



2025 Medicine for Judges Seminar



AGENDA

March 4 - 5, 2025

Day 1, March 4, 2025

- 8:15 am - 9:00 am** **Sign in and Breakfast**
- 9:05 am - 9:25 am** **Greetings and Opening Remarks**
Hon. Norman St. George, J.S.C., First Deputy Chief Administrative Judge, OCA
Hon. Lewis J. Lubell, J.S.C. / Hon. Ellen M. Spodek, J.S.C.
- 9:30 am-11:00 am** **[The Medical Indemnity Fund and Obstetrical Medical Malpractice Claims](#)**
Established in 2011 to provide funding for future health care costs associated with birth-related neurological injuries, the Medical Indemnity Fund serves plaintiffs in medical malpractice actions who have received either court-approved settlements or judgments deeming the plaintiffs' neurological impairments to be birth related. This session provides an overview of the Fund and an explanation of the medical issues covered under its provisions.
Faculty: Hon. Ellen M. Spodek (Moderator), Jonathan S. Erman, Esq.,
Adam R. Goldsmith, Esq., Leslie D. Kelmachter, Esq., Carmine A. Rubino, Esq.
- 11:00 am - 11:10 am** **Break**
- 11:15 am - 12:45 pm** **[Failure to Diagnose Cancer: Cases and Issues](#)**
This session is designed to enhance a judge's understanding of the complex legal and medical issues involved in cases of failure to diagnose cancer. This session provides a thorough exploration of cancer-related malpractice claims, focusing on the causes, consequences, and legal implications of diagnostic errors. Through case studies and an analysis of relevant legal precedents by trial counsel, judges will gain valuable insights into how to approach cancer misdiagnosis cases.
Faculty: Hon. Lewis J. Lubell (Moderator), Hon. Ellen M. Spodek, Eleni Coffinas, Esq.,
Glenn W. Dopf, Esq., Elizabeth Montesano, Esq., Andrew M. Neubardt, Esq.
- 12:45 pm-1:40 pm** **Lunch**
- 1:45 pm - 3:00 pm** **[Hospital Risk and Nursing Liability/Discovery Issues/Emergency Room Issues](#)**
This session is designed to provide judges with a deep understanding of the multifaceted issues surrounding hospital risk, nursing liability, discovery challenges, and emergency room (ER) practices. Focusing on key areas of medical malpractice and liability within hospital settings, this session equips judges with the knowledge needed to navigate the legal and medical complexities of cases involving hospital care, nursing responsibilities, and emergency room procedures. This session also provides practical guidance for working through discovery issues in medical malpractice and personal injury cases.
Faculty: Hon. Lewis J. Lubell (Moderator), Hon. Paul I. Marx, Matthew Gaier, Esq.,
Peter A. Kolbert, Esq., Alfred P. Vigorito, Esq.
- 3:00 pm - 3:10 pm** **Break**
- 3:15 pm - 4:30 pm** **[Nursing Home and Long-Term Care Litigation](#)**
This session provides an overview of the legal complexities surrounding nursing homes and long-term care. The panel will discuss issues related to the legal responsibilities of nursing homes, regulatory concerns, ethical challenges, and elder care in long-term facilities. It will also address both the plaintiff and defense perspectives in litigation involving nursing home and long-term care cases, covering topics from causes of action to discovery and resolution in these complex cases.
Faculty: Hon. Genine D. Edwards (Moderator), Jonathan Roman, Esq., Lori Semlies, Esq.,
Kathryn Sullivan, Esq., Michael Zaransky, Esq.
- 4:30 pm - 5:45 pm** **Dinner/Reception**

Day 2, March 5, 2025

- 9:30 am - 10:25 am** **Sign in and Breakfast**
- 10:30 am - 11:45 am** **[Common and Not So Common Scenarios That Give Rise to Difficult Issues in Medical Malpractice and Personal Injury Cases](#)**
This session explores various typical and atypical scenarios in which complex legal challenges can arise in the realm of medical malpractice and personal injury law.
Faculty: Hon. Lewis J. Lubell (Moderator), Hon. Joseph E. Capella, Ben B. Rubinowitz, Esq.
- 11:45 am - 11:55 am** **Break**
- 12:00 pm - 1:15 pm** **[Medical Malpractice Fundamentals: Expert Witness Issues \(CPLR 3101\[d\], Rivera v Montefiore Med. Ctr.\), Jury Charges, and Verdict Sheets](#)**
This session provides an overview of several fundamental medical malpractice principles from both the plaintiff's and defendant's perspectives, along with practical guidance for addressing issues that arise when these principles are implicated.
Faculty: Hon. Lewis J. Lubell (Moderator), Hon. Tracy A. Catapano-Fox, Jeffrey B. Bloom, Esq., Charles E. Kutner, Esq.
- 1:15 pm - 2:10 pm** **Lunch**
- 2:15 pm - 3:35 pm** **[Cross Examination Demonstrations \(of plaintiff, defendant, and experts\) and Debriefing Sessions](#)**
One goal of this seminar is to expose judges to myriad medical malpractice and liability issues in an environment that accurately simulates how these issues present in a courtroom. This session addresses the legal issues involved in the cross-examination of lay and expert witnesses and the use of curative instructions in medical malpractice and personal injury cases. Topics include, but are not limited to, controlling the flow of questions and answers, dealing with circumstantial evidence in liability cases, and credibility issues, particularly in expert testimony.
Faculty: Hon. Lewis J. Lubell (Moderator)
Hon. Ellen M. Spodek, Hon. Milton A. Tingling (Ret.) (Presiding Justices – 2:15 pm-3:35 pm)
Hon. Joseph E. Capella/Hon. Tracy A. Catapano-Fox (Presiding Justices – 3:40 pm-5:00 pm)
Judith A. Livingston, Esq., Ben B. Rubinowitz, Esq., Evan Torgan, Esq. (Plaintiff Lawyers)
Charles L. Bach, Jr., Esq., Victoria A. Lombardi, Esq. (Defense Lawyers)
- 3:35 pm - 3:40 pm** **Stretch Break**
- 3:40 pm - 5:00 pm** **Cross Examination Demonstrations (of plaintiff, defendant, and experts) and Debriefing Sessions (continued)**

