



Devine, Paul S.

Position: Partner

Co-Chair: General Litigation, Municipal
& Government, Transportation

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Location

Garden City, New York

Practice Areas

- [Municipal and Government](#)
- [Retail, Food, Beverage & Hospitality](#)
- [Product Liability, Fire and Life Sciences](#)
- [Transportation](#)
- [General Litigation](#)
- [Professional Liability](#)

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



Biography

Paul chairs the firm's Municipal and Government Practice Group, as well as its General Litigation Practice Group. In three decades of client advocacy, he has taken more than 100 cases to verdict in federal and state courts around the country. Paul understands that plaintiff's attorneys employ a strategy, from discovery to closing argument, of attacking the company as opposed to focusing on the accident. He represents owners and contractors in construction work site accidents, railroad accidents, and catastrophic injury cases with the knowledge that plaintiffs try to portray an "out of control" company and instill fear in the jurors. Paul applies this strategy to defend public and school transportation providers in municipal liability, product liability, and civil rights claims. Paul has extensive experience representing professionals in a wide swath of risk exposures. He has counseled professionals on ethical issues, represented lawyers in grievance issues, and litigated all types of professional liability claims to successful conclusion. Notably, Paul successfully represented the Port Authority of New York and New Jersey in the 1993 World Trade Center Bombing Cases – obtaining a favorable finding from New York's highest court.

Paul preaches active participation in a claim's investigation phase. He has participated in 100s of site and laboratory. He has spent decades debunking experts who base their opinions on "junk science." He continues to represent the Port Authority and contractors on accidents at the World Trade Center — understanding that constructive or actual notice of a defect can often be the key to success in defending all types of matters.

Paul has argued dozens of appeals and can often be found arguing client interests at the Appellate Divisions of New York's First and Second Judicial Departments. He has served as Chairman of the Trial Lawyers' Section of the Nassau County and Suffolk County Bar Associations. He is an active member of the Defense Research Institute (DRI). He also possesses an AV rating from Martindale-Hubbell. His experience includes litigating maritime matters and success with several exoneration actions.

Paul happily resides in Northport, New York where he enjoys kayaking and biking. His interests in winter skiing have lead him to some of the world's most exciting resorts in Europe and South America. And he has an unwavering passion to improve his golf game.

Education

- Loyola University, J.D., 1979
- Villanova University, B.A. 1974



Honors

- Martindale-Hubbell Peer Review Rating: AV Preeminent
- Top Rated Lawyer in Litigation, American Lawyer Media and Martindale-Hubbell, 2014
- Super Lawyers, *Corporate Counsel Edition*
- *New York Metro Super Lawyers* 2008-2016, 2020-2026

Professional Leadership

- New York State Bar Association:
 - Torts Insurance and Compensation Law Section
 - Trial Lawyers Section
- Trucking Industry Defense Association
- Defense Association of New York, Inc.
- Defense Research Institute
- Claims and Litigation Management Alliance
 - Past President, Long Island Chapter;
 - Active Member, Alternative Fee Arrangements Committee
- Nassau County Bar Association
 - Chairman, Trial Lawyers' Section
- Suffolk County Bar Association
 - Chairman, Trial Lawyers' Section



Representative Matters

Matter of World Trade Center Bombing, 17 NY3d 428

This appeal arose from the 1993 terrorist bombing incident in the parking garage of the World Trade Center complex. It raised critical issues regarding the interplay of the proprietary and governmental functions of a public entity and the provision of security, particularly against the risk of terrorist attack. Paul was part of the team that convinced New York's highest court that the Port Authority of New York and New Jersey (Port Authority) was performing a governmental or proprietary function in its provision of security at the premises. Second, that because the Port Authority was engaged in such a governmental function, it was entitled to the common-law defense of governmental immunity.

Wahid v. Long Island Rail Road, 2009 NY Slip Op 01472

Paul successfully tried this matter to verdict and the appellate court affirmed the jury's finding. The appellate court affirmed a fair interpretation of the evidence by the jury. Paul persuaded both the jury and court that conflicting versions of the accident testified to by an eyewitness and the defendant raised a question of credibility and that his client was more credible.

Deputron v. ABC Bus, A&J Tours, Inc., 2013 NY Slip Op 03629

The plaintiff commenced this action to recover damages for injuries allegedly sustained when she tripped and fell while exiting a bus that was owned and operated by the defendant A & J Tours, Inc., manufactured by the defendant Van Hool, NV, and distributed by the defendant ABC Companies. Paul successfully moved for summary judgment on behalf of A & J Tours and ABC. The court held that, "[I]n a slip-and-fall case, a plaintiff's inability to identify the cause of the fall is fatal to the cause of action because a finding that the defendant's negligence, if any, proximately caused the plaintiff's injuries would be based on speculation."

Gaetano v. Long Island Rail Road, 2005 NY Slip Op 09483

Paul applied the "open run" defense in the railroad liability matter. The court adopted this defense which holds that when a train engineer sees a person on or near the track, he is not bound to stop his train immediately, but has the right to assume that in broad daylight, the person will see and hear the train, heed the danger, and leave the track. In such a situation,



the engineer has no duty to make an emergency stop until he determines that the person cannot or will not remove himself from harm's way .

Sokoya v. Alsiegs Food Corp, 2006 NY Slip 04408

Paul successfully convinced a jury that his client had the right of way. The appellate court upheld the finding holding that it was supported by a fair interpretation of the evidence.

In Re Eastern District Repetitive Stress Injury Litigation, 850 F.Supp. 188

Over 450 repetitive stress injury ("RSI") cases were filed in the Eastern District of New York on behalf of over 1,000 plaintiffs against over 100 different equipment manufacturers. In each of these cases, plaintiffs alleged that they suffered from one or more of a plethora of soft tissue and other disorders including "carpal tunnel" syndrome, tendinitis, epicondylitis (commonly known as "tennis elbow"), degenerative disc disease, cervical sprain, neck pain and back pain. Plaintiffs claimed that their injuries were caused by the repetitive stress involved in the use of keyboards, postal machines, video display terminals, cash registers, stenographic machines, supermarket scanners and numerous and diverse other devices designed, manufactured, and in some cases distributed, by defendants.

Community

- Northport Lacrosse Club, Executive Officer
- Mephram High School Mock Trial Team, Coach
- Attorney Volunteer for Student Courthouse Tours, Nassau County Bar Association

Presentations

- Presenter What's Your Case Worth – an Assessment of Central Issues in Mediation," CLM Long Island Chapter, 2017
- Presenter, Law School for Insurance Professionals, New York State Bar Association, New York, NY 2016
- Presenter, "Common Issues in Bus Fatality Litigation," Claims and Litigation Management Alliance, Long Island Chapter, Garden City, NY, September 24, 2015
- Presenter, "Honing Your Deposition Skills 2014: Practice Pointers," New York State Bar Association CLE, Melville, NY, October 24, 2014
- Presenter, "Labor Law Update," CLM Long Island Chapter Educational and Networking Event, Garden City, NY, June 5, 2014



- Presenter, "Discovery Overview," New York State Bar Association Seminar: Practical Skills 2011 Presenter, "Direct Examination of Experts," New York State Bar Association Seminar: Expert Testimony – What You Need to Know in New York 2010
- Presenter, "Premise Liability claims Overview," New York State Bar Association Seminar: Law School for the Claims Professionals, 2007
- Presenter, "Cross Examination," New York State Bar Association Seminar: Practical Skills – Basic Practice – The Trial, November 2005
- Presenter, "Volunteer Sports Coaches and Protection from Personal Liability," Nassau County Bar Association Seminar, October 2005
- Presenter, "Cross Examination," New York State Bar Association Seminar: Practical Skills – Basic Practice Seminar – The Trial, 2004
- Presenter, "Students Victimized by Students: Bullying, Harassment and Hazing," for the Nassau County Bar Association Community Relations and Public Education Committee, November 2003 Presenter, "Cross Examination," New York State Bar Association Seminar: Practical Skills – Basic Practice – The Trial, 2002
- Presenter, "Objections," New York State Bar Association Seminar: Sweating the Small Stuff – The Basics on Motions, Objections and Discovery, October 2000
- Presenter, "Cross Examination," New York State Bar Association Seminar: Practical Skills – Basic Practice – The Trial, March 2000
- Presenter, "Defendant's Perspective," New York State Bar Association Seminar: How to Handle a Neck and Back Injury Case, October 1998
- Presenter, "Trial Techniques—Plaintiff's and Defendant's Perspectives of Using Medical Evidence at Trial," New York State Bar Association Seminar: Medicine in the Courtroom, October 1997 Presenter, "Summations – Defendant's Perspective," New York State Bar Association Seminar: How to Handle a Neck and Back Injury Case, April 1997
- Presenter, "Cross Examination," New York State Bar Association Seminar: Practical Skills – Basic Practice – The Trial, September 1996
- Presenter, "The Discovery Plan," New York State Bar Association Seminar: Fishing Expeditions and Searching for the Smoking Gun: A Civil Litigator's Guide to Discovery Under New York Law, May 1996
- Presenter, "Discovery," New York State Bar Association Seminar: How to Commence a Civil Lawsuit, October 1991
- Presenter, "Premises Cases: Perils and Pitfalls," Nassau Academy of Law, Nassau County Bar Association Seminar: Selecting the Ideal Jury in a Civil Trial, March 1991
- Presenter, "Athletic Field Liability," Recreation Safety Institute, 1990
- Presenter, "Direct Examination of Law Witnesses," New York State Bar Association Trial Practice Skills Seminar, December 1989