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CIVIL TRIAL LAW

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EDUCATION

Union College, B.A., 1966

St. John's University Law School, J.D., 1971

AFFILIATIONS

Phil Catapano is admitted to practice in the State of New York and the Arizona Court system. He is also admitted to practice in the United States District Court, Eastern District. He is a member of the New York State Bar Association, the Nassau County Bar Association, State Bar of Arizona and the Nassau-Suffolk Trial Lawyers Association, where he served as Director since 1979 and Chairman in 1990-1991. He chaired the Nassau County Supreme Court Committee in 1992-1993. He served on the Grievance Committee for the Tenth Judicial District of the Appellate Division, Second Judicial Department from 1987-1994. Catapano is a frequent lecturer for the New York State Bar Association, the Nassau Academy of Law and Hofstra School of Law on topics of trial advocacy. Catapano sits on the boards of the American Lung Association and the YMCA, where he has served for thirty years and was recently named "Man of the Year." Additionally, he is an active volunteer for St. Christopher-Ottillie Services for Children and Families.

BIOGRAPHY

With an intellectual curiosity and personal rectitude undiminished by three decades as a courtroom attorney, 59-year-old Philip Catapano represents the very best of the New York trial bar. Competitive and generous, insightful and enlightened, by all accounts Catapano is respected and trusted by colleagues, rivals and judges alike. His early life experiences and indeed, his entry into the law, make for a unique and compelling tale. Growing up in Glen Head, he played football and ran track at North Shore High School and went on to study economics at Union College in upstate New York. Then, at the height of the Vietnam War, Catapano joined the Peace Corps and went to Malawi to teach for two years. Remarkably, Catapano's Peace Corps director, Monroe McKay, an Arizonian who later became the Chief Judge of the US Court of Appeals, urged Catapano to consider a career in law. It was McKay who administered his volunteer's LSAT exam in the middle of a rural, isolated village in East Africa. Five years ago, Catapano and his family returned to that village in Malawi and found that students were still using the textbooks sent over by North Shore High School thirty-five years earlier. A week after returning home in early 1969, Catapano enrolled at St. John's Law School. There, he earned four American Jurisprudence awards in Constitutional law, legal writing, legal research and arbitration, and was invited to join law review. After graduation, he went to Arizona and clerked for the renowned Supreme Court Justice Jesse Udall; a year later, he returned to his native Long Island and joined Montfort, Healy, McGuire & Salley, at a time when the country was on the cusp of the malpractice litigation explosion. From the time he was named partner in the late 1970's, Catapano has served as chief defense counsel to Mercy Medical Center and North Shore University Hospital in Glen Cove. As his reputation grew, he was retained by other health-care institutions, including Winthrop University Hospital, Southside Hospital, and St. Catherine of Siena Hospital. Over the course of his career, he has handled more than two hundred malpractice cases. Though he jousts regularly in a league of extremely talented attorneys, Catapano downplays his success - "I'm a straight shooter, and most who deal with me know that. I've tried to develop a high level of trust in all my dealings so that clients, judges and opposing attorneys can count on my word." His clients place faith in him as well. They trust him to find fair and equitable solutions to complex problems. Today, Catapano is one of seven partners and twenty-three attorneys at Montfort, Healy, McGuire & Salley with about half the practice devoted to malpractice defense. (In a rare non-medical case, he represented Amy Fisher in a 1997 civil suit by Mary Jo Buttafuoco). Catapano and his wife, Kathleen, also a former Peace Corps volunteer and current chair of the North Shore Fresh Air Fund, live in Sea Cliff. They have three grown children: a daughter who is a physician doing medical research and is married to a lawyer, a son who is in research and development at MTV and another daughter, a geologist, who has recently started medical school. Catapano still loves to travel the globe. He and his family recently shared a once in a lifetime visit to an indigenous community in the Amazon River Basin. Says he, "Golf is not my thing."

Phil Catapano: Observations & Perspectives

Perhaps the most challenging thing we must overcome in the malpractice cases is that often both parties are innocent. That's what makes it so difficult for everyone involved. We handled a case in the late '90's - a family brought a suit against a hospital in which their teenage son died of complications from AIDS, transmitted from a blood transfusion the week he was born in 1980 before AIDS had been identified and screened in blood donors.

The jury included sophisticated people: a rabbi, a lawyer and a producer for The Today Show - it was a very emotional trial, plenty of tears. In the end, the jury decided that the hospital could not be held responsible for something society and the scientific world still knew nothing about. It was a tragic situation...an innocent plaintiff but an innocent defendant as well. As I said, such cases are difficult for everyone but still I think that the system works fairly well. Hospitals and doctors are dedicated to helping people. Usually, they do the best job they can-unfortunately, sometimes that is not enough. At its best, the malpractice system protects patients from wrongdoing but does not penalize doctors for outcomes that are out of their control.

You have to have a competitive spirit for what we do. When you get into the courtroom all you want to do is to protect your client. Many of us have been doing this for 20 years or more- sometimes other attorneys tell me they're getting tired but they don't ever say

it's boring. You can't make up the things that happen in real life, even in the most mundane cases.

Several years ago, I defended Amy Fisher in a civil suit. The whole experience reinforced my belief that the rules of law generally don't apply in cases with a huge media spotlight. When the courtroom goes on stage, it's a different process. I don't believe that televised trials help the judicial process; they change a serious, sensitive situation into a media event.

I love what I do and I've been very

fortunate in my career. I know our system and its advocates have come under a great deal of criticism recently, both publicly and privately. But our method of resolving disputes, which allows everyone to be heard and where our juries are our peers, is one that deserves our respect and needs our protection. It remains one of the cornerstones of our great democracy.

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