

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; 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; New York State Assembly representative, New York State Traumatic Brain Injury Coordinating Council; 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 11th, 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:

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