law School for Insurance Professionals, New York State Bar Association, 2007 - 2008

### **Professional Associations and Memberships**

- New York State Bar Association
- Monroe County Bar Association, Former member of Judiciary Committee

Mr. Barbour concentrates his practice in representing corporate and institutional clients involved in various types of civil and commercial litigation, including railroad, products liability, and contract litigation. His practice has an emphasis in matters pending in federal court, but he has extensive trial and appellate experience in both the federal and state courts throughout New York. He is also admitted to practice before the United States District Court for the Northern and Western Districts of New York, the United States Court of Appeals for the Second Circuit and the United States Supreme Court.

Mr. Barbour is a member of the National Association of Railroad Trial Counsel and the New York State Bar Committee on Federal Practice. He is a frequent lecturer at continuing legal education courses sponsored by the New York State Bar Association on all aspects of civil litigation.

Mr. Barbour has been on the mediation panel for tort and contract actions pending in the United States District Court for the Northern District of New York since 1998. He is also a member of the Alternate Dispute Resolution Committee for the Northern District of New York Federal Court Bar Association. He has also been appointed as a mediator for "Settlement Days" in Albany County Supreme Court and Rensselaer County Supreme Court.



## Robert H. Coughlin, Jr.

Robert H. Coughlin, Jr. is devoted to assisting his clients resolve their legal issues. He listens carefully and attentively to his clients' problems and issues in order to gain insight as to how a transaction can be successfully completed or litigation successfully resolved.

Rob became "Of Counsel" to Flink Smith LLC in 2003, a position he currently holds. By 2003, Rob and Ed Flink had known each other for over 15 years, both as fellow litigators in the Capital District and as colleagues in the New York State Bar Association. Rob had also become well-acquainted with Jay Smith, Rob having recruited Jay for Rob's former firm. Rob's affiliation with Ed and Jay in 2003 was thus a natural, and in 2005 Rob merged his private practice with Flink Smith.

Rob graduated from Hamilton College in 1978 and Albany Law School of Union University in 1981, where he was inducted into the Order of Barristers. After law school, Rob became the confidential law clerk to a New York State Supreme Court Justice.

Since completing his service with the judiciary Rob has been a trial lawyer, initially working on commercial construction matters and then concentrating his practice in the representation of insurance carriers and their insureds. For over 28 years Rob has represented insured defendants, injured plaintiffs and insurance companies, trying cases, and using alternative dispute resolution techniques such as mediation and arbitration to bring contentious cases to closure. He has the unique perspective of having worked for a judge helping decide cases, as well as representing injured plaintiffs who bring the lawsuit and representing those sued. He understands the needs and issues faced by all three entities to a contested litigation.

In 2000 Rob sought to broaden his perspective, leaving his partnership in a Schenectady firm to open his own office in Saratoga Springs where he resides. The association with Flink Smith three years later gave Rob the opportunity to continue to develop his business base in his own community, Rob working out of both the Saratoga Springs and Colonie offices. He currently concentrates in the area of civil litigation with an emphasis on trial practice and insurance law, negligence, Labor Law and commercial matters.

Rob is admitted to practice in all New York State Courts as well as the United States Federal District Courts for the Northern, Western and Southern Districts of New York and the United States Court of Appeals for the Second Circuit.

Rob is devoted to his profession and community. He currently is the Chair of the Torts, Insurance and Compensation Law (TICL) Section of the New York State Bar Association (NYSBA). He is also a member of the NYSBA Committee on the Tort

System. He is a frequent lecturer for NYSBA, educating other attorneys as well as insurance claims professionals. In the past, Rob has served on the NYSBA Committee on Attorneys' Fees, on the Board of Directors of the Capital District Trial Lawyers Association as well as on the Board of Directors, serving as Vice-President and President of the Defense Research Institute of Northeastern New York. He has been awarded the Chair of the Year Award by the TICL Section on two separate occasions.

Committed also to his community, he serves on the Board of Directors of the Adirondack/Saratoga Chapter of the American Red Cross and is a member of the Disaster Assistance Team with multiple certifications including Front Line Supervisor, qualifying him to run Red Cross Shelters. He also is the President of Saratoga Arts, a not-for-profit dedicated to making art in all its forms accessible to all members of the community. He is also on the Selection Advisory Group, which means he is a reader, for Saratoga Reads!, an organization devoted to community reading.

Rob resides in Saratoga Springs with his wife of thirty years, Eleanor Mullaney, also an attorney. They have two adult children, Robert and Kate. Rob enjoys travelling, skiing and outdoor activities with his wife and family, including his yellow lab Layla, reading and maintaining his fluency in French, his major in college.



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**Thomas P. Cunningham**  
Partner

[Commercial Litigation](#)  
[Insurance Coverage & Defense Litigation](#)

**Experience**

Mr. Cunningham is a trial attorney concentrating his practice in insurance defense litigation, insurance coverage, and commercial litigation. He is a graduate of the International Association of Defense Counsel Trial Academy and has successfully argued appeals at all appellate levels, including the New York Court of Appeals and the Second Circuit. Mr. Cunningham has also been a co-chair for statewide programs for the New York State Bar Association.

**Affiliations**

- New York State Bar Association
- Erie County Bar Association
- Automobile Liability Committee chair of the Torts, Insurance & Compensation Law Section of the New York State Bar Association
- Former member of the Judiciary Committee of the Erie County Bar Association
- Former Chair of the Negligence Committee of the Erie County Bar Association
- Former Chair of the Insurance Committee of the Erie County Bar Association
- International Association of Defense Counsel (IADC)
- Defense Research Institute
- Defense Trial Lawyers Association
- Member and former director of the Western New York Defense Trial Attorneys Association
- Board of Directors of the UB Law Alumni Association
- Member of the Roswell Park Alliance Foundation Community Advisory Board

**Education**

- Canisius College, *magna cum laude*
- State University of New York at Buffalo Law School, J.D.

**Admissions**

- New York State

- United States District Court for the Western District of New York
- United States Bankruptcy Court for the Western and Northern Districts of New York
- United States Court of Appeals for the Second Circuit
- United States Supreme Court

**Awards**

- Super Lawyers, 2008, 2009, 2010, 2011, 2012, 2013
- Robert J. Connelly Award for Trial Technique
- Who's Who in Law as recognized by *Business First* and the *Buffalo Law Journal*, 2004, 2005, 2007, 2011, 2012

**Publications**

Mr. Cunningham is a frequent author and lecturer on New York State Labor Law, automobile and premises liability, products liability, and insurance coverage topics.





Paul S. Devine  
Partner

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**PRACTICE AREAS**

Professional Liability  
Municipal and Governmental  
Liability  
Product Liability  
Transportation  
General Liability  
Construction  
Toxic Torts



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Paul Devine, a partner in the firm’s Garden City office, has over 30 years of experience as a trial lawyer and has recorded more than 100 verdicts in state and federal courts. He has successfully defended owners and contractors in construction work site accidents, railroad accidents, and catastrophic injury cases. Paul has experience in defending public and school transportation providers in municipal liability, product liability, and civil rights claims, and he represented the Port Authority of New York and New Jersey in the 1993 World Trade Center Bombing Cases. He continues to represent the Port Authority and contractors in matters involving workplace accidents at the World Trade Center.

He appears frequently in the Appellate Divisions of New York’s First and Second Judicial Departments, successfully arguing appeals in those courts. He is the past Chairman of the Trial Lawyers’ Section of the Nassau County and Suffolk County Bar Associations and is a member of the Defense Research Institute (DRI). Paul possesses an AV rating from Martindale-Hubbell. He is a member of the firm’s Professional Guidance Group and its Quick Response Team for transportation-related claims, and also serves as administrator in the firm’s complex tort litigation practice.

**Honors**

- Martindale-Hubbell Peer Review Rating: AV Preeminent
- *Super Lawyers, Corporate Counsel Edition*
- *New York Super Lawyers* (Metro – Civil Litigation, Defense)

**Professional Affiliations**

- Defense Research Institute
- New York State Bar Association: Torts Insurance and Compensation Law Section; Trial Lawyers Section
- Trucking Industry Defense Association
- Defense Association of New York, Inc.
- American Trucking Association
- Claims and Litigation Management Alliance: President, Long Island Chapter; member, Alternative Fee Arrangements Committee

**Admitted to Practice**

- New York
- U.S. District Courts for the Eastern and Southern Districts of New York
- U.S. Court of Appeals for the Second Circuit

**Civic Activities**

- Northport Lacrosse Club, Executive Officer
- Mepham High School Mock Trial Team, Coach
- Attorney Volunteer for Student Courthouse Tours, Nassau County Bar Association

**Education**

- Loyola University, J.D., 1979
- Villanova University, B.A., 1974

**Publications/Presentations**

- Panelist, “CLE: Labor Law Update,” CLM Long Island Chapter Educational and Networking Event, Garden City, NY, June 5, 2014
- Quoted in “How to Form a Non-Business Business Connection,” *Long Island Business News*, June 8, 2012
- Presenter, “Discovery Overview”, New York State Bar Association Seminar: Practical Skills 2011

- Presenter, "Direct Examination of Experts", New York State Bar Association Seminar: Expert Testimony – What You Need to Know in New York 2010
- Presenter, "Premise Liability claims Overview", New York State Bar Association Seminar: Law School for the Claims Professionals, 2007
- Presenter, "Cross Examination," New York State Bar Association Seminar: Practical Skills - Basic Practice - The Trial, November 2005
- Presenter, "Volunteer Sports Coaches and Protection from Personal Liability," Nassau County Bar Association Seminar, October 2005
- Presenter, "Cross Examination," New York State Bar Association Seminar: Practical Skills - Basic Practice Seminar - The Trial, 2004
- Presenter, "Students Victimized by Students: Bullying, Harassment and Hazing," for the Nassau County Bar Association Community Relations and Public Education Committee, November 2003
- Presenter, "Cross Examination," New York State Bar Association Seminar: Practical Skills - Basic Practice - The Trial, 2002
- Presenter, "Objections," New York State Bar Association Seminar: Sweating the Small Stuff - The Basics on Motions, Objections and Discovery, October 2000

*For an extended list, please visit [www.GoldbergSegalla.com](http://www.GoldbergSegalla.com)*



## Jennifer L. Dominelli

With a reputation in the legal community for successful conflict resolution, Jennifer has obtained consistently favorable results for her clients.

Jennifer's practice style has always concentrated on being prepared for whatever challenge clients may face while staying focused on their needs and objectives.

With a solid foundation as a litigator in the firm's insurance defense practice, Jennifer has built a matrimonial practice designed to serve the needs of clients with unparalleled expertise in the law and compassionate guidance through difficult situations.

Jennifer has enjoyed a rewarding relationship with Flink Smith, having joined on as the firm's law clerk in 1996, continuing as an associate in 1998 and being named partner in 2006.

Presently, Jennifer concentrates her practice in the areas of personal injury litigation, with an emphasis on toxic tort matters, and in matrimonial and family law and real estate. She also serves as general counsel to several business people and entities.

Jennifer is a 1995 *magna cum laude* graduate of Union College in Schenectady, New York and a 1998 *cum laude* graduate of Albany Law School of Union University. Upon graduation from law school, Jennifer was presented the American Academy of Matrimonial Lawyers Award for Outstanding Academic Achievement in Family Law. She is admitted to practice in all New York State Courts as well as the U.S. District Court for the Northern District of New York.

Jennifer is a member of the Torts, Insurance and Compensation Law and Family Law Sections of the New York State Bar Association. She is a member of the Collaborative Divorce Association of the Capital District (CDACD) and founding member and officer of Adirondack Alternative Divorce Solutions (AADS), organizations committed to providing an alternative to litigation for divorcing couples. Jennifer is an active volunteer with Union College, participating as a class agent with the College's Annual Fund and serves on the Executive Committee of the Annual Business Campaign. Jennifer currently serves on the Board of Directors as Co-President of the not-for-profit organization Joan Nicole Prince Home, which provides 24 hour bedside care for two residents at a time in a homelike environment. Jennifer enjoys competitive ballroom dancing and currently serves as an officer of the Capital District Chapter of USA Dance, Inc. Jennifer and her family reside in Glenville.



**Brian J. Donnelly**

Partner

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In 1988 Brian J. Donnelly joined Ahmuty, Demers & McManus and became a partner in 1993. He works in the Firm's New York City office. Over his 20 years with the Firm, Mr. Donnelly has tried numerous high exposure cases in both State and Federal Court.

Several of these cases have drawn attention from the media including the first case to go to trial of a firefighter involved in the post 9/11 recovery efforts at the World Trade Center site and the alleged rape of a minor at a prominent University.

Mr. Donnelly also coordinates the response of self insured retail and transportation clients to catastrophic incidents. He is the supervising partner for cases involving some of the largest self-insured retail and transportation companies in the United States.

Mr. Donnelly is a frequent lecturer to various clients, bar associations and defense associations such as DRI and USLAW.

Prior to joining the Firm he was an Assistant District Attorney in the Nassau County District Attorney's Office. During his three years as an ADA he tried twenty five jury trials to verdict, many involving serious felony offenses.

As of March 11, 2013 Brian Donnelly was selected to serve on the Independent Judicial Screening Panel for the New York County Democratic Party. In this capacity Mr Donnelly worked with fellow panel members to conduct a screening process whereby candidates for judicial office in the Civil Court, New York County were evaluated solely on individual merit without political influence or political interference being a factor.

**Practice Areas:**

[Commercial Transportation](#)

[Criminal Defense](#)

[Premises Liability](#)

[Products Liability](#)

[SIU/Fraud and Arson](#)

**Education:**

Brooklyn Law School, J.D., 1985

St. John's University, B.A., Honors: Dean's List

**Bar Admissions:**

State of New York, 1986

U.S. District Court, Southern District of NY, 1989

**Civic Activities:**

Yale College Mock Trial Association Invitational Tournament, Yale University, Judge, 2008

State of Florida: Accredited Continuing Education Instructor

HURWITZ & FINE, P.C.  
ATTORNEYS AT LAW



**ELIZABETH A. FITZPATRICK**

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**Practice Groups**

[Alternative Dispute Resolution](#)  
[Appellate Practice](#)  
[Coverage Analysis](#)  
[Coverage Mediation/Arbitration](#)  
[Declaratory Judgment Action](#)  
[Insurance Coverage Counsel](#)  
[Insurance Litigation](#)

**Court Admissions**

Courts of the State of New York  
United States Supreme Court  
- Court of Appeals  
United States District Court  
- Northern District of New York  
- Southern District of New York  
- Eastern District of New York  
United States 2nd Circuit Court  
of Appeals

**Admitted to Practice**

New York

**Education**

St. John's University  
(J.D., 1991)  
Pennsylvania State University  
(B.A., 1985)

**Professional  
Associations**

[New York State Bar Association](#)  
[Defense Research Institute](#)

Ms. Fitzpatrick is the resident partner in the firm's Long Island office serving the New York City metropolitan area, where a substantial and expanding portion of the firm's practice is located. Ms. Fitzpatrick concentrates her practice on insurance coverage disputes and civil appeals. Ms. Fitzpatrick is a frequent lecturer and author on insurance coverage topics for a wide range of professional groups and regularly provides insurance coverage training for insurers throughout the country.

She has significant experience representing insurers in defending and instituting declaratory judgment actions and assisting clients in analyzing, arbitrating, negotiating and providing coverage opinions on issues arising under a variety of insurance policies, including commercial general liability, OCIP, professional, directors' and officers', employment practices, premises, commercial and automobile liability policies, as well as focusing on environmental coverage and social media issues. She also has an extensive appellate practice in both state and federal courts. She is a member of the Executive Committee of the Torts, Insurance and Compensation Law section of the New York State Bar Association where she also serves as chair of the Continuing Legal Education Committee, receiving the Chairperson of the Year award for 2012. She also serves as local chair and overall statewide planning chair for various New York State Bar Association seminars, including the Law School for Insurance Professionals and the Advanced Insurance Coverage Seminar.

Nationally, she is an active member of the highly selective, invitation-only Federation of Defense & Corporate Counsel where she is state representative for New York and was selected to serve on the Editorial Board of the scholarly publication FDCC Quarterly. She is also active with DRI, the largest organization of defense attorneys in the country.

Also an active member of the New York City and Long Island insurance community, Ms. Fitzpatrick was featured in the Long Island Business News "Who's Who in Women in Professional Services." She is also on the Board of Directors of the Suffolk Child Care Council. An adjunct professor of Insurance Law at Touro College, she is a graduate of St.

Federation of Defense &  
Corporate Counsel

**Speaking Out**

Insurance Coverage: Emerging  
Issues, Development &  
Strategy

Top Ten Craziest Coverage  
Decisions

**Firm News**

Fitzpatrick Quoted in Law360 on  
Controversial Construction  
Defect Decision

Coverage Training Across New  
York State

John's University School of Law and Pennsylvania State University.



## E. Stewart Jones, Jr., Partner

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LAW FIRM PARTNER,  
ATTORNEY AND COUNSELOR  
AT LAW

E. Stewart Jones, Jr. is an exceptional attorney that is recognized for professional excellence as well as community service, volunteerism and philanthropy.

### THE MAN BEHIND THE PINSTRIPES

E. Stewart Jones, Jr. is the 3rd generation attorney to lead the [highly acclaimed law firm](#) that bears his name. His commitment to excellence is matched by his compassion to serve, as demonstrated by his professional success and tireless contributions to the community in which he lives and works. Recognized as one of the Best Lawyers in America, E. Stewart Jones, Jr. has been represented countless individuals and families, won high-profile cases, major civil and criminal cases, and obtained record number of million-dollar verdicts and settlements on behalf of his clients. At one time or another throughout his career, he has earned the distinction of being the attorney who had won the largest verdicts in a number of counties across Upstate NY.

### AN ICON IN THE LEGAL PROFESSION AND THE LOCAL COMMUNITY

A life-long resident of the Capital District, Mr. Jones always knew he would be a lawyer. He joined the family practice in 1966, the same year he began practicing law. However, his Grandfather Abbott Jones founded the law firm in 1898 and his father, E. Stewart Jones, Sr. carried on the same legacy that E. Stewart Jones, Jr. is so very proud of. The firm began and has continued as a family practice, embracing the attorneys, staff and clients as extended family, which is why he and the award-winning team have earned such a sterling reputation with clients and the community. He may have inherited his grandfather and father's work ethic, but the compassion, sincere desire to win, and commitment to providing his very best to each and every client are a product of his own values and desire to serve.

## LAW PRACTICE AREAS

Primary practice areas Mr. Jones is a highly skilled negotiator, litigator and trial attorney. His legal 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 New York State courts and federal courts.

- [Medical Malpractice](#) and [Wrongful Death](#) (on behalf of individuals and families)
- [Car Accidents](#), [Truck Accidents](#) and [Motorcycle Accidents](#)
- [Personal Injury](#)
- [White Collar Criminal Defense](#) (NY State and [Federal Cases](#))
- Non-White Collar [Felonies](#) (NY State and [Federal Cases](#))
- [Personal Injury](#) of Any Kind

## AN ATTORNEY LICENSED TO PRACTICE IN NY, VERMONT AND FEDERAL COURTS

- Admitted to practice before all courts in the State of New York, Since 1966.
- Admitted to practice before the U.S. District Court, Northern District of New York, Since 1966;
- Admitted to practice before the U.S. Supreme Court, Since 1970
- Admitted to practice before the U.S. Circuit Court of Appeals, Second Circuit, Since 1976.
- The United States District Court, Western District of New York, Since 1987.
- The United States Claims Court, 1991. The U.S. District Court, Eastern District of New York, Since 1994.
- The United States District Court, Southern District of New York, Since 1994.
- The United States District Court, District of Vermont, Since 2004.

## A DISTINGUISHED TRIAL LAWYER RECOGNIZED FOR EXCELLENCE

E. Stewart Jones, Jr.'s success has earned him the professional distinction of being the only New York State lawyer outside of New York City to be elected to the four most exclusive national organizations honoring outstanding trial lawyers:

- the International Academy of Trial Lawyers
- the Inner Circle of Advocates
- the International Society of Barristers



- the American College of Trial Lawyers

## HONORED BY HIS PEERS

Mr. Jones is also a Diplomat of the American Board of Trial Advocates and the American Board of Professional Liability Attorneys. His election as a Diplomat of the American Board of Professional Liability Attorneys reflects the recognition by his peers of his extensive experience and success in the evaluation, negotiation and trial of lawsuits involving the negligence of professionals such as doctors, hospital personnel and other health-care professionals.

Mr. Jones has also been honored by his election as a Fellow of the American Board of Criminal Lawyers. He is one of very few lawyers in the U.S. who has been Board Certified as both a Civil Trial Advocate and a Criminal Trial Advocate by the National Board of Trial Advocacy (1986-2002). In addition, Mr. Jones has been recognized by his peers in many of the legal industry's top professional honors, including:

- Listed in *U.S. News & World Report – Best Lawyers in America* from the very first edition to the current edition in the categories, presently, of Personal Injury Litigation, Criminal Defense (three distinct categories – white collar, non-white collar and DUI) and Malpractice Litigation.
- **“Personal Injury Litigator of the Year”** – Albany, NY (*U.S. News & World Report – Best Lawyers in America* - 2009).
- **“DWI Defense Lawyer of the Year”** – Albany, NY (*U.S. News & World Report – Best Lawyers in America* - 2012).
- **“Criminal Defense: White Collar Lawyer of the Year”** – Albany, NY (*U.S. News & World Report – Best Lawyers in America* - 2014).
- Listed in *Who's Who in American Law*.
- Listed in *Who's Who in the East*.
- Listed in *Who's Who in America*.
- Listed in *Who's Who in the World*.
- **“Top 500 Leading Plaintiffs Lawyers”** (Law Dragon Magazine, 2007).
- **“Top 25 Attorneys in the Hudson Valley”** (New York Super Lawyers – Upstate Edition – 2007 (inaugural edition), 2008, 2009, 2010, 2011, 2012 & 2013).
- **“Top 10 Lawyers in Upstate New York”** (Hudson Valley to Buffalo) (Super Lawyers Magazine – Upstate New York Edition – 2007 (inaugural edition), 2008, 2009, 2010, 2011, 2012 & 2013); (**Top Point Getter in Upstate New York** - 2007 (second in 2008, 2009 and 2010).

## EDUCATION

E. Stewart Jones, Jr. graduated from Williams College in 1963 and Albany Law School in 1966 when he joined his family's firm. Since then he has earned a reputation as a tireless advocate for the rights of those who have been injured by others, as well as those who have been accused of significant crimes.

## LEGAL PUBLICATIONS

Mr. Jones has authored numerous articles and chapters in a broad variety of trial advocacy books and has lectured extensively throughout New York State in all facets of personal injury lawsuits. If you wish to engage E. Stewart Jones to discuss a specific publication or request his participation in an upcoming industry publication, [please contact us today](#).

## AWARDS AND RECOGNITION

- Outstanding Practitioner Award, New York State Bar Association, Criminal Justice Section – (1980).
- Albany Academy Distinguished Alumnus Award – (2002).
- Albany Law School Trustees Gold Medal – (2003).
- Equal Access to Justice Award from the Legal Aid Society of Northeastern New York – Albany County Bar Association at the Albany Law School – (2005).
- Partners in Literacy Award – Literacy Volunteers of Rensselaer County – (2005).
- Little Sisters of the Poor / Our Lady of Hope Residence – For Dedicated Service to the Little Sisters of the Poor – (2005).
- Capital District Trial Lawyers Association – Daniel Mahoney Memorial Charter President's Award – (2006).
- Spirit of Hope Award – Gilda's Club of the Capital Region – (2006).
- Foundation of the Albany Roman Catholic Arch Diocese Service Award – (2007).
- Silver Legal Leader Award – Community Legal Leaders – Muscular Dystrophy Association – (2008).
- Citizen Laureate Award – The University at Albany Foundation – (2008).
- Troy Music Hall 29th Annual Gala, honoring E. Stewart Jones, Jr. as “a community leader for his contributions to the cultural life of the Capital Region.” – (2009).
- St. Peter's Church – Father T.K. Flannigan Humanitarian Award for Community Service – (2009).
- CDPHP 25th Anniversary Recognition as one of the community's “Terrific 25” for exemplary service on behalf of the community.

- Spirit of Unity Award – Unity House’s Harvest Supper Event – (2009).
- American Cancer Society, Beacon of Hope Award – (2010).
- St. Rose Community Service Award – (2010).
- Jefferson Awards Medalist (*In recognition of outstanding volunteerism in the community. A program of the American Institute for Public Service.*) - (2010).
- Community Citizen Award from TRIP and RCHR (*Troy Rehabilitation and Improvement Program, Inc. and Rensselaer County Housing Resources*) – (2010).
- Coordinated Community Response Award – Unity House’s Law Project – (2010).
- Community of Excellence Award (St. Rose College) – (2011).
- The Hart-Cluett Award from the Rensselaer County Historical Society – (2011).
- The Hope House, Circle of Hope Award – (2011).
- Pro Ecclesia et Pontifice Medal (*conferred by Pope Benedict XVI for Mr. Jones’ service to the Roman Catholic Church, and in particular, his involvement in the restoration of the Cathedral Church of the Immaculate Conception*) - (Conferred December, 2011).
- 2012 Academy of Character Education Business Leader Award (*The Academy for Character Education at the Sage Colleges*) – (2012).
- The Livingstone Society of the Roman Catholic Diocese of Albany.
- Crohn’s and Colitis Foundation Humanitarian Award to me and to Mr. Jones’ wife, Kimberly Sanger Jones – (2012).
- Rensselaer County Bar Association – Honored for contributions to the Rensselaer County Courthouse Artwork Restoration Fund – (2012).
- Susan G. Komen for the Cure – Pink Tie Guy’s Award – (2013).
- The Albany Academies – Philanthropy Award for Endowed Scholarships - (2013).

## MEMBERSHIPS

- Fellow, International Academy of Trial Lawyers - (*highly selective*). By invitation only after lengthy screening – limited to 500 lawyers in the United States, with approximately an additional 50-75 lawyers from countries outside of the United States.
- Fellow, International Society of Barristers - (*highly selective*). By invitation only after lengthy screening – limited to 600 lawyers in the United States, with approximately an additional 50-75 lawyers outside of the United States.
- Fellow, American College of Trial Lawyers - (*highly selective*). By invitation only after lengthy screening – limited to 1% of the active trial and appellate lawyers in each state.

- Fellow, Inner Circle of Advocates – (*most selective trial lawyers’ group*) – limited to 100 active plaintiffs’ trial lawyers in this country. Among minimum requirements for the screening process are at least 50 trials to verdict on behalf of plaintiffs and multiple million dollar jury awards on behalf of individual plaintiffs.
- Fellow, American Board of Criminal Lawyers - (*highly selective*). By invitation only after lengthy screening.
- Fellow, American Board of Professional Liability Attorneys.
- Fellow, American Bar Foundation
- Fellow, New York Bar Foundation
- Fellow, Litigation Counsel of America
- Chambers of Commerce / Business Memberships:
  - Rensselaer County Regional Chamber of Commerce
  - Albany-Colonie Regional Chamber of Commerce
  - Saratoga County Chamber of Commerce
  - Retail Council of New York State
  - Troy Business Improvement District (BID)

## TRUSTEESHIPS

- Board of Trustees – Troy Savings Bank (1985-1989); Honorary Trustee (1989–2003). (*Bank acquired by First Niagara effective January 2004*).
- Board of Directors, the University Foundation at Albany (1989-1998).
- Board of Trustees – The Albany Academy (1990-2006).
  - Secretary of the Board – (1991-1998).
  - Executive Committee – (1991-1998).
  - Co-Chairman – Capital Campaign for the Year 2000 – (1994-1999).
  - Vice-Chairman of the Board – (2001-2003).
  - Emeritus – (2006).
- Board of Trustees – The Albany Academies – (2006–present).
  - Member, Academies Operating Board – (2006-2007). (*The Board overseeing the consolidation of The Albany Academy and The Albany Academy for Girls*)
  - Chairman, Board of Trustees – (2011–present).
  - Chairman, The Board of Overseers of The Albany Academies – (2007-2011).
  - Chairman, Institutional Advancement Committee of the Board – (2007-2011).
  - Third Century Capital Campaign, Capital Campaign Steering Committee – (2011–present).

- The Albany Academies Scholarship Luncheon (*recognizing scholarship donors and the students and families who receive those scholarships*) – Speaker and Master of Ceremonies – (2007–present).
- Board of Trustees – The Albany Law School – (1992–present).
  - Secretary of the Board – (1992-1999 and 2004-2007).
  - Vice-Chairman of the Board – (1999-2002).
  - Executive Committee of the Board – (1999–present).
  - Chairman of the Board – (2002).
  - Chairman – Capital Campaign for the 150th Anniversary of the Law School – (1998-2004).
  - Chairman – Board of Trustees – (2007-2010).
- Board of Directors – New York State Trial Lawyers Association – (1992-present).
  - Director Emeritus – (1981-1991).
- Board of Directors – Federal Bar Foundation – (1994–present).
- Board of Trustees – The New York Interest on Lawyer Account Fund – (1997-1998).
- Board of Trustees – Fort Orange Club – (2004-2010).
- Board of Trustees – Albany Cemetery Association, Albany Rural Cemetery – (2005–present).
- Advisory Committee – Little Sisters of the Poor / Our Lady of Hope Residence – (2004–present).
- Board – WMHT Edison Society – (2005–present).
- Board of Trustees – Saratoga Performing Arts Center – (2005–present).
  - Vice-Chair – (2005–2010).
  - Vice-Chair – (2012–present).
- Board of Trustees – Teresian House Foundation – (2007–present).
- Board of Directors – Legal Aid Society of Northeastern New York – (2008–present).
  - Vice President – (2009-2010).
  - Treasurer – (2011-2012).
  - President – (2013–present).
- Chair and Co-Chair – Board for Campaign for Equal Justice of the Legal Aid Society – (from inception in 2004–present).
- Williams College
  - Vice President Class of 1963.
  - 50th Reunion Class Gift Committee.
  - 50th Reunion Class Gift Purpose Committee.

***E. Stewart Jones – A Family-Owned Law Firm Dedicated to Excellence Since 1898.***



**JAMES J KEEFE, PC** is a full service litigation oriented law firm, founded by James J. Keefe, an attorney with over thirty-four years' practice in both criminal and civil trial practice. Formerly Senior Trial Partner at Montfort, Healy, McGuire and Salley, he is a highly respected trial and appellate attorney in Nassau and Suffolk Counties, in the Five Boroughs of New York City, and in Westchester, Putnam and Dutchess Counties. He is Past President of the Nassau-Suffolk Trial Lawyers' Section of the Nassau and Suffolk Bar Associations, a member of the Executive Committee of the Torts, Insurance and Compensation Law Section of the New York State Bar Association. He has represented a diverse array of clients, including physicians, nurses, hospitals, police officers, corrections officers, traffic engineers, municipalities,

construction site owners and contractors, product manufacturers, premises owners, automobile operators and owners, in varied types of litigation. He has argued cases successfully in the Appellate Division, First and Second Departments, the United States Court of Appeals for the Second Circuit, and the New York Court of Appeals. His trial practice has embraced the Supreme Court of the State of New York from Suffolk County to Dutchess County, the United States District Courts for the Southern and Eastern Districts of New York, and courts of lower jurisdiction in New York State. He is admitted to practice in New Jersey and Florida, as well as in New York.



## KENNETH A. KRAJEWSKI

MANAGING PARTNER

[kkrajewski@brownkelly.com](mailto:kkrajewski@brownkelly.com)

Kenneth A. Krajewski is a member of the firm's litigation department where he practices in the areas of insurance coverage, product liability, environmental and toxic tort litigation, fire loss and all areas of insurance defense and civil litigation including safe places to work, automobile/truck, and insurance coverage litigation.

Ken's practice involves the defense and counseling of construction equipment manufacturers, tool manufacturers, crane and specialty vehicle manufacturers, automobile and parts manufacturers, tire manufacturers, and consumer products manufacturers.

A native of Western New York, Ken is a graduate of Empire State College and the Capital University Law School, *cum laude*. He is a member of the firm's management committee. Mr. Krajewski was named a 6-year [Super Lawyer](#) in the practice area of Personal Injury Defense (2008 -2013).

Ken is a member of the Erie County Bar Association, the New York Bar Association Torts, Insurance and Compensation Law Section, the Defense Research Institute, and the International Association of Defense Counsel. He has served as an officer and director of the Defense Trial Lawyers Association of Western New York, and is a past president of The Advocate's Club of Western New York. He is a member of the New York Bar, and is admitted to the Northern, Southern and Western U.S. District Courts, and the Supreme Court of the United States. Ken has served as a lecturer and moderator on insurance and personal injury topics for state and local bar associations and is a frequent in-house lecturer for insurers. He is a publication contributor on a number of legal topics. He is a seasoned trial attorney with experience in automobile, safe place to work, toxic tort and product liability litigation. He focuses his practice on complex and catastrophic injury cases.

### PRACTICE AREAS

Insurance

Litigation

### ADMITTED TO PRACTICE

New York

### COURT ADMISSIONS

Courts of the State of New York

Western, Northern and Southern Districts of New York

### EDUCATION

Empire State College

Capital University Law School, *cum laude*

### PROFESSIONAL HIGHLIGHTS

New York Super Lawyers - Upstate Edition 2008-2011

New York State Bar Association - Torts, Insurance and Compensation Law Section, Chair of the Automobile Liability Committee

Officer and director of the Defense Trial Lawyers Association of Western New York

Past president of The Advocate's Club of Western New York



## Margaret C. Lynch

### Practice Areas

Professional Malpractice  
Litigation

### Education

College of the Holy Cross, Worcester, Massachusetts, B.A., 1978  
Albany Law School of Union University, J.D., 1982

### Bio

With over 29 years of experience, Margaret Comard Lynch continues her practice as a litigator with Lemery Greisler. Her practice areas include civil rights, employment liability, premises liability, serious motor vehicle accidents, municipal liability, labor law and professional malpractice. Throughout her career, Ms. Lynch has tried numerous cases and argued many appeals in the State and Federal Courts of New York as well as the [New York State Division of Human Rights](#).

Ms. Lynch is a former chair of the [Trial Lawyers Section of the New York State Bar Association](#) and has served on its executive committee since 1991. She has been appointed to a number of Bar Association committees and currently co-chairs the [Committee on the Tort System](#). From 2002-2006 she served as the representative from the [Third Judicial District](#) to the New York State Judicial Conference and for twelve years was a member of the Judicial Screening Committee for the [Albany County Democratic Committee](#). Ms Lynch is also a former president of the Board of Directors of [St. Catherine's Center for Children](#).

Prior to joining Lemery Greisler, Ms. Lynch practiced law with the Albany firm of Ainsworth-Sullivan where she began her career and served as partner since 1988.

Ms. Lynch is admitted to practice in the state of New York and before the [United States District Court - Northern District](#) as well as the [United States Court of Appeals, Second Circuit](#). She is a [Martindale-Hubbell](#) A.V. rated attorney.



**Daniel J. Marren, Esq.**  
**New York State Supreme Court**  
**92 Franklin Street**  
**Buffalo, NY 14202**  
[dmarren@nycourts.gov](mailto:dmarren@nycourts.gov)  
**(716) 845-9439**

Daniel J. Marren is the Confidential Law Clerk to New York State Supreme Court Justice, Hon. Paula L. Feroletto, District Administrative Judge for the Eighth Judicial District. His responsibilities include legal research and writing, conducting pretrial conferences and coordination of the Judge's calendar of cases. His duties also include a number of administrative functions such as assisting the Judge in scheduling, case assignment, appearance at public functions and responding to complaints from litigants, attorneys and individuals involved in the Court system. He has also taken on special projects for the District such as the development of mandatory conference parts in mortgage foreclosure proceedings, implementation of new procedures for court legal staff to obtain CLE credits, assisting in the streamlining of the procedure for Buffalo *In Rem* proceedings and the implementation of mandatory e-filing in Erie County Supreme Court.

Prior to working for the Court, he was a partner at Brown & Kelly, LLP in Buffalo, N.Y. having worked there from 1985 until 2005. His practice was primarily concentrated in the area of personal injury litigation trials and appeals. He is a graduate of St. Bonaventure University (B.A., 1982, *cum laude*) and the State University of New York at Buffalo School of Law (J.D. 1985). He is admitted to the State Bar of New York and the United States District and Bankruptcy Courts for the Western District of New York.

Mr. Marren is a member of the Bar Association of Erie County (Board of Directors 2012-present), the Western New York Trial Lawyers Association (Board of Directors 2000-2003 and 2009-2012) and the New York State Bar Association. He has been an attorney advisor for the Bar Association's High School Mock Trial program for Bishop Timon High School for many years. He is Chair of BAEC's Awards Committee and has been a member of the Negligence, Speakers and the Admission to the Bar Committees as well as the TICL Committee of the NYSBA. He has served as a Hearing Officer for the Unified Court System, Buffalo City Court and as an arbitrator for the Western New York Trial Lawyers Association and the Better Business Bureau. He is an adjunct faculty member of the State University of New York at Buffalo School of Law teaching a course on taking and defending depositions. Mr. Marren has lectured on numerous occasions for the New York State Bar Association, Bar Association of Erie County, New York State Unified Court System and a variety of private CLE providers on topics such as E-Filing, Labor Law, No Fault, Toxic Tort Litigation, Depositions, CPLR and Ethics.

He has served on a variety of educational, charitable and non profit boards such as: Mount Mercy Academy Board of Trustees; Neighborhood Housing Services of South Buffalo, Inc. (President 1992-1993); Cazenovia Park Youth Hockey Association; Bishop Timon Alumni Board; and as a member of the District Advisory Council (New York State) of Neighborhood Reinvestment Corp.



## Cody McCone

### Partner

Cody McCone joined O'Dwyer & Bernstein in April of 1987. He has earned a reputation as a tireless advocate for his clients, many of whom have been injured in construction site accidents in the New York area, including the Freedom Tower and Building #3 and #4 at the World Trade Center. He represents O'Dwyer & Bernstein's clients not only in the courts, but also before numerous administrative agencies.

Mr. McCone brings his broad experience in all phases of Personal Injury and Construction Accident Law to every case he handles for the firm. To cite just one example: A recent client was an undocumented worker who was injured on the job while working for an unlicensed and uninsured plumbing contractor in New York. Though the client faced what on the surface were extremely difficult legal circumstances, Mr. McCone secured a \$2.5 million settlement for the client and his family. Mr. McCone also won at trial a sum of \$3.1 million for a local 608 Carpenter who fell from a broken scaffold.

Among his accolades and honors, Mr. McCone is a recipient of the Irish-American Attorney of the Year Award presented by the Honorable Charles J. Hynes, District Attorney of Kings County in New York. He serves as a judge at the New York Law School Annual Charles W. Froessel Moot Court Competition. He has lectured at Notre Dame Law School, the School of Law at Rutgers University, and at the Kings Inn and Mansion House in Dublin, Ireland, where he was a guest co-speaker with Justice Susan Denham of the Supreme Court of Ireland and the Right Honorable Michael Mulcahy, Lord Mayor of Dublin. Mr. McCone has also appeared as Counsel in the Coroners Inquest Court in Dublin. Mr. McCone serves on the Judicial Screening Panel for Kings County, he is a member of the Board for the Sisters of Mercy, Inner City Handball Association, the Marriage and Relationships Institute, and Emerald Isle Immigration Center.

Mr. McCone's humanitarian approach to the law is evident in his affiliations. For the past 20 years, he has been an active supporter and defender of Irish human rights causes in the United States. A former candidate for the City Council of New York, he is a Past President of the Brehon Law Society, an Irish-American Bar Association. He also served as Acting President of Division Five, the Paul O'Dwyer Division, of the Ancient Order of Hibernians of Kings County. Mr. McCone was the 2009 Brooklyn Irishman of the year, and 2010 Brooklyn Shamrock Football Club, Guest of Honor. He resides in Bay Ridge Brooklyn with his wife Rhea and their daughters, Ciara and Kaelegh.



KAUFMAN BORGEEST & RYAN LLP

**Michael P. Mezzacappa, Partner**

Westchester (914) 449-1028

mmezzacappa@kbrlaw.com



Michael is a Partner and trial attorney who has counseled and represented numerous corporations and clients, including manufacturers of various products, lawyers, construction companies, trucking companies, health clubs, security companies, alarm installers, landlords, managing agents, foster care agencies, municipalities, nurses, physicians, nursing homes and physical therapists. Michael has successfully tried many high-exposure cases to verdict.

In October of 2013, Michael spoke at the New York State Bar Association's seminar entitled 2013 Law School for Insurance Professionals regarding the use of social media in claims investigations, discovery and jury selection. Michael recently moderated the 2013 NYSBA sponsored Health, Fitness and Adventure Sports Liability Seminar in Manhattan in August 2013, specifically addressing the applicability and effectiveness of exculpatory clauses, releases and waivers under GOL Section 5-326. In the Fall of 2012, Michael was a speaker on the topic of Ethics during a Medicare Set Aside seminar on Long Island, which was sponsored by the National Business Institute. In the Spring of 2011, Michael lectured on the topic of Premises Liability for the New York State Bar Association. In the Fall of 2010, Michael lectured at the Law School for Insurance Professionals course sponsored by the New York State Bar Association on the topics of Medicare and liens. His outlines are published in the corresponding course books. He also was a contributing author to the Construction Site Personal Injury Litigation, New York Labor Law sections 200, 240(1) and 241(6) text originally published in 2006 and updated in 2008 by the New York State Bar Association. Michael has lectured at the Construction Work Site and Accident Litigation Seminar in the Fall of 2003 for the New York State Bar Association.

Mike has been featured in the "And the Defense Wins" section of *The Voice*, DRI's weekly eNewsletter:

**March 30, 2011**

**December 1, 2010**

**Practice Areas**

- Construction and Labor Law
- Fire and Explosion
- General Liability
- Hospitality and Dram Shop
- Premises Liability
- Products Liability
- Security Guards
- Trucking and Transportation
- Architects and Engineers
- Crisis Management

**Education**

St. John's University School of Law, J.D., 1988  
Binghamton University, B.A., *cum laude*, 1985  
- Psychology National Honor Society

**Bar and Court Admissions**

New York  
New Jersey  
District of Columbia  
U.S. District Courts – Southern, Eastern, Northern and Western Districts of New York, District of New Jersey, District  
Court of Connecticut

**Other Professional Affiliations**

American Bar Association, Tort and Insurance Practice Section

New York State Bar Association, Products Liability Committee

District of Columbia Bar Association

New Jersey Bar Association

**Notable Cases**

*Gonzalez v. Express Management; Tejada v. Creston Holding; Morales v Coram Materials Corp.; Cooper v. 40  
Clarkson Avenue Owners, Corp., et al.; Hayes v. Riverbend Housing Company, Inc.; S.M.R.K., Inc., et al. v. 25 West  
43rd Street Company, et al.; Saini, et al. v. Tonju Associates, et al.; Tarazzi v. 2025 Richmond Avenue Associates,  
Inc., et al.; and Tyree v. Seneca Center-Home Attendant Program, Inc., et al.*

# Hon. Kimberly A. O'Connor

Supreme Court, Albany County

112 State Street

Albany , NY 12207

+1-518-285-8597

## **JUDICIAL EXPERIENCE:**

- Acting Justice, Supreme Court, Albany County, Appointed by Chief Administrative Judge Jonathan Lippman, 2006 to Present
- Judge, Court of Claims, Appointed by Governor George E. Pataki , 2006 to 2014

## **OTHER PROFESSIONAL EXPERIENCE:**

- Inspector General , NYS Medicaid Department
- Counsel, Division of Criminal Justice Services
- Assistant Counsel, Governor
- Associate Attorney, Division of Criminal Justice Services
- Assistant District Attorney, Schenectady County
- Associate, Shanley, Sweeney, Reilly and Allen

## **EDUCATION:**

- J.D., Albany Law School
- B.A., Binghamton University

## **ADMISSION TO THE BAR:**

- NYS, Appellate Division, Third Department, 1995
- U.S. District Court, Northern District of New York, 1995
- Commonwealth of Massachusetts, 1995

Robert J. Permutt currently serves as a Lead Assistant General Counsel for Nationwide Insurance. In this role, he supervises a team of attorneys that provide legal support to the Personal Lines Casualty Claims Organization for the Northeast and Mid-Atlantic States. He also individually provides legal support to the New York Personal Lines Casualty Claims Organization.

Robert graduated from the State University of New York at Albany in 1991, with a Bachelor's Degree in History. Robert then attended Brooklyn Law School, obtaining a Juris Doctorate in 1996.

Following his graduation from law school, Robert worked in the Orange County District Attorney's Office for four years, ending his tenure in the office's Violent Felony Unit.

Upon leaving the District Attorney's Office, Robert worked for two New York State insurance defense law firms, handling a varied case load including products liability, Labor Law, premises liability, municipal liability and automobile liability cases.

Robert then joined the House Counsel operations for Progressive Insurance Company, handling large loss exposures throughout the Hudson Valley, New York City and Long Island.

Robert was on the faculty of the New York State Bar Association's 2010, 2011, 2012 & 2013 Law School for the Insurance Professional programs, 2011 Automobile Litigation Update, 2011 Insurance Coverage Update, 2012, 2013 & 2014 Advanced Insurance Coverage programs, 2012 Basic Tort and Insurance Law program, the 2013 Torts, Insurance and Compensation Law Section Summer Meeting and the 2013 Torts, Insurance and Compensation Law Section Annual Meeting.

Robert is a member of the Executive Committee of the Torts, Insurance and Compensation Law Section of the New York State Bar Association. On January 29, 2014, the section honored him with the Committee Chairman of the Year award.

Robert can be contacted at 914-593-1311 or [permutr@nationwide.com](mailto:permutr@nationwide.com).



## Michael A. Ponterio

135 Delaware Ave  
5th Floor  
Buffalo, NY 14202-2415  
Phone: (716) 849-0701  
Fax: (716) 849-0708

Michael A. Ponterio is a founding partner of Lipsitz & Ponterio, LLC. Mr. Ponterio represents families who have suffered injuries as a result of exposure to asbestos, childhood lead poisoning, as well as representing families suffering injuries as a result of defective products.

Mr. Ponterio has been representing people suffering from mesothelioma caused by asbestos for over 27 years. He obtained the first personal injury jury verdict in the State of New York for an asbestos victim ([Racich v. Celotex Corporation](#)). Mr. Ponterio also obtained the first punitive damage award for an asbestos worker in the State of New York ([Racich v. Celotex Corporation](#)). Mr. Ponterio and his partner, John Ned Lipsitz, also received the first personal injury jury verdict in Buffalo, New York, on behalf of an asbestos victim ([Wolf v. Celotex Corporation](#)).

In September 2011, Mr. Ponterio, together with Mr. Vona and Neil McKinnon obtained the [first jury verdict in Western New York on behalf of a lead poisoned child](#). In November 2013, Mr. Ponterio, together with Lipsitz & Ponterio attorneys Keith R. Vona and Zachary J. Woods, obtained a verdict on behalf of a Rochester, New York, child for injuries resulting from exposure to lead based paint.

Since 1988, Mr. Ponterio has obtained over \$100 million in settlements on behalf of the firm's mesothelioma clients.

In the last four years, Mr. Ponterio has served as trial counsel in asbestos cases involving plaintiffs' jury verdicts in excess of \$10 million:

- **April 2014** - Mr. Ponterio, together with Lipsitz & Ponterio attorney Keith Vona, obtained a Bench Trial Decision in Buffalo awarding \$3 million dollars to a former Durez worker with mesothelioma and his spouse for her loss of services and companionship as a result of his terminal cancer.
- **August 2013** - Mr. Ponterio, together with Lipsitz & Ponterio partner John Comerford, [obtained a jury verdict in the amount of \\$3 million dollars on behalf of a former Ashland Oil employee](#).

- **October 2012** - Mr. Ponterio, together with Lipsitz & Ponterio attorney Joseph Kremer, [obtained a jury verdict in the amount of \\$3 million dollars on behalf of a former GM worker.](#)
- **March 2012** – Mr. Ponterio together with Lipsitz & Ponterio attorneys Keith Vona, and Matt Morton, obtained a jury verdict in the amount of \$325,000 on behalf of a Former Durez Plant Worker in Lung Cancer Case.
- **December 2011** - Mr. Ponterio together with Keith Vona, obtained a jury verdict in the amount of [\\$2 million dollars on behalf of a former Durez factory worker.](#) The jury in this case assigned 100% of the responsibility for damages to defendant Hedman, and the jury also found that Hedman's actions were taken with reckless disregard for the safety of others.
- **July 2011** - Mr. Ponterio and Keith Vona obtained a [jury verdict in the sum of \\$2.5 million dollars](#) against Ford Motor Company on behalf of a former chemist.
- **November 2009** - Mr. Ponterio and Keith Vona served as counsel for a trial in Buffalo, New York, and obtained a [\\$3 million dollar settlement award on behalf of our client, a local union boilermaker for injuries resulting from exposure to asbestos on the job.](#)

Mr. Ponterio was selected as a *2012 and 2011 Super Lawyer* by Thomson Reuters, recognizing his excellence in the practice of law. Only 5% of the attorneys in Upstate New York are named *Super Lawyers*.

Mr. Ponterio resides in Clarence, New York with his wife Mary and their four daughters.

### **Admissions:**

- 1984, New York State

### **Education:**

- J.D., 1983, New England School of Law
- B.A., 1978, St. Bonaventure

### **Memberships:**

- American Association of Trial Lawyers
- New York State Trial Lawyers' Association
- Western New York Trial Lawyers Association
- American Bar Association



- Bar Association of Erie County
- Million Dollar Advocates Forum - *The Top Trial Lawyers in America*® - [see press release](#)

### **Publications:**

Mr. Ponterio is a contributing author in the New York Handbook entitled "*Products Liability in New York Strategy and Practice*" published by the New York State Bar Association (1997).

### **Awards/Nominations:**

- 2014; 2013; 2012; 2011, Selected as a *Super Lawyer* by Thomson Reuters
- 2012, AVVO Rating of Excellent based on experience, industry recognition and professional conduct.
- 2008; 2009; 2010, Listed BV Distinguished Rating by Martindale-Hubbell. This is the highest peer review rating for both legal ability and ethical standards.

### **Interviews:**

- [Civil Justice Magazine Interview with Michael Ponterio](#)

### **Speaking Engagements:**

- New York State Bar Association
  - Products Liability;
  - Vital Aspects of Your Care;
  - Civil Litigators Guide to Discovery Under New York Law



## Mirna M. Santiago

### Of Counsel

Email: [msantiago@wff-law.com](mailto:msantiago@wff-law.com)

Phone: (914) 509-2910

Location: White Plains, NY

Mirna Martinez Santiago joined White Fleischner & Fino in 2010 and focuses her practice on national coverage matters and litigation. She has over 18 years of experience working with or on behalf of insurance companies in a variety of capacities, handling a range of matters including tort, professional liability, coverage and

regulatory affairs. Mirna also lectures on an array of topics and has published articles on legal, as well as non-legal, subjects.

Mirna is an active member of the New York State Bar Association, through which she has held a number of leadership roles. Mirna is the first Black woman and the first Latina to ever hold an Officer position in the Torts, Insurance and Compensation Law Section of the New York State Bar Association. She is also passionate and actively involved in championing diversity and is a member of the New York State Bar Association's Committee on Diversity and Inclusion.

Mirna's many honors include the 2012 New York State Bar Association Torts, Insurance & Compensation Law Section Award for Outstanding Chair (Diversity) and the 2010 New York State Bar Association Sheldon Hurwitz Young Lawyer Award for Outstanding Contribution to the Practice of Law in the Field of Insurance. Mirna has also written numerous articles for a variety of publications, including many for the New York State Bar Association.

Mirna is fluent in written and spoken Spanish and spoken Garifuna.

#### Practice Areas

[Insurance Coverage](#)

#### Memberships

New York State Bar Association Officer, Torts, Insurance & Compensation Law Section Executive Committee;  
Member, Committee on Diversity and Inclusion

## Bar Admissions

New York 1996  
U.S.D.C., W.D.N.Y.  
U.S.D.C., S.D.N.Y.  
U.S.D.C., E.D.N.Y.

## Education

Columbia University School of Journalism  
Certificate in Magazine and Book Publishing, 2001

State University at Buffalo School of Law  
J.D., 1995  
Robert J. Connelly Award of Excellence in Trial Advocacy

New York University  
B.A., 1992

## **Hon. George J. Silver**

George J. Silver was elected to Civil Court bench in November 2004. He was assigned to Civil Court, Kings County for four and one half years until he was re-assigned in April 2009 to Family Court, Bronx County where he presided over juvenile delinquency matters. In January 2010, Judge Silver was appointed a Supreme Court Judge by designation and assigned to Supreme Court, New York County where he presides over the approximately two thousand motor vehicle cases pending in New York County. Prior to his election to the bench, he was a partner in the firm of Silver & Santo, LLP specializing in personal injury litigation, commercial litigation, maritime law, guardianship and real estate law. He obtained a B.S. in Accounting and Management from New York University, a law degree from Hofstra University School of Law and was conferred a Masters of Business Administration from New York University Stern Graduate School of Business. Judge Silver is also the President of the Board of Judges, the judicial association of all elected Civil Court Judges in the City of New York.



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**PRACTICE AREAS**

Title Insurance  
OSHA and Worksite Safety  
Construction  
General Liability



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Theodore Ucinski is an experienced litigator in the state and federal courts of New York and New Jersey, handling cases up to and including trial. Ted's primary areas of practice include multi-party construction defect litigation as well as New York labor law and high-exposure personal injury actions. In addition, Ted focuses on premises liability with a focus on negligent security and dram shop cases involving security companies, landowners, and public establishments, and he also has experience with title insurance claims.

Ted's in-depth knowledge base coupled with his common-sense approach allows him to aggressively litigate cases to an optimal resolution.

**Honors**

- *New York Super Lawyers* (Metro – Personal Injury Defense: General)

**Professional Affiliations and Training**

- Columbian Lawyers, Queens Chapter: Member, 2004–present; Board of Directors, 2008–2012
- Queens County Bar Association
- New York State Bar Association
- Construction Financial Management Association, Long Island Chapter
- Department of Labor OSHA-10 Construction Training

**Admitted to Practice**

- New Jersey
- U.S. District Court for the District of New Jersey
- New York
- U.S. District Courts for the Southern and Eastern Districts of New York

**Community Involvement**

- Fordham Alumni, Long Island Chapter

**Education**

- Pace University School of Law, J.D., 1998 (*Pace International Law Review*)
- Fordham University, dual B.A., *cum laude*, 1995 (Dean's List; History Honor Society)

**Presentations/Publications**

- Co-Presenter, "Sue Everyone! The Anatomy of a Construction Lawsuit," Professional Women in Construction, New York, May 22, 2014