

MICHAEL V. KAPLEN, ESQ.

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Education & Specialized Training

- • 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
- Preferred Attorney, Brain Injury Association of America

Bar Admissions

- New York State Bar
- Florida State Bar
- District of Columbia Bar
- U.S. Courts of Appeals: 2nd, 3rd & D.C. Circuits
- U.S. District Courts: Southern, Eastern & Northern Districts of New York

Academic & Teaching Affiliations

- Professorial Lecturer in Law, The George Washington University Law School – 'The Legal Aspects of Traumatic Brain Injury'

- 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, 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 & Medicine courses (1989–1990)

Leadership & Public Service

- Arbitrator, Financial Industry Regulatory Authority (FINRA)
- Chairperson, New York State Traumatic Brain Injury Services Coordinating Council (2019–2021; 2007–2013)
- Member, New York State Traumatic Brain Injury Services Coordinating Council (2003–2025)
- President, Brain Injury Association of New York State (1989–2008)
- 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
- 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
- PINK Concussions, Professional Advisory Board

Professional Leadership & Associations

- Board of Governors, American Board of Professional Liability Attorneys
- Executive Advisory Board, Interstate Bus Litigation Group, American Association for Justice
- Past President, American Brain Injury Trial Lawyers Association
- Past Vice President, New York State Academy of Trial Lawyers
- Past Chair, Traumatic Brain Injury Litigation Group, American Association for Justice

- Past Chair, Automobile, Highway and Premise Liability Section, American Association for Justice
- Fellow, Litigation Counsel of America, Trial Lawyer Honorary Society
- Fellow, American College of Board-Certified Attorneys
- 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

- New York Law Journal, 'Damages in Wrongful Death Actions' (2023)
- Neurology, 'Quality Improvement in Concussion Quality Measurement Set' (2021)
- Journal of School Health, 'Response to NYS Concussion Awareness Act' (2017)
- Trial Reporter, Maryland Assoc. for Justice 'Proving a Brain Injury Case Caused by Whiplash' (2016)
- National Law Journal, 'Concussion Settlement is Deeply Flawed' (2014)
- Huffington Post series on NFL Concussions (2013–2014)
- New York Law Journal, 'Traumatic Brain Injury: Detecting, Defining, Litigating ' (2011)
- Psychiatric Clinics of North America, 'Traumatic Brain Injury: Defining Best Practice' (2010)
- Neurolaw: Brain and Spinal Cord Injuries, West Publishing, "Ethical Considerations in Representing a Person with a Brain Injury"
- Matthew Bender & Co., 'Summations: Art of Advocacy Series'

Honors & Awards

- Public Policy Award, Brain Injury Association of New York State
- New York Super Lawyers (2006–2025)

- Best Lawyers of America, U.S. News & World Report (2018–2025)
- Top 25 Brain Injury Attorneys, National Trial Lawyers Association
- Top 100 New York Trial Lawyers, National Trial Lawyers Association
- 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

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

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

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 Angelis, 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

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