New York State Bar Association
Torts, Insurance & Compensation Law Section and Trial Lawyers Section
Fall Meeting | Nashville, Tennessee

Thursday, November 12, 2026
Cocktail Reception
5:30 p.m. – 7:30 p.m.

Friday, November 13, 2026
CLE Program
8:30 a.m. – 12:00 p.m.

Saturday, November 14, 2026
CLE Program
8:30 a.m. – 12:10 p.m.

Renaissance Nashville Hotel | 611 Commerce Street, Nashville, TN 37203

7.0 MCLE Credits: 4.0 Areas of Professional Practice | 1.5 Ethics and Professionalism | 0.5 Skills | 1. 0 Cybersecurity, Privacy and Data Protection (General)

This program is transitional and is suitable for all attorneys including those newly admitted.

Agenda

Thursday, November 12

12:00 p.m. – 5:00 p.m.	**Meeting Check-in and Exhibitor Set up -** Germantown Foyer (Meeting Room Level 2)
1:00 p.m. – 2:30 p.m.	**Trial Lawyers Executive Committee Meeting –** Sylvan Park (Meeting Room Level 2) Coffee, tea & snacks served
3:00 p.m. – 4:30 p.m.	**TICL Executive Committee Meeting** Germantown 4 (Meeting Room Level 2) Coffee, tea & snacks served

5:30 p.m. – 7:00 p.m.	**Welcome Reception** – Event Hub Container Bar (Meeting Room Level 1)
	Dinner on Your Own

Friday, November 13

7:30 a.m. – 8:30 a.m.	**Program Check-in & Continental Breakfast** Germantown Foyer (Meeting Room Level 2)
8:30 a.m. – 8:40 a.m.	**Welcome and Introductions –** Germantown 2-3 (Meeting Room Level 2) **Donald R. Gerace, Esq., Torts, Insurance and Compensation Law Section Chair** Law Office of Donald R. Gerace Utica, New York **Seth M. Rosner, Esq. Trial Lawyers Section Chair** Seth M. Rosner, P.C. Garden City, New York
8:40 a.m. – 8:55 a.m.	**Welcome and Remarks from Taa R. Grays, Esq.** President, New York State Bar Association Former Vice President and Associate General Counsel of Information Governance MetLife Legal Affairs, New York, NY
8:55 a.m. – 9:45 a.m.	**Verdicts, Perception & Perspective: Trends for Success and Civility in the Law** In an era dominated by heightened social media attention, multi-million-dollar "nuclear verdicts" have transformed trial practice. While the defense bar strives to prevent runaway jury awards, plaintiffs' attorneys must navigate zealously optimizing a plaintiff's verdict and simultaneously managing client expectations. We will examine the psychological and mechanical drivers behind outlier verdicts, actionable techniques for counsel on both sides of the "v" and communication aligned with civility in the law. **Speakers:** **Michael P. O'Brien, Esq.** O'Brien Law Firm, PLLC New York, NY

Tania M. Pagan, Esq.
The Pagan Law Firm, P.C.
New York, NY

Moderators:

Donald R. Gerace, Esq.
Law Office of Donald R. Gerace
Utica, New York

Seth M. Rosner, Esq.
Seth M. Rosner, P.C.
Garden City, New York

1.0 MCLE Credit in Areas of Professional Practice

9:45 a.m. – 10:35 a.m.

LLMs, Lawsuits, and Liquidity: Detecting the Effects of Personal Injury Advertising in Crowdfunding Narratives
We use large language models to extract legal context and liquidity needs from millions of private crowdfunding narratives, then combine these measures with geographic variation in personal injury lawyer advertising. The results show how AI can recover economically meaningful outcomes from unstructured text and reveal how engagement with the legal system interacts with households' short-term financial needs.

Speakers:

Kyle Coombs, Assistant Professor of Economics
Vassar College
Poughkeepsie, NY

Brian Jonghwan Lee, Assistant Professor of Finance, Emory University
Atlanta, GA

Moderator:

Seth M. Rosner, Esq.
Seth M. Rosner, P.C.
Garden City, New York

1.0 Credit in Cybersecurity, Privacy and Data Protection (General)

10:35 a.m. – 10:45 am. **Refreshment Break**

10:45 a.m. – 11:35 a.m. **Mastering Strategies & Advocacy in Mediation Nashville Style**

Mediation is more than simply showing up at the table - it's an opportunity to advocate strategically, navigate challenging dynamics, and position your client for the best possible outcome. This practical and engaging session will explore proven strategies for effective mediation advocacy, from preparation and negotiation to communicating with mediators, managing expectations, resolving disputes, and documenting the final agreement.

Attendees will gain practical insights into handling difficult conversations, navigating emotional dynamics, and communicating with clarity, confidence, and purpose. The program will also take a closer look at the ethical responsibilities that come with effective mediation advocacy, including the importance of professionalism, fair dealing, and responsible communication throughout the process**.** Participants will leave with practical tools and techniques they can put to work immediately in their next mediation.

Speakers:

Gail Vaughn Ashworth, Esq.
Wiseman Ashworth Trauger Moore Law Group
Nashville, TN

Hon. Patricia ("Patsy") Cottrell (Ret.)

Tennessee Court of Appeals
Nashville, TN

0.5 MCLE Credit in Ethics and Professionalism
0.5 Skills

11:35 a.m. – 12:25 p.m.

The Impact of Accident Analysis and Injury Biomechanics

This program will provide attorneys with a practical understanding of accident analysis and injury biomechanics and how these disciplines can be used to evaluate injury claims and liability. Faculty will explore the mechanics of motor vehicle crashes, injury causation and biomechanics, including whiplash and spinal injuries, as well as accident data, Event Data Recorders (EDRs), and evidence from crash investigations. The program will also address trip-and-fall, slip-and-fall, falling-object, occupational, and premises liability cases, including situations where a claimant's account may not be consistent with the physical evidence.

The program will also examine head injuries, human factors, witness reliability, evidence collection and chain of custody, and the presentation of accident evidence at trial. Attendees will gain practical insight into working with and challenging expert witnesses, including evaluating expert testimony, admissibility issues, and how accident analysis and biomechanics can be used to support or challenge arguments regarding injury and liability.

Speakers:

Dr. Kevin Toosi, MD, PhD
University of Pittsburgh
Pittsburgh, PA

Stephen Toner, Esq.

	Toner Law Group, PLLC New York, NY
	Moderator:
	Donald R. Gerace, Esq. Law Office of Donald R. Gerace Utica, New York
	1.0 MCLE Credit in Areas of Professional Practice
12:25 p.m.	**Afternoon on Your Own**
6:00 – 7:00 p.m.	**Cocktail Reception –** Event Hub Container Bar (Meeting Room Level 1)
7:00 p.m. – 9 p.m.	**Dinner & Keynote Presentation -** Sobro (Meeting Room Level 1)
	Keynote Presenter:
	Sherie Edwards, President Nashville Bar Association Nashville, TN

Saturday, November 14

7:30 a.m. – 8:50 a.m.	**Program Check-in & Continental Breakfast** Germantown Foyer (Meeting Room Level 2)
8:50 a.m. – 9:00 a.m.	**Welcome and Introductions** - Germantown 2-3 (Meeting Room Level 2) **Seth M. Rosner, Esq. Trial Lawyers Section Chair** Seth M. Rosner, P.C. Garden City, New York **Donald R. Gerace, Esq., Torts, Insurance and Compensation Law Section Chair** Law Office of Donald R. Gerace Utica, New York
9:00 a.m. – 9:50 a.m.	**The Settlement Decision in the Shadow of Trial—Managing Risk, Resolving Cases, and Confronting the Nuclear-Verdict Reality** This program will address the increasing risk of exceptional jury awards; the steps lawyers, carriers, and parties can take throughout discovery, motion practice, and pretrial proceedings to reduce that risk; and the circumstances in which even thoughtful preparation and serious settlement efforts cannot eliminate it. Attendees will leave with a practical framework for deciding when to continue negotiating, when to recalibrate settlement expectations, and when a case must be tried with a clear-eyed understanding of the potential consequences. **Speakers:** **Hon. Adam Silvera** Deputy Chief Administrative Judge for the New York City Courts **Hon. George Silver (Ret.)** Silverstar Mediation and Arbitration, LLC New York, NY

Moderator:

Brian Brown, Esq.
Avanzino & Moreno, PC
Brooklyn, New York

1.0 Credit in Areas of Professional Practice

9:50 a.m. – 10:40 a.m.

Redefining Advocacy Skills for Today's Juries
Attorneys are not trained to think like jurors, and today's juries do not decide cases the way that lawyers and judges often assume they do. As a result, attorneys may view juries as unpredictable, misjudge case value, or present cases in ways that fail to resonate with jurors. This program examines the psychology of jury decision-making and the evolving advocacy skills lawyers need to effectively and ethically select juries, counsel clients, conduct voir dire, and present their cases. Participants will explore how behavioral science can be used consistently with the Rules of Professional Conduct, with particular emphasis on competence, candor, fairness to the tribunal, ethical client counseling, and the responsible use of jury research. Among the topics covered are:

- Developing the jury story through creative discovery and ethical jury research
- Controlling the focus of the case by framing the issues ethically and without misleading jurors
- Building credibility through an investigative rather than an adversarial approach, emphasizing candor and professional responsibility
- Building rapport and obtaining juror information ethically during voir dire
- Creating context for client conduct and decision-making while counseling clients ethically using jury psychology and behavioral research
- Creating better case positioning for mediation through ethical client counseling and realistic case evaluation
- Simplifying and telling a better case story while maintaining fairness and candor to the tribunal

- Persuasion and presentation skills that communicate meaning without appealing to bias or misleading the jury
- New research and ethical strategies for presenting damages evidence and arguments
- The ethical use of behavioral science, jury research, and emerging technologies in trial practice

Presenter:

Richard Gabriel
Decision Analysis Litigation Strategy
Topanga, CA

Moderator:

Joanna M. Roberto, Esq.
Gerber, Ciano Kelly Brady LLP
Garden City, NY

1.0 Credit in Ethics and Professionalism

10:40 a.m. – 10:50 a.m. **Refreshment Break**

10:50 a.m. – 11:40 a.m. **Observations from the Bench and Advice from The Advocate**

Join Justices James E. d'Auguste, James G. Clynes, and Brendan T. Lantry for an interactive discussion moderated by Michelle Kern-Rappy Esq. on effective advocacy, trial preparation and mediation. Attendees will have the opportunity to ask questions and engage directly with the panelists on issues that arise in everyday practice.

Drawing on their experience from the bench, the panel will discuss what judges find most persuasive in written submissions and oral argument, common pitfalls encountered by litigators, and the advocacy approaches that build credibility with the court. The discussion will also explore the relationship between

trial readiness and obtaining favorable litigation outcomes.

Presenters:

Hon. James G. Clynes
New York County Supreme Court, Civil Term
1st Judicial District
New York, NY

Hon. James E. d'Auguste
New York County Supreme Court, Civil Term
1st Judicial District
New York, NY

Hon. Brendan T. Lantry
New York County Supreme Court, Civil Term
1st Judicial District
New York, NY

Moderator:

Michele Kern-Rappy, Esq.
Kern-Rappy Dispute Resolution
New York, NY

1.0 Credit in Area of Professional Practice

11:40 a.m. Adjourn