

Legal News That YOU Can Use



ZIFFLAW FOCUSES ON CORE STRENGTHS

INJURY & MALPRACTICE CASES

BY JIM REED

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Bertram Ziff
ZiffLaw Founder

The Ziff Law firm was founded in 1946 by Bertram Ziff, an Elmira native who returned after his World War II service. Bert quickly became known as a tenacious trial lawyer, achieving great results on behalf of injured clients.

Over the ensuing 60-plus years, the firm expanded—ultimately reaching a peak of 10 lawyers and more than 20 staff members. Although our primary focus remained the representation of people injured by the carelessness of others, the firm added lawyers in other practice areas: real estate, bankruptcy, estate law, etc.

However, as times changed, we changed too. Like many businesses, we decided that rather than trying to “do it all”, our clients would be best served doing only what we do best: litigation involving injury, malpractice and divorce law.

Accordingly, over the last decade, we have discontinued practice areas other than litigation as we truly believe that focusing solely on what we do best permits us to provide the best representation possible to our clients.

My Dad, who was a plumber, always said: Pick the best tool for the job. We truly believe focusing on litigation lets us be the best tool for the job.

Ever since Bertram Ziff founded the Ziff Law Firm after his World War II service, the firm has honored and adhered to his standards and his practice area—the zealous representation of our friends and neighbors.

If you have questions about this topic, don't hesitate to call (800) ZIFF LAW or e-mail me at jreed@ziffllaw.com for more information.



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ACE NYC PARALEGAL JOINS ZIFFLAW STAFF

CORINNE ACAMPORA BRINGS SKILL AND EXPERIENCE TO THE JOB



Talented paralegals are essential to the smooth workings of a law firm. In our ZiffLaw newsletters and staff descriptions online at ZiffLaw.com, we have always emphasized the smarts and dedication of our paralegals. They make us lawyers look great, they inspire confidence in our clients, and they manage a

million details to make cases move forward smoothly.

Now there is a new name and face to add to our staff roster: Paralegal Corinne Acampora has joined Ziff Law.

Corinne moved to Ithaca from Manhattan with her husband, Brian, who is a 2012 Cornell Johnson School MBA Candidate. In New York City, she had a stellar paralegal career with the powerhouse litigation firms of White & Case and Kasowitz, Benson, Torres & Friedman. After interviewing with many other firms in the area, Corinne decided to join the Ziff Law team, and we are so pleased that she did so.

Corinne grew up in Framingham, Massachusetts, a suburb of Boston, but has been visiting family in upstate New York since she was born. Corinne is a graduate of Syracuse University, where she studied history and political science. She also spent a semester in China in the university's prestigious program there, AND co-founded and edited Chronos, the Undergraduate History Journal.

In New York City, Corinne earned a Master of Arts in Modern Art, Connoisseurship, and the History of the Art Market from the famous auction house Christie's. She started her law-related career as a legal assistant with White & Case, where she managed the documentation, including trial preparation, for several cases. She was recruited by the firm of Kasowitz, Benson, Torres & Friedman as a paralegal. While at Kasowitz, Corinne was the lead paralegal on cases involving issues from intellectual property litigation to an international art restitution case, and anti-trust class actions. Her responsibilities included hearing and trial preparation,

coordinating pleadings, correspondence, and client documents. Being a good communicator is an essential skill for a paralegal, and Corinne's editing experience stood her in good stead as she was responsible for editing legal briefs.

As she was managing all this, Corinne was also in charge of developing and implementing a training program, The Paralegal Institute, for the 45 or more paralegals working at Kasowitz. At Ziff, Corinne will be working with Christina Bruner Sonsire on medical malpractice and personal injury cases.

In her spare time, Corinne likes to cook, hunt for antiques and is excited to explore the Ithaca art scene. For our part, we are very glad she chose our firm and we look forward to working with Corinne.

"Speaking with Jim and Christina made my decision very easy. I could tell right away that the culture at the firm was one of integrity, professionalism and respect,"

"On top of those qualities, people here truly care about work/life balance which I think is very important."

Corinne Acampora

Our motto is "Local Lawyers, Big City Results!" Now we have a big-city paralegal (Acampora) joining the team.

Paralegal Corinne Acampora is working with Ziff attorney Christina Bruner Sonsire on medical malpractice and personal injury cases.

LOCAL BUSINESS SPOTLIGHT: KINGSBURY'S CYCLERY

BICYCLE SHOP EXEMPLIFIES WHAT "BUYING LOCAL" IS ALL ABOUT



Jim Reed and Paul Kingsbury at the finish of a 508-mile race across Death Valley in eastern California.

In each issue of the ZiffLaw newsletter, we focus on a locally-run business that has a positive impact on the community. This issue, I'm proud to turn the attention to my high school buddy, Paul Kingsbury, who owns Kingsbury's Cyclery. This year, Paul's shop celebrates its 30th anniversary. It is THE go-to bike shop in the area for everything from the smallest kid's bike to the \$10,000 racing bike.

Paul and I have ridden bikes together since we were in high school at Elmira Free Academy and we have ridden all over the United States and the world (Ireland, France, and Italy). Paul answered some questions about his connection to Elmira, his love of cycling and his business philosophy.

The reason he's our Business Spotlight this in this issue of the ZiffLaw newsletter isn't because he is my best friend, it's because his bike shop exemplifies what "buying local" is all about—a local guy running a local business where the money remains local.

- Jim Reed

ZiffLaw: Did you grow up in Elmira?

Paul Kingsbury: I did. I was born in Maine, and then my family moved to Salt Lake City, Utah, where my father earned a PhD in Physics. He took a job at Corning Glass Works so my family moved to Elmira when I was 6 years old. I went to Elmira Free Academy, class of '79, then took some business-related courses at Elmira College and Corning Community College

ZL: When did you open Kingsbury's Cyclery?

PK: In April of '81. Thirty years ago this year!

ZL: What drew you to the bike business?

PK: I've always loved bikes. As a kid I'd ride all over town with my friends. Then, in junior high school I met Jim Reed, who introduced me to bicycle racing. After graduating from high school, I worked in a local shop as a manager/mechanic. I felt I could do a better job on my own, and had always wanted to work for myself. I convinced my father to cosign a loan (at nearly 20% interest!) and I was in business.

ZL: What are the products and services you offer?

PK: In my shop, we offer bicycle and accessory sales, repair service by trained mechanics, and bicycle fitting. My shop provides personalized service for all cyclists, be they families pedaling down the block for ice cream, or, high-level racers competing around the country. We've also been selling skateboards for over 20 years. In 2010 I added bicycle tour support. My shop provides mechanical support for the Bon Ton Roulette and the Erie Canal Tour, each a week-long ride with more than 500 riders per event. In 2011, I'll support the Hudson Valley Tour as well. Then, to round out the seasons, a year ago I bought a hockey shop and moved it into my building. We now offer hockey equipment and skate sharpening.

ZL: What do you enjoy most about being a hometown business owner?

PK: Owning and operating a local business is a fantastic way to live and work! It's great to see, firsthand, the local economy in action. For example, I love to go out to dinner at a local establishment, whose owner was just in my shop to buy a bike

LOCAL BUSINESS SPOTLIGHT: KINGSBURY'S CYCLERY

BICYCLE SHOP EXEMPLIFIES WHAT "BUYING LOCAL" IS ALL ABOUT

CONTINUED



Paul Kingsbury enthusiastically embraces a beautiful day in the French Alps. Paul and ZiffLaw attorney Jim Reed traveled there for the Tour de France.

for her daughter. Then I say "Hello" to my barber who just cut my hair. He says "Hello" to the guy that plows his parking lot. The plowman is coming to my shop tomorrow to pick up his bike that I repaired. I think it's really cool to be able to see how our businesses work together and depend on each other, like the chain and cogs on a bicycle. It's really true that you vote with your dollars when you spend them. You can vote locally and keep your community alive, or vote nationally and watch your town struggle.

ZL: And what do you enjoy most about the bicycle business?

PK: Anyone who rides a bike is a friend of mine. I love to be out and about and see someone riding along on a bike that I sold or serviced. It's rewarding to know that my efforts have made that person's life a little better. I especially enjoy helping the less glamorous cycling community, helping the folks who depend on their bikes to get to work or to the store. Sometimes they're called "less fortunate" since they don't own a car, but from the smiles and stories I've seen and heard about their cycling experiences, I'd say they're the lucky ones!

Kingsbury's Cyclery is located at 228 West Water Street in Elmira. Stop by or call (607) 733-3465 for more information. A website, <http://kingsburyscyclery.com>, is under development.

REAL ESTATE AND BANKRUPTCY ATTORNEY MATT HUGHSON LEAVES ZIFFLAW

WE WISH HIM THE BEST AS HE JOINS A GOOD FRIEND'S PRACTICE



After more than 6 years with the Ziff Law Firm, attorney Matt Hughson, who handles real estate and bankruptcy, has left the firm to become the partner of his longtime friend, Elmira attorney Frederick Cerio. While it was a poignant departure, the choice was mutual and happy one, given ZiffLaw's return to a personal injury focus (See our cover story, "ZiffLaw Charts a New Path").

Matt departed ZiffLaw in late November. He handled the transition deftly and had a great contingency plan for his clients—however, if any former clients have questions, please feel free to contact Matt or the Ziff Law Firm in care of James B. Reed at (607) 733-8866.

Matt is a very talented lawyer and was always a valued member of the team here at ZiffLaw. We're glad he found a new niche, but stayed close to home, here in Elmira.

LEGAL NEWS YOU CAN USE

WHY YOUR NEW YORK AUTO ACCIDENT CASE CAN'T BE RUSHED EVERY CASE HAS UNIQUE CIRCUMSTANCES

“How long will my auto accident case take?” If I only had a nickel for every time I’ve been asked that question... The honest answer is: “It depends.”

Sorry, but that is the best answer any injury lawyer can give you. I am NOT trying to evade the question or be flip, but I have learned over my 25 years of representing injury victims that there is no easy answer to this question. The answer ALWAYS depends on the unique facts of each case. I have settled some cases within a month of the accident; I’ve had other accident cases that have taken many years to finally reach the courtroom.

How long a case will be hinges on a number of factors.

1. How long you are actively treated for your injuries. Most often it is NOT a good idea to try to settle your claim until you are done treating. Responsible lawyers are quick to remind their clients that they only get one chance—one bite at the apple—to settle their case so they need to be very sure of the permanent consequences of any injury before even discussing the settlement value of your case.
2. The nature of your injuries. Some injuries heal quickly so very early on you are able to tell what might be the lasting consequences of your injury. Other injuries take a long time to heal or in some cases, never heal. Those cases usually take longer.
3. How the accident occurred. Is the fault of the other driver clear and convincing or is there some significant argument about who was responsible for causing the accident? The more complicated the liability question, the longer the case is likely to take.
4. The insurance carrier who insures the other driver. Some carriers have a reputation for quickly evaluating claims and making reasonable settlement offers. Other carriers are known for taking forever and never settling a case before trial.
5. The amount of the insurance coverage. Often, the more money that may be at stake, the longer the case might take.

The key thing about how long your case should take is that you want it to take as long as it needs to take to get maximum value for your case. You do not want to rush your case, thereby settling for less than it is worth. Likewise, you do not want your case to drag on any longer than it needs to take. I like to say to my clients, “I don’t get paid until you get paid – so rest assured that I am NOT going to let your case drag on any longer than it needs to take!”



MEDICAL MALPRACTICE UPDATE:

RESEARCH SHOWS HIGH CLAIMS FORCE FACILITIES AND DOCTORS TO ENHANCE DIAGNOSES



Research is backing up the need for the medical malpractice system, which allows patients to seek redress after health care mistakes. The money that is paid out in medical malpractice claims is a very, very strong incentive for doctors and hospitals to improve their methods. Medical malpractice claims aren't just reactive—they have a proactive effect on health care. The Wall Street Journal article, “What the Doctor Missed: Using Malpractice Claims to Help Physicians Avoid Diagnostic Mistakes, Delays” by Laura Landro, looks specifically at diagnostic errors. We have all heard horror stories about doctors who have fallen asleep while performing surgery or been under the influence of drugs or alcohol while practicing. Diagnostic errors may be more subtle, but the results can be just as devastating. Think of the breast cancer victim who believes a lump is just a cyst, or the person with a rare blood disorder that dies with it undiagnosed because specialists didn't share information. These aren't cases of bad or evil doctors. They've probably saved the lives of many other patients. The problem is, when these doctors do slip up, there are lives at stake.

Let me outline some key points of the article:

- Diagnostic errors are rampant and costly. According to studies of resolved claims, diagnostic errors make up 40 percent of malpractice cases, and cost an average of \$300,000 to settle.
- Malpractice claims are a driving force behind the development of new diagnostic methods, equipment and tracking systems. Doctors are looking into any effective means for identifying potential problems and carefully following up with patients. Some are trying electronic alerts, while others are using checklists to follow tried and true methodology.
- Mistakes in diagnosis are far too frequent, and reflect core problems in our health-care system. Primary-care doctors are overloaded with patients and paperwork. Test results are lost. Follow-up exams aren't ordered. Hospitals and insurance companies press for improvements because they don't want to face frequent claims.

When you hear someone complain or theorize that malpractice claims are driving up the cost of health care, think about the efficiencies and improvements our system has brought about. Medical malpractice claims can be good for medicine, good for the patients that rely and trust in their physicians, and good for the doctors who need reliable systems of managing and tracking an unbelievable amount of patient information.



WINTER RIDING TIPS FOR BICYCLISTS

YES, YOU CAN KEEP RIDING YEAR-ROUND, EVEN IN UPSTATE NEW YORK!



As a bike accident lawyer who loves riding—despite the fact that I live in an area with brutal winters, I have learned many tricks over the years to make winter riding not just tolerable, but actually enjoyable. The following tips are excerpted from a guide by the great folks at CycleOps.com (makers of PowerTap power meters, trainers, etc.).

Conquering Cold Weather Riding

Riding outside when the temperature drops can be tricky. But, getting outside to ride once or twice a week can be a great way to clear your mind and get a great workout. If you prepare correctly, you will stay warm, safe, and most importantly, have fun.

1. **Dress in layers:** Wear clothing you can peel away if needed. Three or four layers is ideal – under-shirt, thermal jersey, a vest (lightweight or thermal, depending on weather), and maybe a jacket. Use a water wicking layer on the base (active wear or wool) and then go into more wind/wet protection on the outer layers.
2. **Protect your extremities:** Wear good gloves on your hands and booties on your feet. If your hands get easily cold, try lobster gloves. They keep your fingers just as warm as mittens but provide dexterity to brake and shift. If it's really cold or your feet get easily cold, wear winter riding shoes, shoe covers, wool socks and stick-on foot warmers. The foot warmers are air-flow activated, so these usually work better if you replace the shoe covers with them.
3. **Minimize exposed skin:** Be cautious with items that cover your mouth. Breathing into things makes them wet, and wet items freeze to ice quickly on a bicycle. Covering the chin instead of the mouth will often keep you warmer than covering your mouth and making your face wet. It will also make breathing easier and more enjoyable. If it's really cold, you can use Vaseline to cover the skin on your face to avoid frostbite, although this is for extreme temps only.
4. **Regulate heat:** Look for outerwear with zippers, which easily open or close to regulate heat as needed. Do not get sweaty; if you are warm, crack open the zipper to keep just a little cool; this will also motivate you to ride a bit harder. If your outerwear doesn't have zippers, here's a tip: Tucking a shirt into your riding pants/tights holds heat in. Untucking a shirt from pants/tights allows air to move through and cool you down. This is a good way to adjust for varying temperatures during a ride.
5. **Invest in some key gear:** Better clothes are not just better fitting, but they also regulate your body's temperature better. By using materials that not only block cold air, they wick moisture from your skin. They'll keep you drier, which in turn keeps you warmer. Look for Windblock and wool; it's great at adjusting to changing temperatures. Two good pieces to splurge on for cold weather riding are thermal tights (preferably bibs with a chamois), and a thermal jacket or jersey.
6. **Don't overdress:** It's better to be a little cool when you start riding than soaking wet from sweating halfway through your ride. Your body will warm up as you continue riding, so after a few miles, you should be warmer and more comfortable.
7. **Consider your helmet:** Make sure your helmet fits properly with a hat underneath. If it doesn't, purchasing a larger helmet or thinner hat is recommended. Skullcaps are thin and generally fit under helmets, but make sure they cover your ears. Ski helmets also make great winter cycling helmets; they already have the ear covers on them and are extremely warm.
8. **Plan carefully:** Winter weather can change quickly. Check the report before you ride. Plan your ride with short-cuts to get home; if the weather changes, if you are over or under dressed, or if you have a mechanical problem, you want to make sure you can get home quickly.
9. **Stay hydrated:** Even though it is cold out, your body still needs fluids. If it is below freezing, use a drink mix like Gatorade or Nuun to keep your water from freezing. Put a second water bottle of HOT water in your back jersey pocket as you leave to keep you initially warm. Also the body heat will keep that one liquid throughout the ride.
10. **Stay visible:** Dress with bright colors and flashing lights. Motorists are less likely to look for cyclists in the winter, so making a bold statement you are on the road will keep you from getting hit.

Manned with these tips, you should be able to ride when it's in the 40's, 30's, 20's (degrees Fahrenheit), and even colder, and you can extend your outdoor riding season into the winter.



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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.

I WRECKED RECORDS AND ORGANIZES ACCIDENT INFORMATION

FREE IPHONE APP HELPS VICTIMS AFTER A ROAD ACCIDENT

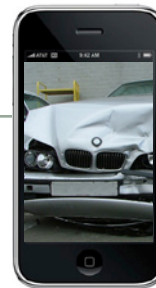
The app iWrecked has been called the original auto accident app for the iPhone.

OK, if you're thinking "Why would I want an accident app?" I can tell you.

iWrecked is an invaluable tool for recording essential details after a crash. It's absolutely FREE and from my perspective(s) – as a personal injury lawyer, an avid bicyclist and bike accident attorney and an everyday driver – this app is something everybody with a smartphone, (or one of the new iPod Touch w/cameras) should have.

I'm using this app on my own iPhone and I thought it would be a good idea to spread the word. Basically, iWrecked is helpful in two very important ways—recording information about an accident and getting help after an accident.

According to the description by iWrecked makers Vurgood Applications, the app is a resource for recording everything you need to after a wreck.



"Take unlimited photos of the damage and accident scene... generate a detailed, professional-looking PDF accident report with images, which you can send directly from the app to your insurance company."

Wow, that's two sentences describing what would be a tremendous hassle without iWrecked to prompt you to get the information you need, then sort and store it, and make a report. Here are some more features:

- A detailed accident log and history
- Unlimited photos from the device camera or imported from photo library
- A PDF accident report with images to preview and send
- Listings of nearby taxi and/or towing companies to assist you
- Emergency numbers (911) with the press of a button
- Unlimited vehicle information and photos in a collection
- Speed-dial call buttons to set for the insurance company, other driver and more

You can see a video of iWrecked in action online at YouTube. Check it out. No-one expects to be in an accident, yet accidents happen every day. Why not be prepared – especially since it's FREE!