TRAUB LIEBERMAN



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SERVICES

Appellate Practice

Construction Law

General Liability

Premises Liability

Product Liability

Professional Liability

Timothy G. McNamara

SENIOR TRIAL COUNSEL

A seasoned and successful defense litigator, Tim focuses his practice on premises liability, auto, construction, and labor law damages defense.

Clients can expect clear, timely reporting and well-vetted cooperative strategies that balance meticulous trial preparation with the creativity needed to identify opportunities for early, cost-effective, and positive resolutions.

For senior trial counsel, Tim McNamara, effective defense representation is about balance. It is about finding the right equilibrium between the preparation needed to take a matter through trial and the creativity required to seize opportunities for better client outcomes in the early stages of a dispute. It is about leveraging the insights gained through decades of courtroom experience to solve the novel problems that arise in an ever-changing legal and industry landscape.

Focusing his practice on premises liability, auto, construction, and labor law damages defense, Tim has amassed a lengthy track record of courtroom successes. His over two dozen verdicts include a complete defense victory in a recent slip-and-fall case with an estimated value in the high six-figures.

Tim prides himself on clear, timely reporting and crafting well-vetted cooperative strategies. He complements his advocacy skills with an approach that emphasizes courtesy and respect; a combination that both improves results and reduces stress. Tim's litigation acumen and professionalism have made him a valued mentor for colleagues as a member of the Liberty Mutual attorney mentor program, as a founder of the Rockland County Bar Association attorney mentoring program, and for students at Brooklyn Law School, where he earned his law degree.

A graduate of Binghamton University, Tim is a frequent CLE Lecturer on jury selection, trials, and other practice issues, and is a member of the NYSBA House of Delegates. Over his career, he has provided *pro bono* legal services through several organizations for clients in landlord/tenant, creditor/debtor, student loan, tax, and other legal matters. When not serving his clients, Tim enjoys reading, music, hiking, and skiing.

EDUCATION

- Brooklyn Law School, J.D.
- Binghamton University, B.A.

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TRAUB LIEBERMAN

BAR ADMISSIONS

- New York

COURT ADMISSIONS

- U.S. District Court, Southern District of New York
- U.S. District Court, Northern District of New York

PROFESSIONAL & COMMUNITY AFFILIATIONS

- New York State Bar Association
- Rockland County Bar Association
- Member, Torts, Insurance and Compensation Law Committee of Rockland County Bar Association
- Member, Volunteer Lawyers Committee of the New York State Bar Association
- Bar Liaison to Rockland County High School Moot Court Competition
- New York State Historical Association
- Associate Member, 78th Division Association
- Civil War Trust
- Gettysburg Foundation
- Boy Scouts of America, Troop 21, Suffern, N.Y Committee Member
- Judge for numerous Pace Law School Moot Court and Mock Trial Events

NOTABLE CASES

- *Krausch v. Inc. Vill. of Shoreham*, 87 A.D.3d 715 (2d Dep't 2011). Appellate court reversed the lower court's denial of our motion for summary judgment. The panel accepted our argument that a trip and fall occurring on a curb in a municipal parking lot is covered by the prior notice law contained in Village Law §6-628.
- *Chambers v. Sumkin Family Limited Partnership*, Supreme Court/Nassau County, Index no. 21942/06. Defended landlord of multiple dwelling through initiation of trial. Matter settled during trial for $25,000, following plaintiff's reduction from longstanding $300,000 demand.
- *Marinoff v. Nassau County Bridge Authority*, Supreme Court/Nassau County, Index no. 706/09. Premises liability. Plaintiff tripped and fell on alleged sidewalk

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defect. Client's motion for summary judgment granted. The court held that defendant had presented unrebutted evidence that it did not have actual or constructive notice of the defect, or create it. Moreover, the alleged defect was too trivial to be actionable. Plaintiff's appeal was withdrawn.

- *Caivano v. Adams Law Firm, P.C.*, Supreme Court/Rockland County, Index no. 2442/08. Plaintiff asserted a legal malpractice claim against the client. Following a hearing on the issue, the trial court found that plaintiff's own failure to timely file a Notice of Claim against the state agency in the underlying personal injury action precluded all claims against the attorney who was retained later. The action was dismissed with prejudice.
- *Mitchell v. American Concert & Entertainment Services*, Supreme County, Index no. 7943/10. Plaintiff, an EMS worker, claimed serious back injuries occurred while attempting to lift injured concert patron over a barrier installed by client. We filed a motion for summary judgment based, inter alia, on the barriers and their arrangement conforming to industry standards and on their approval by law enforcement, fire and other public officials. After considering opposing the motion with an expert's affidavit, plaintiff determined that the motion was virtually certain to succeed in any case, and discontinued the action with prejudice. Court/Dutchess

PUBLICATIONS & SPEECHES

- "Basic New York No Fault Law & Practice," CLE Materials/Lecture Presented in Hawthorne, N.Y. on May 15, 2015
- "An Interactive Jury Voir Dire: The Battle Before the Battle", CLE lecture/demonstration given on May 2, 2010, New York City
- Top Ten Pitfalls to Avoid in Jury Selection, CLE Materials/Lecture Given in Hawthorne, N.Y on October 17, 2008.
- Writer-Traub Lieberman Construction Law Blog

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