



FLANZIG & FLANZIG, LLP

Attorneys At Law

LEGAL UPDATE

SUMMER 2005

A newsletter from
Flanzig & Flanzig, LLP
Attorneys At Law

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**WE REPRESENT
CLIENTS WHO
HAVE SUFFERED
SIGNIFICANT
INJURIES AS A
RESULT OF:**

- Automobile Accidents
- Motorcycle Accidents
- Construction Accidents
- Medical Malpractice
- Defective Products
- Police Job-Related Injuries
- Firefighter Job-Related Injuries

As seen in the Long Island Business News, July 16-22, 2004

Siblings keep law practice in the family

Mineola—It was 1956 when Sheldon Flanzig launched a general practice firm that dabbled in the personal injury market. Today, nearly a half century later, that firm has morphed into Flanzig & Flanzig, but it's not Sheldon running the show anymore; it's his children, Daniel and Cathy. The sibling team has picked up where their father left off. They also put their heads together to grow the personal injury side of the business, which is the sole area of practice by the Flanzigs nowadays. They represent clients who have suffered significant injuries or wrongful death as a result of automobile, motorcycle, and construction accidents; medical malpractice; or defective products. "The firm is looking to become a more boutique personal injury specialist—one of a kind," Daniel Flanzig said. Translation: The Flanzig siblings want to dominate the personal injury space. Neither child would have been so passionate about the law had it not been for their dad, they said. While Sheldon Flanzig operated what was then known as Joachim & Flanzig, Daniel and Cathy watched on as kids. Around the dinner table in their Huntington home, the elder

Flanzig discussed trial work, the art of advocacy, and the impact that an effective



attorney can have on another person's life. So it was no surprise to their father that both Cathy and Daniel chose to attend law school and become personal injury attorneys. Cathy, now 44, earned a Juris



Doctorate from Benjamin N. Cardozo School of Law at Yeshiva University in New York, and her brother, 36, received the same from the City University of New York School of Law. Each joined their father's firm after

graduation and have a collective 35 years of personal injury litigation experience. In 2001, Sheldon Flanzig went into semiretirement, leaving his children to manage and lead his firm, which they have reorganized as Flanzig & Flanzig, LLP. The duo has said there are great advantages to working side by side with a sibling. Hidden agendas and power plays don't exist. "It's great working with my sister because there is a trust there, and we're working toward the same goal," Daniel said. "And bearing the Flanzig surname has its benefits," Cathy said. "The family name is a valuable asset to be protected and guarded." It's about practicing law—quality law. The firm also is focused on extending its reach beyond Nassau County and into the entire metropolitan area. About half of Flanzig & Flanzig's clients come from the five boroughs. The firm employs six paralegals, and an additional associate will be joining the firm in the fall. In addition, the firm has small offices in Manhattan and Queens; however, the firm continues to operate at the 323 Willis Avenue, Mineola, New York, address where their father had practiced for over 25 years.

1-866-FLANZIG

Additional facts surrounding the alleged insurance crisis in New York

Two issues continue to make headlines in New York regarding an alleged insurance crisis: the scaffold law and vicarious liability. Contractors in New York continue to blame their high cost of liability insurance premiums on New York State's scaffold law. The scaffold law was enacted over 40 years ago to provide construction workers and other contractors with a safe workplace environment. When an owner or general contractor fails to provide a safe work environment, causing a worker to get injured, they may be held strictly liable for the injury to the worker. Contractors have blamed this section of the law for higher liability premiums; however, recent studies show that profits for insurers, such as American International Group (AIG), Chubb, Liberty Mutual, and The Hartford, were extraordinary last year. For instance, AIG reported a record net income for 2004 of \$11.05 billion, up 19.1% from 2003. Chubb reported a 2004 income of \$1.55 billion, nearly double its reported \$809 million earnings for 2003. Last October, Robert Hartwig, chief economist of the Insurance Information Institute, wrote: "Despite one of the worst quarters ever for disaster, the property/casualty insurance industry in 2004 appears poised to realize its first underwriting profit in more than a quarter century." It appears that the higher premiums being paid by builders and contractors have contributed to these insurance companies' extraordinary profits. It cannot be said that a payout of claims has cut into the industry's profit margin.

New York's vicarious liability law makes the titled owner of a vehicle liable for the negligence of its operator. This law was enacted in the event that an uninsured operator of a motor vehicle caused an accident with a properly registered and insured vehicle. In this case, the victim of the accident would be assured compensation. GM, Ford, and Chrysler have used this law to stop writing leases in New York. However, the motives for these pillars might be hidden elsewhere. The monthly cost of a car lease is based upon the car's purchase price minus its value at lease termination. When a car is worth less at lease end, the higher the monthly leasing fee is. Cars made by Honda, Toyota, and Nissan typically hold their values much better than cars made by domestic makers, which makes them more attractive to lease. Based upon this increase in competition, GM, Ford, and Chrysler have stopped leasing in New York and have sharply cut back leasing nationwide. As explained in the *Capital District Business Review* (August 13, 2004), "The furor over liability may be a convenient scapegoat for manufacturers looking for a reason to withdraw from a destructive leasing war," said Bill Richards, General Manager of Toyota of Clifton Park. Toyota never left the leasing market. Richards credited that to the steady resale value of this product at the end of the lease. Richards believes that the vicarious liability issue was a good excuse for some manufacturers to get out of the leasing program. It appears that the inability to compete in leasing losses in the billions may be the true promotion behind GM, Ford, and Chrysler's decision to stop leasing vehicles, not New York's vicarious liability law.



Partners Cathy Flanzig and Daniel Flanzig present the 2004 Flanzig Law Scholarship at Mineola High School.

PARTNER UPDATES

Cathy Flanzig

Partner **Cathy Flanzig** has recently been appointed by the Administrative Judge of the Supreme Court, Nassau County, as Court Mediator. This is a prestigious appointment. Parties who have cases pending in the Supreme Court, Nassau County, are required to appear before the mediator in an attempt to resolve their claims prior to trial. Ms. Flanzig has been extremely successful in reaching resolutions in a variety of complex commercial litigation, as well as her area of expertise: significant personal injury litigation.

Daniel Flanzig

Partner **Daniel Flanzig** has recently been granted membership to the nationally recognized Million Dollar Advocates Forum. This exclusive national organization is restricted to trial attorneys who have received a trial verdict or settlement in excess of \$1 million.

CONSTRUCTION SITE ACCIDENTS



Every day, hundreds of workers become injured on the job, most through no fault of their own. At particular risk are those employed in construction jobs or those who must use industrial machinery—cases in which safety often-times may not be a top priority of employers.

The law provides special protection to workers in the construction industry who are injured due to the lack of safe equipment or are subject to unsafe work sites. In construction projects, the general contractor and the owner of the construction site have the responsibility of providing a “safe place to work.” A worker injured on the work site is not limited, in many instances, solely to workers’ compensation payments, which reimburse workers for wage loss and medical bills. Help is also available through the courts. It is important to hire an attorney who is skilled and experienced in construction-site litigation.

We have been able to assist many workers in obtaining substantial economic recoveries for cases in which they were injured as a result of unsafe workplaces.

Nassau courts provide programs that serve the community

Nassau County residents who report for jury duty now have the ability to take advantage of all Department of Motor Vehicle (DMV) resources while serving as jurors.

Staff from the DMV regularly set up a satellite office in the central jury room of the Supreme Court and provide virtually all services that are usually only available at a DMV office.

Once each month, jurors can renew their licenses, surrender plates, obtain car titles, and even apply for a learner’s permit while at the court. “We’re very aware and appreciative of the sacrifices that men and women make while serving as jurors,” said Nassau County Administrative Judge Anthony Marano. “Our goal is to remain one of the finest court systems in the nation, and while doing so, implement programs that not only will enhance the image of the court system, but provide a meaningful service for our residents.”

The DMV initiative is part of a larger effort by the Nassau County Courts to provide services to the more than 60,000 men and women who report for Nassau County jury service each year.

Other services currently available include mammography screening, blood pressure checks, and a nationally recognized blood donation program.

Nursing home abuse and neglect

With over 1.5 million elderly and dependent adults now living in nursing homes throughout the country, abuse and neglect has become a widespread problem. Even though there are many nursing homes that provide good care, many are subjecting residents to needless suffering and death.

Residents of these homes are dependent on the staff for most of their needs, such as food, water, medicine, grooming, stimulation, and sometimes all of their daily care. Sadly, many residents face dehydration, malnutrition, overmedication, and painful pressure sores. The causes of this abuse can be from many different sources. Commonly, it is found that nursing home staff are poorly trained, and caregivers are overworked and grossly underpaid. Some have found caretakers to be rude, abusive, and insensitive to patients’ needs.

Thankfully, New York State recognizes a claim for such abuse and the right of a family member to stop the abuse by use of the court system to obtain monetary compensation for their family victim, with the hope of obtaining better-quality care. Certain statutes in New York provide an express right of recovery, and other facilities are guided by federal guidelines.

Flanzig & Flanzig focuses in the area of nursing home abuse and neglect. If we can be of assistance to your family or a friend, please call us to discuss potential methods of change.



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Referrals

Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these "VIPs" as well as we care for you.

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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.

RECENT SETTLEMENTS AND VERDICTS

\$2,000,000

Flanzig & Flanzig obtained a \$2 million settlement on the fifth day of trial in a medical malpractice action. The claim was based upon the doctor's failure to properly diagnose and treat our client's breast cancer. The failure to timely diagnose the patient significantly reduced the ability to successfully treat and cure the cancer. The settlement was reached during the trial, after the trial judge determined that the defendant physician committed medical malpractice as "a matter of law."

\$320,000

Flanzig & Flanzig obtained a \$320,000 settlement for a woman who was a victim of a drunk-driving accident. After obtaining a settlement offer of the full policy limits of the drunk driver, Flanzig & Flanzig commenced an action against the bar that served the intoxicated patron. The settlement with the establishment was reached after jury selection, but prior to the commencement of the trial.

\$250,000

Flanzig & Flanzig obtained a settlement for two women who were passengers in a vehicle involved in a significant automobile accident. The operator of the vehicle alleged that her brakes failed, causing her to drive into the rear of a stopped tractor trailer. Through the use of an expert engineer that Flanzig & Flanzig dispatched to Indiana (the site of the accident), we were able to prove that the brakes operated properly and the sole cause of the accident was the defendant operator's negligence.

