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Brian J. Donnelly

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American Board
of Trial Advocates



Brian J. Donnelly is a partner in the firm's General, Tort and Insurance Litigation department. Over his 30 plus years in civil practice, Brian has tried numerous high exposure cases in both state and federal court. Several of these cases have drawn attention from the national and international news media including the first case to go to trial of a fire fighter involved in the post 9/11 recovery efforts at the world trade center site and the alleged rape of a minor at a prominent New York City university. He has tried over 100 civil and criminal cases over the course of his career.

Brian is well known for his relentless powerful style in the Courtroom. On several occasions Judges and lawyers from neighboring courtrooms have attended his trials due the "buzz" in the Courthouse generated by his trials. In recognition of his 36 years of jury trials, he became a member of ABOTA, The American Board of Trial Advocates, an invitation only organization that honors some of the most experienced trial lawyers in the United States. Brian has lectured across the country on a broad range of topics within the field of trial advocacy.

Brian coordinates the response of retail, restaurant, hospitality, and transportation clients to catastrophic incidents. He is "go to" Counsel for several of the largest companies in the United States for their most serious exposures. In recent years, Brian has represented clients in connection with mass shootings, multiple transportation fatalities, COVID 19 related deaths, and allegations of excessive use of force leading to a fatality. Clients know that Brian is available 24x7 when they face their most challenging emergencies. When formulating their crisis response plan companies regularly turn to Brian.

Brian is in demand as a speaker across the United States for multiple organizations including the CLM and Law Line. As a member of the New York State Bar Association he has been asked to present at many seminars over the

years. He is a member of the Nassau County Bar Association where he serves as a mentor to at risk youths in their Student Mentor Program. In 2020 Brian was named a member of the Irish Legal 100, an annual compilation of some of the most distinguished legal professionals throughout the United States.

Prior to law school Brian worked in law enforcement as a U.S Customs Inspector and then following law school served as an Assistant District Attorney in Nassau County, NY. During his three years as an ADA he tried twenty five jury trials to verdict, many involving serious felony offenses. Clients appreciate that Brian brings the investigative skills from his law-enforcement career to civil practice where he formulates targeted investigations to peel back every layer in a case to expose his adversaries' weaknesses.

Brian has served on the Independent Judicial Screening Panel in New York County. In this capacity Brian worked with fellow panel members to conduct a screening process whereby candidates for judicial office in the Civil Court, New York County were evaluated solely on individual merit without political influence or political interference being a factor.

Areas of Concentration

- Large Exposure, Catastrophe Event Response
- Premises Liability
- Day Care/Child Care Negligence
- Liquor Liability
- Legal Malpractice
- Transportation Liability
- Construction Site Accidents
- Products Liability
- Criminal Defense
- SIU/ Fraud and Arson
- No Fault, PIP/SUM Claims & Loss Transfer

Practices

- General Liability, Tort and Insurance Defense
- Premises Liability
- Products Liability
- Professional Liability

Bar Admissions

- State of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York

Education

- J.D., Brooklyn Law School, 1985
- B.A., St. John's University, 1982

Representative Experience

- Obtained a defense verdict in a premises liability case in which the plaintiff claimed to have slipped on water in clients' convenience store, but clients maintained that the area was dry immediately following the accident. The store's surveillance video of the incident did not show the exact area where the plaintiff's fall occurred, but we used the video to show the jury a frame by frame analysis of the plaintiff's activities in the store prior to the accident. The plaintiff claimed to have sustained a left shoulder tear as a result of the accident and demanded \$500,000. A unanimous jury verdict on liability was handed down after an hour and fifteen minutes of deliberation.
- Brian had an amazing verdict for our client in a case where the plaintiff claimed he tripped and fell over a wheel stop as he attempted to enter the client's store. Plaintiff sustained a fractured hip and underwent two subsequent surgeries each involving open reduction with internal fixation. A third surgery, a total hip replacement, was recommended by plaintiff's orthopedic surgeon but had not been performed as of the date of the verdict. Plaintiff had a permanent leg length discrepancy as a result of the injury. The jury returned a verdict finding the plaintiff 90 percent at fault for the happening of the accident and found our client Speedway 10 percent responsible. The plaintiff's activities inside and outside the store were captured on the store's video surveillance system. We retained an imaging sciences expert to conduct a frame by frame analysis of the video which was shown to the jury by our trial technician. We also retained a civil engineer who testified that the wheel stop in question met all of the relevant safety requirements. The jury returned this remarkable verdict in less than one hour. Plaintiff had demanded \$1,200,000 to settle prior to trial.
- Obtained a defense verdict for our client after trial. The plaintiff claimed that she suffered second-degree burns on her right dominant hand resulting in permanent scarring as a result of spilling hot tea she had purchased. The plaintiff's activities inside the store were captured on the store's video surveillance system. We retained an expert to conduct a frame by frame analysis of the video which was shown to the jury by our trial technician. In addition, we retained a mechanical engineer with specific expertise in the areas of fluids and heat transfer. The last settlement demand was \$300,000, no offers were made.

Professional and Community Activities

- Nassau County Bar Association- Student Mentor Program
- New York State Bar Association
- American Board of Trial Advocates
- National Retail and Restaurant Defense Association
- Brehon Law Society
- Irish Legal 100

Speaking Engagements

- "'Shots Fired' to 'Shooter Down': Responding to Active Shootings in the Retail Environment." CLM Workers Compensation and Retail, Restaurant & Hospitality Conference, May 2022

- "Anchors Aweigh: The Anchoring Effect at Trial and in Negotiation" CLM Alliance Annual Conference, March 2022/ CLE Program, June 2022
- "I Never Metadata That I Didn't Like. Evidence Unseen, What Lies Behind The Screen!" CLM Alliance Annual Conference, August 2021
- "Masking a Risk: Could Wearing a Face Covering Play a Role in Slip, Trip and Fall Claims?" CLM Workers Compensation and Retail, Restaurant & Hospitality Conference, May 2021
- "Is There Liability for Injury Resulting from Administration of the COVID-19 Vaccine?" Lawline, March 2021
- "Investigation as a Lethal Weapon." CLM Alliance, February 2021
- "Liability For Injury Resulting From Administration Of The COVID Vaccine." New York State Bar Association, February 2021
- "Tripped Up! Demolishing the Plaintiff's Case-Accident Video as a Lethal Weapon." CLM Alliance Annual Conference, March 2020/ Webinar, October 2020