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Summer Salute In Elmira

Pioneers Hosting Ziff Law's Veteran of the Game

The Ziff Law Firm in Elmira has good news for military veterans and their families in the Elmira-Corning area – the popular Veteran of the Game program, which moved last fall from Elmira's First Arena to Binghamton's Broome County Arena, has expanded and returned to Elmira this summer.

The Ziff Law Firm and Elmira Pioneers are honoring veterans and active-duty personnel home on leave at Dunn Field in Elmira during Pioneers home games, and will continue to salute veterans and active-duty personnel in the fall and winter months during Binghamton Devils professional hockey games at Broome County Arena.

The Ziff Law Firm provides eight free tickets to the honored veteran and their family and friends for each Pioneers home game. The Pioneers play in the Perfect Game Collegiate Baseball League in June and July.

The Ziff Law Firm, the program's proud founder and sponsor, moved the program from Elmira because the Elmira Jackals professional hockey team disbanded following the end of the 2016-2017 season at First Arena. The program saluted more than 200 veterans and active-

To nominate a veteran

Male and female veterans and active-duty personnel who are home on leave can be nominated for the Veteran of the Game program by using one of the following ways to contact the Ziff Law Firm:

Online: www.ZiffLaw.com/veterans

Email: veterans@ziffllaw.com

Call: 1-800-943-3529 or
607-733-8866

Mail: Ziff Law Firm
303 William St.
P.O. Box 1338
Elmira, NY 14902-1338

For more information:
contact program coordinator
Annette Viselli Thorne at
athorne@ziffllaw.com or
607-733-8866.

duty personnel members during eight seasons of Jackals games.

"We are very excited to find a summer home for the Veteran of the Game program," said Jim Reed, Ziff Law Firm managing partner. "We have been looking for ways to expand the program and bring it back to Elmira. The Pioneers provided us with a great opportunity."

The Veteran of the Game program grew in popularity during its first season at the Broome County Arena, said Ziff Law attorney Michael Brown, who lives in Vestal.

"When the fans give the veterans a big ovation, it's an unforgettable moment for the veterans and their families," he

said. "The fans and people of Broome County appreciate the sacrifices our veterans have made and have welcomed the program."

At Dunn Field, the veterans are seated in a box seat along the first baseline with friends and family members, courtesy of eight free tickets from the Ziff Law Firm.

During the Pioneers game, the public-address announcer introduces the honored veteran and reads a short biography of their military service.

When the salute is announced, the veteran can stand or remain seated, and at the end of the announcement, Pioneers fans will likely do what Jackals fans always did — let out a big cheer.

"I am honored to once again have the opportunity to honor our veterans and military personnel," said program coordinator Annette Viselli Thorne of the Ziff Law Firm. "I look forward to seeing some of our past-recognized veterans as well as meeting new veterans. The military people who are honored and their families say it is an evening they will remember forever, and we hope to create many more memories at Dunn Field."



Getting Judges Up To Speed

By Jim Reed, Managing Partner

A while back, I spoke with members of the New York Magistrates Association at a meeting in Corning. The members are town and village judges and justices who often don't have the legal training of lawyers, so they welcome presentations by experienced lawyers with expertise in a particular area of the law.

I talked to about 35 judges and justices about New York state bicycle laws, and many told me afterward how much I opened their eyes to the unsafe conditions faced by bicyclists on the roads. I am well aware of what bicyclists face every day because I have ridden thousands of miles in all kinds of conditions, and represented many bicyclists and, in some tragic cases, their survivors in accident cases.

I showed a video that was taken by one of my clients who was seriously injured when a left-turning car crashed into him as he was riding his bike. Even the seasoned judges were surprised by the violence of the crash captured on the bicyclist's helmet cam.

The video got their attention. To keep my audience engaged, I did most of the presentation in quiz format, which was a fun opportunity for me to quiz judges, which is a reversal of the usual situation where the judges grill me.

Here are my questions, with the answers I provided to members.

Q: May bicyclists in New York legally ride side by side?

A: Yes, but not when passing parked cars, other bicycles or pedestrians.

Q: Is it legal for a bicyclist to ride in the driving lane?

A: Yes, bicycles are permitted to use the entire driving lane when it would be unsafe for them to stay to the right or when they are preparing to make a left turn.

Q: Are all bicyclists in New York required to wear helmets?

A: Yes, for 14 and under. No, for anyone older than 14.

"I showed a video that was taken by one of my clients who was seriously injured when a left-turning car crashed into him as he was riding his bike. Even the seasoned judges were surprised by the violence of the crash captured on the bicyclist's helmet cam."

Q: Must all bikes in New York be equipped with lights?

A: Yes, if riding after dark. No, during the day.

Q: Is it legal to ride with headphones?

A: Two headphones, no. One headphone, yes.

It was surprising to me that many of the judges didn't know that legally a bicycle rider has all of the same rights and obligations as if they were a motor vehicle.

If you, a family member or friend rides a bicycle, email me at jreed@ziffllaw.com and I will send you the free NY Bicycle Law Primer that I shared with the judges and justices. (Those who drive vehicles are welcome to request the Bicycle Primer, too.)

It's important reading because educated riders and drivers are safer riders and drivers.

Jim Reed (jreed@ziffllaw.com), managing partner of the Ziff Law Firm, is a bicycle law lawyer who has handled hundreds of bicycle accident cases in his career. Jim was selected a New York and Pennsylvania lawyer by BikeLaw.com, a network of lawyers with expertise in bike crash cases.



The Truth About Motorcycle Insurance

By Attorney Adam Gee

Motorcycle insurance is nothing like car insurance.

Most motorcyclists are surprised to hear me say that because they don't understand insurance. I have represented many motorcyclists in the last 20 years, and in most cases, the people I represented had insufficient insurance to protect themselves.

I am a motorcyclist, too, so I have seen the dangers we face from motorists who often drive like we don't exist.

People who drive cars and other vehicles are covered by no-fault insurance, meaning that your insurance company will pay your medical bills and lost earnings if you are involved in a collision, regardless of who was at fault. No-fault insurance doesn't cover motorcyclists.

Combine that factor with many motorcyclists taking pride in buying the least expensive insurance, and you have a recipe for financial disaster in a collision.

Now add this third factor: many people selling insurance online or by 800 numbers don't understand the difference between vehicle and motorcycle insurance – and if they do, they don't adequately explain it to customers. (Our local insurance agents do pretty well advising their customers, though.)

There is a reason motorcycle insurance can be inexpensive in many cases: it doesn't cover anything!

Motorcyclists need to recognize that a basic motorcycle policy usually only covers somebody else the motorcyclist hits – that's your liability coverage – but a basic policy may not be enough to protect a motorcyclist and their passenger if they are injured.

The biggest mistake motorcyclists make when buying insurance is spending extra money on collision coverage for the motorcycle but not protecting themselves by buying more liability and Supplemental Uninsured/Underinsured Motorist (SUM) insurance, and medical payments coverage.

I advise motorists to have at least \$250,000 in SUM and liability

coverage. New York now requires insurance companies to make sure both coverage limits are the same amount.

Here is why you need at least \$250,000 in SUM and liability coverage:

SUM protects you and your family if you are in a collision with an underinsured or uninsured motorist. If your limit is \$250,000, then that is the most you can recover from your insurance company after a collision. Liability is bodily injury and property damage coverage that protects you if you are involved in a collision where you are at fault.

There is also medical payments coverage, which helps pay your medical costs if you and your passenger are injured. It typically covers items like health insurance deductibles, co-pays, dental expenses, prescriptions, and home care. It would be a supplement to your personal health insurance.

Medical payments coverage protects you at the time of your collision. If someone else is at fault, yes, they will ultimately be responsible, but you can't make them pay your bills as they are coming in.

If someone else is determined to be responsible for your collision, it may be one, two, even three years before their insurance company sends you one check. Medical payments coverage helps you pay immediate bills until your case is resolved. This coverage takes the place of no-fault insurance for motorcyclists.

If you have good health insurance, you might want to get \$2,500 or \$5,000 in medical payments coverage. But if you have poor or no health insurance, I recommend at least \$10,000 in coverage.

I speak to groups when requested. If you'd like me to speak with your group, or review your motorcycle insurance policy, email me at agee@ziffllaw.com.

Adam Gee (agee@ziffllaw.com) is a partner with the Ziff Law Firm.

Academy Has Helped Me Grow As A Lawyer

I Have Learned A Lot, Made Great Connections In Teaching, Attending Classes Statewide

By Attorney Christina Sonsire



When I joined the New York State Academy of Trial Lawyers 10 years ago, I had no idea what a career-changing experience it would be.

The Academy provides member lawyers across the state with Continuing Legal Education (CLE) classes for professional development. Lawyers are required by the New York State Bar Association to attend 24 credit hours of CLE classes over the course of every two years.

The Academy was created to give upstate lawyers a bigger voice in New York's legal community, and it is the premiere legal association in the state. There are other trial lawyer associations in the state, but they tend to be focused more on downstate.

As I have attended classes and met lawyers in many practice areas, I have found the learning and networking are invaluable. In addition to gaining knowledge about courtroom techniques and case preparation, I meet lawyers who can help my cases, and I am happy to help others grow as lawyers, too.

Thanks to the Academy, I have had a chance to meet some of the top lawyers in the state and have teamed up with some of them on numerous cases. I have met colleagues from the eastern tip of Long Island to Buffalo who I can call as matters come up that may be new to me but are situations they may have handled many times. I have been a lawyer for 14 years, during which time I have focused exclusively on personal injury and medical malpractice law, and have developed certain expertise in areas where lawyers will call me for the same kind of legal advice.

I have been fortunate to work closely with one of the preeminent lawyers practicing in the state, Joe Lichtenstein, on brachial plexus litigation. The brachial plexus is a group of nerves from the spinal cord in the neck through the arms, controlling muscles from the shoulders to the hands. We worked together on a successful medical malpractice case involving a birth injury.

Together, Joe and I have created a body of knowledge and

documents that are helpful to other lawyers, and I have been contacted many times by lawyers across the state for help in this area.

In addition, members of the Academy have contacted me for my recommendations on various medical professionals, and I have received similar information from other members as well. It's an invaluable network.

In May 2017, I was named just the sixth dean in the Academy's history and was asked to help prepare a new statewide CLE course for its members, "Breaking Down Bias: Identifying and Eliminating Inequality In The Legal Profession."

I began teaching the new course on bias in our practices in March across New York State with Syracuse University Law Professor Peter Blanck and Dr. Ynesse Abdul-Malak, a sociologist and post-doctoral fellow at Syracuse University.

Preparing for the course was more difficult than it was to prepare other courses. In the past, I have taught courses on depositions, punitive damages, direct examinations, and birth injuries as a result of medical malpractice.

In my preparations, I realized how unaware I am about my own implicit bias, and the experience forced me to do a lot of introspection about what it means to be a lawyer.

The New York State Bar Association is wise to require lawyers to take regular CLE classes on bias. Lawyers need to be the leaders in society in combatting racism.

It's been a great 10 years of learning from lawyers with more experience, and it has made me a more resourceful and thoughtful lawyer. I am glad I have learned so much from my colleagues and built some great connections that have benefited my practice and the Ziff Law Firm.

Christina Sonsire (csonsire@ziffllaw.com) is a partner with the Ziff Law Firm.

For Mike Brown, Family Ties Provide A Winning Edge



The Ziff Law Firm is lucky to have one of the Brown Brothers.

Ziff Law Attorney Mike Brown has built a strong network of medical and legal professionals he can turn to when evaluating or preparing his personal injury and medical malpractice cases. At the heart of that powerful network are his three brothers: Dan and Rich, medical doctors in Orlando, Fla., and Chris, a criminal defense lawyer in Binghamton.

The brothers are the sons of Daniel and Brenda, a medical doctor and a registered nurse, so they were destined to continue the proud family tradition of helping others.

After graduating from the Syracuse University School of Law, Mike worked as an assistant district attorney in the Broome County District Attorney's Office and as an assistant attorney general with the New York State Attorney General's Office in Binghamton. Mike's interest in helping victims who suffered serious injuries led him to join the Ziff Law Firm in September 2016.

Having a strong network of legal and medical professionals to consult with is crucial to proving personal injury and medical malpractice cases, Mike said. Fortunately, he knows where to turn first when he has questions.

"Having the opportunity to work on personal injury and medical malpractice cases at Ziff Law has allowed me to build strong professional relationships with my brothers," he said. "Their expertise has been a tremendous asset to my practice."

When it comes to analyzing medical malpractice cases or evaluating injuries, Mike relies on his brothers for quick and accurate opinions. Dan is a neuroradiologist and Rich is an emergency room doctor.

Mike said their input is invaluable during the initial intake and screening process of cases, and in determining which cases have merit.

"Having the opportunity to work on personal injury and medical malpractice cases at Ziff Law has allowed me to build strong professional relationships with my brothers. Their expertise has been a tremendous asset to my practice."

"There is no substitute for their expertise during the intake stage," Mike said. "By obtaining their opinions early on, I am able to prepare a comprehensive litigation strategy."

Dan provides an in-depth review of diagnostic imaging, whether an x-ray, MRI, or CT, which is crucial in determining the extent of one's injuries.

Rich is able to opine on the course of treatment rendered, and offer recommendations for further treatment.

In personal injury cases, there is usually a criminal component, Mike said. "I often rely on my experience as a former assistant district attorney, but Chris has spent his entire career on both sides of the aisle, as an assistant district attorney and now defense attorney, so Chris can be helpful to speak with for another opinion."

Attorneys constantly encounter new areas in the legal and medical fields, navigate unfamiliar terminology, and try to make sense of large stacks of medical records and imaging. It can be a daunting task.

Fortunately, Mike has a powerful network close by, providing a winning advantage for his Ziff Law clients.

Mike Brown (mbrown@ziffllaw.com) is an attorney with the Ziff Law Firm.

Business Spotlight: Nutmeg Upcycling

Hidden Gem In Downtown Elmira

The front grill from an old Bean farm tractor, found at an auction, is now among the items for sale at Nutmeg Upcycling in downtown Elmira.

Rich LaVere believes in downtown Elmira.

Rich is the owner of Nutmeg Upcycling, a small shop that sells “upcycled” originals near the entrance of the Mark Twain Hotel. The shop opened in October 2016, and started taking off enough in 2017 so Rich decided, after some soul-searching in late 2017, to keep going in 2018. He’s on Facebook and Etsy, where he has sold some smaller shippable items to folks all over the world.

Rich takes other people’s cast-offs and “upcycles” some of them, turning them into one-of-a-kind gems.

Rich is the former owner of LaVere Media, which used to be right around the corner in the Midtown Building. He closed the photo and video business a few years ago.

We spoke with Rich recently in his cozy shop that has a great view of Wisner Park, Langdon Plaza, and more.

Question: What sort of items will people find in your shop?

Rich: We take items found at auctions and sales and “upcycle” some of them. We clean them up and sometimes make them something new. It’s a lot of fun to be creative.

For example, I have made an end table made from reclaimed lumber. I transformed an old tractor grill into a lamp and a drum into a stained glass lamp. We have old postcards, books, and hundreds of miscellaneous items.

I am also selling some of my original photography and my son Andrew’s original artwork.

Q: What has been the reaction of customers?

Rich: People who come in here to a person love this place. I get lots of compliments and good vibes, a lot of positive feedback, and some great suggestions. Andrew does pencil and charcoal drawings of people, places, whatever interests him. His art sales are doing exceptionally well. We are very happy because a big part of my goal in opening the shop was to give Andrew an

Address: 149 W. Gray St.
Elmira, NY 14901

Call: 607.737.5096.

Email: rlavere2@mac.com.

Facebook: facebook.com/NutmegUpcycling

outlet to sell his art. He is here at least once a week, drawing.

I am also happy to say I have really enjoyed the last two years of meeting new people, so the positives outweigh the negatives.

Q: How were your first two years?

Rich: We hit the ground running because of when we started. We started right at the beginning of the holiday season, on Nov. 1, 2016. November and December were fantastic, and then we found out in early 2017 how much of a seasonal business this is going to be. We’re still discovering what the ups and downs are after two years, but the gallery is holding its own. It has covered its expenses with a little extra and I am happy with that right now.

Q: How did you come up with the name, Nutmeg Upcycling?

Rich: We have a dog named Nutmeg and Andrew loves the dog, so when we talked about picking a name, Andrew’s face lit up and he said, “That’s our name!”

Q: Why did you return to downtown Elmira?

Rich: I think there are places where we could do better, but I am kind-of an eat-my-own-dog-food kind of person. I live in Elmira, I am a member of the Chemung County Chamber of

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\$550,000 Verdict For Ziff Law Client

Top NY State Court Reinstates Jury Award For Elmira Woman Represented By Sonsire

A state Appeals Court has overturned a Chemung County Supreme Court judge's decision to reduce a jury award to an Elmira woman who fell at Highland Hospital in Rochester.

On October 7, 2016, a six-person jury in Chemung County Supreme Court awarded an 83-year-old Elmira woman \$550,000 for damages she suffered in a 2013 fall near the entrance to Highland's Emergency Department.

The Elmira woman fell shortly before 6 a.m. on October 16, 2013, while helping her daughter get into a wheelchair in a parking garage.

"Highland Hospital allowed cement parking stops to be placed inside of a pedestrian walkway that bordered the handicap parking stalls," said Ziff Law Firm Attorney Christina Sonsire, who represented the woman. "The parking stops were the same color as the parking garage floor, and lighting in the area was grossly inadequate. My client – who was told to report to Highland Hospital in the early morning for cancer surgery – was simply walking in a reasonable manner when she tripped.

"As a result, my client suffered a four-part proximal humerus fracture of her left shoulder, leaving her with significant loss of range of motion in the joint. These limitations make it very challenging for her to care for her daughter in the manner she did before the fall."

Judge Judith O'Shea presided over the one-week trial in fall 2016 and attorney James Wolford of the Wolford Law Firm in Rochester represented Highland Hospital and its corporate owners, Strong Health MCO, LLC and Strong Partners Health System, Inc.

Following the trial, Wolford made several motions, including a request that the jury award be reduced because it is excessive.

On March 23, 2017, Judge O'Shea denied all of Wolford's motions except his request for a verdict reduction. Saying the verdict was



excessive, O'Shea reduced the verdict to \$225,000 – a decrease of nearly 65 percent.

"We were extremely disappointed by Judge O'Shea's ruling," Christina said. "The right to a trial by jury is the bedrock of our civil justice system. This type of judicial interference undermines the notion that a trial of one's peers, rather than an elected judge, will make decisions in cases like this."

Sonsire and her client decided to appeal Judge O'Shea's decision to the state Supreme Court Appellate Division, Third Judicial Department.

"Under New York law, a trial court can only interfere with a jury verdict if the amount deviates materially from what would be reasonable compensation," Christina said. "The authority of a court to upset a jury's monetary award should be used sparingly as it infringes upon a person's right to a trial by jury.

"We knew it was risky to appeal the decision, as there was a chance the Third Department could reduce the verdict even further. However, my client and I both felt so strongly that this type of interference was inappropriate that we were willing to take the risk."

On May 10, 2018, the Third Department issued a decision reinstating the \$550,000 verdict in full. Unpaid judgments grow at a rate of 9 percent per year, meaning the amount Highland Hospital must pay is now close to \$625,000.

"This is an occasion where justice truly has been served. My client suffered a serious injury that has a lasting impact on her life. The Third Department showed respect for the men and women who served on the jury by honoring their decision, and it confirmed to all people living in the Southern Tier that their right to a civil trial by jury remains intact."

A link to the May 10, 2018, decision is available here:

<http://decisions.courts.state.ny.us/ad3/Decisions/2018/525155-525231.pdf>

Commerce, and I believe in the future of the city. I am not trying to be anyone's hero. I realize it's a 300-square-foot shop and we are a tiny sliver of what is going on down here, but I really do want to see this city succeed and I hate to not be a part of it or not at least give it an honest effort.

Q: Why did you select the new location?

Rich: I had no plans to open a retail space or a gallery. My plan was to do this business through Etsy and other online sites like Facebook. But I was downtown one day and I walked



by and I looked at this space and I thought, "That's big enough to be able to maybe carry some items that I am not able to sell online because of the size and the prohibitive costs of shipping." The price was right, so I took the leap and wound up back downtown against all of my better judgment. I said I would never do it again, but it was the right thing to do. So far it has worked out well.

We get more responses from the Facebook app than just about anything. I also get browsers before or after they eat at Beijing Gardens. I didn't anticipate that, so it's been a bonus.

To see more of our interview with Rich LaVere, go to our website at www.zifflaw.com.

303 William Street, Elmira, NY 14902-1338

SUMMER 2018 NEWSLETTER



**Educating judges
about bike laws**



**\$550,000 verdict
for Sonsire client**

Email our newsletter?

At Ziff Law, we are committed to being environmentally friendly, so if you would prefer to receive our newsletters by email, please send your email address to info@ziffllaw.com, and as a thank you from us, we will enter you in a drawing for a **\$50 gift card to Lib's Supper Club** in Elmira.



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The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

Partners Named Super Lawyers

Jim Reed, Adam Gee, and Christina Sonsire of the Ziff Law Firm have been named 2018 Super Lawyers in Upstate New York following a rigorous nomination process.

Super Lawyers, a rating service of lawyers working in more than 70 practice areas, selects the top lawyers based on nominations by their peers and an evaluation of 12 indicators of professional recognition and achievements. Those selected are grouped by practice area and size of the law firm. Ziff Law is a personal injury and medical malpractice law firm.

"We are so proud to be the only firm in Upstate New York where all the partners have been selected as Super Lawyers because it speaks to our excellent reputation among our fellow lawyers who selected us during the peer review process," Jim said.

"For our clients, that reputation is a huge factor in ensuring that we achieve the very best possible results for their cases."

Jim, the managing partner of the law firm, was selected for Super Lawyers for the 11th year in a row. Jim has been with the Ziff Law Firm since 1986 and has been managing partner since 2001.



Adam Gee, Jim Reed, and Christina Sonsire of the Ziff Law Firm.

Adam, a partner in the law firm, was selected for Super Lawyers for the seventh time. Adam has been with Ziff Law since 2004.

Christina, a partner in the law firm, was selected for Super Lawyers for the second time. Christina was selected as a Super Lawyers Rising Star, for outstanding lawyers 40 years old and younger, from 2013-2016. Christina has been with Ziff Law since 2008.

To learn more about the Ziff Law Firm, go to www.ziffllaw.com.