



Joseph A.H. McGovern

Partner

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Joe McGovern practices in the general liability area and has extensive experience litigating high-exposure personal injury claims in New York and Connecticut, state and federal trial and appellate courts. Joe has tried civil actions in New York State Supreme Court and New York City Civil Court, and he has argued before the Appellate Division, First and Second Departments, and the U.S. Second Circuit Court of Appeals.

Joe's practice currently is focused on defending automobile and trucking accident cases – including cases involving catastrophic injury and death – and in defending vicarious liability claims against companies engaged in the business of leasing and renting motor vehicles, as well as large transportation and e-commerce companies. Other areas in which Joe has experience include premises liability claims, construction accident cases, replevin actions, employment discrimination, and antitrust matters. In addition to defending insureds, Joe frequently provides coverage opinions, analyzes policies and defenses, and monitors litigation on behalf of excess carriers.

Joe began his professional life as a reporter, editor, and commercial writer, including a 10-year position with PepsiCo's public affairs department. Prior to that, he served on active duty in the U.S. Army (Air Cavalry) from 1981 to 1984, including service on the East/West German Border. Joe's tenacity and his ability to find, organize and present information in its clearest form has been a key asset in his legal career. This is evidenced by the numerous successful summary judgment motions and appellate briefs he has written and argued. For example, Joe wrote the prevailing appellate brief submitted to the Connecticut Supreme Court in the case of *Wesley v. Schaller Subaru, Inc.* (277 Conn. 526 [2005]), an important case on contract reformation and the law of agency. He also wrote the prevailing brief and successfully argued the case of *Bayles v. Manns* (2006 US App LEXIS 2728, 2006 WL 249560) in which the Second Circuit Court of Appeals affirmed that the owner of a leased motor vehicle could not be held vicariously liable for injuries arising from the purposeful, criminal conduct of the driver of that vehicle. He has 47 published appellate

Services

- Appellate
- e-Discovery
- Complex Tort & General Casualty

decisions.

Education

- Pace University School of Law (J.D., 1999)
- State University of New York at New Paltz (B.A., 1991)

Bar Admissions

- New York
- Connecticut

Court Admissions

- Supreme Court of the United States
- U.S. Court of Appeals, Second Circuit

Professional Affiliations

- New York State Bar Association, Tort, Insurance & Compensation Law Section
- First Cavalry Division Association

Representative Matters

Bermajo v. Empire Builders: Represented the defendant in a Labor Law case brought on behalf of a plaintiff construction worker who was crushed to death by a falling beam. We identified coverage issues that made it difficult for plaintiff to recover damages and were able to resolve the claim for a small fraction of the amount sought.

Budgell v. NY Presbyterian Hospital: Represented the defendant in a Section 240 Labor Law claim in which the trial court initially granted summary judgment on liability to the plaintiff. We perfected our appeal on behalf of the defendant and were able to reach a reasonable settlement with one of the top plaintiff's firms.

Dombrowski v. Metropolitan Property and Casualty: Represented an insurance company defendant in a lawsuit brought by a women-owned business alleging that our client's severing of its relationship with plaintiff's agency was sexually discriminatory because the defendant held the plaintiff to a different standard than other agencies. The trial court denied our motion for summary judgment. On appeal, the New York Appellate Division, Second Department, agreed with all of our arguments on behalf of the defendant and dismissed the claim.