

# DE CARO & KAPLEN, LLP

Personal Injury, Brain Injury, Negligence, Medical Malpractice, Products Liability, Admiralty, Construction Accidents, Automobile Accidents, Trials and Appeals in State and Federal Courts.

**MICHAEL V. KAPLEN**, admitted to bar, New York, 1980, Florida, 1981; U.S. Court of Appeals, Second Circuit; U.S. District Court, Southern, Eastern and Northern Districts of New York.

**Education:** New York University (B.A. 1976); Brooklyn Law School (J.D. 1979).

**Professional Activities:** Board Certified, Civil Trial Law, National Board of Trial Advocacy; Chairperson, New York State Traumatic Brain Injury Services Coordinating Council; President, Brain Injury Association, New York State; Past-Chair, Automobile, Highway and Premise Liability Section, Association of Trial Lawyers of America; Board of Directors, Trial Lawyers for Public Justice; Past-Chair, Traumatic Brain Injury Litigation Group, Association of Trial Lawyers of America; Past-Chair, Tort Section, New York County Lawyers Association; Member, Editorial Advisory Board, *Neurolaw Letter*; Member, Advisory Board, National Crime Victim Bar Association; Former Adjunct Professor of Law, St. John's University School of Law, Trial Practice and Law and Medicine courses; Faculty Member, National College of Advocacy, Association of Trial Lawyers of America; Member, Catastrophic Injury Panel, Trial Lawyers Care, September 11<sup>th</sup>, Victims Compensation Fund; Appointed Member of Medical Malpractice Panel, Appellate Division, First and Second Department.

**Awards & Honors:** 2004, Trial Lawyers for Public Justice, Public Justice Achievement Award for Pro Bono Representation of Victims of 9/11; 1998, Founder's Award, Brain Injury Association of New York State; Elected, Who's Who in America.

## **Publications:**

Summations, Art of Advocacy Series, Matthew Bender & Co., contributing author. Actual summation concerning Traumatically Induced Parkinson Disease resulting in Two Million Dollar Verdict, was published; Neurolaw: Brain and Spinal Cord Injuries, West Publishing, "Ethical Considerations in Representing a Person with a Brain Injury"; Contributor, McKinney's Forms for the New York Courts .

**Professional Societies:** President, Brain Injury Association of New York State; Sustaining Member, Association of Trial Lawyers of America (Chair, Automobile, Highway and Premises Liability Section; Member, Leadership Council; Past Chair, Traumatic Brain

Injury Litigation Group); Chairperson, Tort Section, New York County Lawyers Association; New York State Trial Lawyers Association; New York State Academy of Trial Lawyers; New Jersey Trial Lawyers Association; Fellow, Southern Trial Lawyers Association; Academy of Florida Trial Lawyers; The National Crime Victim Bar Association; Trial Lawyers for Public Justice.

### **Professional Presentations:**

**2006:** North American Brain Injury Society: “Ethical Considerations in Representing Persons in Brain Injury Litigation”, Miami, FL; National Brain Injury Research, Treatment and Training Foundation: “Impairments of Consciousness – Member of Consensus Conference”, New Paltz, NY.; Iona College: Keynote Speaker, Brain Injury Awareness Forum; Brain Injury Association of Ohio Annual Legal Conference: “Use of Brain Injury Medical Literature at Trial”, Columbus, Ohio.

**2005:** North American Brain Injury Society: “Ethical Considerations in Representing Persons in Brain Injury Litigation”, Amelia Island, FL; North Shore-Long Island Jewish Health System, Neurorehabilitation: Keynote Address: Public Perceptions of Brain Injury; Association of Trial Lawyers of America, Program Chairperson, “Litigating Auto Collision Cases”, New Orleans, LA.

**2004:** Indiana Trial Lawyers Association, “Contemporary Issues in Brain Injury Litigation”, Indianapolis, IN; Association of Trial Lawyers of America, National College of Advocacy, “Low Impact Crashes and Brain Injury”, New Orleans, LA.; Association of Trial Lawyers of America, National College of Advocacy, “Understanding Defense Strategies in Brain Injury Litigation”, Boston, MA.; North American Brain Injury Society, Annual Conference, “Public Perceptions of Brain Injury”, Beaver Creek, CO.

**2003:** Association of Trial Lawyers of America, National College of Advocacy, “Innovative Deposition Taking and Discovery Techniques, Working Up and Winning Auto Crash Cases”, National Telephone Seminar; Association of Trial Lawyers of America, National College of Advocacy, “Sequelae of a Spinal Cord Injury”; “Recognizing Brain Injury”, New York, NY; Association of Trial Lawyers of America, National College of Advocacy, “Ethical Considerations in Representing Persons with a Brain Injury”, San Francisco, CA; Ohio Brain Injury Association, “Special Considerations in Pediatric TBI”, Columbus, Ohio; North American Brain Injury Society & International Brain Injury Association, “Use of Medical Literature in Brain Injury Litigation”, Amelia Island, FL.

**2002:** National Crime Victims Bar Association, National Conference, “Brain Injury and Domestic Violence”, Washington, D.C.; Case Management Society of America, “Brain Injury-Legal Considerations”, Burke Institute of Rehabilitation, White Plains, NY; Association of Trial Lawyers of America, National College of Advocacy, “Ethical

Considerations in Head Injury Cases”, Houston, TX; Association of Trial Lawyers of America, Annual Conference, “What Does the Public Think About Brain Injury”, Atlanta, GA.

**2001:** Florida Academy of Trial Lawyers, “Concussion Without Loss of Consciousness”; Virginia Trial Lawyers Association, Implications of Harris Poll on Traumatic Brain Injury Litigation; “Special Trial Techniques in Using Medical Texts”, Charlottesville, VA; Syracuse University – SUNY Upstate Medical Center – “Legal Implications of Sports Related Brain Injury” Syracuse, New York; Co-Chairperson Brain Injury Association of New York State Trial Lawyers Conference, Mount Sinai Hospital and Medical Center, New York, NY.

**2000:** New York Hospital For Special Surgery, Neuro Sports Conference, The Representation of a Person With a Brain Injury; Brain Trauma Foundation and The Medical Society of the State of New York, The Traumatic Brain Injury Patient, Quality Assurance and Patient Confidentiality; Utah Trial Lawyers Association and Utah Brain Injury Association, Cross Examination of the Defense Expert; Association of Trial Lawyers of America, Annual Conference, Representing Elderly Individuals with Brain Injuries; Ohio Brain Injury Association, Using Medical Literature for Maximum Effectiveness in TBI Cases

**1999:** Co Chairperson, Brain Injury Association of New York State, Trial Lawyers Conference, Mt. Sinai Hospital and Medical Center, New York, NY; Moderator, Association of Trial Lawyers of America, Annual Conference, Recent Developments in Medicine in Brain Injury Cases, San Francisco, CA; Utah Trial Lawyers Association and Utah Brain Injury Association, “Direct Examination of the Expert Witness in a Brain Injury Case”; Salt Lake City, UT

**1998:** Co Chairperson, Brain Injury Association of New York State, Trial Lawyers Conference, Mt. Sinai Hospital and Medical Center, New York, NY; American Board of Trial Advocacy, National Conference: Mock Trial Demonstration, Cross Examination of a Neuropsychologist, New Orleans, LA; Association of Trial Lawyers of America, Annual Conference, Participant, Mock Trial Demonstration, Jury Selection and Cross Examination of an Economist, San Diego, CA; Southern Trial Lawyers Association, “Closing Arguments in Closed Head Injury Cases, New Orleans, LA; Ohio Brain Injury Association, 6th Annual Seminar, Cutting Edge Issues In Brain Injury Cases: “The Poison Pills: Common Obstacles and Pitfalls in TBI Cases”, Columbus OH; New York State Department of Health , Traumatic Brain Injury Program, “Advocacy on Behalf of TBI Victims”, Albany, NY; Brain Injury Association of New York State Annual Conference, “What Your Attorney Needs to Know to Effectively Represent You”, Tarrytown, NY; Utah Trial Lawyers

Association and Utah Brain Injury Association, “Effective Opening Statements”, Salt Lake City, UT

**1997:** Wisconsin Brain Injury Association, “Direct Examination of the Pathologist in a Brain Injury Case; Green Lake, WI; Michigan Brain Injury Association and Mothers Against Drunk Driving, Annual Symposium , “Economic Losses and the Examination of the Economist”, Detroit MI; New Jersey Trial Lawyers Association, Annual Conference, “Effective Use of Demonstrative Evidence”, Atlantic City, NJ; Brain Injury Association of New York State, Annual Conference, “What You Need to Tell Your Attorney for Effective Representation”, Albany, NY; Association of Trial Lawyers of America, Annual Conference, “Pathological Evidence to Prove Brain Injuries”, Boston, MA

**1996:** Brain Injury Association of New York State, Annual Conference, "What You Need to Tell Your Attorney for Effective Representation" Syracuse, NY; Association of Trial Lawyers of America, Annual Convention, Boston, MA. "Pathological Findings in Injury to the Brain"; Belli Seminar, "Can the V.A Restrict Your Right to Interview Treating Physicians", Boston, MA; Southern Trial Lawyers Association, "Proof of Economic Damages in Mild Head Injury Cases", New Orleans, LA

**1995:** Southern Trial Lawyers Association, "Proving the Traumatic Brain Injury Case", New Orleans, LA; Ohio Head Injury Association, Annual Seminar, "Proving Traumatic Brain Injury, What Evidence to Use", Columbus, OH; Association of Trial Lawyers of America, Annual Convention, "Sheltering Your Client's Settlement with the Special Needs Trust" and Mock Trial Demonstration, "Direct Examination of the Plaintiff" New York, NY

**1994:** Association of Trial Lawyers of America, Annual Convention, "Special Techniques in Preparing for Trial in the Mild Head Injury Case", Chicago, IL

**1993:** Association of Trial Lawyers of America, Annual Convention, "Traumatic Back Injuries, Spondylolisthesis;" San Francisco, CA

**1991:** Association of Trial Lawyers of America, Annual Convention, Toronto, Canada, "Flammable Fabric Litigation"; Jamaica Hospital and Medical Center, "Avoiding Malpractice Claims", Jamaica, NY