



Frank V. Kelly

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Frank is a Partner at Rebar Bernstiel. He has deep experience in automobile and transportation practice. He defends personal vehicle operators, over the road truckers, fleet operators, ATV users and industrial vehicle operators in accidents of all kinds. His experience extends from operator inattention to car component computer chip design defect malfunctions. He defends roll-overs to under-insured motorist arbitrations. Kelly also defends construction accidents, injuries on property, slip and trip accidents, allegations of defective products, securities arbitration and mediation, other professional liability (accountants, lawyers, financial analysts, architects, engineers, directors and officers) prescription medications, nursing home and hospital negligence, injuries at vacation resorts, hotels, and cruise ships, civil and constitutional rights violations, municipal liability, and a host of other kinds of business and personal disputes.

Frank has represented clients in the following types of claims:

- Departure from the standard of care
- Dangerous conditions on property
- Inadequate security
- Manufacturing defects
- Design defects
- Breach of warranty
- Employer liability under The Jones Act
- Failure to diagnose and/or refer
- Automobile liability. No-Fault claims
- Trucking
- Rail Carrier liability for accidents
- Common Carrier liability
- Municipal liability
- Improper surgical technique
- Breach of fiduciary duty
- Construction accidents
- Construction defects
- Architects and Engineers liability
- Accounting malpractice
- Financial professionals liability
- Employer Practices- wrongful discharge.
- Administrative actions
- Cosmetics
- Drugs
- School District liability
- Travel liability- Resorts/Hotels, Cruise ships and excursions
- Public Authority liability- Housing Authorities, Port Authorities, Airports
- Failure to maintain
- Subrogation
- Fire
- Declaratory Judgment actions
- Birth injuries
- Hospital liability
- Nursing Home negligence
- Road Hazard cases
- Strict liability actions
- Reinsurance
- Excess and Surplus Lines

Frank has served as National Coordinating Counsel for a premier home products company. Additionally, he has counted as his client the nation's largest industries, construction companies, insurers and professionals. He has worked internally with domestic and international companies to manage risk and respond to crisis that imperil the company.

Frank prosecutes appeals and has been invited to appear as friend of the court before the state's highest court. He works with insurers and affinity groups to appeal strategic cases to guide the direction of developing law.

Professional Experience

Frank has served private interests as house counsel for international corporations, insurance company counsel for major property and casualty writers and in practice with law firms. Frank has also served the nation for twenty-five years in the United States Army. As a Colonel he is International Law Fellow, U.S. Peacekeeping and Stability Operations Institute. He was chief counsel- Command Judge Advocate of a sustainment and logistics group. He was chief of Domestic Civil Support- formulating doctrine for response to nationwide crisis and major federal incidents. He has been Chief of Justice, Chief of Administrative Law and was long term Chief Counsel for Engineers, responsible for administering Justice, Compliance, Investigations, Operations and Fiscal Law- overseeing \$2.2 billion of construction, rehabilitation and engineering projects. He has also led task forces for humanitarian relief missions in Central America.

Additionally, Frank has been elected Councilman for his municipality for multiple terms- responsible for conceiving, crafting and implementing legislation, managing personnel and administering budgets.

Education

Juris Doctor, St. John's University School of Law, New York, NY

Master of Strategic Studies, U.S. Army War College, Carlisle, PA

Graduate, Command and General Staff College, Leavenworth, KS

Advanced Trial Practice, Naval Justice School, Newport, Rhode Island

Post-graduate study and certificates in International Law, Contracts, Fiscal Law, Criminal Law, Judge Advocate General's School, Charlottesville, VA

Bachelor of Arts, St. John's University, New York, NY

Primary Practice Areas

- Admiralty & Marine
 - Automobile Liability
 - Class Action
 - Complex Litigation
 - Construction Defect
 - Contribution and Subrogation
 - Employment Law
 - Crisis Management
 - Environmental and Toxic Tort
 - Health Care Medical Malpractice
 - Long Term Care
 - Professional Liability Defense
 - Retail & Hospitality
 - Security Liability
 - Social Services Liability
 - Third Party Coverage
 - First Party Coverage
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Bar Memberships & Court Admissions

- New York State Courts
- Connecticut State Courts
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Western District of New York

Professional Affiliations and Professional Organizations

- Amicus Counsel New York State's highest court on numerous occasions.
- Chair (Emeritus) Committee on the Development of the Law, Defense Association of New York.
- Served on the Litigation and Intelligence and National Security committee of the Federalist Society.
- Member of the Torts, Insurance and Compensation Committee and International Law Section of the New York State Bar Association.
- New York State Bar Association.
- Bronx County Bar Association
- Northern Westchester Bar Association.
- President of the Castle Club, an Engineer organization.
- Reserve Officer's Association
- American Legion.
- St. John's Law School Alumni Associations
- Judge Advocate Association
- Association of Towns (New York State)
- NYC Chapter of CLM, Board, Education Director

Recognitions and Honors

- Bronze Star Medal for Combat Service in Iraq.
- Meritorious Service Medal (3rd award)
- Army Commendation Medal (5th award)
- Army Achievement Medal
- Army Reserve Component
- Achievement Medal (4th award)
- National Defense Service Medal (2nd award)
- Global War on Terrorism Service Medal
- Humanitarian Service Medal
- Iraqi Campaign Medal
- Armed Forces Reserve Medal with "M" device and Bronze Hourglass
- Overseas Service Ribbon
- Army Reserve Overseas Training Ribbon (4th award)
- St. John's University Rugby Football Club Alumni Man of the Year Award.
- Military Service Award- American Legion Moses Taylor Post, Mt Kisco, NY. October 2013.

Speaking Engagements and Published Works

Strategies for Managing, Mitigating and Offsetting Costs of Data Breach Claims, CLM Annual Conference, Houston, March 15, 2018

Hocus Pocus: Plaintiff's Lawyers Double Dipping Damages from the Non-Economic and Economic Well, New York Athletic Club, January 11, 2018

Frank has appeared for various news networks and formatted current event programs on television and radio and is frequently interviewed by print media on legal and national issues.

Legal Guide to Peace Operations- U.S. Peacekeeping and Stability Operations Institute, Carlisle Barracks, Pennsylvania 2016.

Rule of Law in Peacekeeping and Stability- U.S. Army War College 2016

International Human Rights and Law of Armed Conflict- U.S. Army annual seminar, various locations

Civil Liberties, National Counter-Terror Strategy and the Role of Lawyers- Northern Westchester Bar Association, 2014.

Negligent Premises Security Seminar- Chief Lecturer- Defense Association of New York (CLE)

Practicing in the Court of Claims-Presenter and panelist- New York City Bar- May 2013(CLE)

Federal Trial Practice- Courts Martial- 4th Legal Operations Detachment, New York, 2012

Federal Ethics in Contracting and Employment- U.S. Army – annual seminar and presentation, various sites and venues.

Religious Motif in Law and Nation Building- New York State Bar Journal, 2007;

Speaking Engagements and Published Works (Continued)

Disaster Management and Catastrophe Planning- Presenter and panelist- Belfor Academy, New Jersey 2007 (CLE)

Technology in the Courtroom- The Journal of the Defense Association of New York, 2004;

Risk Management and Developments in Construction Law- Risk Engineering Annual Meeting, St. Petersburg, Florida 1999-2002

Report of Proceedings- Committee on Development of Law, Defense Association of New York.

Report from the Committee on the Development of the Law- Journal of the Defense Association of New York, 1998;

If You Can't Stand the Heat Law and Economics- New York Law Journal Press, 1989;

Social Contract: Murder and the Death Penalty- New York State Bar Journal, 1989

Charitable & Civic Involvement and Personal Interests

- Elected Councilman, Town of Lewisboro, NY (2nd 4 year term)- Conceive, draft, pass and implement legislation; additionally responsible for executive management of town.
- Police Commissioner, Town of Lewisboro, NY (2nd 4 year term)
- Merit Badge Counselor, Boy Scouts of America
- Soccer Coach, Lewisboro Soccer Club
- Basketball Coach. Lewisboro Parks and Recreation
- Chair (Emeritus), Lewisboro Emergency Management Committee
- District Leader, Lewisboro Town Committee
- NYS Independent Judicial Election Qualifications Screening Committee (Appointed by Chief Judge, New York State Court of Appeals) - Multiple terms.
- Westchester County Parks, Recreation and Conservation Board (Appointed by County Executive)
- Rugby Clinic Coach

Frank has a lifelong interest in sports. He was a collegiate athlete captaining his varsity Rugby team and playing in international competitions. He currently engages in on and off road racing, the occasional half -marathon, 10K and triathlon.