

**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, 3<sup>rd</sup> 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 (2019-2021)
- 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, 2020
- Best Lawyers of America, US News & World Report, 2018, 2019, 2020, 2021, 2022, 2023
- Best Law Firms of America 2019, 2020, 2021, 2022, 2023
- 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**

2023

- Proof of Economic Loss in a Brain Injury Case, TBI Med Legal, Brain Injury Association of California, Annual Meeting

2022

- Proof of Economic Loss in a Brain Injury Case, North American Brain Injury Society, Medical Legal Issues in Brain Injury, Annual Meeting

2021

- Traumatic Brain Injury Litigation, Looking Into the Future, North American Brain Insurance Society Annual Meeting

2020

- Fundamentals of Traumatic Brain Injury Litigation, New York State Academy of Trial Lawyers, Webinar

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 Angeles, 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 21<sup>st</sup> 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