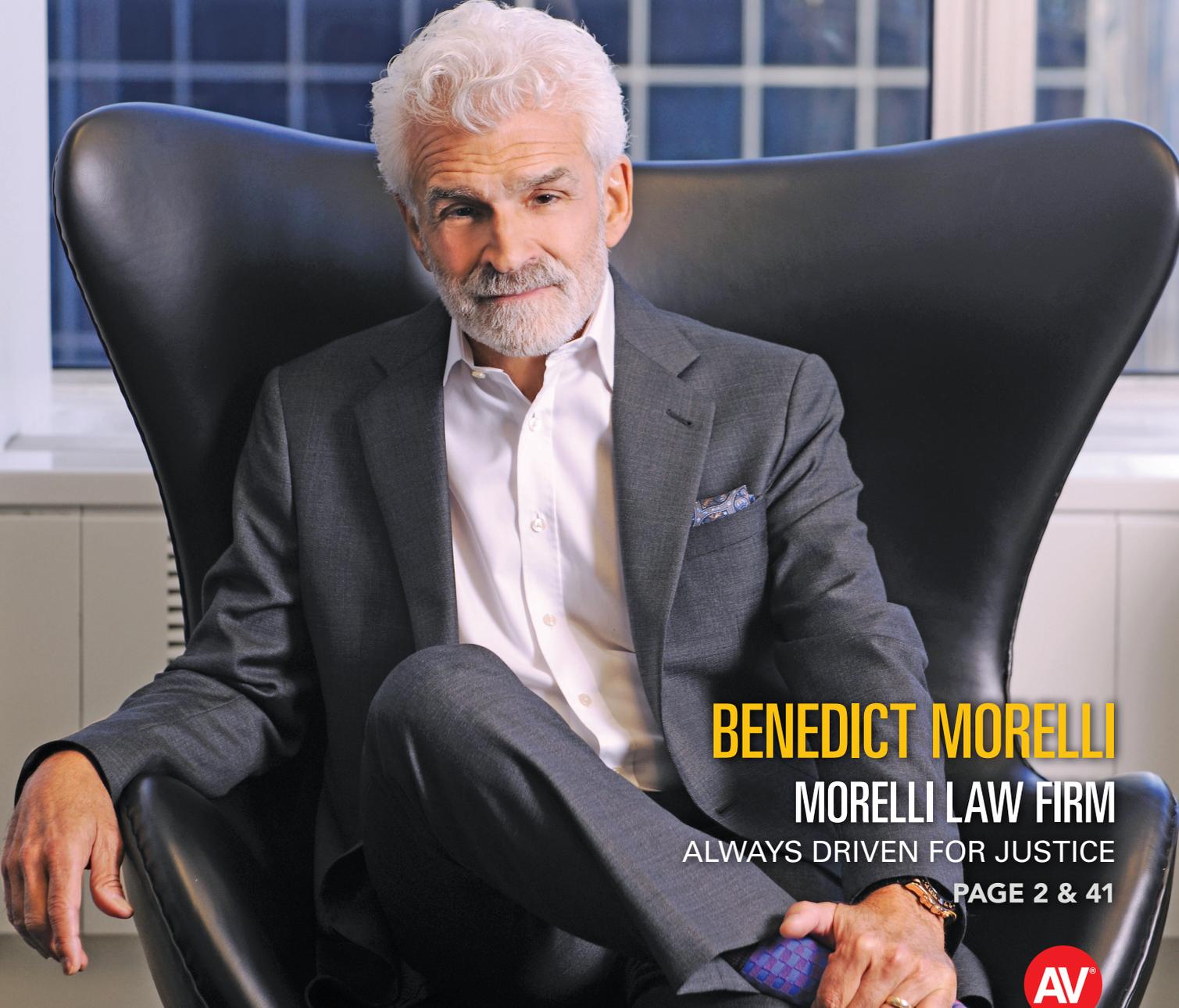


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**BENEDICT MORELLI**

**MORELLI LAW FIRM**

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# MORELLI LAW FIRM

PERSONAL INJURY, DISCRIMINATION, CIVIL LITIGATION AND MEDICAL MALPRACTICE

**WHEN IT COMES TO HIGH-STAKES LITIGATION,** preeminent trial lawyer Benedict Morelli has a proven track record of success—including a history of precedent-setting verdicts—across a wide array of practice areas.

**“WE REALLY TRY TO STAY AHEAD OF THE CURVE** in terms of handling new cases and helping people in different areas,” Morelli says. “The diversity in our practice is unique for a firm of our size, but it’s possible because we have a level of experience in the courtroom that many other law firms just don’t have—it’s a major advantage, and the reason we can litigate important cases against substantial opponents and win.”

**OVER ITS HISTORY, MORELLI LAW FIRM HAS** handled many high-profile cases, representing victims of negligence, discrimination, and harassment against some of the largest law firms and corporations in the world. The firm’s matters have ranged from cases of workplace sexual harassment to catastrophic personal injury to defective drugs and medical devices, and the firm is constantly expanding into new fields.

**“THIS FIRM WAS FOUNDED TO REPRESENT** people in need of a voice, and instead of just staying the same and handling one type of case, we’ve made a point of moving into new areas where we can deliver on our original mission,” Morelli says.

**MOST RECENTLY, THE FIRM REPRESENTED** actor and comedian Tracy Morgan and five others in their lawsuit against Wal-Mart over a New Jersey highway crash that killed one man and left Morgan and two others seriously injured. The case resolved in a confidential settlement in May 2015, just ten months after the initial filing, and Morelli notes that the result has since brought a measure of closure to the tragedy.

**“THIS WAS A TERRIBLE ACCIDENT WHERE** a Wal-Mart tractor-trailer rear-ended Tracy and his group’s limousine van, flipping the van and leaving Tracy close to death. He fought hard to recover though, and it helps that with this settlement, Wal-Mart has taken responsibility for the crash.”

**AMONG ITS OTHER RECENT VICTORIES, MORELLI** Law Firm has secured a number of significant verdicts, including an award of \$62 million in December 2014 for a 26-year-old Chinese construction worker, who was injured on the job after falling 20 feet from a roof while installing metal siding. The result, which followed a six-month trial, is believed to be the largest personal injury verdict for a single plaintiff in the history of the Queens County Supreme Court.

**IN ANOTHER HIGH-PROFILE CASE,** the firm obtained an \$18 million jury verdict in June 2015 for a young woman against her boss, a Wall Street CEO, in a sexual harassment, retaliation, and defamation lawsuit.

As part of the verdict, the jury awarded the firm’s client \$2 million in compensatory damages to account for her emotional injuries and the damage to her reputation, and \$16 million in punitive damages.

**“TRYING CASES HAS BECOME** a lost art because our world is based more on mediation and arbitration than litigation,” Morelli notes. “But our firm was established to handle cases from start to finish, and as these results prove, our trial experience has allowed us to help many victims of corporate America’s negligence, misfeasance, and malfeasance.”

**THE FIRM, WHICH HANDLES MASS TORTS,** class actions, and individual cases in jurisdictions across the country, is currently serving in a leadership role in a number of large-scale pharmaceutical cases, including litigation against the manufacturers of testosterone replacement therapy medication and the drug Propecia, which the FDA approved to treat male pattern hair loss. Morelli Law Firm is also representing numerous catastrophically injured clients in the multidistrict litigation over the May 2015 Amtrak crash, where eight people died and more than 200 suffered injuries after a train derailed during its route from Washington, D.C. to New York.

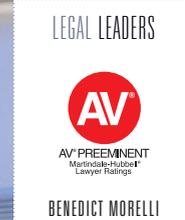
**“THE AMTRAK CASE PRESENTS UNIQUE** issues because in 1997 Congress imposed a statutory ceiling that caps damages at \$200 million, and with more than 200 people affected by the crash, that amount will not fully compensate every single one of the plaintiffs,” Morelli says. “So we’ve been leading the charge to get that case resolved and help raise the arbitrary and unjust cap.”

**BEYOND ITS MASS TORTS PRACTICE,** Morelli Law Firm continues to represent individuals in high-profile personal injury cases: The firm is currently representing women’s professional tennis player Eugenie Bouchard—who was ranked top five in the world in 2014—in her lawsuit against the United States Tennis Association and National Tennis Center over a head injury she sustained from a fall during the 2015 U.S. Open, which occurred in the center’s physiotherapy room. Bouchard was forced to withdraw from the tournament following the injury, and has been unable to play in the numerous subsequent tournaments. The Defendants’ negligence has put her in jeopardy of losing significant earnings, including earnings from her various endorsements such as Nike, Rolex and Coca Cola.

**“WE’RE NOT A RUN-OF-THE-MILL FIRM** where we do the same medical malpractice cases and the same personal injury cases,” Morelli observes. “Many of the matters that come to us are high-value, prominent cases, and that’s because we offer the expertise and experience of a larger law firm in a smaller environment that ensures each case receives our full attention.”



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# LAW OFFICES OF ANTHONY A. CAPETOLA

CHILD CUSTODY, CRIMINAL, FAMILY

**THE LAW OFFICES OF ANTHONY A. CAPETOLA IS ONE OF THE PREMIER** firms in Long Island and New York City for family law, corporate law, civil litigation, and criminal defense. Led by experienced trial attorney Anthony A. Capetola, the firm provides clients with committed service and skilled crisis management.

**"CLIENTS KNOW THAT THEY CAN RELY UPON US TO ACHIEVE THE BEST possible results,"** says Capetola. "A former client recently emailed me saying, 'I wanted to express my deep thanks to you and your office for providing me with such great service. I experienced great professionalism, smart decisions, respect and great service from each and every colleague of yours.' That's the result we strive for with each and every client."

**WITH MORE THAN 40 YEARS OF TRIAL EXPERIENCE, MR. CAPETOLA** focused his practice on matrimonial law since 1985. Along with his associates, he has been recognized as being among the finest family law practitioners in Nassau, Suffolk, and New York Counties, and is often sought out to handle complex custody and visitation matters, having tried international custody cases pursuant to the Hague Convention.

**"I HAVE TRIED HUNDREDS OF CASES, AS AN ASSISTANT PROSECUTOR** and in private practice. No challenge is too great, we cannot be intimidated and we often shine when the odds are against us," says Capetola.

**IN PRAISING ANTHONY CAPETOLA FOR HIS SUPERIOR LEGAL PROWESS,** a New York Supreme Court justice recently stated: "The plaintiff's attorney, Anthony Capetola, Esq. represented his client with skill and professionalism. Mr. Capetola is a practiced and competent attorney. He is one of the principals in a highly respected law firm and appears on matrimonial cases on behalf of the firm's clients on a regular basis. He has successfully tried or negotiated numerous cases before this Court. He enjoys a superior reputation in the legal community in the area of matrimonial law."

**MORE THAN JUST A LITIGATOR, CAPETOLA IS HIGHLY SOUGHT AFTER** to share his knowledge with others, having lectured extensively at various law schools and bar associations. He is a member of the Nassau County, New York State, and American Bar Associations. He has been included in Super Lawyers since 2010, and recognized as one of the area's top matrimonial attorneys by Long Island Pulse Magazine.

**IN ADDITION TO RUNNING A SUCCESSFUL LAW PRACTICE,** Mr. Capetola has also achieved recognition as a boxing promoter, real estate developer, restaurateur and community activist. When not engaged in the practice of law, he can often be found at The Carlton, a high-end Long Island restaurant and catering facility that he opened in 1995.

**"BEING A SEASONED ENTREPRENEUR, IT'S SECOND NATURE TO ME TO** weigh all potential benefits when deciding which course of action to take in a litigation. Recognizing that our actions are likely to have a lasting impact on a client's life well beyond whether they win or lose their case, our approach is more of a holistic one," he says. "We seek to situate clients on a path that will yield long-term benefits for them once we are no longer representing them."

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Welcome to *New York Area's Top Rated Lawyers of 2015*, a publication featuring legal talent from New York City and the Tri-State area.

The attorneys featured here and in the accompanying online edition have all achieved the peer reviewed rating of AV Preeminent® by Martindale-Hubbell®, the company that has long set the standard for lawyer ratings. The AV Preeminent® rating is a significant accomplishment and demonstrates that a lawyer's peers have ranked him or her at the highest level of professional excellence.

Our online edition of *New York Area's Top Rated Lawyers*, accessible at [at.law.com/NewYorktoprated](http://at.law.com/NewYorktoprated), includes the complete directory of all of the New York area's AV Preeminent® rated attorneys, listed by their practice areas.

In addition to insightful profiles of many Top Rated attorneys, this publication features articles covering trends in the law, and is a valuable resource for finding top legal talent and making more informed decisions.

Sincerely,

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*A comprehensive list of New York Area's Top Rated Lawyers of 2015.*



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*With the future of fantasy sports in limbo, a guilty plea from the Dannemora escapee, and a convicted politician re-elected as mayor in Bridgeport, the New York area is kept on its legal toes.*



### PREPARING TO MEET AN INTELLECTUAL PROPERTY LAWYER

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*An index of featured firms categorized by practice area.*

# TACOPINA & SEIGEL

CRIMINAL, CIVIL LITIGATION, CORPORATE

**FEW LAWYERS HAVE RECEIVED** the level of national acclaim that trial attorney Joseph Tacopina has garnered from media outlets during his career.

**THE NEW YORK POST** identified Tacopina as a “top-shelf, high-powered litigator”; *GQ* Magazine called him “the best-dressed, smoothest-talking, hardest-working criminal defense attorney going”; Fox’s Sean Hannity described him as “one of the greatest defense attorneys of all time”; and *The New York Times* even noted, “Mr. Tacopina is to the defense bar what Donald Trump is to real estate.”

**HIGH PRAISE, BUT WITH GOOD REASON: OVER HIS** more than two decades in practice, Tacopina has thrived in the courtroom, trying nearly 100 cases to verdict and representing many high-profile defendants.

**“FROM THE BEGINNING I GRAVITATED TOWARD** trial work because of what comes with the territory—high stakes and a lot of pressure,” says Tacopina, who focuses on criminal defense and civil litigation. “The work is challenging, but there’s nothing more satisfying to me than having a jury come back in my client’s favor.”

**SOME OF TACOPINA’S MOST WELL-KNOWN CASES** include representing former New York State Senator Hiram Monserrate, who was acquitted of assaulting his girlfriend. He also achieved an acquittal for a former NYPD officer accused of rape and burglary in a case that garnered international media attention.

**“THERE’S A CERTAIN ADDED PRESSURE WHEN** you’re handling high-profile matters, but ultimately all the work I do is difficult,” Tacopina says. “With these cases, you have someone’s life in your hands, so you have to be strategic, creative, and thoughtful in how you approach them.”

**AMONG HIS MORE RECENT CASES, TACOPINA** represented Yankees star Alex Rodriguez in his appeal of a 211-game suspension imposed by Major League Baseball for allegedly using performance-enhancing drugs. He is currently representing award-winning reporter Sarah Wallace in her gender discrimination lawsuit against New York’s WABC, and he is also being retained by the Italian government to investigate the wrongful murder conviction of Italian citizen Enrico Forti in Miami.



Deidre Schoo

LEGAL LEADERS



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JOSEPH TACOPINA

**“THE CLIENTS I REPRESENT ARE** often under siege when they come to me, and because I take personally anything that has been done unfairly to them, I fight for them with everything I have,” Tacopina says. “Simply put, whether I’m representing someone in a civil or a criminal case, my goal is to always work harder than anyone else.”

**THAT PHILOSOPHY HAS BEEN TACOPINA’S** personal credo since his early days as a prosecutor in the Kings County District Attorney’s Office, where he prevailed in 39 of 40 trials. By making it a mainstay of his private practice, he has been able to elevate his firm to a new level in the criminal defense field, earning a number of prestigious awards.

**HIS ACCOLADES INCLUDE AN AV PREEMINENT<sup>®</sup>** rating from Martindale-Hubbell<sup>®</sup> (the organization’s highest rating for legal ability and ethical standards) and the National Italian American Bar Association’s Man of the Year Award, which was presented to Justice Anthony Scalia the year prior. Additionally, Tacopina has been accepted to The National Trial Lawyers: Top 100 Trial Lawyers, an invitation-only organization comprising the top trial lawyers from each state.

**AS DON IMUS, WHO TACOPINA HAS COUNSELED** on legal matters, observed on his radio show, “Imus in the Morning”: “When you hire Joe Tacopina—it’s over.”

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# WHEN YOU'VE BEEN INJURED AT SEA



If you've been injured at sea or on the water while working for your employer, you may have to file a claim under the Jones Act and general maritime law to be paid for your injuries. Unlike injuries on land, most injuries at sea or on the water aren't covered by state workers' compensation laws unless the injury occurs within the territorial waters of a state.

## WHO IS A "SEAMAN" UNDER THE JONES ACT AND GENERAL MARITIME LAW?

To qualify for coverage under the Jones Act, you must meet the following test:

- The vessel that you were injured on must be "in navigation" at sea or in a body of water that is connected to interstate or international commerce.
- You must spend a substantial part of your work time on board the vessel.
- You must contribute to the work of the vessel.

A variety of workers may qualify for coverage under the Jones Act, including:

- Fishermen
- Fish processors
- Tug boat workers
- Barge workers
- Cruise ship workers
- Ferry boat workers
- River boat workers
- Construction workers who work on vessels or barges
- Oil platform workers
- Commercial divers

## HOW DO I ESTABLISH A MARITIME INJURY CASE?

You're entitled to compensation if an unseaworthy condition on board the vessel caused your injury. A condition is "unseaworthy" if the vessel, the crew, or

the vessel's appliances are not "reasonably fit" for their intended purpose. This can occur if:

- A piece of equipment is defective.
- The crew is inadequately trained.
- The number of persons assigned to complete a task is inadequate.
- A condition onboard the vessel is unsafe.

You can also establish a case if you can show that your employer was negligent in causing the injury. Only "slight negligence" is required under the Jones Act. You can show negligence in a variety of ways, including:

- Not following a safety statute.
- Not providing adequate equipment for a job.
- Engaging in a dangerous or unsafe method of work.
- Failure to provide adequate medical treatment after an injury.
- Failure to require the use of safety gear.
- Failure to correct an unsafe condition.

## WHAT COMPENSATION MAY I COLLECT?

You're entitled to what's called "maintenance, cure, and unearned wages" if your disability or injury occurred, was aggravated or manifested itself while you were in service of the vessel. A showing of negligence or unseaworthiness isn't required.

"Maintenance" is the reasonable amount required to cover your expenses in obtaining room and board ashore after an injury. Sometimes the amount an employer will pay for maintenance is set forth in the seaman's employment contract.

"Cure" is the cost of obtaining reasonable medical treatment for an

injury. Your employer's obligation to pay maintenance and cure begins when you leave the vessel to recuperate and ends when your condition won't improve with additional medical treatment. This is sometime called the point of "maximum cure."

"Unearned wages" are wages that you would have earned until the end of the voyage but for your injury. An employer must pay your unearned wages until the end of the voyage.

You're entitled to past and future lost wages caused by an unseaworthy condition or the negligence of your employer under the Jones Act and general maritime law. If you can't return to work at sea and accept a lower paying job on shore, you're entitled to the past and future loss of earning capacity caused by the injury. A seaman may collect general damages for pain and suffering, disfigurement, disability, and loss of enjoyment of life, under both the Jones Act and general maritime law.

Contact a maritime lawyer for your concerns or questions.

### QUESTION FOR YOUR ATTORNEY

- How can I best define an unsafe condition?
- Is psychological damage considered as an injury?
- Who's liable if food and drinks are tainted due to hazardous conditions?

AS SEEN ON



# KOSKOFF, KOSKOFF & BIEDER, PC

CIVIL LITIGATION, PERSONAL INJURY, MEDICAL MALPRACTICE, AUTOMOBILE ACCIDENTS, CIVIL RIGHTS



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**AN INSTITUTION AMONG CONNECTICUT TRIAL FIRMS, KOSKOFF, KOSKOFF & BIEDER HAS BEEN SERVING** the public for nearly 80 years and includes some of the top-rated lawyers in the nation on its roster.

**NOT ONLY IS THE FIRM RANKED TIER 1 REGIONALLY** for four different practice areas by *U.S. News - Best Lawyers* "Best Law Firms," but a majority of its attorneys are included in *The Best Lawyers in America* and *Super Lawyers* and have been AV Preeminent® rated by Martindale-Hubbell®, the organization's highest rating for legal ability and ethical standards.

**ABOVE ALL, THE FIRM IS KNOWN FOR HANDLING** some of the most complex cases in the country, having secured six of the 10 largest personal injury verdicts in Connecticut history, including the largest medical malpractice verdict in the state. In addition, Koskoff is widely recognized for its experience in such areas as products liability, civil rights, financial scams, and commercial fraud.

**"WE HAVE GROWN TO BECOME ONE OF THE** country's leading plaintiffs' firms by continuing to honor the legacy of our founder, Theodore I. 'Ted' Koskoff," explains managing partner Jim Horwitz. "Ted recognized early on that there was a need among plaintiffs for skilled trial lawyers, and because of that, the firm has remained at the forefront of trial law, with many of our lawyers serving as teachers in the field."

**TED KOSKOFF WAS HIMSELF PASSIONATE ABOUT** training other lawyers, serving as president of the American Association for Justice (AAJ) and as chair and founder of the National Board of Trial Advocacy. His influence at the firm

shows in the number of attorneys who serve as leaders in prominent organizations.

**FOR EXAMPLE, AMONG THE MANY POSITIONS HELD** by the firm's members, Michael Koskoff is a past president and serves on the board of directors of the Inner Circle of Advocates, an organization that limits its membership to the top 100 plaintiffs' trial lawyers in the country; Kathleen Nastri is the current treasurer of the AAJ; and Horwitz is the current vice president of the Connecticut Trial Lawyers Association.

**"WE'RE FORTUNATE TO HAVE MANY ACCOMPLISHED** lawyers at the firm," Nastri says, "and it's for that reason that attorneys from across the country refer cases to us."

**BEYOND SERVING AS LEADERS IN LOCAL AND** national legal associations, Koskoff lawyers also have a long tradition of community involvement, with the firm's members volunteering for and making substantial contributions to such organizations as Mothers Against Drunk Driving and the Brain Injury Association of Connecticut, among many others.

**"IT'S ABSOLUTELY THE CULTURE OF OUR FIRM TO** try and figure out ways to do right by the community," notes Christopher Bernard. To that end, the firm is particularly proud of Richard Bieder's work following the September 11th attacks in setting up the organization Trial Lawyers Care, which organized a group of more than 1,100 attorneys to provide free legal help to the families of 9/11 victims.

**"CONTRIBUTING TO SOCIETY IS PART OF OUR FIRM'S CREDO,** and we recognize that there are many paths to accomplishing that goal," Bernard adds.

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# FILING A TOXIC MOLD LAWSUIT

Finding toxic mold in your home may lead to a lawsuit, especially if clean up wasn't done properly, or in a timely basis by licensed professionals. You may even consider suing your landlord, previous owner, construction company or insurance company who hasn't held up their end of the insurance policy terms.

## WHAT IS TOXIC MOLD?

Molds are found everywhere - outdoor and indoors. Common indoor molds include *Alternaria*, *Aspergillus*, *Cladosporium*, and *Penicillium*. Although most are harmless, two types of household molds - *Stachybotrys* and *Memmoniella* - are toxic and can pose health risks to humans.

*Stachybotrys chartarum*, or "**black mold**," is the fungus associated with "**toxic mold syndrome**." It grows in damp places on materials that contain wood, carpet, cardboard, wallpaper, wet leaves, hay, and straw.

## WHAT ARE THE RISKS OF BEING EXPOSED TO TOXIC MOLD?

While there aren't standard guidelines about how much or what kind of mold is toxic, mold, especially in high concentrations, has been blamed for:

- Headaches
- Skin rashes
- Respiratory problems, such as asthma
- Lung disease
- Memory loss and brain damage (in extreme circumstances)
- Unexplained infant death
- Immune suppression
- Hypersensitivity pneumonitis, also known as farmer's lung, woodworker's lung and malt worker's lung

## WHAT KIND OF INFORMATION DO I NEED TO MAKE A CLAIM

Whether you end up being able to negotiate successfully with the insurance company, or must file a lawsuit and go to court, will depend in part on how organized and thorough you are in documenting the

mold problem and your damages. At a minimum, you should have:

- Photos taken at every step of the process, from first discovering the mold through inspection and repair, including photos of household items contaminated by the mold
- Bills and receipts for inspections, repairs, medical expenses, household items you had to replace, relocation expenses, and any other expenses caused by the mold problem
- Medical reports and records

## WHAT KIND OF LAWYER DO I NEED?

You'll want to look for a personal injury lawyer who has had some experience dealing with toxic mold issues. It's especially important to find a lawyer who can negotiate with insurance companies, has knowledge of real estate issues and would take your case to trial if necessary.

## WHERE DO I START?

Many insurance policies have what's called a "no action" clause. This requires you to file a lawsuit within a year of discovering the mold. And all states have statutes of limitation that require you to file a lawsuit within a short time after discovering the problem.

If you or a family member have been harmed by toxic mold, you may have a negligence legal claim against:

- Your landlord or property managers
- Previous owners, if they knew about the mold and didn't disclose the problem
- Contractors who built your apartment or home
- Suppliers or manufacturers of defective building materials, such as wood that was already moldy
- You may have a legal right to recover the costs of:
  - Inspecting your property
  - Repairing the structure
  - Replacing ruined household items
  - Housing expenses during repairs



- Paying for current and future medical expenses, or emotional distress
  - Juries have made substantial awards in mold cases.
- In Delaware, two women claimed that their landlord failed to fix leaks and mold problems in their apartment and that his negligence resulted in asthma attacks. The jury awarded the women \$1.04 million, an award that was upheld by the Delaware Supreme Court.
- A Texas jury awarded a homeowner \$32 million after finding that the homeowner's insurance carrier acted in an unfair, deceptive, and fraudulent manner when evaluating the homeowner's property damage claim for mold. The award was reduced to \$4 million on appeal.
- In California, a jury awarded a homeowner \$18 million after his insurance carrier denied his claims for mold damage. The award was later reduced to \$3 million.
  - If coming to an agreement with the insurance company about the damages should be paid has taken a long time, or if the insurance company claims damage caused by mold is excluded under the insurance policy, it's time to contact a lawyer who specializes in personal injury or insurance law.

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 Lawyer Ratings

JASON P. SULTZER



Sasha Grossman

# THE SULTZER LAW GROUP P.C.

CLASS ACTIONS, PRODUCT LIABILITY, COMMERCIAL LITIGATION

**TO THAT END, THE FIRM'S MODEL IS FUNDAMENTALLY** different from other boutique litigation firms which limit their practice to either plaintiff or defense work in a particular area of the law. The Sultzer Law Group instead focuses on resolving complex litigation for businesses and individuals alike, regardless of the issue and whether the client is on the plaintiff or defense side of a case. "This is evident from the firm's current roster of clients and caseload," Sultzer explains, which includes a range of nationally recognized companies and individuals, and varies from serving as lead counsel in a high profile litigation against the Federal Trade Commission involving allegedly fraudulent sales of medical monitoring devices, to acting as lead trial counsel for various companies in mass/toxic tort litigation, to serving as lead counsel for a real estate investor in a complex real estate/contractual dispute involving tens of millions of dollars in potential damages. Sultzer has also recovered millions of dollars on behalf of catastrophically injured plaintiffs, and the firm serves as both lead plaintiffs' counsel and defense counsel in a number of nationwide consumer fraud class actions.

**"WE'VE BEEN COUNSELING MANY OF OUR CLIENTS** for well over a decade now, and the reason we've represented them for so many years is because of both our unparalleled record of courtroom victories and our firsthand understanding of the different pressures and responsibilities faced by in-house counsel," Sultzer says.

**INDEED, SULTZER STARTED HIS CAREER LEARNING** how to try cases and managing nationwide mass tort litigation as in-house counsel for Owens Corning, which at the time was facing thousands of asbestos lawsuits. He later worked at and served as the co-chair of the class action practice group for one of the largest law firms in the country, where, in one particularly notable case, he succeeded in getting a series of national class action lawsuits involving tens of millions of dollars in potential damages dismissed for his client. "Our clients come to us because we get results," Sultzer explains.

**"IT'S GRATIFYING TO KNOW THAT OUR CLIENTS** trust us to handle their most pressing issues, many of which could potentially devastate them in the event of an unfavorable resolution," Sultzer says. "While we're a boutique firm headquartered in New York, our caseload is increasingly national in scope, which I attribute to both our overall focus on efficiency and our ability to try cases."

## FOUNDED IN 2013 BY NATIONALLY RECOGNIZED

mass tort and class action lawyer Jason P. Sultzer, the Sultzer Law Group has, in just over two years, distinguished itself as a premier boutique litigation firm composed of well known trial lawyers who handle high-stakes litigation nationwide.

## ALREADY, THE FIRM HAS BEEN LISTED THE

Martindale-Hubbell<sup>®</sup> Bar Register of Preeminent Lawyers in the field of class actions, and Sultzer and other firm members have individually received AV Preeminent ratings from Martindale-Hubbell<sup>®</sup>—the highest rating for legal ability and ethical standards.

## "IN OPENING OUR FIRM, WE SOUGHT TO ASSEMBLE

a group of experienced lawyers from some of the largest and most prestigious law firms and corporations in the country," says Sultzer, who is a fellow of the Litigation Counsel of America, an invitation-only honorary society for trial lawyers comprising less than one-half of one percent of American lawyers.

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# INJURED AT WORK: WORKERS COMP OR LAWSUIT?

Some workplaces are dangerous places. Each year, nearly 3 million workplace-related injuries and illnesses are reported. Workers who are most-often injured are laborers; nursing aides, orderlies and attendants; janitors and cleaners; heavy and tractor-trailer truck drivers; and police and sheriff's officers.

Usually, such injuries and illnesses are covered by the employer's workers compensation insurance. At other times, an injured employee can file a lawsuit.

## THE WORKERS COMPENSATION SYSTEM

Workers compensation is designed to protect employees who are injured at work and to protect employers from the need to defend against worker-injury lawsuits. Employees receive payments for medical and other costs for a work-related injury or illness without having to sue their employers. Workers compensation is paid for by employers and administered by the states.

Even if a worker is injured due to negligence on the part of the employer or a fellow employee, the law generally limits the worker to remedies available under the workers compensation system. These benefits are limited and pay a portion of lost wages, medical bills and some other expenses. They do not compensate for pain and suffering.

If an employer does not carry workers compensation insurance, an injured employee might be able to sue in civil court or collect money from a state fund.

## THIRD-PARTY CLAIMS

If your injury was caused not by your employer or a fellow employee, but by a third party like a contractor, subcontractor, or on-site engineer, you may be able to file a personal injury lawsuit. Third-party claims also apply when someone is injured by a third party while driving a company car.

In a personal injury case, an injured worker is entitled to recover all of his or her medical bills and lost wages. In



addition, the worker can be compensated for pain and suffering.

## EMPLOYER DISREGARD

If an employer hurts an employee on purpose, like during a heated argument, most states allow the employee to file a personal injury lawsuit. States not allowing this type of lawsuit are Alabama, Georgia, Indiana, Maine, Nebraska, New Hampshire, Pennsylvania, Rhode Island, Virginia and Wyoming.

In about a dozen states, an injured employee can sue outside of the workers compensation system if the employer does something that is grossly negligent or reckless, amounting to intentional harm.

In addition, employers are expected to abide by the guidelines of the Occupational Safety and Health Act, which was passed in 1970 to reduce workplace hazards through implementation of safety and health programs. Complaints about workplace safety may be filed with OSHA.

## OTHER WORKPLACE INJURY LAWSUITS

If a worker is injured by a machine or piece of equipment that is defective, failed to work properly or is inherently

dangerous, and the manufacturer failed to properly warn, the injured worker may be able to file a products liability lawsuit against the manufacturer of the product.

A worker who is injured by a toxic substance in the workplace - like asbestos, benzene, chromium compounds, silica and radium - may be able to bring a toxic tort lawsuit against the manufacturer of that substance.

## CALL A PERSONAL INJURY OR EMPLOYMENT LAWYER

The issues surrounding injuries and illness in the workplace can be complicated, especially when you are pursuing a claim outside the workers compensation system. Plus, the facts of each case and the laws in each state are unique. This article provides a brief, general introduction to the subject. It is not legal advice. For more detailed information that is specific to your case, please contact a personal injury or employment lawyer.

AS SEEN ON  

 Your Legal Solution Starts Here



# LYNCH LYNCH HELD ROSENBERG, P.C.

PERSONAL INJURY, MEDICAL MALPRACTICE, WORKERS' COMPENSATION

From Left: Michael S. Rosenberg, Neil S. Weiner, James S. Lynch, Arthur V. Lynch, Brian A. Held

**2015 was another banner year for the firm and the partnering attorneys who referred matters to the firm.**

**LYNCH LYNCH HELD ROSENBERG, P.C.**, with **four Super Lawyers honorees**, three certified trial Attorneys and four attorneys in the Multi-Million Dollar Advocates Forum, again proved why it's the choice for attorneys to refer their personal injury, medical malpractice and workers' compensation cases. The firm is permitted under New Jersey law to pay referral fees.

Founded in the 1940s by law professor Arthur V. Lynch, the firm is now managed by his grandsons, James and Arthur Lynch. The firm boasts of several attorneys who have attained verdicts or settlements in the multiple millions.

**JAMES S. LYNCH**, Managing Partner, handles construction accidents and medical malpractice cases. He is on the Executive Board of Governors of NJAJ. He was named to the 2008-2015 Super Lawyers lists. He is a Certified by the Supreme Court of the State of NJ as a Civil Trial Attorney. He has been selected to the NJ Top 100 Lawyers list by the ATLL and is a member of the Multi-Million Dollar Advocates Forum. In 2014, he was selected by the *New Jersey Law Journal* for the Personal Injury Award Hall of Fame. While many lawyers never achieve a verdict or settlement over \$1 Million, Mr. Lynch has been lead counsel in more than 20 cases that have resulted in a verdict or settlement of \$1 Million or more.

**ARTHUR V. LYNCH**, Managing Partner, handles construction accidents, auto accidents and general liability cases. He is also a member of the Multi-Million Dollar Advocates Forum and was named to *Super Lawyers* in 2014 and 2015. In 2014, he was selected by the *New Jersey Law Journal* for the Personal Injury Award Hall of Fame. Mr. Lynch is a Certified by the Supreme Court of the State of NJ as a Civil Trial Attorney. Notable verdicts and settlements include a \$6.6 million dollar settlement during trial (tried with James Lynch) in Bergen County, NJ. In 2015, Mr. Lynch was selected for the *New Jersey Law Journal's* annual "Top Verdicts & Settlements" for a \$4.26 million verdict.

**BRIAN A. HELD**, Partner, received the prestigious AV Preeminent® rating from Martindale-Hubbell. Mr. Held was named to the Super Lawyers list from 2011-2015. Known as a relentless litigator, a few of his notable settlements include \$4.55 million, \$1.75 million, \$1.5 million, \$1.35 million and \$1 million for severely injured or otherwise damaged clients. Mr. Held is a lifetime member of the Multi-Million Dollar Advocates Forum.

**MICHAEL S. ROSENBERG**, Partner, heads the Workers' Compensation and Personal Injury Protection departments of the firm. Mr. Rosenberg is rated AV Preeminent® by Martindale-Hubbell. He was one of only seven claimant attorneys in the State of NJ to be appointed to the NAF Advisory Council. He is a member of the NJ Advisory Council on Safety and Health (COSH). Mr. Rosenberg received the highest possible AVVO rating, "superb" and is frequently called upon to speak on issues concerning No Fault and Workers' Compensation law.

**NEIL S. WEINER**, Partner, aggressively pursues auto and truck crashes, general liability, medical malpractice, nursing home neglect and drowning cases. He is a Certified by the Supreme Court of NJ as a Civil Trial Attorney and was named to the *Super Lawyers* list in 2014 and 2015. Notable verdicts include NJ's largest drowning verdict of \$10 million. Mr. Weiner has several verdicts and settlements that approach or exceed \$1 million. He is the son of retired trial lawyer Richard Weiner, who was one of NJ's most successful and talented trial lawyers. Mr. Weiner proudly carries on his family's tradition of excellent representation for the injured.

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# WRONGFUL BIRTH: THE LIFE THAT'S NOT SUPPOSED TO BE

A Georgia woman has filed a \$5 million wrongful pregnancy lawsuit against oral contraceptive maker Qualitest Pharmaceuticals. She claims she became pregnant despite taking her birth control pills in the packaging sequence.

Qualitest has recalled a number of brands and lots of the pills because they were packaged in the incorrect sequence for effective contraception.

The woman's asking for damages for pain and suffering, mental anguish, loss of capacity for the enjoyment of life, expensive health care and treatment, loss of earnings, and a loss of ability to earn money.

The lawsuit seeks class action status for all women who've become pregnant because of this product defect.

## WRONGFUL BIRTH

If you knew beforehand that your child would be born with a serious medical problem or birth defect, what would you do? Would you give birth to the child and do your best to raise him, or would you terminate the pregnancy? What would you do if you weren't given the chance to make that decision at all?

**Wrongful birth** is a legal claim or cause of action where a parent (or parents) argues her a doctor:

- o Didn't properly diagnose a serious medical problem with an unborn fetus, or
- o Didn't properly warn the parent of the risk of conceiving or giving birth to a child with a serious medical problem, or
- o Deprived the parent of making an informed decision about whether to terminate the pregnancy because of a serious medical problem with the fetus (these last two usually are closely related)

Not all states let parents sue for wrongful birth, and laws are different in the states do allow such suits, such as Florida and New Jersey. Nonetheless, some basic principles apply in practically every wrongful birth lawsuit. For instance:

### Malpractice

Essentially, wrongful birth lawsuits are medical malpractice lawsuits. The parent needs to prove:

The doctor owed the parent a **legal**

**duty**. This typically means showing there was a doctor-patient relationship between the parent and the doctor. Medical records showing the doctor gave her prenatal medical advice or treatment can establish this.

The doctor **breached** that duty, such as by misdiagnosing a serious medical problem or by not properly warning the parent about the problems and the risks involved with having a child with a serious medical problem.

For example, a doctor may breach his duty by not explaining to his pregnant patient the various prenatal screenings and tests available to determine if her fetus is at risk of having serious birth defects.

Next, the parent must show that she suffered some type of **harm or injury**. Typically, the harm claimed by a parent is the fact that she has a child with a serious birth defect or medical condition. Sometimes it's enough for the parent to claim she was harmed by not being given the chance to make an informed, intelligent decision about whether or not to terminate the pregnancy.

Finally, the parent must prove that the doctor's mistake **caused** the parent's injury or harm. Generally, this comes down to a claim that the parent would have chosen to abort the fetus if the doctor didn't misdiagnose or fail to detect the birth defect, or; didn't fail to inform the parent of the risks involved with giving birth to a child with a serious defect.

### Damages

Damages in wrongful birth cases usually are limited to medical costs and expenses associated with caring for a child with a serious medical condition or birth defect. However, in some states, like Illinois, parents may recover extra damages for the **emotional stress** involved with raising and caring for such a child.

## NOT AN EASY SUIT

A wrongful birth lawsuit is usually a complicated legal matter. That's because of all the things a parent must prove to win the case. Often, expert witnesses, like other physicians, are needed to prove that the parent's doctor was negligent. For

example, they're often needed to show that another competent and reasonable physician in the same or similar circumstances would have done something differently in the parent's case, such as ordered a certain genetic test.

## DON'T BE CONFUSED

Some states, like New York and Illinois, allow a cause of action for **wrongful life**. They're very similar to wrongful birth actions, but the main difference is that the **child**, not the parent, sues the doctor. Sometimes, a parent sues on behalf of the child, and sometimes the child sues the parent, too.

The main idea behind these cases is that the doctor's negligence in failing to diagnose or discuss with the parent the risks of a serious birth defect led the parent **not** to terminate the pregnancy. As a result, the child asks for damages to compensate him for having to live with a serious birth defect or medical condition.

Also, many states allow parents to sue for **wrongful pregnancy**. This is where a healthy child is born, but the pregnancy was unwanted and unexpected. It usually involves a doctor's negligence in performing a medical operation to prevent pregnancies, such as a vasectomy. Again, the regular rules for medical malpractice apply to these cases.

As for damages, parents typically may recover the costs of the failed medical procedure, as well as damages for pain and suffering caused by the medical procedure. Sometimes the parents may also recover damages for the medical expenses and pain and suffering connected to the pregnancy and birth, and the mother's lost wages caused by the pregnancy. Though rare, it's possible for parents to get damages for the costs of rearing or raising the child until he reaches the age of majority, usually 18 years old.

Contact a Medical Malpractice lawyer with your questions or concerns.

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JOSEPH MIKLOS

Front, from left: Joseph P. Awad, Joseph Miklos, Alexandria Awad\*, Chan H. Park, Danielle M. Hansen, Olga Siamionava-Muzio Back, from left: Robert A. Miklos, James E. Baker, Daniel P. Miklos, Marianne C. Burke, Anthony E. Colantonio, MD, Michael Lauterborn, Kyle M. Mitchell  
\*Pending admission

# SILBERSTEIN, AWAD & MIKLOS, P.C.

MEDICAL MALPRACTICE, PERSONAL INJURY

**TURNING TO A HOSPITAL FOR MEDICAL CARE SHOULDN'T** be a risky decision, but the unsettling truth is that hospitals can be dangerous places.

**IN 2013, A STUDY IN THE JOURNAL OF PATIENT SAFETY** estimated that hospital mistakes cause as many as 440,000 patient deaths each year—a number that would make medical errors the third leading cause of death in the United States, behind only heart disease and cancer.

**"WHEN HOSPITALS MINIMIZE THE IMPORTANCE OF PATIENT** safety, the consequences can be fatal," says Joseph Awad, a senior partner at the medical malpractice and personal injury law firm Silberstein, Awad & Miklos. "These statistics bear that out, and they confirm that many hospitals lack the necessary safeguards for preventing medical errors."

**OVER THE PAST 35 YEARS, AWAD AND SENIOR PARTNER** Joseph Miklos have made it their mission to address this problem, serving as advocates for injured patients and their families in thousands of medical malpractice, construction site, and negligence cases.

**"UNFORTUNATELY, VICTIMS SEEKING REDRESS WILL GET** nowhere on their own," Miklos says. "Hospitals, insurers, and construction corporations operate from a position of power, so the only place an individual has a level playing field is in a civil court of law."

**IN THAT ARENA, SILBERSTEIN, AWAD & MIKLOS HAS AN** enviable track record: the firm has recovered more than \$1 billion for its clients (including numerous record-setting verdicts) and has appeared before appellate courts more than 100 times to argue matters of law. "Experience counts," Awad says of this performance. "I can't think of a medical malpractice or personal injury claim that we haven't encountered over the years, and that gives us a solid foundation for success when prosecuting new matters."

**THE FIRM'S COMPREHENSIVE EXPERTISE IS EVIDENT IN** the make-up of its team, which, in addition to accomplished trial attorneys, includes an attorney-physician, an attorney-nurse, an attorney-

pharmacist, an in-house board-certified physician, and a registered nurse. The firm also has access to experts in medicine, economics, engineering, and vocational rehabilitation.

**"WE KNOW WHO TO TALK TO, WHERE TO FIND THE** answers, and what steps are necessary to win," Miklos says, "and we use that knowledge to take on challenging matters too important to ignore."

**INDEED, SILBERSTEIN, AWAD & MIKLOS HAS A HISTORY** of identifying and prosecuting cases that are vital to the safety and quality of life of the community. Among its accomplishments, the firm has helped improve the quality control of a number of hospitals and construction sites by advocating for changes in clinical practice guidelines and construction site safety protocols. "Our clients' lawsuits share the safety concerns of our juries, which is why we've been able to persuade so many of the righteousness of our clients' causes," Awad notes.

**RECOGNIZING THIS ACCOMPLISHMENT, AWAD AND** Miklos have been AV Preeminent® rated by Martindale-Hubbell®, the organization's highest rating for legal ability and ethical standards, and also listed in *The Best Lawyers in America* and *Super Lawyers*. Their firm, meanwhile, is ranked Tier 1 in New York City for plaintiffs' medical malpractice law and personal injury litigation by *U.S. News – Best Lawyers* "Best Law Firms."

**"WE HAVE A REPUTATION FOR BRINGING STABILITY AND** hope back to our clients' lives," Miklos says, "and our dedication stems from the simple fact that we care deeply about our clients' injuries and losses, and want to do all we can to make a difference."

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# WHO'S IN CONTROL DURING YOUR DIVORCE? YOU ARE

**W**hen you know and accept your divorce is a reality, you may tell yourself that you'll do your best to stay in control, and get through it all. Most people make that same promise and succeed. Life goes on. You want to get through the process, hope your legal bill doesn't get out of control and move ahead with your life.

But there's no question that some people do make mistakes in divorce - big mistakes. And unfortunately, because of the nature of divorce, we often have to live with those mistakes for years, sometimes even for the rest of our lives.

It's hard to keep it together, and it's easy to lose sight of your goals as you move through your divorce. A divorce can wear anyone down - emotionally, physically and financially. Mistakes in your divorce can affect you life for years to come. Recognize and know how to avoid mistakes you may regret later.

## WHO IS IN CONTROL?

You are. Your lawyer is your counsel. People can easily forget it's their divorce and not their lawyer's. It's important to listen and consider your lawyer's valuable advice and guidance, but remember, you make the decisions in the end. Ask questions when you don't understand something fully, and be informed as you make decisions. It can be overwhelming, but well worth it in the end.

### "Help" from Others

Take well-intended advice with a grain of salt. Unlike your lawyer, whom you've hired to represent you, advice from well-meaning friends and family may cause more harm than good. If those close to you aren't giving you the support you need, in the way you need it, or they challenge your judgment, give yourself some space.

### "Help" from Your Spouse

Don't try to win points with your spouse. One spouse may take action or agree to terms that aren't in their best interests to influence the other spouse's

actions. A spouse may try to win their soon-to-be ex-spouse back by agreeing to terms in the divorce they wouldn't agree to otherwise. The tactic won't work, and you may be left with even more regret, resentment and frustration.

## KEEP YOUR EYE ON YOUR FUTURE

Don't sell yourself short while making your way through your divorce. It can be exhausting, you want it over and you want to move on. It's easy to just say "yes" to a settlement term, even though you may regret it later. Remember, it probably won't be easy and can be expensive to make changes to support and custody terms later on.

### Taxes

Divorce is taxing **and** affects your taxes. Make sure you know how property division and support issues affect your Form 1040 each April. Don't assume your divorce lawyer can give you the answers you need on the tax implications in your case. You may need tax planning help.

How can divorce affect your taxes? Taxes could change your view on the value of an item or asset in property division. For example, the family home and a stock portfolio may have equal values today, but factor in taxes, maybe upon sale later on, and the numbers may look very different.

Income tax is another issue. Alimony and unallocated support (money paid as child support and alimony combined) is taxed income to the recipient; the payer gets a deduction. Child support isn't income to the recipient, and there's no deduction to the payer. Think of your finances now and down the road.

## SUPPORT, CUSTODY AND VISITATION

Think of your daily life years in the future and the impact from your divorce. How you try to structure support and child custody issues are the key concerns.

In most states, parents are encouraged to work out a parenting plan, instead of having the court decide, and many state laws favor joint custody as the first-choice custody

arrangement. Don't be too quick to agree to child custody terms if you think they won't work. People are different - some can successfully co-parent after divorce. Others will return to court more than anyone would like to see, and it gets expensive. You and your spouse know each other very well, so be realistic about how you'll get along after the divorce.

Give thought to how support terms are structured. For example, you may want to try to include support terms for future events, such as children's college expenses, even if they're still very young. You may have preferences in the terms of your spousal support, for example, you'd like to try to negotiate for more support while getting back into the job market or completing school, rather than support for a longer time.

Divorce is stressful, your case can't wrap up soon enough and sometimes you just don't want to think about it all. Take a deep breath, take one step at a time and keep in control.

## QUESTIONS FOR YOUR ATTORNEY

- I'll face a huge change in household income after the divorce, can you help me preview what my income taxes will look like once the divorce is final?
- Can our divorce decree include terms for future expenses for the children, such as college, even if we don't include set dollar amounts? Can we "agree to agree" and work out the details later?
- Are there added issues to think about if my ex-spouse is self-employed?

AS SEEN ON





# SCHLISSEL OSTROW KARABATOS, PLLC

Standing, from left: Jeanine M. Elbaz, Arnold S. Klein, Lisa R. Schoenfeld, Joseph A. DeMarco, Jennifer Rosenkrantz, Hillary Reinhartz  
Seated, from left: Stephen W. Schlissel, Elena Karabatos

CHILD CUSTODY, DIVORCE, FAMILY

**SCHLISSEL OSTROW KARABATOS (SOK) IS AN INNOVATIVE** matrimonial and family law firm with a reputation for handling the most complicated financial, valuation, and property distribution matters, as well as the most complex custody and support issues.

**“WE’RE WILLING TO CHALLENGE WHAT PEOPLE** think are established principles,” notes managing partner Elena Karabatos. “When the law is undeveloped or still developing, this firm has never hesitated to try and make new law for the betterment of our clients.”

**INDEED, SOK HAS REGULARLY CHALLENGED CASE** law to protect its clients’ interests. SOK attorneys were among the first lawyers in the country to prevent a parent from smoking in the presence of her children, and they pioneered new law in the areas of settlement agreements and custody evaluations. The firm has also been a leader in securing the rights of non-monied spouses to effective legal counsel.

**“WE TAKE PRIDE IN BRINGING THE HIGHEST DEGREE** of excellence, integrity, and creativity to the practice of matrimonial law,” says partner Stephen W. Schlissel. “Although we have the depth and expertise to aggressively litigate the largest and most complex matters, we are also extraordinarily aware of the nuances of family law; and because of that, we often take a more nuanced approach in order to deliver a superior result for the client in the long run.”

**THE ATTORNEYS OF SOK BEGIN EACH CASE BY** evaluating the situation from a holistic perspective, taking into account the emotional components of the matter, the personalities of the clients, and the financial aspects of the case. And while the firm’s attorneys are experienced trial lawyers, they regularly address issues by using alternative resolution methods, such as negotiation, mediation, arbitration, and collaborative law.

**GIVEN THEIR EXPERTISE, IT SHOULD** come as no surprise that the firm’s lawyers have garnered significant recognition from their peers. SOK is one of the few firms in the country with two fellows of the American Academy of Matrimonial Lawyers and a Diplomate of the American College of Family Trial Lawyers, which limits membership to 100 attorneys across the country. The firm’s name partners have also been selected for inclusion in *New York Super Lawyers* and *The Best Lawyers in America*, with Mr. Schlissel named in every edition of both publications. In addition, both Schlissel and Karabatos are named in *Ten Leaders of Matrimonial and Divorce Law on Long Island*.

**AS LEADERS OF THE BAR, THE FIRM’S LAWYERS HAVE** achieved a number of honors in the family law field. Schlissel was a recipient of the 2013 Distinguished Service Medallion, the highest honor bestowed by the Nassau County Bar Association (NCBA); he was named by *Super Lawyers* as one of the Top 100 Lawyers in the Metropolitan New York area in 2011, and he has also been named to the Independent Judicial Election Qualifications Commission for the 10th Judicial District (Nassau & Suffolk Counties) and is a member of the Board of Governors of the New York State Attorney-Client Fee Dispute Resolution Board. Karabatos serves as the treasurer of the NCBA and president of the New York State Chapter of the American Academy of Matrimonial Lawyers (AAML).

**BEYOND THE FIRM’S NAME PARTNERS, ATTORNEYS** Joseph A. DeMarco and Lisa R. Schoenfeld have been selected as Fellows of The New York Chapter of The American Academy of Matrimonial Lawyers (AAML). Jennifer Rosenkrantz, Joseph A. DeMarco and Lisa R. Schoenfeld have been selected to *Ten Leaders of Divorce Law on Long Island - Age 45 and Under*. The firm has the rare distinction of having each of the firm’s partners and associates named a SuperLawyer in some form.



# QUI TAM A MEANS OF RIGHTING WRONGS

Not many people speak - or read - Latin anymore, except for lawyers. “Qui tam” is a Latin phrase which means, literally, “who as well for the king as for himself sues in this matter.” Qui tam is a means by which private persons act to prosecute fraud claims on their own, but on behalf of the federal government. Sometimes these “private attorneys general” take a share of any monetary compensation that is awarded.

- Private citizens can act on their own in a “qui tam” action to act against fraud within or upon federal agencies
- The response of the US Department of Justice will play a critical role in whether the suit continues
- Understanding pertinent federal rules, regulations and laws is essential to pursuing a qui tam action

## THE ROLE OF PRIVATE CITIZENS TO FIGHT FRAUD

The US Congress passed the False Claims Act in 1863. This law allows private citizens to file suit, in the name of the US government, claiming fraud by persons who receive or use federal government funds. The incentive is that the citizen bringing the qui tam action will receive a share in the money recovered, if any.

Most of the first lawsuits were against defense contractors. Everyone has heard of the outrageous dollar amounts charged by some defense contractors for parts and supplies.

Qui tam actions for fraud by various other federal agencies have become common recently. These agencies have included the Departments of Transportation, Education, and Energy and NASA.

## THE DEPARTMENT OF JUSTICE ROLE AS A KEY PLAYER

The US Department of Justice has prosecuting attorneys, known as “Assistant US Attorneys” at offices around the country. They prosecute a variety of civil and criminal actions (especially federal drug crimes) under the supervision of US Attorneys. Whether the US Attorneys’ office in the area, or the US Attorney General, takes an interest in joining in the qui tam suit will greatly impact the future course of the suit.



They might choose to intervene in - i.e., join in - the suit, and might start their own action after intervening.

If you’re aware of a fraud being committed by or against a federal agency, seek the advice of an attorney as to: 1) whether to pursue a qui tam action; and 2) when and how to notify the US Attorneys’ office of the fraud. The attorney will be able to give you advice on the likelihood of prevailing and whether the US Attorneys’ Office will take an interest. At a minimum, if you’ve informed that office of a potential fraud, you may have helped bring a halt to wrongdoing against the American public.

## INTERPRETATION OF FEDERAL LAW WILL BE IMPORTANT

In order to prove a case of fraud by or against a federal agency, it’s necessary to prove an intentional act or intentional course of conduct whereby the federal government was wrongfully deprived of its resources or property. In practical terms, the dollar loss to the government agency is a factor, as a lawsuit won’t be worthwhile unless government losses are significant.

The federal agency might collect and use evidence to act on its own. An employee could be disciplined or fired for committing internal fraud. If a contractor or supplier is committing fraud, the agency can stop doing business with it.

## AN ATTORNEY’S ROLE IN A QUI TAM ACTION

An attorney’s advice will be essential to help you understand whether fraud exists and can be proved. The attorney will:

- Analyze federal rules, regulations and law for possible violations
- Consider the likelihood of proving a claim under rules of evidence
- Act as a liaison to the US Attorneys’ Office in gauging government interest in the lawsuit
- Navigate the detailed process of a qui tam suit

The US Department of Justice Web site is a helpful resource. It contains a memorandum with a general overview of qui tam suits under the False Claims Act. There’s also other background information about the process and about the work of the Department.

## QUESTIONS FOR YOUR ATTORNEY

- What types of evidence can be used in a qui tam lawsuit?
- Can I bring a qui tam lawsuit if I’m a federal employee?

AS SEEN ON





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**people**  
against  
powerful  
interests.

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# LAND USE REGULATIONS FOR YOUR SMALL BUSINESS



**Y**ou came up with a good idea or product to sell, decided what legal form your small business would use, developed a business plan, and secured financing. But where will you open the store or office? Is the planned use of the property that you've purchased or leased for your small business permitted under zoning and land use regulations?

Zoning and land use regulations are designed to protect the public health and safety as well as natural resources and the environment. These types of laws can restrict or limit various aspects of any business, ranging from what kinds of business activities can be conducted on a particular piece of land, to the specifications for buildings, and the parking to be provided for customers or clients.

If your proposed site is inside a city's limits, you might have overlapping city and county zoning laws to deal with. Zoning laws are created and enforced almost entirely at the local government level.

## ZONING & LAND USE LAWS

Zoning ordinances are supposed to form a uniform, orderly scheme for using real estate. Typically, there are five major types or categories of zones:

- o Commercial
- o Industrial
- o Agricultural
- o Recreational
- o Residential

A business normally has to be conducted in a commercial zone, unless it falls within some type of zoning exception (like a variance or non-conforming use) or if it's a home-based business, which is often regulated by separate zoning laws.

## ZONING PROBLEMS

A non-conforming use is when land is used in a manner inconsistent with a new zoning ordinance.

Examples include:

- o The nature or characteristics of the building itself do not conform to the zoning ordinance, such as when the building is over the maximum height allowed by the new law
- o The activity going on in the building does not conform, like when a zoning classification changes from light commercial to residential, an existing business could continue to operate

Generally, you don't have to quit an

existing non-conforming use and can continue after the adoption of a zoning ordinance. However, the right to continue a non-conforming use may be lost if the non-conforming use is abandoned.

For example:

- o If a nightclub operates in a storefront in an area that is later zoned to exclude all alcohol-related operations, the nightclub can continue to operate
- o If the nightclub closes, the right to continue the use may be lost if the same nightclub is not reopened or if some other similar alcohol-related use is not begun within a certain period of time

Conditional use is when a use is permitted under a zoning ordinance but only when certain conditions are met. For example, a zoning ordinance may permit professional offices in a residential zone if at least four off-street parking places are provided.

Variations, or "special use permits," are an exception to the requirements of a zoning ordinance. State or local laws will normally detail when and how variations may be granted. Usually, you must show some kind of hardship to receive a variance.

## QUESTIONS FOR YOUR ATTORNEY

- o How long could it take to successfully change the zoning on my property?
- o How does "spot zoning" differ from "conditional use"?

AS SEEN ON



# Rosenberg & Estis, P.C.



Rosenberg & Estis' Top Rated Lawyers honorees include from left to right:

Michael Feinstein, Robert M. Kessler, Steven Goldberg, Howard W. Kingsley, John Hadlock, Richard L. Sussman, Gary M. Rosenberg, Managing Member, Luise A. Barrack, Warren E. Estis, Bradley S. Silverbush, Dennis I. Hellman, Joshua Kopelowitz, Norman Flitt and Neil Underberg.



Rosenberg & Estis, P.C. is one of New York's leading real estate law firms, providing clients with expert representation in commercial and residential real estate transactions, litigation, administrative law proceedings and appeals. The firm's attorneys are widely acknowledged for their unmatched knowledge of Manhattan's rules and regulations, supported by a thorough understanding of market dynamics.

The boutique real estate law firm, which celebrated its 40th anniversary this year, launched an ambitious plan in 2010 to boost the number of skilled attorneys on staff as well as greatly expand its practice areas. Rosenberg & Estis' growth has been so dramatic during the past

five years — growing from 44 attorneys in 2010 to more than 70 today — that the firm was recognized this year by The Real Deal as the No. 1 real estate law firm in New York.

The law firm's continued success is based on Rosenberg & Estis' unique ability to recognize and handle all aspects of complex real estate projects. The firm skillfully counsels financial institutions, developers and building owners on the city's complex rent regulation laws governing residential housing, assisting them in navigating issues such as rent increases, due diligence, redevelopment and subsidized housing and benefit programs.

Our transactional practice focuses on representing clients in all aspects of New York's real estate market. We undertake financing, leasing, entity formation, and purchases and sales for clients of all types and sizes.

Our firm includes a strong litigation group that represents clients with disputes involving any sector of residential and commercial real estate. The breadth of our litigation experience and expertise has enabled the firm to earn the designation as Approved Outside Counsel to the Federal Deposit Insurance Corporation (FDIC).



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# A WRONGFUL DEATH SUIT IS LIMITED TO MONETARY AWARDS

If your relative dies as a result of someone else's misconduct, you might be able to file a lawsuit. The wrongdoer can be an individual, a company, or another type of entity such as a government bureau. A wrongful death lawsuit is limited to monetary damages.

## NOT EVERYONE CAN FILE A WRONGFUL DEATH LAWSUIT

You must be related to the victim in some way, or somehow injured - financially somehow - by the death to file a wrongful death lawsuit. Usually, you must be a spouse or a child. Some states allow more distant relatives to sue. Some states don't allow one family member to sue another family member for the wrongful death of a third family member. In addition, the

personal representative of the victim's probate estate can sue to reimburse the victim's estate. In this case, any damage award will eventually go to the victim's creditors and heirs.

## YOU MUST PROVE YOUR CASE TO WIN

The misconduct that caused the victim's wrongful death can be either an act or a failure to act. The defendant's conduct must have been either careless or intentionally designed to cause harm. The victim must have at least one surviving family member who has suffered loss because of the victim's death. A personal representative must have been appointed for the victim's probate estate to file on behalf of the estate.

## MISCONDUCT NEED NOT BE CRIMINAL

Many wrongful death lawsuits are filed because of deaths due to criminal acts such as murder, DUI, distracted driving, and serious medical malpractice. Some types of negligence, however, are not considered serious enough to justify criminal charges. For example, a nurse who fails to change a patient's bandages in a timely manner might not face criminal charges even if the patient dies, depending on state law. Nevertheless, the nurse (and the hospital) might lose a wrongful death lawsuit on this basis.

## DAMAGE AWARDS CAN BE VERY HIGH

In a wrongful death lawsuit, you may claim damages for direct expenses like medical bills and funeral bills. You may also claim damages for the loss of a lifetime of financial support that the victim would have provided, or for the loss of household services that the victim would have performed. You can also sue for loss of emotional benefits such as companionship and sexual relations. In some cases, damages for non-economic losses are greater than damages for economic losses. Most wrongful death lawsuits are settled out of court, although in many cases a settlement is not reached until after a lawsuit is filed.

## A LAWYER CAN HELP

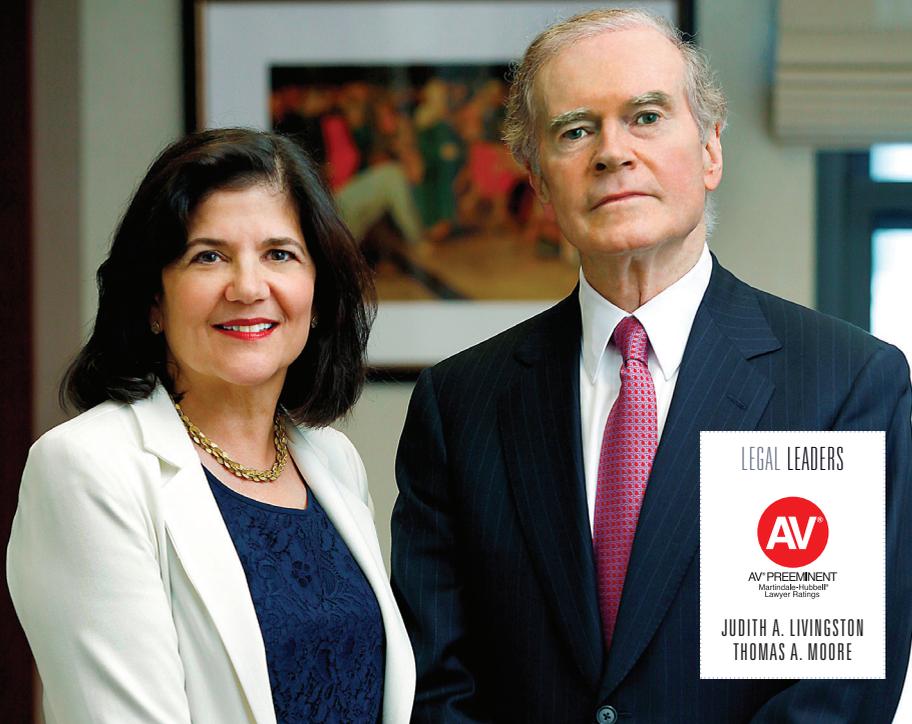
The law surrounding wrongful death is complicated. Plus, the facts of each case are unique. This article provides a brief, general introduction to the topic. For more detailed, specific information, please contact a personal injury lawyer.

AS SEEN ON



# KRAMER, DILLOF, LIVINGSTON & MOORE

PERSONAL INJURY, MEDICAL MALPRACTICE, NEGLIGENCE, WRONGFUL DEATH



**A \$41 million verdict** for a 53-year-old construction worker who was struck by a Verizon truck and left brain damaged and partially paralyzed. This was the largest verdict involving a motor vehicle in New York history.

**A \$20 million settlement** in 2015 for two recent college graduates who suffered third-degree burns when the popular household decoration they purchased from a well-known national retailer suddenly and unexpectedly burst into flames.

**An \$18 million settlement** in 2015 for failing to diagnose or treat an infant's necrotizing enterocolitis.

**A \$10 million settlement** in 2015 for improperly discharging from an emergency room a woman who was suffering from a paralyzing spinal injury.

**A \$6 million verdict** in 2015 for failing to monitor and treat a woman who committed suicide in a state mental hospital.

## **A TRADITION OF SUCCESS FOR CLIENTS**

Judy Livingston and Tom Moore are the Senior Partners at Kramer, Dillof, Livingston & Moore (KDLM). Between them they have won 122 jury verdicts of more than \$1 million; and have negotiated settlements for clients in excess of \$1 billion. The firm ranks first in ALM's Medical Malpractice Hall of Fame; first on Verdicts & Settlements Motor Vehicle Hall of Fame; and regularly appears on every list that recognizes outstanding results for clients.

## **GROUNDBREAKING RESULTS**

For more than 50 years KDLM has provided dedicated representation to victims of medical malpractice, negligence, wrongful death and personal injury. Five of the top 25 cases in the Medical Malpractice Hall of Fame were won by KDLM partners. The team's work has resulted in groundbreaking results for clients, including some of the most noteworthy recent cases in the New York Courts:

**A \$172 million verdict** on behalf of a woman who was tragically injured after New York City EMTs failed to perform basic emergency care. It was the largest personal injury verdict in New York State in 2014, and the 4th largest in the nation.

**A \$130 million verdict** for a 10-year-old girl seriously injured by a hospital during the mother's labor and delivery; the second-largest medical malpractice verdict in New York State history.

**A \$122 million verdict** for a 45 year-old who suffered brain damage after three hospitals failed to diagnose and properly treat the woman's Stevens-Johnson syndrome. That verdict was the third largest in New York State history.

## **DEDICATION TO CLIENTS**

"The most rewarding part of this profession is getting our clients the justice they deserve in terms of monetary damages," says Livingston. "From the inception of a case to its conclusion, we are focused on restoring hope and dignity to our clients." Adds Moore, "Our clients have suffered irreparable tragedy. We restore to them a measure of aspiration, self-esteem, and independence – otherwise unattainable."

## **LEADERSHIP IN SERVING OTHERS**

Livingston and Moore – who are married and have three children – have provided important leadership to several non-profit organizations. Their work in education and health care includes: Judges and Lawyers Breast Cancer Alert, where Judy served as co-president; Andean Health Resources; Doc2Doc; the Inner City scholarship Fund; and the Police Athletic League.

## **RECOGNITION BY THEIR PEERS**

Livingston and Moore were honored last year with the Founder's Award, the highest honor conferred by Fordham University. Livingston also received Hofstra University's Presidential Medal, and gave the commencement address to the Law School's graduating class. She had previously been given an Honorary Doctor of Laws by the University. Moore was similarly honored this year by Fordham University: he was given an honorary degree and gave the commencement address.

# PUBLIC POLICY

**P**ublic policy, also commonly referred to as domestic policy, is a system of laws and regulations that reflect the actions of the government. It is the collective attitude, ideas, and opinions of the citizens of the country and individual states, and it influences the enactment and interpretation of legislation.

Public policy reflects the course of action taken by the government to address the needs of society and solve its problems, encompassing governance and administration and public finance. It also reflects the inaction of the government in areas that the government refuses to regulate or govern. Essentially it is what the government does and does not do in the areas of public health, safety, and welfare.

## ROOTED IN VALUES, MORALS AND PRINCIPLES

Public policy is derived from the values, morals, and principles of citizens. Legislature and courts act use what they believe to be the best interests of citizens and the general public. While laws are written and enacted by Congress and state legislatures, public policy can be implied and vary within the federal, state, and municipal levels of government.

It changes and fluctuates frequently because it is rooted in the values that tie society together, and those values vary in cultures and change over time. Accordingly, policy analysis is used to make laws. Laws using public policy as their basis are most effective when they reflect the most generally accepted values and beliefs of society.

## PRESENT THROUGHOUT SOCIETY

Public policy is prevalent in various areas of society, including the following to name a few:

- Education policy
- Social welfare policy
- Health care policy
- Criminal justice policy
- Social policy

- Economic policy
- Environmental policy
- Energy policy

## ECONOMIC POLICY PART OF PUBLIC POLICY

Public policy results in various federal and state social welfare programs to achieve societal goals, including:

- Welfare
- Medicare and Medicaid
- Public education
- Social Security
- Pensions
- Unemployment compensation
- Supplemental Security Income
- Family protective services

Because economic policy is an important component of public policy, budget analysis plays a vital role in the public policy making process. Social welfare programs provide assistance, including financial assistance, to citizens who are unable to support themselves or are disadvantaged members of society. The programs are aimed at improving living conditions within society and bettering human welfare.

## COMPETING INTERESTS

Public policy is influenced by the beliefs, values, and morals of the members of society. Therefore, public policy is often comprised of numerous divergent interests, including the religious, political, and economic beliefs of society's members. These competing interests within society cause individuals and groups to try to influence and shape public policy by using the methods of education, advocacy, and interest groups.

Interested members of society often try to influence public policy by lobbying and using political pressure. Interested individuals can influence public policy by personally advocating their position or increase their advocating power by joining an organization that shares their beliefs.

## ENACTMENT OF LEGISLATION

The public policy process begins with choosing which problems need to be addressed. Once problem are identified, the agenda-setting step takes place. After agendas have been set, the interested parties, such as interest groups and organizations, begin their advocacy for the ideologies they want to become policy. Policy-making usually entails translating preferences into policy through the enactment of legislation.

Enacting legislation reconce conflicts and differences between the interested parties. Once a policy has been implemented, policy evaluation methods need to be set up.

Policy evaluation ensures that policies, programs, and public services are delivered as effectively and efficiently as possible. Although policy success or failure may be difficult to measure, some common methods used to evaluate a policy's effectiveness include:

- Public opinion polls
- Evidence related to national statistics
- Academic research
- Systematic reviews
- Economic appraisal
- Systematic audits
- Regulatory impact assessments

## QUESTIONS FOR YOUR ATTORNEY

- What if I don't agree with with the current public policy?
- Can I contact my local or state representative to let them know what I think they should do about a specific issue?
- Do I need to register my special interest group anywhere?

AS SEEN ON



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## SENATOR CHARLES SCHUMER ON ARTHUR Z. SCHWARTZ:

Whenever anyone calls on Arthur to do something good, he's there and he doesn't ask what's in it for him and he doesn't ask how much money there is and he doesn't ask anything. He just does it. And you know, when you think about it, he is the kind of person who – we use the word with a lot of cliché and it's overused– but he truly is a great American. You know when the founding fathers set up the country – if you read the Federalist's Papers, what was their greatest doubt? Well, they had a lot of doubts. There was dealing with this new little beast called democracy in a republic. But the thing they worried about most is whether the citizenry would come forward and stand up to the plate.

You know, for a thousand years people had let someone else run things and they were really worried that the only people who would get involved in their government, whether it be running for office or, more importantly, just working to see that the government worked, were people only of self-interest. And of course we have a lot of that. We have a ton of apathy, people don't care. And then it seems like all too many people who get involved are doing it because they're saying there's something in it for numero uno. But there are lots of people who are in it for the right reasons. And if you had to pick somebody who sort of –this room if filled with them, that's one of the nice things about Arthur and his friends– but if you had to pick somebody who symbolizes that, it would be Arthur Schwartz.

**WHEN ARTHUR SCHWARTZ  
SPEAKS  
IMPORTANT PEOPLE  
LISTEN**



# PREPARING TO MEET AN INTELLECTUAL PROPERTY LAWYER

It can be a big waste of time for both you and the lawyer if you're not prepared for your first meeting. Being unprepared may also end up costing you money, because it will take longer for the lawyer you hire to get up to speed on your legal matter.

The lawyer will want to know who you are and how you can be contacted. The lawyer may also ask for a personal and business background. So you'll need to write down anything that you consider to be relevant background information and have it available for the lawyer. Also bring along any documents that you have.

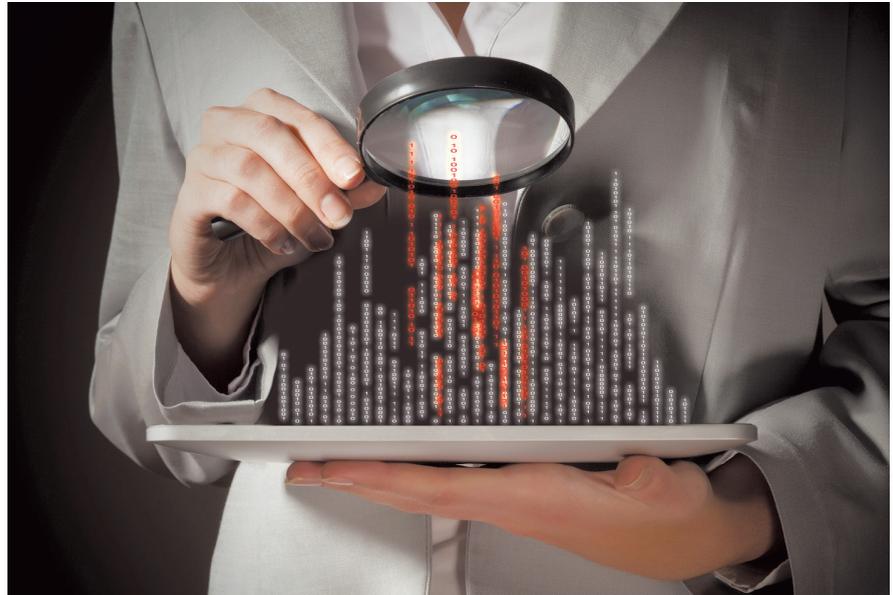
Sometimes, a lawyer may also try to speed the information-gathering process by sending you a questionnaire to fill out in advance. If this happens, be sure to fill out the questionnaire and send it in to the lawyer's office before the meeting. Also send along copies of any available documents that may be requested in the questionnaire.

Before you get too far into a meeting or conversation, the lawyer is going to want to know about possible conflicts of interest. If you have a litigation matter, you should bring a list of other employees who may be witnesses, defendants or interested parties. If the lawyer or the lawyer's firm represents anyone on the other side of the fence, he or she will have a conflict and will usually not be able to represent you.

Written documentation is always important. Even if a lawyer doesn't ask for documentation beforehand, it's still a good idea to bring a copy of all documents relevant to your situation to the meeting. Spend some time thinking about what you may have on hand. Try to organize the documents in a logical manner before you meet with the lawyer.

It is absolutely essential that you bring the originals and a copy of any and all papers that directly relate to your legal issue.

If you are trying to secure intellectual property rights on a design, a work of art,



a mark or whatever, you should bring a reproduction or a rendition to your meeting with the lawyer.

Bring the originals and a copy of all correspondence relating to the matter. Dates can be critical. One date, in particular, that can be very important is when you may have first used a business logo, a mark or a product that you are trying to protect. Get a calendar and mark down dates of when things happened and when you received any notices or other documents. Bring the calendar to your meeting to use as a reference.

Your lawyer will want to know who you talked with, including the names of any representatives at government agencies. You should have names, addresses, and telephone numbers available.

Prepare a list of questions to take with you to your first meeting. In theory, no question is too silly to ask. Keep in mind, though, that you don't want to scare a lawyer out of representing you. Questions you might ask a lawyer would include:

Don't be afraid to subtly quiz prospective lawyers to see if they really know what they are talking about. Maybe you could even

ask them for definitions of a few IT terms to see if they can tell you what they mean.

What would the lawyer like to see in order to evaluate representing your interests?

What might your other options be?

How many similar matters has he or she handled?

What percent of his or her practice is in the area of expertise that you need?

What problems does the lawyer foresee with your situation?

How would the lawyer go about handling your situation? What is the process?

How long will it take to bring the matter to a conclusion?

How would the lawyer charge for his or her services?

Would the lawyer handle the matter personally or would it be passed on to some other lawyer in the firm? If other lawyers or staff may do some of the work, could you meet them?

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# YOURS OR MINE? DIVIDING PROPERTY DURING A DIVORCE SETTLEMENT

Whether you and your spouse agree on a property settlement, or have the court decide the issues, a lot of work and planning goes into this part of your divorce. The basic step of completing a property inventory and planning for tax impacts are important.

## TAKING A PROPERTY INVENTORY

Before you can nail down a property settlement, you need a big picture of what your assets are. One of your first tasks, even if you're thinking about a divorce, is to make a property inventory. It's vital to list all property you and your spouse own. Don't try to hide assets as it will only complicate dividing your property.

Many lawyers have property checklists to help clients complete their inventories. You may be surprised to rediscover certain assets.

## TAX CONSIDERATIONS

Generally, the property division in your divorce doesn't create tax consequences to worry about on your next tax return. The reason is that usually there's no federal tax gain or loss when a property transfer is "incident to the divorce." This likely means that the transfer happens within a year of the date the marriage ends, or is related to the end of your marriage.

Further, for a transfer to be related to the end of a marriage, your divorce or separation decree must also provide for it, and it has to be done within six years of the marriage's dissolution.

Review possible tax impacts of your property division with your lawyer or accountant as you work towards the final terms.

## PROPERTY TRANSFER AFTER THE DIVORCE

As soon as the property settlement is approved or the court finalizes the divorce, you'll want to take care of the details of the property transfer. This includes preparing and signing the documents needed to transfer ownership.

While it may be the last thing you want to do, taking care of these details will save future

trouble and make it easier to gain closure on this chapter of your life.

Gifts between spouses may be treated as a gift to the couple's marital property. A common scenario is transferring title to real estate from your name alone to joint ownership with your spouse. Using your separate property, such as providing the down payment for a house, may be a "gift" to the marital property.

## YOURS, MINE OR OURS: RULES FOR GIFTS AND INHERITED PROPERTY

There are some general rules to know when it comes to gifts and inherited property. However, do talk to your divorce lawyer about the background facts for these assets to help make sure the property division in your divorce is fair and accurate.

## GIFTS CAN BE MADE TO YOU AND YOUR SPOUSE AS A COUPLE

Third parties, even your grandma, can make joint gifts to a couple. The answer all turns on your state's law, the facts and the proof in your case.

## MIXING AND CHANGING PROPERTY TYPES

Separate property can become marital property depending on how you hold its title, use it and your intentions. Commingling or mixing your separate assets, such as bank account balances, with marital assets can mean a change from separate to marital property.

You can also do something that transmutes or changes property from separate to marital. For example, changing the title of a car you own and allowing your spouse to drive it, or using your money to fix up your marital home.

Understand that the lines aren't as clear as you might think. Your lawyer can best help you review your property inventory and the history behind it, and answer whether or not your case falls within a rule or is an exception to it.



## QUESTIONS FOR YOUR ATTORNEY

- My spouse and I have moved a lot. Does that affect whether community property or equitable division methods are used to divide our assets?
- Does my separate property lose its character if I use it to benefit my family? What if it's a major asset, such as the family home?
- My spouse and I agreed to put much of the income we save into my spouse's 401(k) account. How will that factor into our property settlement agreement?
- I paid for the majority of our more expensive assets, like the televisions and kitchen appliances. How can I claim those as "mine"?

AS SEEN ON





Seated, from left: Steve Silpe, Ira Garr  
Standing, from left: Michiellle Spector, Emily Rubin, Jordana Barish, Lindsay Miller, Katie Pandolfini

# GARR SILPE, P.C.

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Garr Silpe, PC is regarded as one of the premier matrimonial law firms in the country by lawyers and judges alike. We possess extensive experience in all respects of matrimonial and family law. Led by Ira Garr and Steve Silpe, our attorneys provide sophisticated client services in divorce, child custody, child support, equitable distribution of property, paternity agreements, prenuptial and post-nuptial agreements, matters involving same sex marriage, litigation of all matrimonial and family law matters as well as mediation. We also specialize in matrimonial appeals, often handling these matters for other law firms.

Our firm represents many high net worth individuals and celebrities in highly contested, litigated, and non-litigated matters.

Garr Silpe, PC is proud to have been listed in U.S. News and World Report Best Lawyers "Best Law Firms in America". Our lawyers have been AV Preeminent<sup>®</sup> Rated by Martindale-Hubbell and are listed in both *New York Super Lawyers* and Rising Stars.

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# PERSONAL INJURY CLAIMS AND WEARING A HELMET

Helmet use is often a hot issue, from sports to bike and motorcycle use. There's debate on whether government laws and rules should require helmet use. Then there's the impact of helmet use in a personal injury lawsuit after an accident.

## DO I HAVE TO WEAR A HELMET?

Helmet use during certain activities may be controlled by a state law, local ordinance, or a private party's rules, such as a sports facility owner or operator. It's also possible helmet use is expected based on custom or culture.

## HELMET REQUIRED BY LAW

Some states, cities and towns have laws or ordinances for helmet use while using motorcycles or bicycles on public roadways and paths. Local ordinances may extend helmet use during certain sports or recreational activities, such as at public skate parks. Use may also be based on age, and usually apply to children. A few states extend helmet use to young adults, for example, people 18 to 20 years old.

## PRIVATE PARTY RULES AND CUSTOMS

The owner or operator of a business or property may require you to wear a helmet. Sports and recreational facilities are good examples. When you use a venue, there's usually a written contract somewhere, even if it's in the form of your ticket, a waiver form or equipment rental agreement. Activities include:

- Indoor sports facilities for hockey, baseball, lacrosse and skating
- Outdoor venues, such as batting cages, sports fields, stables and ski slopes
- Watercraft rentals
- Other outdoor sports including motocross and go-cart courses, and paintball

Helmet use can be based on custom and location, too. In certain sports, helmet use is a given. No one can imagine a football player, at any level, going on the field without a helmet. Motocross racing, car racing, bicycle racing and extreme downhill ski racing are other sports where it would be surprising to see participants *without* helmets.

In other sports, the expectation of helmet use varies, such as in downhill skiing and motorcycle touring. A participant's age and local custom can be factors, too.

## CAUSE, EFFECT AND YOUR PERSONAL INJURY CLAIM

Negligence or products liability law may be a factor in your personal injury claim. Your helmet use may or may not be a factor in your case. Whether or not someone wore a helmet at the time of injury may be irrelevant because:

- Helmet use wasn't related to the injury. An ankle injury in a bike accident likely isn't related to whether or not you were wearing a helmet
- The accident was so severe that helmet use didn't matter

In both scenarios, your lawyer's strategy may be to keep evidence on whether or not you wore a helmet out of the trial and avoid confusing the jury with a factor that doesn't matter.

## PROVING FAULT AND FOLLOWING THE LAW

Proving your case, or your opponent proving a defense, can turn on whether or not you followed the law, rule or contract on helmet use.

You'll want to show the jury you used a helmet as required, and that the defendant is liable for your losses.

The defendant in your case will want to show you didn't use a helmet when required to do so. Your opponent can present a given law, ordinance, rule or

contract as evidence, and your choice to disobey it by choosing *not* to wear a helmet.

Lack of compliance can make the difference in winning your case or the full amount of damages you seek.

## REASONABLE PERSON STANDARD

In personal injury law, much turns on what a *reasonable person* would do. Both sides try to prove the actions of the person injured, *and* of the person being sued, were reasonable. One question is whether or not the injured person was *contributorily negligent*. This means the injured person didn't act as reasonable person, contributed to the accident, and has to take some or all responsibility for his or her injuries.

Of course, there are counterarguments. Maybe it wasn't customary to wear a helmet for that sport, or perhaps no helmets were provided or available for use at the facility where the accident happened.

Your personal injury attorney can help you review the facts and the law that applies to your case and find the legal solution that's best for you.

## QUESTIONS FOR YOUR ATTORNEY

- Can a defendant defeat a personal injury claim by showing someone wore a helmet incorrectly or used the wrong type or size?
- Is the cause of an accident and injuries split into parts, say the plaintiff's failure to wear a motorcycle helmet and the defendant's speeding?
- Can contributory negligence be used no matter who the plaintiff is? What if a child isn't wearing a helmet?

AS SEEN ON





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STEVEN J. SCHWARTZAPFEL

# SCHWARTZAPFEL LAWYERS P.C.

Seated: Steven J. Schwartzapfel  
Standing, from left: Nicole J. Kim,  
Michael Reiner, Christopher Holbrook,  
Sachin Gadh, Ben Rabinowitz

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MEDICAL MALPRACTICE AND WRONGFUL DEATH

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**THE FIRM'S EXPERIENCED LEGAL TEAM—WHICH HANDLES** all accidents – auto accidents, construction accidents, workers' compensation, personal injury, medical malpractice and wrongful death on a contingency fee-basis—has changed thousands of lives for the better; and nowhere is that more evident than in the many thank-you letters the firm has received.

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Steven J. Schwartzapfel, who founded his firm in 1981 after defending accident cases for an insurance company and seeing firsthand the tactics and strategies some insurance companies can engage in to delay and deny legitimate claims.

**SCHWARTZAPFEL LAWYERS P.C.** and Steven Schwartzapfel have received a Martindale-Hubbell AV Preeminent® rating, the highest professional and ethical rating awarded by Martindale-Hubbell. Our AV Peer Review Rating® exemplifies that our firm has attained the pinnacle of professional excellence. As such Steven Schwartzapfel has been featured as a Top Rated Lawyer, published by ALM in *New York Magazine*.

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# SUING YOUR LAWYER

Sometimes lawyers make mistakes. If your attorney really screws up your case, you may consider suing for legal malpractice.

## BEFORE YOU SUE

If your lawyer didn't represent you properly, and you were harmed in the process, your lawyer might be liable to you for your loss. But before you pursue a lawsuit against your attorney, try these alternatives:

- Discuss fee disputes with your attorney or engage in fee arbitration
- Report potential ethics violations to your state bar association
- Hire another lawyer to repair the damage to an ongoing case

If none of these alternatives brings satisfaction, you may want to consider a legal malpractice claim against your attorney. This type of case is difficult to prove, so you'll want to thoroughly investigate your chances of success before proceeding.

## TYPES OF LEGAL MALPRACTICE CLAIMS

Every case is different, but legal malpractice claims usually fall under three categories:

- Negligence
- Breach of fiduciary duty
- Breach of contract

Negligence happens when your attorney fails to use the skill and care normally expected of a competent attorney.

Examples of negligence include:

- Failing to file a lawsuit within the statute of limitations time required under law
- Missing other important deadlines in the case
- Not properly preparing for trial
- Not following court orders

Most legal malpractice claims that end up in court are a result of lawyer negligence.

Breach of fiduciary duty usually occurs when your lawyer has a conflict of interest that harms you in some way. Examples of breach of fiduciary duty include:

- Representing another client to your disadvantage (such as representing another defendant in the same lawsuit)
- Having financial or social ties or troubles that prevent your lawyer from representing you to your best advantage
- Improper sexual advances toward you
- Lying to you about important case information
- Not telling you about settlement offers
- Settling your case for less than it was worth without your approval
- Inappropriately using money belonging to you

Breach of contract cases are brought against lawyers who violate the terms of their specific agreement with their client. Some examples include:

- Failing to file a foreclosure action for a client after agreeing to do so
- Failing to research the registration of certain patents as promised
- Not filing a mechanics' lien for a client after agreeing to do so

## PROVING A LEGAL MALPRACTICE CASE

To win a negligence case against a lawyer, you must prove:

- Your lawyer owed you a duty to competently represent you
- He or she made a mistake or otherwise breached the duty owed to you
- Your lawyer's mistake injured or harmed you in a way that can be measured financially

Legal malpractice attorneys usually charge a contingency fee of between 40 and 50 percent of the amount you eventually receive. This is a higher contingency fee than other types of negligence cases, because the legal



malpractice lawyer has to work harder at proving a legal malpractice case.

In order to prove legal malpractice, you must show that:

- You would have won your underlying case if your lawyer had not been incompetent or made a mistake
- You would have collected on a judgment on your underlying case after winning the case

These things are difficult to prove. Also, most legal malpractice cases are tried in court rather than settled. This requires much more time and preparation from your legal malpractice lawyer.

Any legal malpractice lawyer considering taking your case will want to know whether your original lawyer had malpractice insurance to cover your losses. Your new attorney will balance whether your provable losses are high enough to risk investing the time and energy to take the matter to trial. The time limit for filing a legal malpractice case can be as short as one year. So contact a legal malpractice lawyer right away if you think you might have a case against your attorney.

## QUESTIONS FOR YOUR ATTORNEY

- Can I refuse to pay my attorney's bill for legal fees if I think he committed malpractice?
- Should I report my attorney's mistake to the state bar association?

AS SEEN ON





Stefia Grossman

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and I've had mine, but they can be reduced on appeal, and take years to complete. Sometimes it is better to compromise. On the other hand, I crave a trial, and attended The Trial Lawyer's College in 2003. If you want a trial, you want a lawyer with multiple jury verdicts who also knows his way around an appellate courthouse. By sheer number, I am more experienced in appeals than trials; I practice in federal and state courts in New York. Once, I argued to New York's highest court, where all seven judges ruled in my client's favor.

I am a member of the U.S. Supreme Court Bar, where I've been counsel on two petitions for writs of certiorari.

## MY MAIN AREAS OF CONCENTRATION

are employee rights - discrimination and wage claims - and representing victims of police misconduct. When it is the right thing to do, and someone has nowhere else to go, I also represent people harmed by their former lawyers' egregious mistakes.

## I GRADUATED IN 1993 FROM NYU LAW,

where I was a member of *Law Review*. The day I feel I really became a lawyer, though, was when I walked away from one of the biggest law firms in the world to form my own. That's when I discovered that I love what I do. You can see my results at [www.Antollino.com/victories](http://www.Antollino.com/victories).

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GREGORY ANTOLLINO



# New York Legal Trends

*With the future of fantasy sports in limbo, a guilty plea from the Dannemora escapee, and a convicted politician re-elected as mayor in Bridgeport, the New York area is kept on its legal toes.*

## **FANTASY SPORTS WEBSITES BANNED IN NEW YORK**

In early November, attorney general Eric T. Schneiderman sought to ban prominent daily fantasy sports websites from operating in the state. The injunction first prohibited FanDuel and DraftKings from operating. It later expanded to include an inquiry into Yahoo's daily fantasy gaming site, which just opened this summer.

The claim targets daily fantasy sports as a violation of the

state's gambling laws. Traditional, season-long fantasy sports are not under investigation. Schneiderman said the daily fantasy sites were "plainly illegal" and "nothing more than a rebranding of sports betting."

FanDuel responded by temporarily suspending play for New York customers. However DraftKings has refused to halt operations, despite being denied a restraining order, which would have allowed the outfit to operate while the legal battle continues.

*Continued on page 38*

From left: Hunter Shkolnik, Marie Napoli, Paul Napoli



# NAPOLI SHKOLNIK PLLC

We offer the depth, diversity and resources of a large, national firm with the responsiveness and individualized approach of a boutique firm. Headquartered in New York City, we have additional office locations in California, Long Island, New Jersey, Illinois, Delaware, Maryland and Florida.

We have the experience and knowledge to handle highly complex cases that require intensive document review. Since we leave no stone unturned, clients and referring attorneys entrust us with a wide range of serious injury claims, including environmental damage, pharmaceutical litigation, product liability, catastrophic injury matters and aviation cases.

We understand our clients. We understand the law. We understand our profound responsibility to uphold and embrace the law by doing our best for clients.

The firm has a proven track record of successfully handling these types of matters over the past 22 years. Notably, our attorneys were part of the teams responsible for the historic \$816 million settlement for injuries sustained by first responders from toxic dust at Ground Zero following the attacks of September 11, 2001, the \$650 million settlement related to the heart drug Pradaxa, the \$100 million settlement involving the birth control device NuvaRing as well as the landmark billion-dollar series of settlements in a major diet drug case.

Our attorneys hold numerous leadership positions (lead or liaison counsel, members of litigation steering committees) in numerous multi-district litigations against companies like General Mills, Inc., Volkswagen Group of America, Inc. and Volkswagen AG as well as UBER Technologies Inc. These

key roles along with regular seminar and conference attendance as panelists enables our attorneys to remain at the forefront of case information and investigation.

They are also sought after speakers and have been interviewed in newspaper and magazine articles around the country on a variety of legal issues including asbestos-related illnesses, stock fraud litigation and consumer class actions.

We are currently representing responders who have developed cancer. Both Marie and Paul Napoli are cancer survivors and are personally invested in these kinds of cases. Together with partner Hunter Shkolnik and their associates, they form an exceptional team that is focused on obtaining extraordinary results.

LEGAL LEADERS



## PERSONAL INJURY, ASBESTOS AND PHARMACEUTICAL LITIGATION



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Continued from page 36

Daily fantasy sports websites have become a multi-billion dollar industry in the United States and remain largely unregulated. Players pay an entry fee on each site and can then create fantasy sports teams from real athletes, winning cash prizes based on the performance of those athletes in real games. While most payouts on the sites total close to \$20, some have amounted to six figures.

A 2006 federal law banned online gambling. Yet it has allowed fantasy sites to operate because the games were thought to be based on skill rather than chance. Schneiderman, however, argues that point.

“Here, chance plays just as much of a role than it does in games like poker and blackjack,” he wrote in the filing.

The attorney general also claims that both sites marketed themselves to investors as gambling venues while maintaining close ties to the gambling industry, and that both sites encouraged their employees to play against customers.

Reports by ESPN and The New York Times have found that employees at FanDuel and DraftKings may be using data they can access in order to win on the rival site. ESPN found that DraftKings employees had won close to \$6 million on FanDuel.

An expedited hearing is to take place on November 25th.

### DANNEMORA PRISON ESCAPEE PLEADS GUILTY

David Sweat pled guilty in mid-November to two felony counts of escape and one felony count of possessing contraband. Each count comes with a sentence of up to seven years in prison.

Sweat was already serving a life sentence at Clinton Correctional Facility, a maximum-security prison in Dannemora, N.Y., for killing a sheriff's deputy in 2002. Last summer he escaped with another inmate, Richard W. Matt. A three-week manhunt ensued, captivating national media. Matt, who was convicted of killing and dismembering a former employer in 1997, was shot and killed by border control in northern New York during the manhunt. Sweat was shot and captured two days later as he ran for the Canadian border.

Sweat and Matt had the help of Joyce Mitchell, a prison employee, who was romantically involved with Matt. Mitchell smuggled a drill bit and hacksaws into the prison for the inmates. They then used the items to cut through their cell floors and through underground steam pipes. The men ran through the pipe system until they found a manhole. Mitchell has pled guilty to aiding their breakout.

Clinton County District Attorney Andrew J. Wylie stated that his office would seek \$79,841 in restitution from Sweat to cover the cost of repairs to the prison facility.

Wylie also stated that Sweat was prohibited from selling or profiting off the story of his escape under the so-called Son of Sam law.

The convictions will likely lead to a more difficult prison sentence than Sweat previously faced, with fewer privileges and increased solitary confinement.

### JOSEPH GANIM WINS BACK MAYORAL SEAT IN BRIDGEPORT

Joseph P. Ganim, the former Democratic mayor of Bridgeport, Conn. who was convicted of corruption in 2003, was recently re-elected to office. After beating incumbent Mayor Bill Finch with a record voter turnout in the Democratic primary, Ganim went on to a victory in the general election, beating the next candidate by a 2 to 1 margin.

The win has many outsiders scratching their heads. Ganim, 56, served as mayor from 1991 to 2003 and resigned after taking hundreds of thousands of dollars in bribes. He was found guilty of 16 counts of government corruption, including racketeering, bribery and extortion. He spent seven years in federal prison.

Ganim's campaign gained significant attention for its sheer audacity. Ganim vowed to cut taxes and increase the police force while his opponents promised to create jobs and education opportunities in Bridgeport, which has long trailed the greater New York area with high unemployment and crime.

The police union endorsed Ganim's campaign and he even persuaded a federal investigator who had helped convict him in 2003 to support his run.

Currently, gang violence is crippling parts of the city, a fact that may have increased Ganim's popularity. According to police statistics, shootings this year have increased by 200 percent. In fact, Ganim's campaign office was struck by errant gunfire in October.

Ganim's closest opponent, Mary-Jane Foster, current vice president of the University of Bridgeport, responded to his campaign victory with disbelief. Foster had requested that the state send monitors to each polling place to watch for suspicious behavior before the election.

“I couldn't be more surprised,” Ms. Foster told The New York Times, before adding that voters were “clearly willing to give Joe Ganim a second chance.”

The Democratic party leader in Connecticut, Governor Dannel P. Malloy, refused to endorse Ganim during his campaign.

On the night of his victory, Ganim spoke to his supporters at a local restaurant: “Tonight we not only made history, we've defined a new course for this great city. Some will call this a comeback story, but for me, this is a city I feel I never left.”



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catastrophic accidents and serious personal injury, Godosky & Gentile, P.C. has earned a reputation for obtaining justice and outstanding results on behalf of our clients. Founded by internationally renowned trial lawyers Richard Godosky and Anthony Gentile, we are a boutique litigation firm dedicated to our clients. Our quality representation has led to numerous, significant and record-setting multimillion-dollar recoveries in cases of medical malpractice, construction accidents, automobile accidents and complex products liability.

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support staff including paralegals and a full-time investigator, Godosky & Gentile is recognized as among the best in the profession. Six lawyers have achieved the highest rating as AV Preeminent<sup>®</sup> by Martindale-Hubbell. Our attorneys have also been honored in "Best Lawyers in America," "Who's Who in American Law," and "New York Super Lawyers." The firm's trial skills and history of success

has led *U.S. News & World Report* to name Godosky & Gentile P.C. to their "Best Law Firms" list with a Tier One national ranking. In 2015, the firm was recognized by the *National Law Journal* as having one of the "Top Ten" highest verdicts in New York (*Sims v. City of NY*), and by the *New York Law Journal* for a "Top Ten" settlement in the state (*Labatto v. Genting, et. al.*). Many of our lawyers have been asked to lecture at law schools and bar associations throughout the country.

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# THE GO-TO ADVOCATE

*Benedict Morelli continues to attract the most high-profile clients and cases*

Over his more than 35 years as a trial lawyer, Benedict Morelli has built a go-to practice for complex, high-profile litigation. So it should come as no surprise that when comedian Tracy Morgan suffered catastrophic injuries in an accident on the New Jersey Turnpike caused by a Wal-Mart tractor-trailer, he turned to Morelli and his firm to represent him in the ensuing lawsuit.

"This was a case against one of the largest companies in the world, and it involved intense media scrutiny," Morelli says. "But we have a history of taking on powerful adversaries in high-profile matters, and we've never shied away from difficult cases that we believe are meritorious."

Morelli represented Morgan and five other plaintiffs in the resulting lawsuit against Wal-Mart, and just 10 months after the accident secured a confidential settlement for his clients, with Wal-Mart accepting full responsibility for the tragedy. Morelli is currently representing Eugenie Bouchard in a personal injury case against the United States Tennis Association and the USTA National Tennis Center. He is also representing multiple clients affected by the May 2015 Amtrak train crash in Philadelphia, including a well-known chef and a retired NYPD lieutenant.

"I've been handling plaintiffs' litigation for a while now, and the reason I haven't stopped is because it's rewarding when you can help someone who is struggling," Morelli says. "These may be complex, challenging matters, but working hard is never a negative if you believe in what you're doing and you believe that what you're doing is making a difference,"

Hard work has defined Morelli's career since his early days as a law clerk at a personal injury law firm in the 1970s. After being admitted to the New York State Bar in 1977, he quickly worked his way up the ranks, becoming a partner at the firm in 1981 and senior partner in 1990.

"I've had success in my practice because I've always taken my work seriously," says Morelli, a past president of the New York State Trial Lawyers Association who has long been AV Preeminent® rated by Martindale-Hubbell®. "Ultimately, your work and how you approach it defines you, and since the beginning of my career I've been committed to serving as a trusted advocate for my clients."

In 1998, Morelli founded his own firm to better represent his vision of how trial law should be practiced: "I wanted to give a strong voice to people who had been seriously injured, whether physically, emotionally, or financially; and to do that, I knew the firm had to be client-centered and results-oriented, with the knowledge and experience to get the job done."

Morelli and his firm have held fast to that vision, even as they have expanded into new practice areas. The result is a law firm that is known nationwide for its tenacious advocacy in litigation ranging from employment discrimination, civil rights, and complex product liability matters to auto accidents, labor law, and commercial cases. "We will not rest until we achieve the best possible results for our clients, and that's reflected in our track record," Morelli says.



Stasha Grossman

Morelli's settlements, which are often confidential, have been record breaking both in terms of the amounts received and the brief time taken to arrive at a resolution. In addition, Morelli has obtained a number of precedent-setting verdicts over his career: In 1995, he achieved a \$40 million medical malpractice verdict that was featured in the National Law Journal as one of the top ten verdicts in the United States; in 2010, as counsel in a polio vaccine case in Staten Island, NY, he secured a \$22.5 million verdict that remains the largest vaccine verdict in U.S. history; and, in 2011, Morelli obtained a \$95 million verdict in a sexual harassment trial in the Southern District of Illinois Federal Court—the largest single-plaintiff sexual harassment verdict in U.S. history.

Most recently, Morelli secured a \$62 million verdict on behalf of an injured construction worker, which is believed to be the largest personal injury verdict for a single plaintiff in the history of the Queens County Supreme Court.

"It is very gratifying when a jury comes back in your client's favor, because while we can't change what happened to them, we can get them the justice they deserve," says Morelli of these results.

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# A CULTURE OF COLLABORATION

*Koskoff Koskoff & Bieder remains at the forefront of personal injury and medical malpractice law through its dynamic approach to its cases.*

Since its founding in 1936, Koskoff Koskoff & Bieder has, with good reason, been recognized as one of the leading trial firms in the country.

The firm has served as an advocate for individuals and families injured by the medical profession, powerful organizations and large corporations throughout its 79 years in practice; and through its efforts, Koskoff has grown to where it now has multiple offices in Connecticut, as well as an unprecedented track record of personal injury verdicts.

Of the top ten personal injury verdicts in Connecticut, Koskoff lawyers have won six, including the largest medical malpractice judgment in state history—a \$58.6 million jury award for a family whose son developed severe cerebral palsy after a delayed caesarean section.

In March 2013, the firm also secured the largest non-medical malpractice personal injury verdict in Connecticut history, when partner Antonio Ponvert won a \$41.7 million award for a girl who contracted tick-borne encephalitis while on a school trip in China.

Reflecting on this success, senior partner Michael Koskoff—whose father, legendary trial lawyer Theodore I. Koskoff, founded the firm—observes, “My father used to say, ‘Before you can be a genius in the courtroom, you have to be a drudge in the office,’ and if there’s one defining trait for this firm, it would be our overall dedication to our clients; it truly sets us apart.”

As part of its client commitment, the firm takes nearly all of its cases on a contingent fee basis, where the firm does not collect payment until it wins a judgment. Joshua Koskoff, who represents the third generation of Koskoffs at the firm, notes that this approach is inexorably tied to the firm’s origins as a family firm.

“While we have been in practice for nearly eight decades, that feeling of family remains, both in how we interact with one another and in how we treat clients,” Josh Koskoff says. “When

**“Our firm culture is one of caring, collaboration and cooperation.”**

- JIM HORWITZ

clients enter our firm, every lawyer and staff person in the office is committed to seeing that they are taken care of, not just the attorneys working on their case.”

“Our firm culture is one of caring, collaboration and cooperation,” adds managing partner Jim Horwitz. “We work together to develop the themes and strategies for handling



cases, and it’s because of our emphasis on teamwork that we continue to succeed in some of the most challenging medical malpractice, products liability, catastrophic personal injury, and civil rights cases in the country.”

Recently, Josh Koskoff and partner Sean McElligott achieved an \$11.2 million recovery in a medical malpractice case where the wrong medication was administered in the ER, leaving the patient in a permanent vegetative state. The firm also obtained a \$12.3 million jury award in September 2014 for the family of a young girl who drowned in the indoor pool at Waterbury’s Boys and Girls Club in 2008. Among its recent high-profile cases, the firm served on the team suing over the death of singer-songwriter Michael Jackson in California.

“When we take on cases involving such profound injuries we know that it’s very likely they will be tried before a jury and that the cases will require considerable resources to get justice for our clients,” says Kathleen Nastro, who along with Bill Bloss, represented the family of the young girl who drowned. “It’s therefore very reassuring to know that we’re backed by a firm with both the economic and intellectual resources to fight these battles.”

Indeed, it’s because of these resources that the firm was able to make history in 2010, when its client, the family of a man who died of mouth cancer at age 42, won the first and only wrongful death settlement on record from a chewing tobacco company.

“Having practiced at this firm for almost 30 years now, I can say that it’s truly an extraordinary place to work,” Horwitz observes. “Everyone here is committed to making a difference, and it’s rewarding to see how that idealism has not diminished in the least in all the time I’ve been working here.”

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As the founders of Burger & Green, LLP, Barbara Burger and Nancy Green have combined their unique backgrounds and experience to provide clients from New York and abroad with high-quality family law services.

"Because our clients have varying backgrounds, professions, and income levels, no two cases are ever the same, and it helps that we bring different perspectives to our practice," says Burger, who has been handling family law and matrimonial issues for the past 40 years. "It allows us to really custom-tailor our approach to resolving their matters."

Burger and Green have successfully handled a range of family law issues over their careers, and they now obtain much of their work through referrals from past clients and other lawyers. Their practice concentrates on divorce, equitable distribution, spousal support, child custody, child support, prenuptial and postnuptial agreements, and international child abduction (Hague) cases. They also offer real estate transaction services for buyers and sellers in residential and commercial real estate closings, and they work closely with outside counsel (attorneys Germana F. Giordano and Rosa Marzano) with regard to criminal and corporate matters.

"The matters we handle, such as divorce and child custody, go to the very essence of our clients' lives, so we feel a tremendous responsibility to realize their goals," says Green, who began practicing with Burger in 1995 and was recently listed in *Super Lawyers*. "We recognize that this is an emotional time for our clients, and we therefore strive to make the process as manageable as possible."



From Left: Rosa Marzano (Outside Counsel); Barbara Burger (Partner); Nancy M. Green (Partner); Germana F. Giordano (Outside Counsel)

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"We bring practical knowledge and relevant experience to the legal issues that matter the most for our clients," notes Managing Partner Gary Bashian.

Bashian, a past President of the Westchester County Bar Association who has a wealth of experience in the practice areas, is joined by Partners Irving Farber and James Hyer, who are similarly qualified. Farber has litigated hundreds of cases to verdict, developing a reputation at trial for his expertise in multiple types of civil litigation and appeals. Hyer has successfully assisted clients in both litigated and transactional matters, while emerging as a leader in the profession by serving as a member on the New York State House of Delegates and as a Director of the Westchester County Bar Association.

"Given the experience and qualifications of our attorneys, clients can be confident that every aspect of their representation will be individually tailored to their unique needs in a dedicated, professional and personal way," Bashian says.

"The key to our success," Hyer adds, "is that as a mid-sized firm, we combine the resources of a large firm with the responsiveness and personal attention you would expect from a smaller office, all to the benefit of our clients."

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In the two decades that Philip Bouklas has been handling wills, trusts and estates, his firm, Bouklas & Associates, has earned an AV Preeminent® rating from Martindale-Hubbell®—the highest rating for legal ability and ethical standards—by bringing personal attention to its clients' matters.

"Instead of taking an assembly-line approach to our practice, we tailor every document to our clients' individual needs," says Bouklas. "Ultimately, these are very personal matters, and it's important that clients know that when they speak up, they will be heard."

While many trusts and estates firms focus on either estate administration and litigation or estate planning, Bouklas & Associates has the resources and experienced attorneys to provide comprehensive services in both areas, including a litigation team that can expertly guide clients through contested trust and estate matters.

As a result of this consummate expertise, the firm's clientele ranges from first-time clients with estate planning needs to long-term clients with complex issues relating to the transfer of wealth from one generation to the next.

"I've focused exclusively in this field since the first day of my career, and although it's a challenging area, it's a rewarding one, because it provides me with the opportunity to help people," Bouklas says. "Over the years, I've been able to form many lasting bonds with my clients, and to me, that's one of the most gratifying aspects of this practice."

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From Left: Sasha H. Herzig, Philip V. Bouklas, Sophia M. Tsantes, Alex Vera

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Celebrating 35 years of successfully closing hundreds of transactions for its business clients, the Long Island-based Law Offices of Andrew Presberg, P.C. has been hailed as "the small firm with big results".

This AV rated® boutique firm is known for and continually gets high marks for its handling of primarily complex commercial real estate, corporate and business transactions with an emphasis on matters involving IDA, economic development and related financial incentives for clients acquiring, relocating, expanding, leasing, selling or developing real property for their businesses.

"We work very closely with various Industrial Development Agencies, lenders, commercial brokers, government agencies, the SBA and other agencies to help package a financing and development product for our clients that encompasses a myriad of economic development and financial incentives" says Andrew Presberg, managing member of the firm. Presberg pointed out that their close contacts, experience and relationships with these agencies and banks give them the ability to maximize available benefits for their clients involved in all size real estate projects.

As an adjunct to the firm's commercial real estate practice, the firm is segmented into two other primary practice areas, Business & Commercial Law and Commercial Litigation. These practice areas naturally feed from what otherwise may have been a single real estate transaction. Presberg added: "If we've done the right job for our client in a typical commercial realty transaction, we tend to keep the client for years to come and grow alongside them because we also have the experience and knowledge to deal with all of their day to day corporate and commercial matters, contract work, business sales, leasing, acquisitions, partnership, employment matters, as well as the prosecution and defense of complex commercial litigation matters throughout Long Island and the metropolitan New York area."

Andrew Presberg is a director and executive board member of the Long Island Business Development Council, President of Bi-County Development Corp., a not-for-profit local development corporation and also represents several commercial lending institutions for the closing of SBA section 504 and 7A business & real estate loans throughout Long Island and the boroughs of New York.



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Mr. Wigdor has been selected for inclusion in *The Best Lawyers in America* since 2008 and was selected one of the *Top 100 Trial Lawyers* by the *National Trial Lawyers, American Society of Legal Advocates* and the *American Academy of Trial Attorneys*.

# GOLDSTEIN, RIKON, RIKON & HOUGHTON, P.C.

## EMINENT DOMAIN AND CONDEMNATION LAW

Since 1923, the law firm of Goldstein, Rikon, Rikon & Houghton, P.C. has been at the forefront of protecting property owners’ constitutional rights, as the only law firm in New York State concentrating exclusively in the area of eminent domain and condemnation law.

“Eminent domain cases represent a drastic operation of the law,” notes partner Michael Rikon, who is the New York State-designated eminent domain attorney for the Owners’ Counsel of America. “You really only get one opportunity to litigate these cases; and because of that, they require tremendous vigilance by a knowledgeable attorney to ensure that justice prevails.”

By limiting their practice to the trial of eminent domain cases, the attorneys of Goldstein, Rikon, Rikon & Houghton have become authorities in the area, securing many significant awards for their clients. In 2015, for example, Rikon obtained an award of \$10,100,000 against an advance payment of \$611,000 in a Staten Island Wetlands case. He also won a trial award of \$3,500,000 in another Staten Island Wetlands case. Given his expertise, Rikon is often asked to write and lecture on eminent domain issues. Mr. Rikon has also authored a column on condemnation law in the *New York Law Journal* for the past 26 years and is regularly included in *The Best Lawyers of America*.



From Left: Jamie Sinclair, Joshua H. Rikon, Michael Rikon, Jonathan M. Houghton, Ashley B. Levi



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# ARYE, LUSTIG & SASSOWER, P.C.

PERSONAL INJURY, CONSTRUCTION ACCIDENTS, MEDICAL MALPRACTICE

As Arye, Lustig & Sassower, P.C. celebrates its 50th anniversary, the firm continues to be recognized as one of the top personal injury law firms in New York, with a record of multimillion-dollar results that few others can match.

"We're proud of our reputation for being honorable, straight-shooting lawyers," says managing partner Mitchell J. Sassower, who, along with senior trial attorney D. Carl Lustig III, serves on the board of directors of the New York State Trial Lawyers Association and has been AV Preeminent® rated by Martindale-Hubbell® and regularly included in *New York Super Lawyers*. "Whether we're in the courtroom on trial or the appellate court on appeal, we serve as true advocates for our clients."

While the firm handles all types of personal injury cases, it is particularly well known for its expertise in the highly specialized area of construction accident claims. In addition to being retained directly by injured construction workers and their families, Sassower and Lustig are often sought out by other lawyers who require skilled and experienced construction law attorneys to handle their cases.

"We're known for our experience and knowledge, as well as our commitment to bringing individual attention and the full force and intellect of the firm to bear on our clients' cases," says Lustig, a member of the Million Dollar Advocates Forum and the American Board of Trial Advocates who has been included in *The Best Lawyers in America* and honored by *The National Trial Lawyers* as one of the top 100 trial lawyers in the state.

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From Left: Mitchell J. Sassower and D. Carl Lustig III

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# PAUL B. WEITZ & ASSOCIATES

PERSONAL INJURY LITIGATION

**PAUL B. WEITZ & ASSOCIATES IS A PREMIER** personal injury law firm that handles major complex litigation in New York City and its outer boroughs. "No case is too complicated for us," says managing partner Paul B. Weitz. "We put the necessary time and money into every case to get the best results for our clients."

**THE FIRM HAS A TRADITION OF PROVIDING** expert representation and personalized service, dating back to the early 1970s when the firm began as Schneider, Kleinick & Weitz. Since then, the firm has established a proven record of more than 200 cases or settlements in excess of \$1 million.

**ATTORNEYS AT THE FIRM ARE EXPERIENCED IN** all types of catastrophic personal injury cases, including construction and workplace accidents, car and truck accidents, medical malpractice, wrongful death, municipal liability, and premises liability. Since 2007, they have achieved a number of notable settlements: \$20 million for a 26-year-old worker catastrophically injured in a construction accident; \$16 million for a 23-year-old man who fell from a rock wall after his safety belt broke; \$14 million for a worker who was injured after a platform collapsed while he was laying cable; and \$11 million for a 65-year-old woman who was injured when she fell through a gap between a Long Island Rail Road train and the platform.

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**ABOVE ALL, THE FIRM'S ATTORNEYS STRIVE TO** help clients through their recovery process, which often requires extensive medical treatment and costly rehabilitation. "Though we handle some of the largest cases, we're still able to provide all of our clients with the personal attention they need," Weitz says. "I make sure that I'm available to speak to all of my clients at any time."

**THE FIRM IS DEDICATED TO REALIZING ITS CLIENTS'** goals both inside and outside of the courtroom. For example, in a case where a mother's only son was killed by a drunk driver, the firm worked with the woman to strengthen New York laws that punish drunk drivers who have committed vehicular assault or manslaughter. These efforts resulted in VaSean's Law, which has made it easier for district attorneys to prosecute drunk drivers on those charges. "If a client has an objective that goes beyond a monetary result, we will work tirelessly to achieve that for them," Weitz notes.

**WEITZ HAS BEEN SELECTED FOR INCLUSION IN** the *Best Lawyers in America* since 2001 and has served as president of the New York Chapter of the American Board of Trial Advocates. He is considered an expert in the personal injury field, and frequently lectures on the subject before a number of bar associations.



Luigi Cuffe'elli

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PAUL BRIAN WEITZ

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Standing, from left: William P. Brady, Rosaleen T. McCrory, Jeffrey A. Shor, Jeff Lawton, Sean F.X. Dugan, Michael A. Sonkin, John J. Barbera, Nancy J. Block, Thomas A. Mobilia,  
Seated, from left: Bruce G. Habian, John L.A. Lyddane, Anthony M. Sola, Kenneth R. Larywon, Peter T. Crean.

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*An Individual Approach. A Firm Commitment.*

Founded in 1993, Lewis Johs has become one of the most distinguished litigation firms in the region through the skill and civility of its practice. As a result, Lewis Johs has earned the respect of judges, colleagues, clients and opponents. As Fred Johs, one of the firm's founding partners notes: "It's rewarding to see the firm's success over the years, because it shows that nice guys don't finish last. Our opponents are our adversaries, not our enemies."

Lewis Johs has developed steadily over the past two decades, expanding from four to more than 60 lawyers. Along the way, the firm has gained a reputation for its trial expertise. "Though we first try to resolve our cases, if we can't we are always prepared to proceed to trial," Lewis says. "Our adversaries know this, and we are therefore in a better position to secure effective outcomes for our clients."

Among its practice areas, Lewis Johs handles medical malpractice, transportation, construction/labor, product liability, and environmental litigation. The firm has continued to broaden the scope of its services, with its education group – a team dedicated to securing individualized educational services for students with learning disabilities, the estates and trusts group, and real estate group all experiencing rapid growth in recent years.



From Left: Frederick C. Johs, William J. Lewis

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**THE LAW OFFICES OF DOUGLAS T. TABACHNIK, P.C.**

**COMMERCIAL AND BANKRUPTCY LITIGATION**

The Law Offices of Douglas T. Tabachnik, P.C. is a niche legal practice, focusing on the most complicated bankruptcy issues on behalf of businesses and individuals in New York and New Jersey. With his more than 35 years of legal experience, Douglas T. Tabachnik is regularly involved in all aspects of complex commercial bankruptcy cases. Mr. Tabachnik is only one of a handful of attorneys in either New York or New Jersey who has been certified as an expert in Business Bankruptcy Law by the American Board of Certification\* (since 2007).

Mr. Tabachnik has received an AV® Preeminent™ Peer Review Rating by Martindale-Hubbell® every year since 2000. Mr. Tabachnik has also been selected to the New Jersey Super Lawyers® list every year since 2007, a peer rating that includes only the top five percent of lawyers in the state, as determined by Super Lawyers.

For the last 10 years, Mr. Tabachnik has chaired the Bankruptcy Litigation Committee, and has been a member of the Executive Committee of the Commercial and Federal Litigation Section of the New York State Bar Association. He has appeared on panels for the New York County Lawyers' Association, the New York State Bar Association, the New Jersey State Bar Association, and the National Business Institute.

With nearly a dozen reported decisions to his credit, Mr. Tabachnik has been at the cutting edge of developing law in the bankruptcy arena for over three decades. Among Mr. Tabachnik's recent accomplishments: securing the rights of trademark licensees in the *Crumbs Bake Shop* case and, separately, a two million dollar recovery in a long running fraudulent conveyance case in New York.

\*The American Board of Certification is a nonprofit organization sponsored by the American Bankruptcy Institute and the Commercial Law League of America, and accredited by the American Bar Association. See [www.abccworld.org](http://www.abccworld.org).



Photo Courtesy: Judith Rice

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# KANTROWITZ GOLDHAMER & GRAIFMAN, P.C.

## KNOWLEDGEABLE, HARD-WORKING, TRUSTWORTHY

Since 1975, Kantrowitz Goldhamer & Graifman, PC has provided large-firm, full-service, high-quality legal work for a broad range of clients with a wide variety of legal problems. Forty years later, the firm remains “big enough to do it all, and small enough to care.”

KGG Partners Barry Kantrowitz, Paul Goldhamer and Gary Graifman, are all recognized as Super Lawyers honorees, and lead an AV rated®, multistate team of attorneys that includes talented litigators, authors, lecturers, and TV and radio hosts. The firm’s reputation as one of the premier firms in the northern New York City suburbs has grown to include national class actions and multistate litigation. The firm’s core practice of negligence and personal injury; divorce and family law; wills, trusts and estates; real estate; and corporate law now also includes employment law matters for both employers and employees.

**RESULTS-ORIENTED** For more than 40 years, the firm’s dedicated attorneys have fought for the best possible results for clients. Outstanding recoveries—including a 2015 jury verdict of \$1.4 million for podiatric malpractice—and nationwide class action settlements against vehicle manufacturers for defective products demonstrate the firm’s commitment to its clients that “We Don’t Back Down.” Due to the firm’s size and location, clients benefit from outstanding experience and skill, often at fees lower than the firm’s Manhattan counterparts.



From Left: Barry S. Kantrowitz, Randy J. Perlmutter, Paul B. Goldhamer Seated: Gary S. Graifman

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# DIVORCE: STOCKS AND CLOSELY HELD CORPORATIONS

Corporate **stocks** and other assets of **closely held corporations** are often the subject of dispute in a divorce, especially if the corporation provided most of the income for the family. Many states have laws dealing with the distribution of interests in closely held corporations in a divorce. Courts also consider other factors in deciding how to distribute these assets.

## STATE LAWS

Some states have laws that tell the courts how to treat closely held corporations in a divorce. For example,

- Florida, New York and North Carolina direct the court to consider the need to allow one spouse to retain an interest in a business free from any claim or interference by the other party.
- West Virginia law directs the court to give preference to the retention of ownership interests, and to award the larger ownership interest to the party having the closer involvement in the operation of the business, or to the party having the greater

dependency on the business for income needed to meet support obligations.

## FACTORS TO CONSIDER

In determining how to dispose of a closely held business, the court first considers whether one or both spouses have contributed to the success of the business. For example, if a closely held corporation grew without any contribution from the husband, the wife may be awarded the husband's one-half share of the corporation.

Courts may leave the spouses as joint owners of a family business where both spouses worked in the business and most of the funds used to establish and operate the business came from joint assets.

Spouses who try to keep a closely held business but protest a cash award to the other spouse often end up with co-ownership. If the spouse seeking to keep the business claims that the stock is worthless or that he or she cannot afford to buy the other spouse out, the court can divide the stock in kind.

Divisions in kind also can occur if:



- The stock is for a public corporation and ownership is not necessary for the spouse's position with the corporation
  - One of the spouses helped run the business without compensation during the marriage
- If the court makes a joint award of business assets or closely held corporate stock, the court often provides one or both spouses with an option to buy the assets or stock if the other spouse decides to sell them.

## NO JOINT OWNERSHIP

**Joint ownership** is inappropriate in many cases. If joint ownership will have an adverse affect on the management of a closely held corporation, all of the stock may be awarded to one spouse. The other spouse should be awarded a sufficient share of the marital assets to offset the award of the business to the other spouse.

If one spouse's participation in the business is critical to the success of the business and that spouse would refuse to participate in the business if it was jointly owned by the spouses after marriage, joint ownership is not feasible. One spouse may be awarded the business, and the other spouse should receive a cash award.

## PAYMENT ORDERS

Finally, if the corporation has not been used to defraud the other spouse or for some other improper purpose, the court may not direct that payments be made from the corporation, rather than personal income, since the corporation is not a party to the divorce action.

## ROBERT G. SMITH, PLLC

### Family Law

Robert G. Smith is nationally recognized as a talented litigator and negotiator in the field of family law, for celebrities, entrepreneurs and professionals, in high-net-worth divorces, as well as contested child custody cases. His state-of-the-art law firm, located at 59th Street and Park Avenue in midtown Manhattan, serves a client base from New York City to Long Island and the Hudson Valley.

Strategically managing media attention in high-profile cases is important, especially when there are children and sensitive business relationships in the equation.

Not every family law assignment is high profile, but every one of them has the potential to extract catastrophic emotional and financial costs. Successful completion of the assignment requires the lawyer's skills and experience in a broad array of disciplines: forensic mental health, forensic accounting, commercial law, criminal law, and above all, the courtroom talents and presence to obtain respect from the lawyers and judges and results for the clients.

Over the past 35 years, Robert Smith has earned that respect and acquired unsurpassed expertise, litigating hundreds of family law cases, and settling hundreds more. He has been recognized as a *SuperLawyer*, awarded to the top five percent of the lawyers in the state; the highest (AV<sup>®</sup>) professional ratings from Martindale-Hubbell<sup>®</sup> in professionalism and ethics; and the highest (5 out of 5) ratings from Lawyers.com. He is a member of the New York State Bar Association, the New York County Lawyers Association and the Association of the Bar of the City of New York. He is also court qualified as a neutral evaluator for matrimonial cases and a court-approved lawyer for children in the New York County Supreme Court.

Robert Smith has appeared on national television as a commentator over 100 times. He has also been honored to lecture to other lawyers. Of greater importance is the confidence, trust and loyalty of many satisfied clients.

### ROBERT G. SMITH, PLLC

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For more information about Robert G. Smith's family law practice please visit our website: [www.rgsmith.com](http://www.rgsmith.com)



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# FRIEDMAN & FRIEDMAN, ATTORNEYS AT LAW

CHILD CUSTODY, DIVORCE, FAMILY, FATHERS RIGHTS

For 35 years, Sari Friedman has remained at the forefront of matrimonial and family law thanks to her knowledge and experience in the field and her leadership on novel divorce matters. In particular, Friedman is known as a fierce proponent of equal rights for both genders in the areas of child custody and economic parity and recognition.

With regard to custody and parenting, Friedman has long advocated for fathers' rights, serving as general counsel of the Fathers' Rights Association of New York State and Long Island for the past 25 years. She has also represented a vast number of women who appreciate her firm's zealous advocacy and personalized approach. And recently, she has been handling emerging custody issues relating to same-sex divorce.

Reflecting her influence in the bar, Friedman has been AV Preeminent<sup>®</sup> rated by Martindale-Hubbell<sup>®</sup>, and included in New York Metro Super Lawyers, Who's Who in American Law, Rue Ratings' Best Attorneys of America, National Advocates' Top 100 Lawyers (Matrimonial & Family Law), and *New York* magazine's Women Leaders in the Law section. In 2012, she also received the *Long Island Business News'* Leadership in Law Award.

Friedman is joined as a partner at the firm by her daughter Andrea, who has built her own reputation for aggressive yet compassionate advocacy. In 2014, Andrea was named to the Long Island Business News' Ones to Watch in Law list, and recently she was selected along with Friedman as a Top Attorney in North America by Who's Who. "Andrea is a quick study," Friedman notes, "and that allows her to go toe-to-toe with attorneys who have been practicing for much longer."



From Left: Andrea B. Friedman and Sari M. Friedman

Sarah Grossman

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# GARY A. ZUCKER & ASSOCIATES, P.C.

PERSONAL INJURY, MEDICAL MALPRACTICE

Over the past three decades, Gary Zucker has distinguished himself as one of the most committed and professional personal injury and medical malpractice attorneys in New York City.

Mr. Zucker has been given an AV Preeminent<sup>®</sup> rating by Martindale-Hubbell, the organization's highest rating for professional excellence, based on voting by his peers. In addition, Mr. Zucker has been selected to the 2015 edition of New York Super Lawyers and the *New York Law Journal* Motor Vehicle Verdicts and Settlements Hall of Fame.

Mr. Zucker handles cases in all five boroughs of New York City, as well as in the surrounding counties. The firm has a track record of consistent success in wrongful death, medical malpractice, and personal injury cases, including those involving automobile accidents, premises liability, defective products and construction accidents.

Among its significant recoveries, the firm obtained a verdict of \$10.5 million for a child who suffered severe brain injury due to obstetrical malpractice. It also secured a \$6 million settlement for the death of a 32-year-old married plumber, which was the largest reported settlement in New York in 2014 for injury or death suffered by a passenger in a motor vehicle accident.



Deirdre Schiro

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## Saltzman Chetkof & Rosenberg LLP

Client Support • Litigation • Resolution • Appellate Advocacy

Saltzman Chetkof & Rosenberg LLP is determined to obtain the maximum results whether by way of creative settlement or litigation, with a commitment to treat clients with compassion and respect, and permitting our clients to leave the family law process with their dignity intact. SCR LLP is listed among U.S. News & World Report's "Best Lawyers" as a Tier I law firm in Family Law.

The firm represents clients throughout the Long Island-New York City metropolitan area in a wide variety of family and matrimonial law proceedings.

Partner, Michael Chetkof, a well respected trial litigator, continues to be selected as a New York "Super Lawyer" in family law and is "AV Preeminent" peer-review rated by Martindale-Hubbell, the highest available for legal ability and ethics. Michael is also trained in Collaborative Law and serves as a Court Examiner in Guardianship matters. He is a member of the New York State Trial Lawyers Association, the New York State Bar Association Family Law Section, and the Matrimonial Law Committees of the Nassau and Suffolk County Bar Associations.

Partner, Lee Rosenberg, is a Fellow of the American Academy of Matrimonial Lawyers. He serves on both the AAML National and NY State Chapter boards as well as on the executive committee of the NY State Bar Association's Family Law Section. Former Chair of the Nassau County Bar Association Matrimonial Law Committee, Lee is a litigator and appellate counsel who continues to be listed in "Best Lawyers in America,"



and as a New York "Super Lawyer" in family law. He is "AV Preeminent" peer-rated by Martindale-Hubbell. Lee was also trained in divorce mediation and serves as the Editor-in-Chief of the NY State Bar Association's *Family Law Review*.

Senior Associate, Allyson D. Burger, is a Super Lawyer "Rising Star," who previously worked for several well-known boutique matrimonial firms in Manhattan and on Long Island assisting in all aspects of matrimonial and family law including high net worth cases and on father's rights, domestic violence and same-sex relationship issues. Ally serves as Chair of the ABA Young Lawyers Division's Children and the Law Committee and is active in many state and local family law bar associations, including the NY Family Law American Inn of Court. She has also been published as an author in the NY State Bar Association's *Family Law Review*.

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## LIFE INSURANCE AS AN ESTATE PLANNING TOOL

Your first answer if asked about the use and purpose of life insurance is to replace the income your family depends on if you die. A policy can do more, though, and can be an important element in your larger estate plan. Life insurance can provide income and a base for family wealth.

Learn about the types of life insurance policies available, what you have and may think about buying and give those policies a place in your estate plan.

### LIFE INSURANCE TYPES

#### TERM LIFE

This policy is designed and well-suited to provide a large death benefit for the lowest premium possible. You select the "term" the policy covers, such as 5, 10 or 20 years, and pay premiums on a schedule, such as monthly or annually.

Your policy may include an option for you to extend the policy's coverage past the end of the term, but the rate and renewal term may differ. For example, you may be able to extend coverage on a yearly basis and the annual premium will likely be higher. You may want to use this feature type if your policy ends soon, but you want coverage for a while longer, such as until a child completes college.

Term life insurance is attractive because you can buy what you need. Maybe you only need to insure against your death for the next 10 years, due to your stage of life and financial situation. Rates can vary, so it's worth your while to shop and buy exactly what you need.

#### WHOLE LIFE

Whole life insurance offers a death benefit and an investment component. The policy stays in force as long as the premiums are paid, with the goal for the investment portion of the policy's value to cover the premiums. It's a permanent policy, intended to stay in force for your lifetime. Cash value in a whole life policy builds over time, and grows tax-deferred. Some policies allow the payment of a lump-sum premium, without further premium payments as long as the policy's cash value grows to cover that expense.

Another "permanent" life insurance type is a universal policy. Here, you're given options for how much and how often you pay premiums, and changes in the death benefit amount are possible.

#### VARIABLE LIFE POLICIES

A variable life insurance policy is another whole life insurance type. The insured can make investment choices, and shares in the risk and reward of investments of premium dollars.

## DAVID N. ADLER, ESQ.

TRUSTS & ESTATES, TAXATION,  
ESTATE LAW PLANNING

David N. Adler has maintained a prominent estates, wills and trusts practice for over 25 years with particular emphasis on interacting directly with clients in resolving their estate problems. His practice has encompassed all facets of probate and administration proceedings, preparation of wills and trusts, transfer tax planning and kinship. He has served as President of the Queens County Bar Association, and for the past 20 years has served as Chairman of its Trusts and Estates Section. Mr. Adler has hosted a show on Public Television entitled "Planning your Estate." Additionally, Mr. Adler's participation on the New York State Bar Association's Executive Committee for Trusts and Estates is further evidence of his commitment to his chosen field.

Mr. Adler has written numerous articles encompassing various aspects of estates practice, and has been published in *The New York State Bar Journal*, *The New York Law Journal*, and *The Queens Bar Bulletin*. His work in the area of kinship has incorporated extensive genealogical research in the representation of resident and foreign individuals. Mr. Adler remains proud of his AV Preeminent® rating by Martindale-Hubbell® and has also been selected for inclusion in *Who's Who in American Law*.

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Returns on the investment component of the policy can be more volatile. In contrast to a traditional whole life policy, features such as borrowing against policy cash value aren't available.

**OWNERSHIP OF POLICIES, BENEFIT PAYMENTS AND SETTLING YOUR ESTATE**

An insurance policy has an owner, an insured and a beneficiary. A single person may have more than one role in a policy's parts. For example, you may own a policy on your life and your child is the beneficiary.

The death benefit payment is made to the beneficiary, and isn't part of your estate that is settled through a probate court. Probate is the process of settling a deceased person's affairs; most but not all property types pass through the probate process. Probate is often avoided due to the time and expense involved.

However, life insurance proceeds are often included in another important "estate" created at your death – your estate for federal and state estate and transfer tax purposes. If the value of a life insurance death benefit is added to your estate, there may be taxes to pay. Think you're not "rich" enough to worry about it? Assets such as high-value insurance policies and your home can make these taxes a real concern

**PLANNING FOR BEST USE OF YOUR INSURANCE**

No matter what policy type you choose, compared to the premium payment, life insurance can provide a sizeable return. The payout can provide a crucial pool of funds for a family that's lost a parent-breadwinner or provide the means to manage business concerns, such as buying out the shares of a deceased partner. Insurance proceeds can free up other assets and serve as a key element in your estate plan.

Fortunately, tax laws provide the means to avoid inclusion of life insurance benefits in your taxable estate through a life **insurance trust** or transferring ownership of your policy to someone else. Essentially, if you don't own or have control over a policy, you won't own it for estate tax purposes.

An estate planning attorney can help you set up insurance trusts or arrange changing ownership of your policies. Meeting tax law requirements can be complex, so seeking professional help is usually the best option.

Moving forward, you can still provide premiums payments through annual gifts, and there's no tax impact if the amount falls within the annual exclusion amount. Gifts under the annual exclusion amount aren't taxed, and there's no limit on the number of donees you can give gifts to. The annual exclusion for 2009 was set at \$13,000.



Advocates for Workplace Fairness

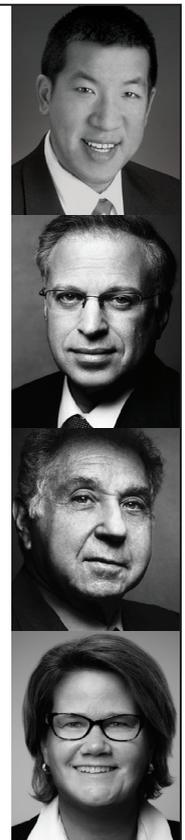
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Outten & Golden LLP enjoys a strong national reputation for representing employees, executives and partners in all areas of employment law. From representing senior executives in contract negotiations, to protecting individuals' civil rights in the workplace, to combating worker exploitation and systemic discrimination in class action and impact litigation, Outten & Golden LLP is focused solely on the field of employment law. We take great pride in our innovative approach to the practice of law and our firm's focus on protecting and promoting employee rights.

Outten & Golden has nine practice groups: Executives & Professionals, Financial Services, Sexual Harassment & Sex Discrimination, Family Responsibilities & Disabilities Discrimination, Lesbian Gay Bisexual Transgender Queer Workplace Rights, Discrimination & Retaliation, Whistleblower Retaliation, Class & Collective Actions, and WARN Act.

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Left, top to bottom: Wayne N. Outten, Kathleen Peratis, Wendi S. Lazar, Paul Mollica. Right, top to bottom: Laurence S. Moy, Jack A. Rainsner, Lewis M. Steel, Darnley D. Stewart.



**RONEMUS & VILENSKY**

**MEDICAL MALPRACTICE,  
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MOTOR VEHICLE ACCIDENTS**

Ronemus & Vilensky, a personal injury and medical malpractice firm in mid-town Manhattan, has successfully represented victims since they started in 1992, recovering over 100 million dollars for their clients. The thorough and effective work they have done on behalf of their clients has earned them respect both locally and nationally. They have been chosen as Super Lawyers in NYC for eight years running, and have been ranked consistently in the top 100 lawyers in Metro New York.

The firm handles significant injury cases ranging from medical malpractice, birth related events, construction accidents, traumatic brain injuries, motor vehicle accidents, as well as civil rights, police brutality and wrongful arrests.

Ronemus & Vilensky has become a high profile firm for their work on the cases of victims of the MetroNorth train crashes, as well as those of the ConEdison gas pipeline explosions. Both partners, Robert Vilensky and Michael Ronemus are frequently quoted by the press as experts on cases involving suits against NYC and municipal corporations and for medical malpractice and traumatic brain injury. Robert Vilensky is a frequent contributor to the Law Journal covering topics such as evidence, expert witnesses and how to obtain the most recovery for victims of malpractice. And Michael Ronemus has been a guest speaker for such prestigious groups as The New York State Trial Lawyers Association and the American Association of Justice.

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## LISA GIOFFRE BAIRD, ESQ.

REAL ESTATE, TRUSTS AND ESTATES

Lisa Gioffre Baird is the senior member of the law firm of Gioffre & Gioffre Professional Corporation. The firm was established in 1935 by her grandfather, former NY State Senator Anthony B. Gioffre. Her father, former Rye Town Justice and preeminent Westchester zoning attorney Bruno J. Gioffre, joined the firm in 1958 and now serves as its counsel. Lisa, her father and the firm all maintain AV® rating by Martindale-Hubbell, the highest rating possible by other lawyers and judges. Lisa has earned her success and reputation over the past 28 years representing buyers, sellers and lenders in commercial and residential transactions and also in the field of Wills and Estates, with offices in Purchase, NY and Wilton, CT.

She attributes the success of her firm to the “hands on” personal approach she learned early in her career. “Being a part of a family firm and carrying tradition forward has made me work harder and instilled in me a sense of caring, pride and accomplishment, managing a firm that is more than 80 years old.”

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## BECKMAN, LIEBERMAN & BARANDES, LLP

REAL ESTATE, CORPORATE, SECURITIES,  
SECURED TRANSACTIONS AND ENTERTAINMENT

Beckman, Lieberman & Barandes LLP is an AV Rated® law firm located in New York City recognized by their peers in the Martindale-Hubbell® Bar Register of Preeminent Lawyers. Each of the partners is also AV Rated®. Founded to service the needs of clients in real estate, general corporate, securities and secured transactions, and entertainment related matters, the firm believes that intimate relationships and personal service are essential to effective representation. The breadth of experience of Robert Barandes, David Lieberman, Michael Beckman, and Jeffrey Bergman, allows this boutique firm to provide its wide range of services. Using innovative solutions, creative approaches, and relationships earned over their years of practice, the firm is capable of handling matters of almost any size both nationally and internationally.

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## LOUIS F. BURKE, ESQ.

COMMERCIAL LITIGATION, SECURITIES,  
COMMODITIES LITIGATION

Louis F. Burke P.C. is primarily engaged in commercial litigation before federal and state courts, arbitration proceedings before securities and commodities exchanges and their regulatory counterparts such as the National Futures Association, and administrative proceedings before the Commodity Futures Trading Commission (“CFTC”) and the Securities and Exchange Commission (“SEC”).

The Firm specializes in complex financial instrument trading cases and has represented several lead plaintiffs in class actions involving manipulation of the futures markets that have resulted in settlements of over \$300 million.

Louis F. Burke has been voted one of *New York's Best Lawyers* in Commercial Litigation for 2013, 2014, 2015 and 2016, *Super Lawyers* in Securities Litigation 2014, 2015 and 2016, and is co-chair of the Alternate Dispute Resolution committee of the Section of Litigation of the American Bar Association. Mr. Burke was an author and editor of *Alternative Dispute Resolution in the Futures Industry*, Juris Publications, July 2013.

For over 25 years, the Firm has successfully represented investors, brokers, brokerage firms and hedge funds in cases where losses have occurred in futures, securities and foreign currency trading.

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## DaSILVA & HILOWITZ LLP

FAMILY LAW AND TRUSTS & ESTATES

Creative lawyering, legal expertise, respect by other lawyers – and especially judges – combined with sensitivity and personal attention to client’s needs – these and many more unique qualities have set Willard H. DaSilva and Lynne S. Hilowitz apart from other attorneys and justify a Tier 1® and AV® rating and designation as Preeminent Attorneys® in fields of divorce and family law and in wills, estate and trust planning and litigation.

DaSilva is recognized as one of the top 100 family law trial lawyers in the country and is referred to as the “Dean of Matrimonial Lawyers” by the *New York Law Journal*. His book *New York Matrimonial Practice* is viewed as the “Bible of Family Law”. Hilowitz is Past President of the Estate Planning Council of Rockland County and of the Rockland County Bar Association and is Chair of its Surrogate’s Court Committee.

Accomplishment, leadership, innovative lawyering, results and – most important of all – **Client focus**: Those are the hallmarks that set **DaSilva** and **Hilowitz** apart from other lawyers.

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**EUGENE G. EISNER**  
LABOR AND EMPLOYMENT, CONTRACTS

Gene Eisner, the senior partner of Eisner & Associates, has been a leading advocate in the field of labor and employment law for over 50 years. Mr. Eisner is AV rated by Martindale-Hubbell and has been included in "Best Lawyers in America" for the past 20 years and one of New York's "Super Lawyers" for the past 10 years.

Mr. Eisner's firm represents employees both in the private and public sector, including unions, individual employees, university professors, teachers, doctors, and other professionals, individual and class action wage & hour cases (wage theft), as well as age, gender and disability discrimination cases. His ability to negotiate maximum severance packages for professionals at all levels is well known.

He has been an adjunct professor of labor law in a Masters Degree Program in Labor Studies at CUNY. He has taught labor law at Hofstra University and at Cornell University ILR in New York City. He has also been a guest speaker and panelist in forums and conferences sponsored by the American Arbitration Association, the National Labor Relations Board, the Industrial Relations Research Association, and the NYU Annual Conference on Labor, where he recently delivered a paper entitled, "Damages Under the Fair Labor Standards Act"; has published a law review article on the right of public employees to strike and a chapter in a book on "Plant Closings and Relocation of Bargaining Unit Work".

He is a charter member of the Advisory Board of the New York University Law School Center for Labor & Employment Law. He graduated from Cornell University's School of Industrial & Labor Relations and New York University's Law School.

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**WARREN ESANU**  
CORPORATE, TRUSTS & ESTATES, REAL ESTATE

Warren Esanu is a founder of Esanu Katsky Korins and Siger (now Katsky Korins LLP). Ranked AV® (the highest ranking) by his peers, Warren has counseled wealthy families regarding estate and trust planning and estate and trust administration. He has represented individuals and families in the sale and recapitalization of closely-held businesses. In addition, Warren has extensive experience in a wide range of corporate and tax matters. Moreover, he has worked extensively on both public and private company mergers, leveraged buy-outs, acquisitions and sales.

Warren is a published author and editor of a number of books and publications. He has lectured on corporate and tax matters. In addition, he has served as chairman of the board of a public company and as a director of a number of public and private companies.

Warren has represented:

- The controlling shareholders in bringing private a publicly-held company.
- A privately-held medical device company in its sale to one of the world's largest multi-national corporations.
- A public company in the sale of several of its subsidiaries.
- A public company in an exchange of debt for equity.
- The purchaser of the largest privately held hat company in the United States.
- The seller of the largest privately held luggage company in the United States to a leveraged-buyout firm.
- A broker dealer in a significant number of initial public offerings and private placements.

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**SAMUEL J. FERRARA**  
FAMILY LAW, DIVORCE, CONTRACTS, APPEALS

Samuel J. Ferrara is an executive partner and oversees the Matrimonial Law department at Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Wolf, LLP.

Mr. Ferrara represents a variety of clients in a range of matrimonial and family law issues, as well as transactional, corporate and commercial matters. He has particular expertise with contested custody cases, high net worth cases and commercial transactions.

Mr. Ferrara counsels clients throughout all phases of the divorce and separation process, including custody/parental access disputes and support/property distribution issues. He also assists clients in resolving corporate and commercial issues. His experience includes transactional work such as buy/sell agreements for multimillion dollar entities and smaller, individual transactions. These include such issues as employment, shareholder and partnership agreements, licensure issues, and real estate and general business/corporate consultation.

Mr. Ferrara presents numerous programs and/or teaches at various professional organizations on parent education, custody, parental access, property distribution, trial advocacy, appellate advocacy and ethics. He is also published in professional journals and newsletters.

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**BETTINA D. HINDIN**  
FAMILY LAW

With nearly 50 years of combined practice experience Hindin Deutsch is proud to be recognized as one of the most accomplished and experienced matrimonial litigation firms in New York. Recognized for their skill and expertise in the investigation and analysis of the complex financial issues that arise in matrimonial and family law matters, their track record in handling diverse transactional matters in all areas of domestic relations, LGBT law and family law—including pre-nuptial and post-nuptial agreements, divorce, separation, annulment, maintenance, child support, support modification, custody, visitation, relocation, paternity, equitable distribution, asset valuation and Assisted Reproductive Technology – is unparalleled. Recognized as "AV Preeminent Attorneys" and awarded the coveted designation of "SUPERLAWYERS," Hindin Deutsch and their staff work diligently to achieve positive results for their clients. Though highly established as skilled and effective negotiators, the firm is most well-known for its aggressive, meticulous, creative, individualized and most of all, winning litigation tactics and strategies. As such, Hindin Deutsch is frequently called upon to represent prominent individuals in the worlds of finance, medicine, law, real estate and entertainment. They are acknowledged experts and published authors in the field, and have appeared often as expert commentators for MSNBC and CNN.

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**MARIO ALEX JOSEPH  
JOHN SMARGIASSI**

**DIVORCE, FAMILY LAW, PARTNERSHIP MATTERS**

The partners at Joseph & Smargiassi, LLC are known to be caring and even-handed, or tenacious and unrelenting. Mario Alex Joseph and John Smargiassi have over 40+ combined years of experience litigating contested divorce and custody cases including trials, hearings and appeals. The winning results of their intense work ethic have produced the praise of clients and peers alike.

Mr. Joseph earned the AV Preeminent® (highest professional/ethical) Martindale-Hubbell rating, and is a legal reference and expert to news outlets on high-profile divorces. Mr. Joseph and/or Mr. Smargiassi are admitted to practice in both New York and New Jersey, along with United States Court of Appeals, District Courts and United States Supreme Court. They are experienced trial litigators and negotiators. Notwithstanding their professional accomplishments, they take equal pride in their human accomplishments, such as the following client testimonial: "You have no idea how you have played a part in my life ... not a day goes by that I don't thank God for the guidance, insight, and fortitude you have given me. I send blessings to you every day."

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**ROBERT D. LIPMAN**

**LITIGATION, LABOR & EMPLOYMENT**

No two employment issues are identical. The players, facts, motives, perceptions and law must all be taken into account before preparing an action plan. The wrong initial move can result in years of expensive and exhausting litigation and tremendous stress. The correct initial request, response, investigation, charge or pleading is often the key to the case. The decision of how to handle such important matters should not be made by paralegals, or even experienced attorneys, unless they are well-versed in employment law.

At L&P, your case will be handled by a partner who has been practicing employment law for at least 20 years. Whether you are an employee or employer, don't settle for a one-size-fits-all approach. Let us help you think out of the box and help you weigh all of your options. L&P represents employees in wage-hour class actions, discrimination and contract matters. We also represent employers in wage-hour matters, employment litigation and other employment related issues. Our practice has been limited to helping employees and employers since 1990.

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**STEVEN L. KESSLER**

**ASSET FORFEITURE, RICO,  
WHITE-COLLAR CRIMINAL LAW**

Forfeiture authority Steven L. Kessler maintains a national AV rated® white-collar practice in New York. He litigates cases of first impression and national significance before federal and state trial and appellate courts nationwide.

Mr. Kessler is a member of the Joint Rules Committee for the Southern and Eastern Districts of New York. The author of two highly acclaimed treatises on forfeiture, Mr. Kessler is widely quoted and cited in court opinions and media of legal and general circulation including *NBC Nightly News*, *The New York Times*, the *Wall Street Journal*, *Forbes* magazine and the *New York Law Journal*. He is a prolific writer and frequent CLE lecturer and continues to testify before legislative committees on forfeiture-related issues.

Following his graduation from Cornell Law School, Mr. Kessler was head of the Asset Forfeiture Unit of the Bronx District Attorney's Office. A member of the Forfeiture Abuse Task Force of the NACDL, Mr. Kessler has served on the House of Delegates of the NYS Bar Association, the Boards of Directors of the Bronx County Bar Association and the NYC Association of Small Claims Arbitrators, and the Forfeiture Law Advisory Group of the NYS District Attorney's Association. He currently sits as an Arbitrator in New Rochelle City Court and is in his 22nd year as an Adjunct Professor of Law at New York Law School.

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**RICHARD H. ROSENBERG**

**WHITE-COLLAR CRIME, NARCOTICS PROSECUTIONS,  
GENERAL CRIMES**

Richard Harris Rosenberg's expertise in criminal defense has driven successful representation of his clients for more than 30 years in federal and state courts. Long recognized by his peers as a preeminent advocate, Mr. Rosenberg's experience and commitment have enabled him to achieve positive results in an array of complex criminal prosecutions. These cases have involved mail and wire fraud, misuse of office by public officials, health care and securities fraud, money laundering, narcotics importation and distribution, Hobbs Act stings, racketeering, material support of terrorism and weapon related offenses.

Mr. Rosenberg attributes his success to vigorous preparation, thoroughness, advocacy and a keen understanding of the dynamics of the criminal justice system.

Mr. Rosenberg earned his B.S. degree from N.Y.U. and his Juris Doctor from St. John's University School of Law. Earlier in his career Mr. Rosenberg served as a Senior Trial Assistant District Attorney in the Manhattan D.A.'s Office and as Chief of the Special Investigations Bureau for the Special Narcotics Prosecutor for the City of New York.

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**JONATHAN D. SANDS**  
PERSONAL INJURY, PROPERTY DAMAGE, LITIGATION

Jonathan D. Sands represents clients who have suffered serious damages in personal injury, product liability and construction-site accidents. He also represents individuals and businesses that have suffered substantial damage to personal and business property. Each client is unique and Mr. Sands is highly experienced in evaluating whether early settlement in the claim stage, traditional litigation, or alternative dispute resolution might best serve the individual client.

Mr. Sands founded his practice fifteen years ago after serving as an assistant district attorney in the appeals, trial and major narcotics bureaus at the Kings County District Attorney's Office, and as a senior trial attorney for major liability insurance carriers. In addition to his own practice, he is often called upon by other attorneys to assist with the handling of their matters.

Mr. Sands graduated from Tulane University, and from Case Western Reserve School of Law in 1987, served in the New York State Bar Association House of Delegates, and holds an AV Preeminent rating by Martindale-Hubbell, the highest peer review rating for legal ability and ethical standards.

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**MICHAEL H. SCHWARTZ**  
BANKRUPTCY

Mr. Schwartz goes the extra mile in his fight to defend his clients. His legal proceeding against the Bank of America, just one of many of his legal proceedings on behalf of his clients against Banks, Credit Card Companies and Lenders has been written up in both the **NY Times** and **Wall Street Journal**. He has been a guest speaker on bankruptcy law for the Westchester County Bar Association, New York State Bar Association, Mount Vernon Bar Association, Westchester Woman's Bar Association, New York Society of Independent Accountants, Building 32B-J Legal Services, National Business Institute and other organizations. He is one of the original and is a sustaining member of the National Association of Consumer Bankruptcy Attorneys, the national organization dedicated to serving the needs of consumers and their bankruptcy attorneys and protecting the rights of consumer debtors. He has lobbied Congress on behalf of bankruptcy clients. Mr. Schwartz is a graduate of the famous *Max Gardner's Bankruptcy Boot Camp* and a graduate of *Max Gardner's Veteran's Boot Camp in Advanced Bankruptcy Litigation and Securitization*, where he learned new strategies for discharging debts, fighting banks and protecting your bankruptcy discharge. And most recently *Max Gardner's Mortgage Modification Boot Camp and Advanced Mortgage Modification Boot Camp* where he learned new strategies for mortgage modifications and foreclosure defense. He was the Co-Chair of the Westchester County Bar Association Bankruptcy and Creditors Rights Committee from 2011 – 2015 and is an active member of the Hudson Valley Bankruptcy Bar Association.

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**STEVEN J. SEIDEN**  
PERSONAL INJURY, PRODUCTS LIABILITY, WRONGFUL DEATH

Steven J. Seiden is a founding member of Seiden & Kaufman and has exclusively practiced personal injury law for thirty years. Mr. Seiden has recovered millions of dollars in verdicts, arbitration awards, and settlements for injured victims of accidents and surviving family members in wrongful death actions.

Mr. Seiden has successfully handled thousands of cases in the New York State Courts, Federal Courts, and Court of Claims arising from all types of motor vehicle accidents, premises accidents, and construction accidents. Mr. Seiden is also an accomplished appellate attorney, having won numerous cases in the Appellate Division and New York State's highest court, the Court of Appeals. He has also lectured attorneys at Continuing Legal Education Courses.

Mr. Seiden is a member of the Million Dollar Advocates Forum and holds an AV Preeminent® rating by Martindale-Hubbell®, the highest peer review rating for legal ability and ethical standards.

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**MARK E. SEITELMAN**  
PERSONAL INJURY PLAINTIFFS

*"I want your personal injury case. Because I care."*  
**Mark E. Seitelman**

We do not brag about our high settlements and verdicts. We do not seek publicity. We do not advertise on television.

Our mission is to quietly help our clients. That not only includes the best settlement or verdict, but also handling the other, collateral and sometimes messy issues, such as getting medical bills paid, lost income, finding a specialist physician, and getting property damage paid. Sometimes that means just setting aside the time and listening to the client and the family.

Our five attorneys and eight paralegals are dedicated to providing personal and caring attention. That is why 95% of our clients are referred by their families, friends, and other attorneys.

Our office has wide experience in all kinds of personal injury cases, such as automobile, construction and work accidents, buildings, sidewalks and roads, schools, hospitals, nursing homes, and malpractice. We do not shy away from difficult or unusual cases which other lawyers decline.

Mr. Seitelman is an acknowledged leader in personal injury law and has lectured at the New York State Trial Lawyers and State Bar Associations. He is a life member of the the Million Dollar Advocates Forum, and he has been listed in *New York Super Lawyers* for ten years. Mr. Seitelman is also listed as one of the top 100 New York lawyers by the National Trial Attorneys. He also holds Martindale-Hubbell's highest rating of AV Preeminent since 1999. Mr. Seitelman is also active in the Jewish community and charities.

Our greatest reward is being able to help each client, one at a time. If you have been injured, we have time for you.

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## JOSEPH SIERCHIO, ESQ.

SECURITIES, CORPORATE, MERGERS & ACQUISITIONS

Founded by Joseph Sierchio, Sierchio & Partners, LLP, is a boutique firm specializing in finance, corporate transactional and securities law matters and providing clients with professional and experienced service.

Our lawyers provide clients with the focused attention that is required to not only understand their current and long-term objectives, but to allow them the opportunity to leverage off of the firm's network of financial firms, high net worth investors and service providers. We go beyond simply providing legal services — we partner with our clients so that they may reach their full potential.

We represent domestic and foreign companies, broker-dealers, registered personnel, high net worth investors, and others, in connection with a range of business transactions, including: mergers and acquisitions; securities offerings and compliance; SEC enforcement matters; and general corporate and compliance matters. The firm routinely provides guidance to clients with respect to the ever changing legal and regulatory environment.

Sierchio & Partners delivers "large firm" quality services on a cost-effective basis, which is why the vast majority of our clients have been obtained through referrals.

Mr. Sierchio, a graduate of Cornell Law School, has represented and advised clients for more than 40 years.

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## TERENCE E. SMOLEV

TAX LAW, CORPORATE LAW, ESTATE AND TRUST LAW

Mr. Smolev practices in all aspects of tax law (criminal and civil tax defense), corporate law, estate and trust law (planning, probate, will contests), and education law.

Mr. Smolev has an accounting degree from Hofstra University, a law degree from Washington College of Law (WCL) and LLM in Taxation from NYU Graduate School of Law.

He was in the tax division of Peat, Marwick & Mitchell & Co. (KPMG).

He is a former adjunct Professor at the Hofstra School of Business teaching accounting, business law and tax. He taught Estate Planning at Hofstra Law School and currently lectures on Criminal Tax Law at WCL.

He writes for The New York Law Journal and authored the chapter on charitable remainder trusts in the Handbook of Wealth Management. His chapter titled, 'Estate Planning Client Strategies,' has been published by Aspatore, Inside the Minds: Estate Planning Client Strategies.

He is a long time member of the American Bar Association, New York State Bar Association and Nassau County Bar Association, serving on various committees. Mr. Smolev is a forty-one year member of the NYS Association of School Attorneys and President in 1984.

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## JONATHAN J. WILKOFSKY

INSURANCE LAW, LITIGATION, COVERAGE

Jonathan Wilkofsky and the firm he has led for more than 28 years are recognized as the premier advocates for victims of insurance company misconduct.

Among the leading voices for consumers after Superstorm Sandy, Wilkofsky represents clients as they seek to recover their losses from insurers, after a disaster or casualty loss.

The firm is responsible for many pro-consumer landmark insurance decisions in New York and takes great pride in positively impacting insurance law by drafting and winning passage of pro-consumer legislation. In November 2014, Governor Cuomo signed landmark legislation drafted by Wilkofsky which significantly enhances the consumers' rights in pursuing damage claims. This is Wilkofsky's eighth successful legislative accomplishment.

Wilkofsky, who has never lost a jury verdict in more than 32 years of litigation, is also the author of *The Law and Procedure of Insurance Appraisal*, which won the Cordish Writing Award from the National Association of Public Insurance Adjusters, an organization that also named Wilkofsky "Person of the Year." He also lectures nationally on trial tactics and the insurance claims process.

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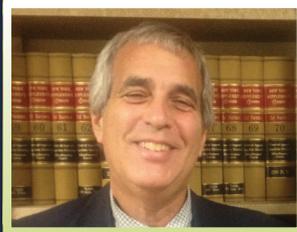


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# HIMMELFARB & SHER, LLP

REAL ESTATE, COOPERATIVE & CONDOMINIUM LAW



NORMAN D. HIMMELFARB



RONALD A. SHER

Himmelfarb & Sher, LLP has been recognized as one of the most active firms in the New York Metropolitan area for the representation of cooperative corporations, condominiums and homeowner associations.

Partners, **Norman D. Himmelfarb and Ronald A. Sher**, have been working together for over 37 years to help clients resolve their legal needs, with a particular focus on all aspects of commercial and residential real estate transactions and representing cooperative corporations, condominiums, tenants associations and homeowners associations, as well as representing sponsors and preparing offering plans and amendments thereto.

The firm has the highest rating awarded to attorneys by Martindale-Hubbell®, as AV Preeminent™, signifying that the firm's legal abilities are held in the highest regard, based upon an independent peer review. We have an AVVO rating of 9.5 Superb and have also been selected to New York Super Lawyers® in 2014 and 2015.

Himmelfarb & Sher, LLP's practice areas also include commercial tax certiorari, banking law, commercial/civil litigation, estate planning/probate proceedings and bankruptcy.

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Mr. Avelino provides comprehensive estate planning and estate administration services, and handles all areas of tax and corporate matters.

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Michael Connors can also be heard on his "Ask the Lawyer" radio show Saturdays, 6-7 p.m., on AM 970 The Answer and AM 570 The Mission.

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Mr. Cirrito is an "AV-Rated" Peer and Client-Reviewed attorney and began his law career as an Assistant District Attorney in Bronx County.

He has been lead counsel in numerous commercial and business-related lawsuits, including derivative actions, dissolution proceedings, restrictive covenant actions, and contract enforcement issues. He has been instrumental in obtaining variances and permits for Long Island developers and has successfully prosecuted many Article 78 Proceedings against municipalities and zoning boards.

Mr. Cirrito has also successfully prosecuted and defended many clients in negligence, personal injury and labor law matters.

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Ronald Fatoullah has dedicated his career to advising New Yorkers about the legal and financial challenges of aging.

His distinguished reputation is built on a fierce dedication to clients and by adhering to the highest form of professional and ethical standards. He is highly regarded for his contributions and expertise in the fields of Elder Law, Estate Planning, Medicaid Eligibility, Special Needs Planning, Probate and Guardianships.

Attorney Fatoullah has a 10 year inclusion as one of New York's *Best Lawyers* in the fields of elder law, & trusts and estates, and is also selected as a *Superlawyer* and *Top Rated Lawyer*.

Ronald Fatoullah currently co-chairs the Board of the Long Island Chapter of the Alzheimer's Association, serves as an Executive Council Member of AARP New York, and publishes the monthly column, *The Elder Law Minute*.™

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JACOB S. FELDMAN is a founding partner of Frazer & Feldman, LLP, representing public school boards of education as general and labor counsel. His practice concentrates on special education matters. He has successfully represented school districts in impartial hearings and appeals through to the second circuit court of appeals. His approach to advising special education clients is to combine knowledge of the law with common sense to create practical solutions. He is a frequent speaker on special education programs, including "Developing a Bulletproof IEP" and "Section 504 in N.Y." He is the author of "Read All About It," a monthly compilation of important special education decisions from around the nation. He also serves as general counsel to School Boards advising them on matters including tenure and seniority, and staff and student discipline.

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Ms. Gambardella has extensive experience assisting clients in a wide range of industries with policies and procedures; sensitive discipline and termination processes; complicated leaves of absence under the varying federal and state statutory entitlements; reductions in workforce; and severance packages. She is also a seasoned litigator with significant experience before state and federal courts, administrative agencies such as Departments of Labor, the EEOC, and OSHA, involving all aspects of labor and employment law, including discrimination, sexual harassment, wrongful discharge, wage/hour and employment contract claims, including complex, multi-plaintiff claims and class actions. Ms. Gambardella frequently conducts management and HR personnel training and assists with internal investigations. She is the author of *Employment Litigation*, part of the Employment Law series published by Law Journal Press, as well as multiple book chapters and articles on various employment law topics.

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In private practice since 1989, Mr. Fishman is a partner at Fishman & Mallon, LLP, a tenant and consumer rights firm. He specializes in eviction defense and has pioneered strategies to address "tenant blacklisting" and consumer protection and privacy claims in individual and class action cases.

He has successfully pursued claims under the Fair Credit Reporting Act, the Fair Debt Collection Practices Act and the Deceptive Practices Act against credit bureaus, debt collection agencies, creditors, landlords, and attorneys.

Mr. Fishman received the 2002 NACA Consumer Hero of The Year Award and a 2008 Wasserstein Public Interest Fellowship from Harvard Law School and has lectured widely throughout the country on consumer and tenant protection issues.

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Bill Haas chairs Morrison Cohen's Individual Client Services Department and has extensive experience in tax planning to minimize the impact of estate and gift taxes on families, and in the administration of complex estates.

Bill and his team provide creative and effective personal, financial, charitable, and tax planning to individual clients, closely held family companies, foundations, and charities.

He draws on his experience with counseling multiple generations of families in connection with both traditional estate planning and administration matters including wills, revocable trusts (and other testamentary substitutes), estate and trust administration, the establishment of charitable foundations and other charitable entities, and more complex planning that addresses a broad range of tax and non-tax related issues. Bill is a frequent lecturer and writer on estate-related topics. Bill is a member of the boards of several charitable foundations, and is a trustee of Berkeley Divinity School at Yale. He is a graduate of Yale and of Columbia Law School.

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Ms. Hasapidis sits on the Executive Board of the New York State Trial Lawyers Association and the Women's Bar Association of the State of New York. Ms. Hasapidis is licensed to practice law before New York and Connecticut state and federal courts. She is also the Chair of the Chamber of Commerce of the Town of Ridgefield, in Connecticut.

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**POSITION:** Senior partner at Mangi & Graham, LLP a boutique law firm in Westbury. Practice is limited to Divorce and Family Court matters.

**PERSONAL:** Robert is a graduate of Cornell University and St. John's School of Law. He has practiced law in Nassau County since 1982.

**MEMBERSHIPS:** Robert is past chair of the Matrimonial Committee of Nassau County. He is past Chair of the Nassau County Family Law and Procedure Committee and is a Master at the prestigious New York Family Law American Inns of Court. Mangi is past president of the Columbian Lawyers' Association of Nassau County.

**AWARDS, RECOGNITION:** Recipient of the Fuerlicht-Manning Award for excellence in family law, Bob has again been named as a *Super Lawyer* by Thomson-Reuters Publishers. Pulse Magazine has named Robert as one of Long Island's *Top Legal Eagles* every year since that listing began. He enjoys an AV rating (highest) from Martindale Hubbell. Rues Rating System has placed Mangi on its roster of *America's Best Attorneys*, and is *Lead Counsel Rated* by the Lead Counsel Review Board.

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For more than 35 years, Richard has held an AV Preeminent Peer review rating by Martindale-Hubbell, the highest recognition possible in the legal profession for professionalism and ethics. He is a Harvard Law graduate and combines his experience, knowledge and high ethical standards with a commitment to know and serve the interests of his clients.

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Mr. Martone has been AV Rated by Martindale-Hubbell for over 35 consecutive years and is nationally recognized as a member of American Property Tax Counsel. He is a graduate of Lehigh University, B.S. (1956), and New York Law School, L.L.B. (1959), J.D. (1968).

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I am licensed in New York and New Jersey, but represent clients with local counsel nationwide.

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Michael works with clients to minimize (and often eliminate) estate and gift taxes through the coordination of pension benefits, business assets and other assets in the estate plan while preserving the client's assets for future generations.

He analyzes liquidity needs for the payment of estate tax, including the use of life insurance products, family limited partnerships, qualified personal residence trusts and generation-skipping trusts. Michael also advises individuals with regards to charitable giving including the formation of not-for-profit corporations.

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Clifford Meirowitz's practice concentrates on elder law, estate planning, wills, trusts, guardianships, Medicaid planning, probate and related litigation. He is a founding member of NY Presbyterian Hospital's Planned Giving Advisory Council, was a member of the Professional Advisors Council of the JCC in Manhattan, an adjunct professor at NYU's School of Continuing and Professional Studies, a mentor attorney for the NY Law School Guardianship Clinic, and a member of the Supreme Court Advisory Council. He was selected for *NY's SuperLawyers* in 2009-2015 and *NY's Best Lawyers* in 2012-2016. He was past chair of the New York County Lawyer's Association *pro bono* Elder Law Project and Elder Law Committee, a contributing author to *Elder Law and Guardianship in NY*, and was quoted in newspapers such as *The New York Times* and the *New York Law Journal*.

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Before entering private practice, Mr. Raff was a full-time faculty member at New York University School of Law. Mr. Raff has the honor of being a Fellow of the College of Labor and Employment Lawyers and a Fellow of the Academy of Court Appointed Masters. In 2010, he was honored by the New York City Council for providing exemplary services to the New York Community.

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Whether he is representing an individual at trial or advising a company on how best to negotiate the dangerous shoals of an investigation, Chuck Ross is sought out for his skill, expertise, and dedication to achieving the best results for his clients. He has successfully represented a wide variety of individuals and companies in both criminal and regulatory matters.

Chuck is a member of the Florida State Bar, as well as the Southern and Middle Districts of Florida. He is also a member of the New York State Bar, Southern and Eastern Districts of New York. He is a member of the National Association of Criminal Defense Lawyers, the New York Council of Defense Lawyers, and the Federal Bar Council. He served as vice chair of the Judiciary Committee of the NYC Bar Association, and frequently lectures on topics involving white collar defense and criminal trial skills and strategy. He has consulted on criminal justice issues for *The Wall Street Journal*, *The New York Times*, CNBC and Court TV.

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For more than 20 years, Steven Riker has provided high-quality legal services at cost-effective rates to a diverse clientele in the New York metropolitan area.

Mr. Riker maintains a general commercial practice, with an emphasis on business litigation, real estate transactions, contract negotiation, corporate formation, and hotel/hospitality law. Mr. Riker's clients include large corporations, corporate executives, prominent individuals, and family-owned businesses. However, every client and matter, whether big or small, receives the same level of commitment, diligence, and ingenuity which distinguishes his practice.

Mr. Riker's activities/achievements include an "AV Preeminent" rating from Martindale-Hubbell, Client Distinction Awards for 2012-2015, featured CLE lecturer, and various prestigious legal panel memberships. However, Mr. Riker is most proud of his longstanding relationships with his clients, many of whom he has represented for decades.

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He is a frequent lecturer to members of the Bar Association, covering topics such as construction site accidents, vocational rehabilitation, and expert witness examinations.

Admitted to Bars of New York, Massachusetts, and U.S. District Court, Eastern and Southern Districts of New York.

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Steve Skolnik is a multi-faceted attorney who represents clients in all aspects of commercial litigation, nationally and internationally. His practice embodies the multi-disciplinary approach of the firm, representing entrepreneurial clients in the global marketplace. An in-depth knowledge of the rules of procedure and evidence in state and federal court and arbitral tribunals, and willingness to try a case, are cornerstones of his resolution of business disputes.

Steve has litigated intellectual property, LLC and shareholder, business torts, contracts, real estate, pharmaceutical, estates and trusts, libel, lending, insurance, and others. His grounding in corporate law gives him the perspective to approach a case in economic terms.

Steve is a graduate of Yale College and Harvard Law School. In 2014, The National Trial Lawyers selected him as one of the top 100 Trial Lawyers in New York State.

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Ariana J. Tadler, an elected member of Milberg LLP's Executive Committee, specializes in class actions and complex litigation. She is widely recognized as a leading authority on electronic discovery and chairs Milberg's E-Discovery Practice Group. She has received stellar accolades for her work and been a leading and well-received voice regarding the discovery rules amendments and the application of Technology Assisted Review ("TAR"), including in plaintiffs' review of received productions. Having served for five years as Chair of the Steering Committee for The Sedona Conference® ("TSC") Working Group I on Electronic Document Retention and Production, Ms. Tadler is Chair Emeritus and serves on TSC's Board of Directors. Ms. Tadler also serves on the Advisory Boards of Cardozo's Data Law Initiative (Executive Director), Georgetown University Law Center's Advanced eDiscovery Institute, and Bloomberg BNAs eDiscovery Resource Center.

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Marc represents clients in the acquisition, sale, financing and development of residential, commercial, multi-family, retail and industrial properties. He also represents owners in the acquisition, sale and leasing of their commercial, office and warehouse space, shopping centers and retail stores. Further, he represents individuals, corporations and businesses in the rental of office and retail space and restaurants.

Marc's clients include domestic and foreign investors who have acquired, sold and owned residential and commercial properties, and landlords and tenants relative to their respective rights, obligations and interests.

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Evan J. White and Joseph Harris, partners in the firm White Harris PLLC, have been rated "AV Preeminent" by Martindale-Hubbell. For the past three years, they have both been selected as New York Metro "Rising Stars" by *Super Lawyers*, a Thomson Reuters publication. In 2014, they were finalists for the *SmartCEO* magazine "Attorney of the Year" award.

White Harris PLLC is a premier management-side employment law firm devoted exclusively to the practice of labor and employment law. The firm represents local, national, and international businesses of all sizes, and at all stages of development, from start-up companies to mature corporations. A strategic and aggressive team of employment lawyers, White Harris PLLC is committed to developing superior solutions for businesses in a wide range of employment law matters.

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**Steven J. Mandel** worked through law school as a professional comedian and believes this training helped make him a successful trial attorney.

Steve's been described as "the Picasso of the legal profession" because of his proven ability to assess each client's situation and prevail in what other lawyers might describe as "the un-winnable case."

As Steve says:  
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## JOHN BONINA ALWAYS WANTED TO MAKE

a difference, and as the senior trial lawyer of the medical malpractice law firm Bonina & Bonina, P.C., he's done just that—assisting thousands of injured clients during his 25 years in practice.

## "THE PEOPLE WE REPRESENT ARE FACING

very real challenges; this motivates us to prepare every case meticulously," John says. "There really is nothing more satisfying to me than being able to change a client's life for the better."

## JOHN AND HIS SISTER, PARTNER ANDREA BONINA,

lead a five-lawyer team that has more than 90 years of collective experience in medical malpractice and personal injury litigation. In the past decade, this team has achieved more than \$200 million in combined settlements and verdicts for victims of medical malpractice, birth injuries, nursing home neglect, defective products, and negligence.

## "OUR FIRM HAS REPRESENTED VICTIMS

of negligence and medical malpractice throughout its 50-plus-year history," John notes. "That level of experience and our dedication to our clients truly sets our firm apart."

## JOHN IS KNOWN FOR HIS RIVETING COURTROOM

presentations, which weave evidence and testimony into a compelling story for the jury. His significant results at trial include a \$7 million wrongful death verdict; a \$4.6 million verdict in a wrongful death case involving the delayed diagnosis of lung cancer; a \$2.5 million verdict for the family of a woman who bled to death while waiting for emergency surgery on a ruptured aneurysm; and a \$1 million verdict for a ruptured Achilles tendon sustained by a worker hit by a forklift.

## "PART OF OUR SUCCESS IS THAT

we're very selective about the cases we accept, as that enables our team of lawyers to provide each client with personal attention every step of the way," John says. "We approach trials using the most up-to-date technology to create compelling courtroom presentations. We never allow ourselves to be at an information or preparation disadvantage."

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the best results for the firm's clients starts with



From Left: Deborah Trerotola, Andrea Bonina, John Bonina, Amy Insler

understanding their struggles.

"We represent people whose lives have been turned upside down, and we take our responsibility to them very seriously. We know our clients are counting on us to improve their lives, and we view that as a sacred trust."

## JOHN, ANDREA, AND ASSOCIATES

Deborah Trerotola and Amy Insler have all been AV Preeminent® rated by Martindale-Hubbell®. John has been selected for inclusion in *The Best Lawyers in America* every year since 2007, and both partners have been selected to *New York Super Lawyers* since 2007. John is a past President of the New York State Academy of Trial Lawyers and a Chair of the Medical Malpractice Committee of the Brooklyn Bar Association. Andrea is a past President of the Brooklyn Bar Association and Chair of their Technology Committee. Both partners frequently lecture on medical malpractice, product liability, and trial tactics throughout the state.

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