



Migdalen, Jeffrey

Position: Partner

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Location

Garden City, New York

Practice Areas

- [Transportation](#)
- [Construction Law](#)
- [Products Liability, Fire & Life Sciences](#)

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



Biography

Jeffrey is a seasoned trial lawyer with numerous successful verdicts in state and federal courts. He has extensive experience defending contractors and owners in construction worksite injury claims invoking New York's Labor Law. He also regularly defends clients in high exposure personal injury actions involving premises liability, trucking and products liability.

Jeffrey represents a wide range of industries including product manufacturers and distributors, sports and entertainment complexes, national retail companies, professional athletic teams, camps, not-for-profit athletic associations and nationwide health club franchises. He often defends professional service providers in a variety of negligence, breach of fiduciary duty, breach of contract, vexatious litigation, and similar professional serviced-based claims.

In addition to matters related to the retail industry, Jeffrey has extensive product liability, catastrophic injury litigation, and property damage experience. He regularly represents manufacturers of industrial and consumer products, and has defended many personal injury, property damage, and fire cases involving alleged manufacturing and design defect and warnings claims.

Jeffrey recognizes the importance of developing a professional and meaningful relationship with the clients he represents and is sensitive to the need to control both costs and potential liability exposure as early as possible in litigation. Jeffrey likes to begin each new assignment with a direct discussion with the client for their primary goals in the matter. He wants to know whether the client wants the matter resolved expeditiously, or if they want to litigate vigorously and uncompromisingly to a judicial conclusion. He wants to know whether the client has a greater goal than the present matter that it is concerned with, such as preserving a business relationship. In other words, Jeffrey does not litigate rudderless. He establishes where his client wants to go and how to get it there.

Jeffrey earned his law degree from Touro College's Jacob D. Fuchsberg Law Center and finished in the top 25 percent of his class. He served in the Student Bar Association and the Sports and Entertainment Law Society. He was the Program Editor of the Moot Court Board. He was a semi-finalist in the John S. Bainbridge Moot Court Competition and also participated in the Nassau Bar Association Appellate Advocacy Competition. During law school, Jeffrey interned for the Honorable Elaine Jackson Stack in Nassau County Supreme Court's Matrimonial Division.

In his spare time, Jeffrey enjoys playing golf, softball and coaching his children's soccer, softball and baseball teams. He enjoys camping, hiking and fishing.



Education

- Touro College Jacob D. Fuchsberg Law Center, J.D., 2001
- Long Island University Post, B.A., cum laude, 1998

Honors

- Recipient of the Westfield Insurance Golden Gavel Award by Steve Garner and Chris Schmehl, 2017
- Program Editor, Moot Court Board, Touro College's Jacob D. Fuchsberg Law Center
- Internship, Honorable Elaine Jackson Stack, Nassau County Supreme Court's Matrimonial Division
- Semifinalist, John S. Bainbridge Moot Court Competition

Representative Matters

- Obtained summary judgment on behalf of a volunteer firefighter and fire department in Supreme Court, Nassau County, obtaining dismissal of all claims arising from a motor vehicle accident that occurred while the firefighter was responding to an emergency call. The Court held that the driver was entitled to the protections of New York Vehicle & Traffic Law §1104 and applied the heightened "reckless disregard" standard, finding no evidence that the firefighter's conduct met that threshold and warranting dismissal of the action.
- Obtained a defense verdict in an automobile case pursuant to New York State's serious injury "threshold"
- Represented an athletic association in a case where a patron lost vision at a sporting event. Based upon primary assumption of risk, Jeffrey obtained summary judgment.
- Represented a summer camp in an alleged assault and battery case and obtained summary judgment for his client.
- Represented a national gym franchise in an alleged equipment failure case. Jeffrey was able to obtain summary judgment.
- Obtained summary judgment in a slip and fall on "black ice" case, where he represented a hotel.

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- Represented an ambulance company involving personal injury claims by a patient who was injured while exiting the vehicle. Jeffrey obtained summary judgment.

- Represented a hotel in a bed bug case in which he obtained summary judgment.

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- Successfully represented an international motorcycle company in a products liability claim premised upon alleged design and manufacturing defect.

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- Successfully defended a pool company in an alleged design defect claim stemming from a diving accident.

Community

- Jeffrey is active in a number of charitable and youth sports associations, and serves as an advisory member for his local CYO

Publications

- "The Evolution of Green Building: A LEED Breakdown for Design Professionals," DRI The Critical Path June 26, 2015