

CURRICULUM VITAE

J. MICHAEL HAYES, N.B.T.A.
TRIAL ATTORNEY
BOARD CERTIFIED CIVIL TRIAL SPECIALIST*
69 DELAWARE AVENUE SUITE 1111
BUFFALO, NEW YORK 14202-3801

TELEPHONE
(716) 852-1111

E-MAIL
jmh@jmhayes.com

CELL
(716)316-5100
FAX
(716) 852-0711
www.jmichaelhayes.com

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 Edition

Personal Injury Litigation

BUFFALO BUSINESS FIRST and BUFFALO LAW JOURNAL

Who's Who in Law, 2007

LAW AND POLITICS and the BUFFALO SPREE MAGAZINE
Super Lawyers, 2007 -2009
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

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

Bar Registry of Preeminent Lawyers
Martindale-Hubble Publishers

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

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 – on its Third Edition
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: **“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

- 2008 Lecturer & Contributor to Program Materials
Settling Your Personal Injury Case and Sleeping at Night
Seminar/CLE Erie Institute of Law
- 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.