GOLDBERGSEGALLA



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Albany
Rochester
Syracuse

PRACTICES

Employment and Labor

Constitutional Law and Civil Rights

Management and Professional Liability

Appellate

Municipal and Government Law

INDUSTRIES

Municipalities and Public Entities

Education

Jonathan M. Bernstein

PARTNER

EXPERIENCE

Jonathan M. Bernstein concentrates his practice in municipal liability, general litigation, professional liability, land use and zoning, appellate advocacy, and defending civil rights and employment discrimination suits. Recognized as one of the preeminent municipal liability and employment law practitioners in New York State, Jon has defended counties, towns, cities, town boards, government agencies, mayors, and other elected officials in municipal liability, employment and labor, civil rights matters, and class actions. In addition, he handles personal injury claims involving construction sites for many owners and contractors throughout New York State as well as design professional errors and omissions claims.

Jon has handled appeals for matters including civil rights, employment, and personal injury before the New York Court of Appeals and the U.S. Court of Appeals for the Second Circuit, and frequently serves as appellate counsel during trial. He has also tried cases to verdict in state and federal court. Before joining Goldberg Segalla, Jon served as a confidential clerk for the New York Court of Appeals from 2002 to 2004.

EXPERIENCE HIGHLIGHTS

Municipalities and Public Entities

As a counselor to numerous governments, municipal bodies, and other public entities, Jon has handled labor and employment matters before the New York State Division of Human Rights, the New York State Public Employment Relations Board (PERB), and the Equal Opportunity Employment Commission (EEOC).

He has also handled numerous labor arbitration proceedings. Jon has extensive experience handling collective bargaining negotiations, employee grievances, and employee termination proceedings.

Jon has defended numerous municipalities in Article 78 proceedings where the petitioner is seeking to challenge government action, such as in land use and zoning decisions, and also frequently handles responses to Freedom of Information Law requests. He has also represented police and corrections officers in civil rights suits in federal and state courts, including in class action litigation. Also experienced in education law and in the employment and civil rights law concerns distinct to the field of education, Jon has successfully represented school districts, charter schools, and school officials.

Jon is chair of the Law Enforcement Sub-Committee of the Defense Research Institute (DRI) Government Liability Committee.

Professional Liability

Jon's considerable professional liability practice includes representing accountants and lawyers in malpractice lawsuits. His experience includes matters involving allegations of errors and negligence, breach of contract, breach of fiduciary duty, fraud and conspiracy to defraud, slander, vexatious litigation, and other issues related to the practice of law in a variety of disciplines.

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Employment and Labor

Jon regularly defends private and public employers in all forms of claims, including discrimination, harassment, sexual assault, and other abuse before federal and state courts and administrative agencies. He also has experience in employment litigation before the Equal Employment Opportunity Commission, the New York State Public Employment Relations Board, and the New York State Division of Human Rights.

HONORS & AWARDS

- *Best Lawyers in America*
  - Litigation — Labor and Employment, 2017–27
- Upstate *New York Super Lawyers*, 2013–16, 2025-26
- Capital Region Living, *Best Lawyers* in the Capital Region, Labor and Employment Litigation, 2018

BACKGROUND

ADMISSIONS

- New York
- U.S. District Courts for the Northern, Eastern, Southern, and Western Districts of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Supreme Court

EDUCATION

- Brooklyn Law School, J.D., *cum laude*, 2002 (Former Assistant Managing Editor of the Brooklyn Law Review)
- University of Colorado at Boulder, B.A., 1996

PROFESSIONAL AFFILIATIONS

- Defense Research Institute
  - Government Liability Committee: Chair, Law Enforcement Sub-Committee, 2017-18; Court Reporter Correspondent
- Professional Liability Defense Federation
  - Municipal, School Leaders, and Miscellaneous Liability Committee Chair
- Association of Towns
- County Attorney's Association of NY (CAASNY)

COMMUNITY INVOLVEMENT

- Member, Town of Sand Lake Planning Board

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PUBLICATIONS & EVENTS

PUBLICATIONS

- Co-Author, "Guideposts for Assessing Excessive Force," Defense Research Institute *For the Defense*, June 2017
- Co-Author, "Is Your Police Department Ready to Implement Body Cameras?" DRI *For the Defense*, July 2016
- Co-Author, *Government Tort Caps, Immunity, and Liability State-by-State Compendium*, Defense Research Institute, 2014
- Co-Author, "Examining the 'Free' in Free Public Services Doctrine," *For the Defense*, Defense Research Institute, July 2013
- Author, "Citizens United Explored From A Different Perspective," *The Whisper*, Defense Research Institute, May 2010
- Co-Author, "Timeless Guideposts For Effective Corporate Governance," *FDCC Quarterly*, Spring 2009
- Author, "School Limiting Student Speech Held Constitutionally Permissible," *The Whisper*, Defense Research Institute, March 2009
- Author, "U.S. Supreme Court Upholds New York's System For Electing Judges," *The Whisper*, Defense Research Institute, April 2008
- Co-Author, "Municipal Strip Search Policy And The Law," *For the Defense*, Defense Research Institute, June 2007
- Author, "U.S. Supreme Court Limits Remedy Available For Knock-And-Announce Violation," *The Whisper*, Defense Research Institute, February 2007
- Co-Author, "New York Court Of Appeals Rejects The Product Line Exception To Successor Corporate Liability," New York State Bar Association, *Torts, Insurance & Compensation Law Section Journal*, Winter 2007
- Author, "Government Can Be Held Liable Under FTCA For Postal Employee's Negligence," *The Whisper*, Defense Research Institute, June 2006
- Co-Author, "A Practitioner's Guide To Use Of The PLRA In Federal Civil Rights Actions," *For the Defense*, Defense Research Institute, April 2006
- Author, "United States Supreme Court Issues Groundbreaking Decision On Government's Use of Eminent Domain," *The Whisper*, Defense Research Institute, October 2005

PRESENTATIONS

- Co-Presenter, "Exploring Immunity Defenses in Government Liability Cases," Professional Liability Defense Federation Annual Meeting, September 24, 2026
- Co-Presenter, "New York State Sexual Harassment Update," Tokio Marine HCC Annual Claims Seminar, Plymouth, MI, September 6, 2018
- Co-Presenter, "New York State Sexual Harassment Update and Municipal Law Update," County Attorney's Association of the State of New York Annual Conference, Cooperstown, NY, May 22, 2018
- Co-Presenter, "Municipal Liability Update," The County Attorneys' Association of the State of New York, Cooperstown, NY, May 17, 2016
- Speaker, "Dealing with eDiscovery Motions and Legal Holds on Electronic Records," CASSNY, April 7, 2015
- Presenter, "Perspectives When Preparing For The Automobile Claim: From Claim Stage Through Discovery And Trial," NYSBA Keeping Current With Automobile Litigation CLE

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Seminar, September 2008