Kevin P. McCaffrey

Counsel

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Kevin McCaffrey has over 35 years of experience and has served as lead counsel on over 30 trials. Mr. McCaffrey's practice is focused on defending railroads in personal injury actions brought by employees under Federal Employers Liability Act (FELA), defending employers in employment matters, government actors in federal civil rights actions, and landowners in premises liability claims.

Previously, he was a Senior Assistant City Attorney for the Denver City Attorney's Office and an Assistant Attorney General for the New York State Department of Law. He also served as Assistant Deputy General Counsel for the Metropolitan Transportation Authority and Long Island Rail Road in New York, NY.

Career Distinctions & Honors
Lewis J. Lefkowitz Memorial Award for Exceptional Service to the State of New York, 2005

Decisions
In the matter of *McAllister v. LIRR*, the Honorable John Gleeson commended Mr. McCaffrey. In granting the LIRR's motion for summary judgment on an employment discrimination case the court stated: "And I do want to especially applaud Mr. McCaffrey's running down of every ground ball. I mean, it's usually the case that a blunderbuss claim like this has more loose ends than this. And I think what partly accounts for the factual complexity of the presentation is an unwillingness on the defendant's part to let even the easiest of the ground balls go unfielded and unaddressed."

Appeals
Stathakos v. MTA Long Island Railroad, 109 A.D.3d 979 (2d Dept. 2013)
The first time a New York appellate court applied the governmental immunity doctrine to a discretionary determination to suspend service made by a public authority in New York.
Bullock v. Brooks, 2025 COA 6, (Colo. App. 2025)
Affirming a verdict for Defendant police officers finding that the alleged validity of the underlying ordinance was irrelevant if the Officers had probable cause to make the arrest under the ordinance as it existed at the relevant time.

Professional Experience
Senior Assistant City Attorney, Denver City Attorney's Office, Denver, CO, 2023-2025
Assistant Deputy General Counsel, Metropolitan Transportation Authority, New York, NY, 2021-2023
Assistant Deputy General Counsel, Long Island Rail Road, Long Island, NY, 2007-2021
Assistant Attorney General, New York State Department of Law, New York, NY, 2001-2007

Education

JD: St. John's University School of Law, 1988, Dean's List

LLM: New York University Law School, 2002, Constitutional Law

BA: Fordham University, 1985, Political Science

Bar Admissions

Colorado, 2023

New Mexico, 2025

New York, 1989

U.S. District Court, District of Colorado

U.S. District Court, Southern and Eastern Districts of New York

U.S. Court of Appeals, Second and Tenth Circuits