



Fitzpatrick, Brendan T.

Position: Partner

Chair: Appellate Advocacy

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Location

Garden City, New York

Practice Areas

- [Appellate Advocacy](#)
- [Construction](#)
- [General Litigation](#)
- [Insurance Solutions](#)
- [Product Liability, Fire & Life Sciences](#)
- [Retail, Food, Beverage & Hospitality](#)

Admissions

New York, U.S. District Court for the Eastern District of New York, U.S. District Court for the Southern District of New York, U.S. Court of Appeals, Second Circuit, U.S. Court of Appeals, Tenth Circuit, U.S. Supreme Court



Biography

Brendan T. Fitzpatrick, chair of the Appellate Advocacy Practice Group at Gerber Ciano Kelly Brady, is one of the most prominent and prolific appellate litigators in New York State. He has briefed more than 800 appeals, argued nearly 500, and achieved appellate reversal or affirmance for clients before all Appellate Divisions in New York State, the New York State Court of Appeals, and the Second Circuit Court of Appeals. His extensive body of appellate experience spans a wide range of topics, including insurance coverage, contract disputes, product liability, constitutional law, and negligence.

Recognition for Brendan's proficiency as an appellate attorney extends statewide and nationally. As a member of the Amicus Curiae Committee for the Defense Association of New York (DANY), he has helped draft numerous appellate briefs to the New York State Court of Appeals, advocating for policy positions crucial to the success of the defense bar in New York. DANY has twice recognized the long-term value of his work, in 2009 and 2014, with its Literary Award.

Since 2016, Brendan has been a Fellow in the American Academy of Appellate Lawyers (AAAL), a national, invitation-only organization limited to no more than 500 appellate advocates who have demonstrated the highest skill level and integrity.

Brendan is the author of several articles and chapters on appellate and other legal practice topics, including the value of having appellate counsel involved throughout the entire litigation process, that have been published by the *New York Law Journal*, Aspatore Publishing, DRI, the New York State Bar Association, and *USLAW Magazine*.

In his free time, Brendan enjoys spending time with his family and coaching youth football.

Education

- University of Notre Dame School of Law, J.D., 1995
- University of Notre Dame, B.A., 1992

Honors

- Best Lawyers in America, 2025-2026, Litigation-Insurance
- *New York Metro Super Lawyers*: 2010-11, 2013-2024
- Defense Association of New York (DANY) Literary Award: 2009, 2014



Professional Leadership

- New York State Bar Association
- American Academy of Appellate Lawyers
 - Fellow
- Defense Association of New York (DANY)
 - Amicus Curiae Committee Member

Presentations

- Presenter, “Labor Law Claims, Coverage and Litigation,” New York State Bar Association CLE, New York, NY, December 16, 2016

Publications

- Author, “[First In, Last Out: The Benefits of Appellate Counsel](#),” *New York Law Journal*, April 10, 2017
- Co-Author, “Jury Instructions,” [Preparing for and Trying the Civil Lawsuit, 2d Ed.](#), 2016 Rev., New York State Bar Association
- Co-Author, “Fraudulent Misjoinder: Combating Artful Pleadings Designed to Destroy Diversity Jurisdiction,” *DRI For the Defense*, May 2015
- Featured in “And The Defense Wins,” Defense Research Institute, May 28, 2014
- Co-Author, “[Not Business as Usual for NY Court of Appeals](#),” *Law360*, January 13, 2014
- Author, “[The D&O Landscape After Sandusky](#),” *DRI Covered Events*, Newsletter of the Insurance Coverage Committee, May 2013



- Co-Author, "Product-Design Trade Dress: A Corporate Asset Worthy of Protection," *USLAW Magazine*, Spring/Summer 2011
- Author, *Instant Awareness: An Immediate Look at Legal, Governmental, and Economic Ramifications of the Amendments to the Federal Rules of Civil Procedure and Electronic Discovery: The Cost of Prevention in E-Discovery*, Aspatore Publishing, 2008
- Author, *Inside the Minds: Domestic and International Litigation Strategies: Learning to Deal with Uncertainty*, Aspatore Publishing, January 1, 2007
- Co-Author, "Pecker: Contract Interpretation and Contribution Among Insurers," *New York Law Journal*, Feb. 23, 2004
- Co-Author, "The Use of Excess Clauses in Additional Insured Endorsements," *New York Law Journal*, May 8, 2003
- Co-Author, "Good News for Counsel Defending Against 'Kinney' Claim," *New York Law Journal*, January 30, 1998