

## CURRICULUM VITAE

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### BOARD CERTIFICATION AS TRIAL SPECIALIST

1995 – Present:

Certified by the National Board of Trial Advocacy (NBTA) as a Board Certified Civil Trial Specialist. The NBTA is the only nationally recognized body that certifies trial attorneys. Approximately 2500 attorneys nationwide have been so certified. Among them are approximately 50 in New York. The NBTA program is considered to be the legal equivalent to medical certification and consists of a written exam, peer review, submission of references, submission of work product, continuing legal education, and a particularized level of intense trial experience. Recertification is required every five years, with annual reporting requirements.

In *Peel v. Illinois*, 496 U.S. 91, 110 L. Ed. 2d 83, 110 S. Ct. 2281 (1990), the United States Supreme Court stated:

NBTA certification has been described as a ‘highly-structured’ and ‘arduous process that employs a wide range of assessment methods.’ After reviewing NBTA's procedures, the Supreme Court of Minnesota found that ‘NBTA applies a rigorous and exacting set of standards and examinations on a national scale before certifying a lawyer as a trial specialist.’ ... The Alabama Supreme Court similarly concluded, ‘a certification of specialty by NBTA would indicate a level of expertise with regard to trial advocacy in excess of the level of expertise required for admission to the bar generally.’

### MARTINDALE-HUBBELL

Rated “AV” by Martindale-Hubbell, which is the highest possible rating for legal abilities and ethics.

### BEST LAWYERS IN AMERICA

2009 & 2010

Personal Injury Litigation

### BUFFALO BUSINESS FIRST and BUFFALO LAW JOURNAL

Who's Who in Law, 2007-2010

**LAW AND POLITICS and the BUFFALO SPREE MAGAZINE**  
**Super Lawyers, 2007 -2010**  
**Upstate Edition**

**BAR ADMISSIONS**

**United States Supreme Court**, April, 2000

**United States District Court**, Western District of New York, July, 1983

**New York State Courts**, February, 1977

**PROFESSIONAL EXPERIENCE**

**June, 1994-Present**

Owner and Trial Attorney, Law Offices of J. Michael Hayes

**January, 2001- Present**

Adjunct Professor, -University at Buffalo, School of Law

“Anatomy of a Motor Vehicle Case”

**February, 1994 – Present**

General Counsel, Park Country Club of Buffalo, Inc

July, 2003- 2006

Village Attorney, Village of Williamsville, New York

June, 1987- June, 1994

Partner and Trial Attorney, Smith, Keller, Hayes & Miner

May, 1982- June, 1987

Associate and Trial Attorney, Law Offices of Terry D. Smith

January, 1979- May, 1982

Associate and Trial Attorney, Tenney, Smith & Scott

August, 1976- December, 1978

Litigation Associate, Smith, Murphy & Schoepperle

**EDUCATION and MILITARY SERVICE**

1973-1976

State University of New York at Buffalo, School of Law

Juris Doctor,

Award for Excellence in Trial Practice

1971-1973

State University of New York at Brockport,

B.S. English & Philosophy

*Summa cum laude*

1968-1971

United States Army

Ophthalmic Assistant (91U20)

Specialist - E-5

1966-1967

University of Notre Dame

## PROFESSIONAL ACTIVITIES AND AFFILIATIONS

1995 **National Board of Trial Advocacy**  
Board Certified Civil Trial Specialist  
Re-Certified 2000 and 2005  
On NBTA: Legal Writing Review Committee  
Ethics Writing Review Committee

1996 **American Board of Trial Advocates**  
Charter Member, Buffalo Chapter

1999 **American Inns of Court**  
Master  
Vice President 2006-2008  
President 2008-2010

2006 **NYSTLA - Western District**  
Board of Directors  
2009 President

*Who's Who In American Law*  
Marquis Who's Who

*Bar Registry of Preeminent Lawyers*  
Martindale-Hubble Publishers

2006 **New York Academy of Trial Lawyers**  
Board of Directors representing the Eighth Judicial District 2006-2009

Member: National Board of Trial Advocacy, Inns of Court; American Board of Trial Advocates; Erie County Bar Association; Western New York Trial Lawyers Association; New York State Trial Lawyers Association including Western Affiliate; New York Academy of Trial Lawyers; New York State Bar Association; Association of Trial Lawyers of America.

## PUBLICATIONS – BOOKS

1999 *New York Motor Vehicle Accidents*  
Co-Author of the Treatise and  
Annual Supplements to the present  
James Publishing

2008 *Liens vs. Subrogation*  
Author – Third Edition, 2009  
JMH publications

2009 *Plaintiff's Personal Injury Actions in New York*  
NYSBA Two Volume Treatise  
Author and Co-Author of two Chapters

## **PUBLICATIONS – ARTICLES**

- 2009 Author: **“Liens and Ethics – Are They Compatible?”**  
*New York Law Journal*  
August 1, 2009
- 2009 Author: **“Are Medical Recovery ‘Liens’ an Anachronism?”**  
*Erie County Bar Bulletin*,  
Vol. 48 No. 6, February, 2009
- 2008 Author: **“A New Frontier: Workers’ Compensation as Subrogation”**  
*NYSTLA Bill of Particulars*  
Fall, 2008 (pending)
- 2007 Author: **“Medicare and Medicaid Reimbursement Rights”**  
*NYSTLI Bill of Particulars*  
Fall, 2007
- 2007 Author: **“Are These Liens”**  
*NYSBA Journal*,  
Vol. 79 No.7, September, 2007
- 2007 Author: **“Are Medicaid, Medicare and ERISA Liens?”**  
*Erie County Bar Bulletin*,  
Vol. 46 No. 7, March, 2007
- 2006 Author: **“Subrogation Rights of Health Care Providers”**  
*Erie County Bar Bulletin*,  
Vol. 45 No. 9, May, 2006
- 2006 Author: **“Health Care Subrogation Rights”**  
*NYSBA Journal*, Vol. 78 No. 9,  
November/December, 2006
- 2006 Author: **“Subrogation Rights of Health Care Providers”**  
*NYSTLI Bill of Particulars*  
Fall, 2006
- 2000 Author: *Tips from the Top Guns in Trial Advocacy*  
Chapter Editor, Hon. Thomas P. Franczyk

## **PRESENTATIONS & SEMINARS**

- 2009 Chair, Lecturer & Contributor  
NYSBA  
Handling Tough Issues in a Plaintiff’s Personal Injury Case
- 2009 Lecturer & Contributor to Program Materials  
ABOTA  
Subrogation Issues upon Settlement

- 2009 Lecturer & Contributor to Program Materials  
Settling The Personal Injury Case, In Albany  
Seminar/CLE National Business Institute
- 2008 Lecturer & Contributor to Program Materials  
Settling Your Personal Injury Case and Sleeping at Night  
Seminar/CLE Erie Institute of Law In Buffalo
- 2007 Lecturer & Contributor to Program Materials  
*The Examination Before Trial*  
Seminar/CLE New York State Bar Association
- 2006 Lecturer  
2006 Annual Update:  
*Precedents and Statutes for Personal Injury Litigators - Disclosure*  
New York Academy of Trial Lawyers
- 2006 Lecturer  
*Health Care Subrogation Rights*  
Inns of Court
- 2005 Lecturer  
*Turning Stalemate into Success –Settlement Issues*  
New York Academy of Trial Lawyers
- 2000 Lecturer  
*Discovery 2000- For Experienced Litigators*  
New York State Bar Association
- Lecturer  
*The Art of Trial Advocacy*  
by Celebrated Masters of the Art  
Erie County Bar Association
- Instructor  
*Trial Technique Seminar*  
University of Buffalo, School of Law
- 1998 Instructor  
*Trial Practice and Trial Technique*  
National Institute for Trial Advocacy &  
Erie County Bar Association
- 1997 Lecturer  
*Legal Environment of Business – Torts*  
Daemen College
- 1996 Lecturer  
*Assumption of Risk*  
Seminar Lorman Education Services

- 1995 Lecturer  
*Premises Liability and Construction, Work Site Accidents*  
Seminar New York State Bar Association
- 1995 Lecturer  
*New York Insurance Law & Bad Faith Claims*  
Seminar Lorman Education Services
- 1994 Lecturer  
*Basic Civil Practice: The Trial*  
Seminar New York State Bar Association
- 1988 Lecturer  
*Personal Injury Litigation*  
Seminar New York State Bar Association

\* The National Board Of Trial Advocacy is not affiliated with any governmental authority. Certification is not a requirement for the practice of law in the State of New York and does not necessarily indicate greater competence than other attorneys experienced in this field of law.