



HON. JOSEPH J. MALTESE (Ret.)

Associate Justice of the Supreme Court, Appellate Division, 2nd Department

Joseph J. Maltese served as an associate justice of the New York State Supreme Court, Appellate Division, Second Department. His remarkable judicial career includes 7 years spent on the appellate court where he heard and decided appeals of judgments and orders on civil, commercial, construction, criminal, employment, family law matters, real estate, trusts and estates and special proceedings from the Supreme Court and other trial courts, as well as New York State administrative agencies.

As a trial judge in the New York Supreme Court of Richmond and Kings counties, from 1996 to 2014, he presided over a wide variety of commercial and civil matters that included medical malpractice, products liability, mass torts, negligence, employment, real estate, and matrimonial disputes. During his tenure on the Supreme Court, he consistently utilized mediation techniques to resolve contested issues and as a mass torts judge resolved thousands of pharmaceutical cases short of trial.

While serving on the Supreme Court, he was appointed to serve concurrently as an Associate Justice on the New York Litigation Coordinating Panel which consolidates complex commercial litigation and mass torts that are pending in more than one county of New York. In 2015, he was appointed as the Presiding Justice of the Panel where he served until December 2020.

Justice Maltese began his judicial career in 1992 when he was elected as a Judge to serve in the New York City Civil Court where he presided over commercial, negligence, real estate, and landlord-tenant matters. He also served in the New York City Criminal Courts handling misdemeanors and special felonies.

Prior to his judicial career, Justice Maltese spent 15 years as a private practitioner where he concentrated in civil and criminal litigation in the state and federal courts of New York, New Jersey, Florida and the U.S. District Courts. During that time, he handled personal injury matters for both plaintiffs and defendants, commercial matters, construction disputes, real estate litigation, represented a large cooperative apartment building and condominium and 1983 Civil Rights matters. In addition, he also handled matrimonial cases and estate matters in the Surrogates Court including 17A guardianships for the families of persons with mental disabilities, pro bono. Further he served as an arbitrator in the New York Civil Court mediating and arbitrating cases. Prior to entering private practice, he was a law clerk to Judge John Kelly.

According to the New York Judge Reviews, attorneys that have appeared before Judge Maltese have described him as being “very quick on the law and could juxtapose law and fact almost instantaneously”; “He is reasonable. He is judicious. He is very fair and hears everybody out.”; “He is capable of skillfully handling complex cases and medical malpractice lawsuits.”; “He has a great deal of experience as a practicing attorney before he became a judge. He knows the law and applies it.”; “He works at settling cases and has helped facilitate settlements.”; “Proactive in an attempt to settle cases”; “Conscientious and thoughtful and is an all-around good judge.”

In addition to a law degree, Justice Maltese has a Doctor of Philosophy, a Master of Judicial Studies, as well as a Master of Arts and Master of Science degrees. He is also an Adjunct Professor of Law at New York Law School where he teaches an interdisciplinary course on mass torts covering complex litigation, product liability, and scientific evidence. He also teaches courses on scientific evidence to judges at the National Judicial College and at the New York State Judicial Institute. Additionally, he taught forensic examiners, physicians and health care providers at Touro College.

After completing a 3-year federally funded program of study, Justice Maltese was selected as a Fellow by the Advanced Science and Technology Adjudication Resource Judge Program (ASTAR) now known as the National Courts and Sciences Institute, where he served as a Resource Judge to other judges handling scientific and technical matters. He is a frequent lecturer to attorneys at continuing legal education seminars for the New York State Bar Association, New York State Trial Lawyers Association, the New York City Bar, the Practising Law Institute, the Richmond County Bar Association, the Brooklyn Bar Association, the Columbian Lawyers Association and St. John's University School of Law.

Justice Maltese is available to arbitrate and mediate cases throughout New York, New Jersey, and Florida.

AREAS of EXPERIENCE

- Business/Commercial/Corporate
- Co-op/Condominiums
- Construction
- Employment
- FDA/Pharmaceuticals
- Medical Malpractice
- Negligence
- Products Liability/MassTorts
- Professional Liability
- Property/Land Law/Leasing
- Real Estate
- Technology & Science
- Torts and Premises Liability
- 1983 Civil Rights Matters

LECTURES and PUBLICATIONS

Justice Maltese has written thousands of judicial decisions published in Westlaw and Lexis. The following is a sample of the publications and lectures he has presented:

- Co-Author, *Coordination of Litigation within New York and Between Federal & State Courts, Commercial Litigation in the New York Courts, 5th ed.*, Thomson Reuters, 2020
- Contributing Editor, *Science Bench Book for Judges*, National Judicial College & State Justice Institute, 2019.
- Contributing Author, *Bench Book for Trial Judges of New York*, Member, Committee on Publications Association of Justices of the Supreme Court of the State of New York, West, 2013-2020 updated annually.
- Author, *Frye or Daubert: A Study of the Differences and Similarities in the Judge's Role in the Review of Scientific Evidence*, Master's Thesis University of Nevada at Reno, 1998
- Lecturer, *The Guide to New York Evidence & Expert Witnesses*, Columbian Lawyers Association, 2020
- Lecturer, *Highlighting the Guide to New York Evidence*, Richmond County Bar Association and Staten Island Trial Lawyers Association, 2020
- Lecturer, *The Judge's Role as Gatekeeper: Expert Witness Testimony, Frye and the Influence of Daubert on the Admissibility of Evidence in New York State Courts*, New York State Judicial Institute, 2020.

- Lecturer, *Civil Pre-Trial Evidence*, National Judicial College Webinar, 2019
- Panelist, *Aggregate Litigation in State Courts: Preserving Vital Mechanisms*, Pound Civil Justice Institute, 2019
- Lecturer, *Scientific Evidence Program*, National Judicial College, 2018.
- Lecturer, *The New Guide to New York Evidence*, Brooklyn Law School, 2018
- Panelist, *Master Class on Torts*, Panel with Special Master Kenneth Feinberg, New York Law School, 2018
- Lecturer, *Scientific Evidence*, Appellate Division, Second Department, Brooklyn, NY, 2017
- Lecturer, *Getting It In and Keeping It Out: The Admissibility of Evidence in Courts*, Bay Ridge Lawyers Association, 2017
- Lecturer, *Litigation Coordinating Panel on Mass Torts*, New York City Bar Association, 2017
- Lecturer, *Scientific Evidence Program, National Judicial College at Clearwater*, Florida, 2016
- Lecturer, *Neuroscience in the Courtroom*, Fordham University, School of Law, 2014
- Lecturer, *Admissibility of Experts and Expert Reports*, Columbian Lawyers Association of the First Department, 2014
- Lecturer, *Scientific Evidence in Complex Litigation*, National Judicial College at Reno, Nevada, 2014
- Author, *Preemption Justice: The Legal Rights of Persons Injured by Medical Devices and Generic Drugs. Doctoral Dissertation*, University of Nevada, Reno, 2014.
- Lecturer, *The Effect of the National Academy of Sciences' Report on Strengthening of Forensic Science in the United States on Admitting Forensic Expert Testimony*, American Academy of Forensic Sciences Meeting, 2013.
- Lecturer, *Medical Witnesses: Practical & Ethical Issues Involving Physicians Who Testify*, New York City Bar Association, 2012
- Lecturer, *Jurisdiction of American Courts and Expert Witness Testimony in the United States*, Translated into Italian and presented to the Italian Association of Young Advocates, the Italian Academy of Forensic Sciences and the Association of National Magistrates in Foggia, Italy, 2012
- Lecturer, *Admissibility of Scientific Evidence*, Translated into Mandarin Chinese and presented to Chinese Judges at the New York State Judicial Institute, White Plains, NY, 2012
- Lecturer, *Frye & Forensic Sciences*, Webcam for New York State Judges at the New York State Judicial Institute, New York, 2012
- Lecturer, *Examining Expert Witness Reports, Studies & Other Evidence*, N.Y.C. Administrative Law Judges Association, 2012
- Lecturer, *Discovery and Admissibility of Evidence in Environmental Law Prosecutions*, ASTAR Judge's Science School on the Technologies for the Detection of Environmental Crimes, New York State Judicial Institute and Pace Law School, 2011
- Lecturer, *Scientific Evidence in Complex Litigation*, National Judicial College at Reno, Nevada, 2011
- Lecturer, *The Use and Misuse of Biomechanical Engineers*, New York State Trial Lawyers Association, 2011
- Board of Editors, *Resource Guide for Managing Complex Litigation*, National Judicial College, 2010
- Lecturer, *Complex Litigation*, National Judicial College, presented to Visiting Serbian Judges at the U.S. Court of International Trade, New York NY, 2008
- Lecturer, *The Biggest Mistakes Medical Experts Make and How to Avoid Them*, SEAK, Falmouth, MA, 2008
- Lecturer, *The Biggest Mistakes Expert's Make*, SEAK, Hyannis, MA, 2008
- Lecturer, *Don't Bomb in Court- How Arson and Bomb Scene Investigators and Laboratory Personnel Can Survive A Frye or Daubert Scientific Evidence Hearing in Court*, American Academy of Forensic Sciences, Washington, D.C., 2008
- Lecturer, *Expert Testimony in West Virginia*, Presented to the West Virginia Judiciary, 2006
- Tutorial & Panel, *Engineering Evidence and Lay Testimony*, presented at the American Academy of Forensic Sciences Meeting in New Orleans, LA, 2005

- Author, *Matching Science: How Latent Fingerprint Evidence Has Met the Daubert/Kumho Challenge of Admissibility in Court*, Master's Thesis Touro College of Health Sciences, Bay Shore, New York, 2003.
- Lecturer, *Scientific Evidence and Expert Testimony*, Presented to the U.S. Occupational Safety and Health Review Commission, Washington, D.C., 2002
- Moderator, *The Good, The Bad and The Ugly: Legal Perspectives of What Makes a Good Expert Witness*, American Academy of Forensic Sciences Conference, Atlanta, GA, 2002
- Author, *Expert Testimony: Scientific, Technical and Other Specialized Evidence*, New York State Bar Association Torts, Insurance and Compensation Law Section Journal, Fall, 2001, Vol. 30, No. 2

HONORS and AWARDS

- *Judge Charles Rapallo & Justice Antonin Scalia Award*, Columbian Lawyers Association, First Department, 2017
- *William Goodstein Memorial Award for Distinguished Service to the Courts*, Associate of Law Secretaries to Justices of the Supreme & Surrogates Courts, 2016
- *Distinguished Jurist Award*, Richmond County Bar Association, 2015
- *Distinguished Jurist, Educator, Scholar & Soldier Award*, Columbian Lawyers of Queen County
- *Outstanding Jurist and Dedicated Service Award*, Staten Island Trial Lawyers' Association, 2007
- *Distinguished Citizenship Award*, American Legion, 2001
- *Outstanding Leadership Award*, Order Sons of Italy in America, 2001
- *Distinguished Service Award to the Community*, Richmond County Bar Association, 1996
- *Distinguished Alumnus Award*, John Jay College of Criminal Justice, 1995

JUDICIAL EXPERIENCE

- Associate Justice, Appellate Division, Supreme Court of the State of New York, Second Judicial Department, 2014 – 2020
- Justice, New York Supreme Court, Second & Thirteenth Judicial Districts, 1996 – 2014
- Presiding Justice, New York Litigation Coordinating Panel, 2015 – 2020
- Member, Judiciary Advisory Council, 2010 – 2014
- Associate Justice, New York Litigation Coordinating Panel, 2002 – 2015
- Judge, New York City Civil Court and New York City Criminal Court, 1992 – 1996
- Fellow, National Courts and Sciences Institute (formerly Advanced Science and Technology Resource Judge Program (ASTAR), 2007 – Present

LEGAL EXPERIENCE

- Law Offices of Joseph J. Maltese & Associates
- Maltese and Stranieri
- Law Clerk, Judge John Kelly, New York City Civil & Supreme Court, 1975 – 1976
- Staff Attorney, New York Supreme Court, Appellate Division, Second Department, Mental Hygiene Legal Service, 1974 – 1975

PROFESSIONAL LICENSES and ADMISSIONS

- Licensed in the states of New York, New Jersey and Florida
- U.S. District Courts - Southern, Eastern, Northern and Western Districts of New York
- U.S. District for the District of New Jersey
- U.S. District for the Southern District of Florida
- U.S. Circuit Court of Appeals, Second Circuit
- U.S. Supreme Court
- U.S. Court of International Trade
- U.S. Tax Court
- U.S. Court of Appeals for the Armed Forces
- U.S. Army Court of Criminal Appeals

PROFESSIONAL AFFILIATIONS and ASSOCIATIONS

- Fellow, American Academy of Forensic Sciences
- Former Chair, Secretary and Program Chair, Jurisprudence Section
- Former Public Director, Forensic Specialties Accreditation Board (FASB)
- American Bar Association
 - Member, Judicial Administration Division, Appellate and State Judges Sections
- Former Vice-Chair, Special Committee on Military and Veterans Affairs
- New York State Bar Association
- New Jersey State Bar Association
- The Florida Bar
- Member, New York City Bar Association, Products Liability Committee
 - Former Member Medical Malpractice Committee
- Member, Richmond County Bar Association, Criminal & Supreme Courts Committees, Real Estate Law Committee
- Historical Society of the Courts of the State of New York
- Columbian Lawyers' Association
- Order Sons of Italy of America
- American Legion

ADJUNCT PROFESSOR OF LAW

- New York Law School, 2007 – Present
 - Mass torts covering complex litigation, product liability, scientific evidence and use of alternative dispute resolution (ADR) in resolving mass torts
- Guest Lecturer on Scientific Evidence in product liability and mass torts, 2000 – 2006
- National Judicial College, 1999 – Present
- Week-long course on Scientific Evidence for judges

- Touro College, School of Health Sciences, Graduate Division, 2001 – 2007
 - Evidence law and procedures in a graduate program to Forensic Examiners

EDUCATION

- University of Nevada at Reno, Doctor of Philosophy in Judicial Studies, 2014
- Touro College, School of Health Sciences, Graduate Division, Master of Science in Forensic Examination, Valedictorian, 2003
 - Presidential Scholarship
- University of Nevada, Reno, National Judicial College, Master of Judicial Studies (Master of Laws for Judges), 1998
 - Phi Kappa Phi Honor Society
- New York University, Graduate School of Arts & Sciences, Master Arts in International Relations & American Politics, 1991
- National Defense Fellowship
- New York Law School, Juris Doctor., 1973
 - Moot Court
 - Equitas, Newspaper Writer
 - Phi Delta Phi, International Legal Fraternity
- City University of New York, John Jay College of Criminal Justice, B.A., 1970

MILITARY SERVICE

- Brigadier General (Retired), New York Guard, Commander, 53rd Civil Affairs Brigade, 2002 – 2005,
- Colonel, New York Guard, Staff Judge Advocate 1999-2002
- Lieutenant Colonel (Retired), United States Army – Active & Reserve, 1969 – 1999
- Military Judge, United States Army Trial Judiciary, 1992 – 1999
- Judge Advocate General's Corps Officer, 1976-1991
- Armor Officer, 1971-1976