GOLDBERGSEGALLA



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716.566.5475

Manhattan

Buffalo

PRACTICES

Product Liability

Toxic Tort

Class Action Litigation

INDUSTRIES

Aviation

Neil A. Goldberg

PARTNER

EXPERIENCE

Neil A. Goldberg has defended product liability, pharmaceutical, medical device, trucking, toxic tort, and other complex catastrophic cases across the United States for numerous New York Stock Exchange companies. One of Neil's catastrophic trials arose from the February 2009 crash of Colgan Flight 3407 that resulted in the deaths of 50 people — one of only a few such trials conducted in the United States in the last 30 years.

Neil is past president of the Defense Research Institute (DRI), the largest organization of civil defense attorneys in the United States; past chair of the Products Liability Committees of both the DRI and New York State Bar Association (NYSBA); and past president and chairman of the board of Lawyers for Civil Justice. He also serves on the Advisory Board of the Bureau of National Affairs' (BNA) *Product Safety & Liability Reporter*. Consistently recognized by *Best Lawyers in America* in the Personal Injury, Product Liability, and Aviation Law categories, he additionally won the publication's Product Liability "Lawyer of the Year" Award for Buffalo, New York in 2018. In 2016, Neil was the recipient of the Defense Trial Lawyers Association of Western New York's Defense Trial Lawyer of the Year Award.

A prolific writer and recognized authority on the defense of complex personal injury cases, Neil has been editor, co-editor, or contributing author for seven books on the subject. He is the co-editor-in-chief of the two-volume treatise *Preparing For and Trying the Civil Lawsuit*, second edition, published by the New York State Bar Association (2004). He is also editor-in-chief and contributing author to *Products Liability in New York, Strategy and Practice*, second edition (2012), and editor-in-chief of DRI's *Daubert Compendium*. Also a sought-after speaker on the defense of product liability and personal injury actions, Neil has lectured for Lloyds of London, the Defense Research Institute, Practicing Law Institute, the American Bar Association, New York State Bar Association, Southern Methodist University and other prestigious organizations throughout North America and Europe.

HONORS & AWARDS

- Martindale-Hubbell Peer Review Rating: AV Preeminent
- *Best Lawyers in America*
  - Aviation Law, 2013–27
  - Personal Injury Litigation — Defendants, 2018–27
  - Product Liability Litigation — Defendants, 2018–27
- *Best Lawyers in America*
  - "Lawyer of the Year," Product Liability — Defendants (Buffalo), 2018
- Lexology *Who's Who Legal*
  - Insurance and Reinsurance Thought Leader
  - Product Liability Defense Thought Leader
- Defense Trial Lawyer of the Year, Defense Trial Lawyers Association of Western New York, 2016
- *The International Who's Who of Product Liability Defence Lawyers*
- *The International Who's Who of Insurance & Reinsurance Lawyers*
- Top Rated Lawyer in Litigation, American Lawyer Media and Martindale-Hubbell, 2014
- *Super Lawyers, Corporate Counsel Edition*

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- Upstate New York *Super Lawyers*, 2007–26
- Named one of the Top 50 *New York Super Lawyers*
- *Business First*'s Legal Elite of Western New York (Litigation)
- Distinguished Alumni Award for Private Practice, SUNY Buffalo Law Alumni Association
- Defense Research Institute: Distinguished Service Award
- New York State Bar Association: Committee Chair of the Year Award; Distinguished Service Award
- *Who's Who in America*
- *Who's Who in American Law*
- *Who's Who Legal*

BACKGROUND

ADMISSIONS

- New York

EDUCATION

- State University of New York at Buffalo Law School, J.D. *cum laude*, 1973
  - *Buffalo Law Review*
- State University of New York at Stony Brook, B.A. *cum laude*, 1969

PROFESSIONAL AFFILIATIONS

- Lawyers for Civil Justice: Past Board Chairman; Past President, Lawyers for Civil Justice, 2004–05
- Defense Research Institute: Past President; Products Liability Committee, Former Chair; Research and Development Committee; Law Institute
- Federation of Defense and Corporate Counsel
- New York State Bar Association: Past Chair, Products Liability Committee; Torts, Insurance and Compensation Section; Trial Lawyers Section
- Products Liability Advisory Council: Former Member, Board of Directors
- Bureau of National Affairs' *Product Safety & Liability Reporter,* Advisory Board Member
- American Arbitration Association
- International Association for Insurance Law
- American Bar Association
- Trial Lawyers of America
- Erie County Bar Association
- Claims and Litigation Management Alliance (CLM)
- USLAW: Executive Committee (former member)

PUBLICATIONS & EVENTS

PUBLICATIONS

- Co-Editor-in-Chief, *Preparing for and Trying the Civil Lawsuit, 2d Ed.*, 2016 Rev., New

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PARTNER

York State Bar Association; Author, "Cross-Examination of the Technical/Medical Witness"; Co-Author, "Understanding the Attorney-Client Privilege: A Practical Overview and Associated Ethical Rules"

- Co-Author, "Fraudulent Misjoinder: Combating Artful Pleadings Designed to Destroy Diversity Jurisdiction," DRI *For the Defense*, May 2015
- Co-Author, "Through Regulations and in Court: The 2008 CPSIA Starts to Take Shape," *For The Defense*, Defense Research Institute, April, 2009
- Co-Author, "CPSC Power Expands: Legislation Brings Change to Consumer Products Industry," USLAW Magazine, Spring/Summer, 2009
- Co-Author, "Negotiating the Landscape of Increased Penalties under CPSIA," *For The Defense*, Defense Research Institute, February, 2009
- Co-Author, "The New CPSC Public Database of Incidents," *For The Defense*, Defense Research Institute, December, 2008
- Co-Author, "The Consumer Product Safety Improvement Act of 2008: Preparing for the Unknown and the Unknowable," *For The Defense*, Defense Research Institute, October, 2008
- Co-Author, "Product Recalls Stir Public Sentiment," USLAW Magazine, Spring/Summer, 2008
- Co-Author, "Frye 'Em: Jury Psychology Can Undermine Plaintiffs' Expert Witnesses," *For The Defense*, Defense Research Institute, December, 2007
- Co-Author, "An Emerging Litigation Arena," *For the Defense*, Defense Research Institute, December, 2006
- Co-Editor-in-Chief, "Preparing For and Trying the Civil Lawsuit," New York State Bar Association, 2004
- Editor-in-Chief and Contributing Author, "Preparing For and Trying the Civil Lawsuit," 2004 Supplement, New York State Bar Association, 2004
- Editor-in-Chief, "The Daubert Compendium," Defense Research Institute, January, 2003
- Editor-in-Chief and Contributing Author, "Preparing For and Trying the Civil Lawsuit," 2000 Supplement, New York State Bar Association, 2000
- Editor and Contributing Author, "Products Liability in New York: Strategy and Practice," New York State Bar Association, 1997
- Co-Author, "Admissibility of Expert Testimony, A State-by-State Compendium," Defense Research Institute, 1996
- Author, "Defenses & Bars, Product Liability Practice Guide," Matthew Bender
- Co-Author, "Finding the Facts in Products Liability Litigation," *For The Defense*, Defense Research Institute, October, 1996
- Co-Author, "The Hunter, the Ostrich and the Spinmaster," *For The Defense*, Defense Research Institute, October, 1994
- Editor-in-Chief, "Preparing For and Trying the Civil Lawsuit," New York State Bar Association, 1987

PRESENTATIONS

- Presenter, "Challenging Liability in Catastrophic Injury Cases/Defending Against Punitive Damages," Catastrophic Injury Joint Seminar, Chicago, IL; New York, NY, November 7, 2017
- Co-Presenter, "Strategies for Containing Liability Cases and What You Need to Know About Jury Behavior to Do So," Catastrophic Injury Joint Seminar, Chicago, IL; New York, NY, November 7, 2017
- Presenter, "Understanding What Drives Run Away Verdicts," Catastrophic Injury Joint

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Seminar, Chicago, IL; New York, NY, November 7, 2017

- Co-Presenter, "Lifecycle of a Litigation in a Bad Faith Claim," Enstar Claims Management Meeting, June 20, 2017
- Co-Presenter, "Strategic and Ethical Landscape of Defending Clients Who Have Engaged in Indefensible Conduct," American Bar Association Annual Meeting, San Francisco, August 5, 2016
- Presenter, "Lessons Learned: Defending Catastrophic Burn Injuries," Fighting Fire With Fire, Chicago, June 22, 2016
- Presenter, "Developing a Centrist Jury and Defending the Punitive Damages Case," USLAW Fall 2015 Client Conference, Boston, MA, September 18, 2015
- Presenter, "What Professionals Should Know About Managing and Insuring Cyber Liability Risk and Defending Those Professionals in the Event of a Claim," USLAW Fall Client Conference, Washington, D.C., October 4-6, 2012
- Presenter, "The Use of Social Media to Defend the Catastrophic Case," USLAW Regional Meeting, Dallas, TX, January 2011
- Presenter, "Using the New Science of Jury Psychology to Win the Battle of the Experts in High Stakes Litigation," 22nd Annual Medical Device Defense Seminar, Bend, Oregon, June 2009
- Moderator, "Avoiding the Perils of the New CPSIA," USLAW Network Spring Conference, Charleston, SC, March, 2009
- Presenter, "Products Liability from Emerging Markets," Canadian Defence Lawyers Annual Meeting, Toronto, ON, June, 2008
- Presenter, "Avoiding Quality Assurance Breakdowns and Conducting a Swift and Effective Product Recall in the Event They Occur," American Conference Institute, Las Vegas, Nevada, February, 2008
- Participant, American Society for Quality 58th Annual Quality Congress, May, 2004
- "Defense Counsel's Approach to Cross-Examination in the Post-Daubert Era," For The Defense, Defense Research Institute, June, 1996