

Our Firm



Paul J. Margiotta

Founded in 2003 by Paul J. Margiotta, the attorneys of The Margiotta Law Firm, PC concentrate their practice in personal injury, including auto accidents, workplace injuries, and construction accidents; civil rights, including discrimination based on age, gender, disability, nationality, race or religion; education, and employment, including labor relations, alternative dispute resolution (ADR), union organizing campaigns, and employment services.

The firm was founded by Paul J. Margiotta in February 2003. Mr. Margiotta graduated cum laude from Touro College Jacob D. Fuchsberg Law Center and magna cum laude from Dowling College. While attending Touro, Mr. Margiotta was a court officer and the President of the union representing the New York State Court Employees working in Nassau County Courts. After graduation, he became the Special Prosecutor and Assistant Town Attorney for the Town of Babylon in 2003. In 2008, Mr. Margiotta was appointed Town Attorney for the Town of Babylon.

Mr. Margiotta is admitted to practice in all New York State Courts and in the United States District Court, Eastern District of New York and the United States Court of Appeals for the Second Circuit. He is a member of the Suffolk County Bar Association, the New York State Bar Association and the Federal Bar Association.

Since its inception, the firm has handled several high-profile cases, including Simba, the service dog who received national attention after the Cave family who owned him filed a \$150 million lawsuit against their hearing-impaired son's school district for banning the dog from the premises. In August 2009, the firm also announced that it was seeking \$100 million in damages for his client, Officer Jeff Colletti, claiming Officer Colletti's civil rights were violated when he was denied a leave of absence to care for his sick wife and newborn child under the federal Family and Medical Leave Act.

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Call now for your free consultation.

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**A General
Practice Law Firm
concentrating in
Personal Injury,
Civil Rights,
Employment
and Education
Law Matters.**

** Attorney Advertising*

** Prior results do not guarantee a similar outcome.*



Practice Areas



Personal Injury

When one is personally injured, you need an attorney to see if you have both a right to sue and a remedy which a court can enforce on your behalf. If you sue a government, there are strictly enforced rules which demand that you file a notice of claim (not a lawsuit itself) against the government within a very limited amount of time. There are also difficult rules which state that you must file a complaint in court (the lawsuit itself) within a certain number of years (usually three to four years). There are also mistakes to be made as to the correct person or corporation to sue: if you sue the wrong person and overlook the correct one, a court may have to rule that the correct one is no longer liable for any damages caused to you.

Similarly, the damages must be proven to the satisfaction of a court of law, using rigid rules. Only experienced attorneys can decide whether you have these essential elements to your case. An attorney will take on the case either for a fixed sum of money or a contingency fee; a contingency fee means that the lawyer will prosecute the case on your behalf for a percentage of the eventual settlement (out-of-court agreement with the defendant) or a judgment (rendered by a jury after a verdict). A contingency fee is strictly regulated by both the Courts and the legal profession.

Most people think of automobile accidents and "slips and falls" when personal injury law is brought up, but there are also injuries involving workers who are injured, with or without fault of their own, when at their workplace. These are workmen's compensation cases, and a worker injured at his workplace (or sometimes in transit to their other job sites) can recover from his employer, contractors/subcontractors and others, even if he/she was negligent themselves. An experienced attorney can negotiate with the state government (which also oversees this system) and fill out the required forms to get compensation for your injuries and expenses. You can be injured through negligence or recklessness of others, or even deliberately injured by another person. Your attorneys can sue for injury to mind and body, for pain and suffering, for lack of companionship on behalf of certain family members, lost earnings, and (though rarely) punitive (or punishment) damages for really apparent or "gross" negligence.

Civil Rights

Powerful but complex laws exist to combat discrimination based on sex, race, age, nationality and disability. There are also powerful remedies to combat retaliation for complaining about discrimination. Civil rights violations arise in many contexts, including employment, education, government services, police "stops," arrests and jail. All civil rights law is complex, and experienced attorneys can best be used to get the maximum protection under the laws of the Federal and State governments.

To determine if you have a civil rights case, you must first determine if you have standing to sue, meaning that you are the individual protected by the laws against discrimination; then you must have a viable case to file. Often, especially in employment situations, you must first use the assistance of the Federal government before you can even bring a lawsuit. In many cases, you have strict deadlines for bringing a civil rights action, in addition to the normal limitations to sue within a certain number of years.

Federal court is usually the place to sue for these violations, but most State licensed attorneys rarely practice in Federal court, which has stringent rules of procedure and evidence. You need an experienced attorney well versed in Federal law and procedure.

Education Law

A rapidly growing field of law, education law includes issues ranging from special education law to bullying, from kindergarten/pre-school to college athletics. Federal law adds to the complexity. Special education law ensures the precious right of your child to a quality education, regardless of disability. While a suitable education is a Federal and State guaranteed right, parents in many school districts must often argue with their local school districts to get a suitable education for their children. An IEP (Individualized Education Program) is a first step, and experienced attorneys can assist the parent with securing these rights. A school district will draft a preliminary IEP for the student. However, school districts often refuse services, and even introduce their own experts (paid for by the districts) to decline or limit services to be given under an IEP. Just as often, parents need to know the effective way to deal with districts from the start. Negotiations can be effective, but a federally supervised, state-sponsored system of IEP review is usually resorted to by parents and attorneys. Litigation is called for in limited circumstances. As your child's education is a precious right, you must secure the most effective education for your child.

Bullies of students, and problems between students and their teachers and administrators, are common today. Through meeting with teachers and administrators, attorneys can resolve all but the most difficult of problems, though litigation is sometimes required.

Employment Law

The workplace remains a very litigious place for both employers and employees. An experienced attorney can help clients successfully resolve job actions by employees and unions. Our attorneys offer advice, strategic planning, training, preventive action, alternative dispute resolution (ADR) and litigation. This makes us a viable alternative in resolving the many workplace-related controversies the average employer, or worker, encounters in the everyday world. Litigation can be costly and time-consuming. We can also work with clients to evaluate the potential of alternative dispute resolution to represent clients in administrative hearings, arbitrations and mediations.

The firm is experienced in handling the following employment law matters:

Employment Services

- Resolve strikes and boycotts
- Wrongful discharge and discrimination litigation
- Wage-hour matters
- Labor/management relations
- Employment class actions
- Executive compensation
- Workplace training
- Preventing workplace violence
- Non-compete litigation
- Whistleblower claims
- Alternative dispute resolution

Labor Relations

- Union organizing campaigns
- Threatened or actual work stoppages or picketing
- Corporate campaigns
- Subcontracting, outsourcing or transferring work
- Bankruptcy, business acquisition or disposition
- Contract grievances and arbitrations
- Collective bargaining negotiations
- Union-avoidance training
- Representation proceedings
- Neutrality agreements
- NLRB-sponsored union elections