



Matthew Larkin

Partner

Syracuse

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Education

- St. John's University School of Law, *St. John's Law Review*, Associate Editor, JD
- Rochester Institute of Technology, BS

Practices & Industries

- Commercial Litigation & Complex Trials
- Mass & Toxic Torts
- Professional Liability
- Torts & Products Liability Defense
- Transportation

Admitted to Practice

- New York

Court Admissions

- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

Biography

Matthew is chair of Barclay Damon's Torts & Products Liability Defense Practice Area. An experienced trial lawyer and former prosecutor in Long Island, he focuses his practice on the defense of complex tort, products liability, and professional-malpractice litigation as well as commercial lawsuits.

Matthew is retained to defend various high-value litigation matters. His clients include utilities, educational institutions, product manufacturers and sellers, property owners and contractors, attorneys, engineers, and health care providers. His experience includes trucking and transportation cases, catastrophic personal-injury litigation, professional-malpractice suits, construction-defect claims, and toxic torts. In commercial cases, Matthew represents private companies, municipalities, and charitable and religious organizations in business and contract disputes ranging from unfair competition to real estate transactions.

Matthew has tried numerous cases to verdict in state and federal courts, briefed and argued scores of appeals, and has appeared on behalf of licensed professionals before administrative and professional disciplinary bodies. He is committed to providing his clients with exceptional legal service while being mindful of the costs and impacts of litigation. Matthew is experienced in all forms of alternative dispute resolution and regularly counsels his clients in settlement negotiations and early resolutions.

Bar Associations

- New York State Bar Association
- Onondaga County Bar Association

Selected Memberships & Affiliations

- Defense Research Institute
- Defense Association of New York
- American Board of Trial Advocates, Elected Member

Representative Experience

- Obtained summary judgment in a toxic-exposure and NYS Labor Law case with significant injuries claimed.
- Supervised litigation and ultimately obtained a summary judgment dismissal of a complaint against a county and district attorneys that sought \$9 million in damages for malicious prosecution.
- Achieved a jury trial verdict in favor of a ready-mix concrete supplier in a chemical burn case.
- Achieved a jury trial verdict in favor of an insulation manufacturer in a personal-injury suit based on claims that its cargo was inadequately secured.
- Achieved a jury trial verdict in favor of a home builder in a personal-injury accident case.
- Obtained a significant jury trial victory in an alleged traumatic-brain-injury case resulting in a \$45,000 verdict despite the plaintiff's request for \$3.6 million in damages.
- Obtained summary judgment and an appellate victory dismissing an inadequate security and negligence suit on behalf of a university client.
- Obtained summary judgment and an appellate victory dismissing claims of fraud and negligent misrepresentation on behalf of a law firm client.
- Obtained dismissal on summary judgment of malicious prosecution and constitutional violation claims against a prosecutor's office.
- Obtained dismissal on summary judgment of a toxic-exposure case on behalf of an asbestos-abatement contractor.
- Obtained dismissal on summary judgment of professional malpractice and intentional-tort claims against a university client related to student health services.
- Obtained dismissal on summary judgment of negligence and employer liability claims against a university client related to a sports club injury.
- Obtained dismissal on summary judgment of professional liability claims in a bridge-design engineering firm.
- Obtained summary judgment for a municipal client against a purchaser in a failed real estate transaction.

Prior Experience

- Hiscock & Barclay, LLP, Partner
- Cozen O'Connor, Partner
- Leahey & Johnson, Associate
- Office of the Nassau County District Attorney, Assistant District Attorney

Selected Community Activities

- Willow Bank Yacht Club, Former Executive Board Member and Commodore

Selected Honors

- *The Best Lawyers in America*®: Commercial Litigation, 2023–2025; Mass Tort Litigation/Class Actions – Defendants, 2020–2025; Product Liability Litigation – Defendants, 2023–2025; Professional Malpractice Law – Defendants, 2021–2025
- Selected to *Super Lawyers* Upstate New York: Personal Injury Products: Defense, 2018–2024
- *Irish Legal 100*, 2019
- Martindale-Hubbell AV Preeminent Peer Review Rated for Very High to Preeminent Ethical Standards and Legal Ability, 2017

Selected Speaking Engagements

- AIG Excess Casualty and Employment Practices Symposium, Panelist
- Onondaga County Bar Association, “The ABCs of Malpractice Insurance” CLE
- Syracuse University College of Law Securities Arbitration and Consumer Credit Clinic’s “Discovery Devices,” Guest Lecturer
- St. John’s University, “St. John’s Marks 75th Anniversary of the American Friends of Irish Neutrality,” Panelist
- National Business Institute, “May It Please the Court: Effective Case Presentation at Trial” CLE
- Defense Association of New York, “Direct and Cross-Examination and Use of Exhibits and Depositions at Trial” CLE

Selected Media

- *Defendant: Journal of the Defense Association of New York*, “Defining Duty: Another Look at Social Host Liability and the Duty to Protect Against Hazards on Adjoining Property”
- *Defendant: Journal of the Defense Association of New York*, “Employees, Trespassers & Volunteers: Who is Protected by the Labor Law After Morton v. State of New York?”
- *New York State Bar Association Torts, Insurance & Compensation Law Journal*, “The Defense Attorney's Guide to Effective Cross-Examination of Plaintiff's Treating Physician”
- Defense Research Institute Trial Tactics Newsletter *Trials and Tribulations*, “First Do No Harm, Second Do Some Good: Tips for Effective Cross-Examination of the Plaintiff's Treating Physician”
- *Both Sides*, Former Trial Commentator and Legal Analyst

Selected Alerts & Blog Posts

- Second Department: Objective Evidence Required to Establish Trivial Defect Defense
- Second Department: Defendants Are Entitled to Collateral Source Hearing for "To-Be Obtained" Insurance Coverage Under the ACA
- NYS Appellate Court: Insured's Investigative Statements to Liability Insurer Are Protected From Disclosure
- NYS Appellate Court Affirms Striking of Complaint as Spoliation Sanction
- New York Trial Court Finds Uber Is Not Vicariously Liable for Driver's Negligence