

MICHAEL V. KAPLEN, ESQ.

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Education

- New York University (B.A. 1976)
- Brooklyn Law School (J.D. 1979)
- Marquette University, Neuroanatomical Dissection of the Human Brain and Spinal Cord (2007)

Professional Certifications

- Board Certified, Civil Trial Law, National Board of Trial Advocacy
- Board Certified, Professional Liability-Medical Malpractice, American Board of Professional Liability Attorneys
- Board Certified, Civil Pretrial Practice Advocacy, National Board of Civil Pretrial Practice Advocacy
- American College of Board-Certified Attorneys
- Advocate, Academy of Truck Accident Attorneys

State and Federal Bar Admissions

- New York State Bar
- Florida State Bar
- District of Columbia Bar
- United States Circuit Court of Appeals, 2nd Circuit
- United States Circuit Court of Appeals, 3rd Circuit
- United States Circuit Court of Appeals, DC Circuit
- United States District Courts, Southern, Eastern & Northern Districts of New York

Academic Affiliations

- Professorial Lecturer in Law, The George Washington University Law School “The Legal Aspects of Traumatic Brain Injury”
- American Academy of Neurology, Concussion Work Group
- Clinical Professor, Graduate School of Psychology, Touro College
- Guest Lecturer, George Washington University, Center for Education and Human Services in Acquired Brain Injury

- Board of Advisors, The New York Traumatic Brain Injury Model System Program, Brain Injury Research Center of Mount Sinai Medical Center, New York
- Faculty Member, National College of Advocacy
- Advisory Board, Touro University, Graduate School of Psychology, Institute for Neurobehavioral Studies
- Instructor, St. John's University School of Law, Trial Practice and Law and Medicine courses (1989-1990)

Government and Public Service

- Chairperson, New York State Traumatic Brain Injury Services Coordinating Council (2019-)
- Past Chairperson, New York State Traumatic Brain Injury Services Coordinating Council (2007-2013)
- Advisory Board, Acquired Brain Injury Program, The George Washington University, Washington, D.C., Graduate School of Education and Human Development
- Member, New York State Traumatic Brain Injury Services Coordinating Council (2003-present)
- Participant, White House Healthy Kids & Safe Sports Concussion Summit
- Panel member, National Academy of Sciences, Committee on Science, Technology—Arbitration as an Alternative to Medical Malpractice Claims
- President, Brain Injury Association, New York State (1989-2008)
- Board of Directors, Brain Injury Association, New York State
- Member, Medical Malpractice Panel, New York State Appellate Division, First and Second Judicial Departments
- Legal Advisory Board, Sarah Jane Brain Injury Foundation
- Member, Pediatric Acquired Brain Injury Plan (PABI), New York State Steering Committee
- Member, Sports Legacy Institute, Boston, Mass.
- PINK Concussions, Professional Advisory Board

Bar and Trial Lawyer Associations

- President, American Academy of Brain Injury Attorneys
- Board of Governor's American Board of Professional Liability Attorneys
- Executive Advisory Board, Interstate Bus Litigation Group, American Association for Justice
- Past President elect, The American Brain Injury Trial Lawyers Association
- Past Vice President, New York State Academy of Trial Lawyers
- Past Chair, Automobile, Highway and Premise Liability Section American Association for Justice

- Past Chair, Traumatic Brain Injury Litigation Group, American Association for Justice
- Past member, Board of Directors, Trial Lawyers for Public Justice
- Past member, Board of Directors, Melvin M. Belli Society
- Past member, Advisory Board, National Crime Victim Bar Association
- Past Co- Chair, Tort Section, New York County Lawyers Association
- Past Co- Chair, Tort Section, New York County Lawyers Association
- Fellow, Melvin Belli Society
- Fellow, Litigation Counsel of America, Trial Lawyer Honorary Society
- Fellow, American College of Board-Certified Attorneys
- Member, Birth Trauma Litigation Group, American Association for Justice
- Member, Nursing Home Litigation Group, American Association for Justice
- Member, Interstate Trucking Litigation Group, American Association for Justice
- Member, Railroad Accident Trial Lawyers Association

Professional Publications

- Response of School Districts to the New York State Concussion Awareness And Management Act: Review of Policies and Procedures, Journal of School Health June 2017, Vol. 87, No. 6
- Trial Reporter, Journal of the Maryland Association for Justice, Inc.: “Proving a Brain Injury Case Caused by Whiplash,” Spring, 2016
- National Law Journal, Op Ed: “Concussion Settlement is Deeply Flawed,” July 21, 2014
- Huffington Post, “Players and Public Lose While NFL Reigns Victorious,” October 09, 2013
- Huffington Post, “A Mediated Settlement May Not Be the Best Solution to the NFL Concussion Crisis,” July 18, 2013
- Huffington Post, “NFL Lawsuit Sheds Light on Concussion Risks,” April 8, 2013
- New York Law Journal, “Traumatic Brain Injury: Detecting, Defining, Litigating” Outside Counsel Column, July 28, 2011 p. 4
- Psychiatric Clinics of North America, “Current Issues in Neurolaw” Traumatic Brain Injury: Defining Best Practice, Psychiatric Clinics of North America, December 2010, Vol. 33, No. 4
- Summations, Art of Advocacy Series, Matthew Bender & Co., contributing author. Actual summation concerning Traumatically Induced Parkinson Disease resulting in Two Million Dollar Verdict
- 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
- Editorial Advisory Board, Neurolaw Letter

Honors and Awards

- Public Policy Award, Brain Injury Association of New York State “to champions of legislation, regulations, and other policies which promote equal access to services, community re-entry, inclusion, and acceptance of persons with brain injury and their families.”
- New York Super Lawyers: 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019
- Best Lawyers of America, US News & World Report, 2018, 2019
- Best Law Firms of America 2019, US News & World Report
- Top 25 Brain Injury Attorneys, National Trial Lawyers Association
- Top 100 New York Trial Lawyers, National Trial Lawyers Association
- Trial Lawyers for Public Justice, Public Justice Achievement Award for Pro Bono Representation of 9/11 Victims
- Founder’s Award, Brain Injury Association of New York State
- Who’s Who in America

Additional Distinctions

- Amicus Counsel, Brain Injury Association of America
- Member, Catastrophic Injury Panel, Trial Lawyers Care, September 11th, Victims Compensation Fund
- Member, Board of Legal Advisors, Sarah Jane Brain Injury Foundation

Professional Presentations

2019

- Strokes and Medical Malpractice, American Board of Professional Liability Attorneys, National Legal and Medical Malpractice Conference, New York, NY

2018

- TBI-Plaintiff’s Counsel Perspective-The Rumble in the Jungle, Sports Concussion Institute, Los Angelis, CA
- CT Scans in the ED-Clinical Guidelines: Implications for Mild Head Injury Cases, North American Brain Injury Society, Annual Conference, Houston, Tx.

2017

- Traumatic Brain Injury and Domestic Violence, American Academy of Matrimonial Lawyers Foundation -Joanne Ross Wilder Lecture, Keynote Address, Chicago, IL
- CT Scans in the Emergency Department-Avoidable Malpractice? American College of Emergency Physicians, Webinar, Center for Medicare and Medicaid Innovation

2016

- Admissibility of DTI Testing Under Daubert and Frye And Surviving the Challenge, American Association of Justice, New York, NY
- Symposium Panel Member, James Humphreys Center for Complex Litigation at the George Washington University Law School, The World of Federal Subrogation and Reimbursement: The Substantive and Procedural Problems Under Medicare, Medicaid & ERISA Health Insurance Plans
- The Law and Science of Brain Injury, American Association for Justice, Prosecuting Brain Injury Injuries in the Age of TBI Recognition, Charleston, SC
- Symposium Participant, The American Law Institute, The Future of Aggregate Litigation, New York University Law School

2015

- A Tour of TBI From the Perspective of a Brain Injury Trial Attorney, Trial Lawyers Association of Metropolitan Washington DC, Washington, DC
- Trial Tactics in the TBI Case, New Jersey Association for Justice, Edison, NJ
- Neurosurgeon Liability for Sports Concussion Management, American Society of Neurological Surgeons, Annual Scientific Meeting, Washington, DC
- Assessing Accountability for Adherence to Sideline Evaluations and Return to Competition Protocols, National Summit on Sports Concussion: Sports and Concussion Outcomes, Los Angeles, CA
- New York State Judicial Institute, Brain Injury Development and Brain Injury: Implications for the Judiciary, Touro Law Center, Central Islip, NY

2014

- From Concussion to the Classroom and Playing Field, American Association for Justice, Annual Convention, Baltimore, MD
- Cross Examination of Defense Experts in Brain Injury Cases, International Brain Injury Association Tenth World Congress on Brain Injury & North American Brain Injury Society, San Francisco, CA
- Co-Chair, Latest Developments in Brain Injury: Identification, Rehabilitation, and Treatment, Brain Injury Association of New York State, Albany, NY

2013

- Sharing Some Thoughts on Trying the Traumatic Brain Injury Case, Litigation Counsel of America, Harvard Club, NY
- Ethical Considerations in Representing Individuals with Brain Injury, Orange County Bar Association, Orange County, NY
- Chair, New York State Academy of Trial Lawyers, 2013, Annual Law Update, White Plains, NY
- 2013, New York Evidence Update Presentation, New York State Academy of Trial Lawyers, Annual Law Update Series, White Plains, NY
- Educating Schools and Students, Symposium Panel Member, The George Washington University, Graduate School of Education and Human Development, Washington, DC
- Ethical Considerations in Representing Individuals with Brain Injury, American Association of Justice, Annual Convention, San Francisco, CA
- Deposing and Cross Examination of Defense Experts in Brain Injury Cases, North American Brain Injury Society, New Orleans, LA
- Cross Examination in Brain Injury Cases, Using the Medical Literature, Florida Justice Association, Workhorse Seminar, Orlando, FL
- Using Scientific Literature to Prove Traumatic Injury and Debunk Defense Myths, American Association for Justice, Litigation Traumatic Brain Injury Cases, New Orleans, LA

2012

- A Legal Review of Sports Concussion Management and Sports Concussion Litigation, North American Brain Injury Society, Annual Meeting, Miami, FL
- Chair, New York State Academy of Trial Lawyers, Annual Law Update, White Plains, NY
- 2012, New York Evidence Update Presentation, New York State Academy of Trial Lawyers, Annual Law Update Series, New York, NY, Hauppauge, NY, White Plains, NY

2011

- 2011, New York Evidence Update Presentation, New York State Academy of Trial Lawyers, Annual Law Update Series, White Plains, NY
- Sports Concussions-An Approach to Effective Legislation, North American Brain Injury Society, Annual Meeting, New Orleans, LA
- Review and Evaluation of Sports Concussion Legislation, Fifth Annual National Summit on Sports Concussions, Los Angeles, CA

- Medical Malpractice in the Emergency Department, Grand Rounds, Department of Emergency Medicine, Mt. Sinai Medical Center, New York, NY

2010

- Proving A Traumatic Brain Injury in a Truck Accident, American Association of Justice, Interstate Trucking Litigation Group, Las Vegas, NV
- 2010, Evidence Update Presentation, New York State Academy of Trial Lawyers, Annual Law Update Series, New York, NY
- Understanding Traumatic Brain Injury, New York State Academy of Trial Lawyers, Syracuse NY, Albany, NY, Buffalo, NY and Rochester, NY
- Guest Lecturer, George Washington University, Center for Education and Human Services in Acquired Brain Injury, Washington, DC
- Understanding Brain Injury Symptoms, American Association for Justice, College of Advocacy, Chicago, Ill.
- Co-Chair and presentations, An Attorney's Introduction to Traumatic Brain Injury, Joint Program, Touro School of Law and Institute for Neurobehavioral Studies, Graduate School of Psychology, Touro College, New York
- Challenges in the Field of Neurolaw in the 21st Century, poster presentation, World Congress on Brain Injury, International Brain Injury Association, Washington, DC.

2009

- Guest Lecturer, George Washington University, Center for Education and Human Services in Acquired Brain Injury, Washington, DC
- American Association for Justice, "The Poison Pills of Traumatic Brain Injury Litigation", San Francisco, CA
- New York State Academy of Trial Lawyers, Annual Law Update-Evidence, New York, NY
- Fundamentals of Brain Trauma, Lorman Group, New York, NY 2008
- Association of Interstate Trucking Lawyers of America, Recognizing Traumatic Brain Injury, Atlanta, GA
- National Academy of Neuropsychology: Neuropsychologists and Attorneys, Assisting patients to recovery, New York, NY
- North American Brain Injury Society, Cross examination of defense experts in a brain injury case, New Orleans, LA
- Guest Lecturer, George Washington University, Center for Education and Human Services in Acquired Brain Injury, Washington, DC
- Panel Participant, Brain Injury, Significant Issues, Long Island Head Injury Association, Annual Program, Smithtown, NY
- Brain Injury Association of America, "Handling and Overcoming the Defenses in the Trial of a Brain Injury Case", Legal Seminar, Las Vegas, NV

2007

- New Jersey Trial Lawyers Association: “Medical Literature in Brain Injury Cases”, Meadowlands, NJ
- American Association for Justice: “Traumatic Brain Injuries, Strategies from Recent Cases”, Chicago, IL
- American Association for Justice: “Cross Examination in Brain Injury Litigation”, Chicago, IL
- North American Brain Injury Society: “Effective Opening Statements in Brain Injury Cases”, San Antonio, TX

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, OH

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, Manhasset, NY
- 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

- National College of Advocacy, “Innovative Deposition Taking and Discovery Techniques, Working Up and Winning Auto Crash Cases”
- National College of Advocacy, “Sequelae of a Spinal Cord Injury” and “Recognizing Brain Injury”, New York, NY
- 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, OH
- 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”, Orlando, FL
- Virginia Trial Lawyers Association, “Implications of Harris Poll on Traumatic Brain Injury Litigation” and “Special Trial Techniques in Using Medical Texts”, Charlottesville, VA
- Syracuse University – SUNY Upstate Medical Center – “Legal Implications of Sports Related Brain Injury” Syracuse, NY
- 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, New York, NY
- Brain Trauma Foundation and The Medical Society of the State of New York, The Traumatic Brain Injury Patient, Quality Assurance and Patient Confidentiality, White Plains, NY
- Utah Trial Lawyers Association and Utah Brain Injury Association, Cross Examination of the Defense Expert, Salt Lake City, UT

- 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, Columbus, OH

1999

- 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

- 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", Toronto, Canada

- Jamaica Hospital and Medical Center, "Avoiding Malpractice Claims", Jamaica, NY