GOLDBERGSEGALLA



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Buffalo

PRACTICES

Civil Litigation and Trial

Product Liability

Management and Professional Liability

Construction Litigation and Counsel

INDUSTRIES

Construction

Albert J. D'Aquino

PARTNER

EXPERIENCE

Albert D'Aquino is one of Goldberg Segalla's founding partners and co-chair of its Civil Litigation and Trial practice group, one of the firm's largest practice groups. A seasoned trial lawyer who has served clients throughout New York for more than 30 years, Al tries — and wins — cases against the most experienced and respected plaintiffs' attorneys in the state. He brings a goal-oriented approach to pre-trial and trial proceedings, which stands as a hallmark of his proactive, cost-effective litigation style. Within the firm, Al uses the keen insight he has gained through his decades of experience in the state and federal courtrooms of New York to teach trial technique to associates across the firm's footprint.

In his multi-faceted law practice, Al successfully defends clients in complex product liability and premises and construction site personal injury litigation (involving New York State Labor Law). A former president of the Professional Liability Defense Federation, Al has also represented hundreds of attorneys and physicians, as well as major pharmacy chain and other health care clients, in high-stakes malpractice litigation. He also represents insured and self-insured trucking common carriers and private fleets. Al defends clients embroiled in catastrophic injury litigation, such as multiple-fatality auto and serious industrial accidents, and is regularly called upon to parachute into existing cases specifically for trial.

EXPERIENCE HIGHLIGHTS

Professional Liability

After a large federal banking commission claimed that Al's client had caused losses in the tens of millions, he developed proof to counter the claimed damages and, through a focused mediation process, resolved the claims without personal exposure to the attorney and without expending all insurance limits — before suit was filed. He obtained unanimous defense verdicts in the trial, and then retrial, of a case against a surgeon in a wrongful death case after New York's highest court vacated the first verdict and ordered a retrial. The case is a leading citation on the doctrine of *res ipsa loquitur* in New York's seminal "Pattern Jury Instructions," authored by a panel of New York judges.

Medical Liability

Al has represented hundreds of physicians, physician extenders, hospitals, and other health care professionals in litigation and through trial for 30 years. He has represented a major pharmacy chain in cases involving medication errors and infusion services claims, and medical physicists in seed radiation injury claims. In related matters, he has represented latex glove manufacturers in U.S. federal court multidistrict litigation and perfusionists in ECMO therapy malfeasance claims. He has tried cases that have been cited in New York's *Pattern Jury Instructions*, for use throughout the state, on a key medical malfeasance issue.

Construction Site Accidents/New York State Labor Law

Al took over the case and the appeal for a major Buffalo developer hit with a multi-million dollar verdict under New York's rigid Scaffold Law which, in many circumstances, imposes strict liability. After the appeal resulted in a new trial and clean slate on damages, Al crafted

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a refined damages defense and in mediating the case in the days leading up to the start of the retrial, was able to get the case resolved — for half of the original verdict. In representing one of the largest construction manager companies in the country, Al won at trial when the jury found that his client's role was not, as the plaintiff claimed, that of a general contractor — avoiding liability altogether.

Products Liability

Al represented the manufacturer of a key component of a piece of farm equipment in a case involving traumatic amputation. Developing proof through an expert on state-of-the-art design compliance and proper warnings use, Al was able to negotiate an economic settlement halfway through the trial — which later ended with a high-seven-figure verdict against the remaining equipment manufacturer-defendant.

Catastrophic Injury

Al was brought in to handle a trial presenting a quadriplegia claim a few short weeks before trial was to begin, with liability already decided against his client. With very few good options, the case resulted in an expected high verdict, but during post-trial proceedings, Al worked with the trial judge and opposing counsel to settle the case through structured settlement for millions less than the verdict — and even well within the exposed excess insurance policy.

Trucking

Lessors of tractor trailers are protected from the liability attached to ownership of a vehicle involved in an accident by the federal Graves Amendment, a focal point of liability claims as plaintiffs' attorneys attempt its circumvention to access larger liability insurance limits. Al has won summary judgment for trucking industry clients involved in multiple-fatality accident cases with his discovery keyed to positioning the motions for success.

HONORS & AWARDS

- *Best Lawyers in America*
  - Insurance Law, 2012–27
  - Legal Malpractice Law — Defendants, 2012–27
  - Personal Injury Litigation — Defendants, 2012–27
  - Medical Malpractice Law – Defendants, 2024-27
  - Product Liability Litigation – Defendants, 2025-27
  - Litigation – Construction, 2026-27
- *Best Lawyers in America*
  - "Lawyer of the Year," Insurance Law (Buffalo), 2016, 2018
  - "Lawyer of the Year," Legal Malpractice Law — Defendants (Buffalo), 2019, 2021
  - "Lawyer of the Year," Product Liability Litigation – Defendants (Buffalo), 2027
- Upstate New York *Super Lawyers*, 2007–09, 2012–26
- *Business First's* Who's Who in Law (Medical Malpractice)

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BACKGROUND

ADMISSIONS

- New York
- U.S. District Courts for the Western and Northern Districts of New York

EDUCATION

- Pace University School of Law, J.D., 1985
  - *Pace Law Review*: Editorial Board
- State University of New York at Buffalo, B.A., 1982

PROFESSIONAL AFFILIATIONS

- Professional Liability Defense Federation: Former President
- Trucking Industry Defense Association

PUBLICATIONS & EVENTS

PUBLICATIONS

- Quoted in "UK Court's Action Marks Turning Point for Prince Andrew—Legal Experts," *Reuters*, September 16, 2021
- Quoted in "Prince Andrew Faces No Good Choice in Epstein Accuser Case," *Associated Press*, August 10, 2021
- Quoted in "Medical Malpractice Cases Pay Out Most in New York," Buffalo Business First, July 15, 2019
- "Five Questions With Albert D'Aquino," *Buffalo Law Journal*, June 23, 2015
- Quoted in "Apps for Attorneys Changing the Game," *Buffalo Law Journal*, February 20, 2012
- Author, "Writing to Win: Plain English for Lawyers Redux 2011," For the Defense, Defense Research Institute, April 2011
- Co-Author, "End of Life Decision-Making and Ethical Implications," DRI Medical Liability & Health Care Law Seminar, March 2006
- Author, "Counseling the Collaborative Clinical Practice," For The Defense, Defense Research Institute, November 2005
- Author, "Defending Radiologists," For The Defense, Defense Research Institute, November 2004
- Author, "Federal Nursing Home Surveys," For The Defense, Defense Research Institute, October 2003
- Author, "Trucking Accident Reconstruction: Unlocking the Kumho Gates," For The Defense, Defense Research Institute, March 2001
- "A Pretrial Procedure for Excluding Testimony," Pace Law Review, Vol. 4, No. 3

PRESENTATIONS

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Albert J. D'Aquino

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- "Update on NY Legal Issues," Client Presentation, July 17, 2025
- Presenter, "Goliath vs. David: Defending the FDIC's Aggressive Claims Against Counsel to Failed Banks," Professional Liability Defense Federation's Annual Meeting, Washington, D.C., September 17-19, 2014
- Speaker, "Electronic Health Records & Litigation: Designing Systems to Support, Not Thwart, Defense of Liability Claims," ICA Annual Conference, Orlando, Fla., September 30 – October 2, 2012
- Presenter, "It Is a 'Practice' – Tactics For the Experienced Trial Defense Lawyer," DRI Medical Liability & Health Care Law Seminar, March 2007
- Presenter, "Expert Opinions in Trucking Accident Reconstruction," Lorman Educational Services Seminar – Trucking Litigation and DOT Regulations in New York, July 2006
- Faculty Speaker, DRI Seminar on Electronic Discovery, April 2004
- Speaker, A.C.I. Nursing Home Litigation Seminar, Chicago, IL, June 2002
- Invited Speaker, "Threshold for Admissibility of Opinions on Accident Causation," DRI Trucking Seminar, St. Louis, MO, April 2002
- "Ethical Considerations in Malpractice Litigation," New York State Bar Association Seminar