



**Local Lawyers, Big City Results!**

303 William Street, Elmira, NY 14902-1338

**ZIFF LAW LAWYERS  
GO THE EXTRA MILE**  
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**FIND TRUE LOVE  
ON SENECA LAKE**  
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## DO YOU KNOW ANY HOMETOWN HEROES TO HONOR?

**NOMINATE THOSE WHO MAKE A DIFFERENCE SO THEY CAN BE SALUTED THIS SUMMER AT DUNN FIELD.**

The Ziff Law Firm is teaming up with the Elmira Pioneers again this summer to honor a Hometown Hero of the Game for each Pioneers home game from nominations provided by Twin Tiers residents.

Anyone who gives back to their community through their work, actions or volunteer efforts is eligible to become a Hometown Hero.

Those selected by the Ziff Law Firm as Hometown Heroes – and up to seven of their family members and friends – will be guests of the law firm at a Pioneers game at Dunn Field, where they will be seated in a specially designated box. The Hometown Hero is recognized during the game by the public-address announcer.

The Ziff Law Firm has been recognizing Hometown Heroes since the 2012 season.

The Elmira Pioneers play in the Perfect Game Collegiate Baseball League, a summer league with 10 teams from across New York State. The Pioneers' season began June 5, and the regular season concludes July 30.

Dunn Field will also host the league's All-Star Game on July 15.

The Pioneers replaced the stadium's old box seats and installed a new sound system, among other improvements, for the 2014 season.

The Ziff Law Firm looks forward to turning the spotlight on people making a difference in our community, said attorney Adam Gee of the Ziff Law Firm.

"Service to your community, whether through one's occupation or volunteer work, is as American as baseball and apple pie, so we can't imagine a better way to thank our Hometown Heroes," Adam said. "Our Heroes could be police officers or firefighters or other emergency workers, or they could be people doing other good work in the community."



**TO NOMINATE A  
HOMETOWN HERO**

**Online form:**

[www.ziffllaw.com/hero](http://www.ziffllaw.com/hero)

**Email:**

[hero@ziffllaw.com](mailto:hero@ziffllaw.com)

**Mail:**

303 William St., Elmira, NY 14901

**Call:**

(607) 733-8866 or (800) 943-3529



Local Lawyers, Big City Results!



**JIM REED**

Injury & Malpractice Law



**ADAM GEE**

Injury & Malpractice Law



**CHRISTINA SONSIRE**

Injury & Malpractice Law



**SUE DAUBNER**

Divorce & Family Law

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# Legal News That YOU Can Use

SPRING/SUMMER 2014

## ZIFF LAW LAWYERS GO THE EXTRA MILE

**OUR MEDICAL MALPRACTICE ATTORNEYS CONSULT WITH N.C. TRIAL EXPERT ABOUT ONE OF CHRISTINA SONSIRE'S CASES**

Jim Reed, Christina Sonsire and Adam Gee recently traveled to Duke University for an all-day meeting with trial consultant and author David Ball, who is widely regarded as the foremost plaintiff's trial strategist in the world.

The Ziff Law team made the journey to discuss a four-year-old medical malpractice case Christina is working on that will likely be tried within the next year. The malpractice resulted in the death of a local man, Christina said.

She has been regularly discussing the case with Jim and Adam, so it was essential that all three meet with David, she said.

It's just the latest example of how the Ziff Law Firm takes any steps necessary to fight for its clients.

"We all went because we have great teamwork and we are all involved in each other's cases and work together on them," she said. "When we take on a case, we go in all the way and spend whatever time and money we



*David Ball challenged the Ziff Law lawyers to look at the medical malpractice case in different ways.*

they got to the Durham, N.C., campus, David was ready with some challenging new approaches as they all brainstormed new tactics.

"In that first hour, he challenged our notions about the case and reminded us that we are talking about jurors who have not lived with this case for years," Jim said. "By the end of the day, the approach we intended to take in the case was updated in a very good way."



*Jim Reed, Christina Sonsire and Adam Gee recently met with trial consultant and author David Ball to discuss a medical malpractice case.*

Christina said it was important to have an independent set of eyes on the case. "I attended a David Ball conference in Atlanta last year, but it was much better to spend a day reviewing one of my cases with him," she said. "David was able to pick up things about the case that a juror might. His approach was to focus on the conduct of the defendant, and he provided a lot of great advice."

Adam said he's read David's books, including the highly regarded "David Ball on Damages," but meeting David was a great investment by the law firm in its lawyers.

"You can only learn so much from reading his books," Adam said. "We really benefitted from being able to discuss strategies in relation to the particular aspects of this case. It also showed us how to better implement some of his theories in the other cases we handle."

Don't let our law firm's small-town location fool you, Jim said.

"We may have chosen to work in a small city in upstate New York, but we hire the best experts possible because we understand the importance of presenting our cases at the highest level possible," Jim said. "This is a good example of how the Ziff Law Firm takes any steps necessary to fight for its clients."

## AFTER BICYCLIST'S DEATH, A PUSH FOR GREATER AWARENESS

JIM REED, WHO IS REPRESENTING CYCLIST'S FAMILY, URGES DRIVERS TO BE VIGILANT

Attorney Jim Reed has a simple wish following the tragic death of bicyclist Matt Miller in an April accident.

"Let Matt's death serve as a reminder to all drivers to always look twice when making a left turn because you could save a life," said Jim, who is representing the estate of the former Elmira resident, who died in April after he was struck by a car that was turning left on Hendy Creek Road in the town of Southport. "It is heartbreaking to feel the grief experienced by Matt's family and friends."

Matt, 43, died April 25 at Robert Packer Hospital in Sayre, one day after the motorist crossed a double-yellow line and struck him head-on. Matt is survived by his wife, Michele, and their 7-year-old son, Holden. Matt was a stay-at-home father to his son.



Matt and Michele Miller with their son, Holden.

"Matt's family and friends hope that his tragic death and the Awareness Ride will be catalysts to remind all drivers to be vigilant," Kingsbury said. "There have been too many fatal accidents involving riders and pedestrians."

Matt was a cyclist's cyclist who loved to ride, Paul said. "It wasn't all about equipment and training to Matt. He loved to ride down rural dirt roads to explore and see new things and meet interesting people. He was a very personable, intelligent guy."

New York State Sen. Tom O'Mara, R-Big Flats, was among those who addressed the Awareness Ride before it started. He is co-sponsoring legislation in Albany that calls for adding a bicycle and pedestrian safety component to the state's pre-licensing driver's education course (Senate bill is S6143-2013).

The driver of the striking vehicle, Keith Stewart of Pine City, was ticketed for Failure to Yield the Right of Way, police said.



A ghost bike, painted white on May 4 by Matt Miller's family and friends, has been installed at Hendy Creek and Dutch Hill roads in the town of Southport, near the scene of the fatal accident.

Jim will represent Matt's family in all matters pertaining to Matt's death, including a wrongful death action to financially provide for his family.

"In my 28 years of representing injured cyclists, over and over again I see the same cause of these collisions: Left-turning vehicles, where the motorists claim to have never seen the cyclist," said Jim, who advocates for bicyclists as a board member with the statewide New York Bicycling Coalition. "The law charges every motorist with the obligation to see what is there to be seen, and accordingly, motorists should look twice before making any left turn."

Paul Kingsbury, owner of Kingsbury's Cyclery in Elmira, organized the May 15 Awareness Ride In Memory of Matt Miller that drew hundreds of people, including many riders of all ages and skill levels, to Eldridge Park for a 6.2-mile ride. Paul was a friend of Matt's, who was a 1989 graduate of Elmira Free Academy.

Jim said people need to know that a bicycle is considered a vehicle under New York State law.

"So if you see a bicycle coming, you have the obligation if they have the right of way to yield the right of way to that bicyclist," he said. "I think most people try to do that. I am an avid cyclist and I see it all the time.

"But what happens at times is drivers don't see a bicycle or a runner or a pedestrian because they are smaller than what they are looking for, like another car or a truck. Now that the good weather is back and more people are out, drivers have to retrain themselves. Remember: left turns kill – look twice!"



**"Let Matt's death serve as a reminder to all drivers to always look twice when making a left turn because you could save a life."**

**Jim Reed**

### TO HELP MATT'S SON

Friends of Matt Miller's family have set up a fundraising effort called Holden's Heroes to help save money for a college education for Matt's son Holden. Those wishing to contribute may do so at [www.youcaring.com/tuition-fundraiser/holden-heroes/175064](http://www.youcaring.com/tuition-fundraiser/holden-heroes/175064).

## SYRINGE LAWSUIT PLAINTIFF HAS HEPATITIS C

ADAM GEE REPRESENTS ABOUT 80 CORNING HOSPITAL PATIENTS IN MEDICAL MALPRACTICE CASE

Attorney Adam Gee, who represents nearly 80 Corning Hospital patients in a medical malpractice lawsuit who were potentially exposed to hepatitis, HIV, AIDS and other blood-borne illnesses when a nurse used the same syringe on multiple patients, has filed a new lawsuit on behalf of one of those patients who has now been diagnosed with hepatitis C.

The lawsuit was filed in April in Chemung County Supreme Court.

It can sometimes take a year or longer for diseases like hepatitis and HIV to result in a positive blood test. For the patient recently diagnosed, it was his one-year test that finally showed he had contracted hepatitis C, Adam said.

"This diagnosis should serve as a warning to all the Corning Hospital patients affected by the reuse of these single-use syringes: Don't skip your tests, don't think you aren't at risk and don't think this couldn't happen to you. Get all of your testing done," he said. "Guthrie had agreed to pay for the testing for a year, but also consider having additional testing done to make sure you and your family are safe."

Guthrie Corning Hospital admitted that a registered nurse did not follow proper procedure when she used single-use saline syringes to flush multiple IV lines between Oct. 15, 2012, and Jan. 29, 2013. The single-

use saline syringes are used to flush IV tubing before and after medication is administered.

The hospital said it mailed letters to 236 patients who were exposed to the contaminated syringes and urged them to be tested at regular intervals.

"For the last year, Guthrie doctors and nurses and administrative staff have been incorrectly telling the exposed patients how there is little risk they could become sick," Adam said. "We knew that there was a significant risk that patients could become ill, as New York State health records show that there were three hepatitis C positive patients at Corning Hospital during the time the nurse was reusing the single-use syringes.



**"The recent diagnosis that one of my clients contracted hepatitis C shows how real the risk is. Because of the malpractice committed by this nurse, hundreds of patients were potentially exposed to these deadly diseases."**

**Adam Gee**

## GEORGETOWN HONORS ATTORNEY CHRISTINA SONSIRE



Attorney Christina Sonsire, top right, a former captain of the Georgetown University women's soccer team, was among those honored in March for their contribution to the program, which has become a national powerhouse.

Attorney Christina Sonsire was recognized by Georgetown University at a special banquet on March 22 on the school's campus in Washington, D.C.

The banquet was arranged by David Nolan, the current coach of the Georgetown women's soccer team, to recognize players who served as captains and helped mold the program into the powerhouse that it is today.

Christina played soccer for the Hoyas from 1994 to 1998. Serving as the team's captain her senior year, Christina graduated as the team's all-time leader in both goals and assists. Even though both records were broken in 2011, Christina is proud to have been part of what is a growing legacy.

"Playing soccer for Georgetown was one of the most amazing experiences of my life," she said. "Not only did I have a chance to play a sport I love at a very high level, but I also was able to build deep friendships that will last throughout my life."

Georgetown has grown to become a perennial powerhouse, losing 1-0 in November to Virginia in the NCAA Division 1 Tournament. The team finished the season ranked 20th, and two players were named All-American.

"It is mind-blowing to see how successful the program has become," Christina said. "The Big East is a very difficult conference, and the Hoyas are now recognized as one of the strongest not only in the conference but in the entire nation each year. Go Hoyas!"



TO LEARN MORE:

Guthrie Corning Hospital patients seeking more information on the lawsuit can email [corningsyringeinfo@ziffllaw.com](mailto:corningsyringeinfo@ziffllaw.com) or call Adam Gee at 800-943-3529.

## EMPLOYEE SPOTLIGHT: CHILDREN COME FIRST FOR SUE DAUBNER

VETERAN ZIFF LAW DIVORCE, FAMILY COURT LAWYER HAS FIRM PRIORITIES WHEN ADVISING CLIENTS

Sue Daubner was a senior at Elmira Free Academy in 1986 when she first met Bert Ziff, the founder of the Ziff Law Firm. Unfortunately for Sue, she was a witness to a non-injury accident being cross-examined by Bert.

“Mr. Ziff had this way about him – he could confuse anybody,” said Sue, a divorce and family court lawyer with the Ziff Law Firm since 1994. “When he cross-examined you, he’d make you feel like you didn’t have any idea what you were talking about. He was very effective.”

A feisty grandmother was among the people who inspired Sue to become a lawyer. “She told me I should be a lawyer because I was really argumentative,” said Sue, who was close to her late grandmother, Meredith Moore, the mother of Elmira lawyer Jack Moore of Moore & Woodhouse. Sue’s brother, Scott Moore, is a civil litigation and real estate lawyer with an office in Elmira.

Sue follows the lead of the law firm’s late founder and is a fierce and compassionate advocate for her clients.

“I usually meet my clients at the most emotionally vulnerable time in their lives,” she said. “Emotions run high in custody and divorce cases, so I really try to help people because they are going through such a hard time. I ask a lot of questions because I want to be sure people have explored every other option before starting the legal process.”

Sue recently fought in Chemung County Court for a woman and her husband who wanted to adopt her biological child. The stepfather had been the only father the child knew and the birth father had been absent for most of the child’s life. Sue and the couple prevailed.

“I cried I was so happy,” she said. “I am emotionally connected to my clients because I really try to understand what they are going through. But at the end of the day, if we are in court, then it’s business and I have to do my job.”

Sue prefers settlement conferences over courtrooms when it comes to divorces.

“I want people to work out their differences without going to court because I feel like, especially if they have children, it really is better if they can communicate after the divorce is over as opposed to if they



**“I want people to work out their differences without going to court because I feel like, especially if they have children, it really is better if they can communicate after the divorce,” Sue Daubner said.**

“Fortunately, the other lawyers in the Chemung County legal community agree that we always want the outcome to be in the best interest of the children,” she said. “Joint custody is usually the best option in divorces, if people can be grown up enough to realize that children need two good parents working together. But in really difficult cases, we have to assign law guardians to represent the children.”

Sue has been with the Ziff Law Firm for 20 years, and it’s the only law firm she’s worked with. She started as a runner with Bert and other lawyers when she was in high school, and was an intern during the summers when she was in college, writing briefs and researching.

“I have always worked with an amazing group of people and they are like my second family,” she said. “We all get along very well, and it’s great to work with people you really care about.”

Sue lives in Horseheads, where she is renovating an 1806 farmhouse and caring for three horses. She hopes when her children – Jake, 12, and Hannah, 15 – are grown, she’ll be able to get back to another passion, writing.

“I love being a lawyer, but it’s good to come home and have another life, too,” she said.

### Sue Daubner

Practice: Divorce and family court.  
 Joined Ziff Law: 1994.  
 High school: 1986 graduate of Elmira Free Academy.  
 Bachelor’s degree: 1990, University of Vermont, political science and English.  
 Law degree: 1994, Albany Law School.  
 Contact: sdaubner@zifflaw.com or 607-733-8866 or 800-943-3529.

go to trial and say things in court about each other and the children suffer,” she said. “Also, if you go before a judge and try it, then it’s all up to the judge and you may or may not like the outcome.”

The children are always a key concern when the lawyers meet with their clients in divorce and family court cases that involve issues including visitation, paternity, parental rights and child support, Sue said.

## LOCAL BUSINESS SPOTLIGHT: TRUE LOVE WILL SAIL INTO YOUR HEART THIS SUMMER

ELMIRA LAWYER AND HIS WIFE OWN AND OPERATE MAJESTIC 67-FOOT SCHOONER ON SENECA LAKE



The Ziff Law Firm family had a great time last August sailing together on True Love on Seneca Lake.

Josh and Lisa Navone found True Love in St. Thomas. True Love, the famous 67-foot schooner, that is. The boat, which made guest appearances in two great Hollywood movies, is now based in Watkins Glen and sailing on Seneca Lake.

But True Love’s journey to Seneca Lake was a long and arduous one.



Lisa and Josh Navone own and operate the 67-foot True Love schooner on Seneca Lake.

Josh developed a passion for sailing during summers growing up at his family’s cottage on Keuka Lake. His passion for boat building grew at Buffalo State College, and after he earned a bachelor’s degree in Business Studies and Boat Design, he took a job in 1995 at an

Albany shipyard and helped build and sail a schooner named America, a replica of an 1851 America’s Cup schooner, for a year.

Josh went on to get his law degree at the Thomas M. Cooley Law School in Lansing, Mich., in 2000, and today is a successful real estate lawyer and partner with the Elmira law firm of Keyser, Maloney and Winner.

But his passion for schooners never faded.

Josh and Lisa were part of a group that bought True Love in 2008 in St. Thomas. “It had just been rebuilt five years earlier, so a lot of the heavy lifting had been done,” Josh said. But in its last trip north on the way to the Finger Lakes, True Love ran aground off the coast of Cuba. It eventually made it to the Florida Keys, where it was repaired.

True Love finally arrived in Watkins Glen in May 2009, and the Navones began offering charter voyages a month later.

This summer, like most summers, True Love will sail seven days a week

and more than 20 times a week, weather permitting, from Memorial Day through Labor Day.

Last August, the Ziff Law Firm family chartered the boat for a day and had a wonderful time on a sunny day on the lake.

Ziff Law Managing Partner Jim Reed fondly remembers that day as a highlight of the summer.

“We absolutely loved our sail on the True Love. What is not to love about a beautiful boat, gorgeous scenery, cold drinks and tasty snacks? I highly recommend a sail on the True Love.”

The schooner can hold 22 passengers, two crew members and a captain. Many of the cruises are two hours, but charters can go longer. There are cushioned seats for up to six passengers in the cabin and seating for up to 16 more atop the cabin.

Today, Josh and Lisa are the sole owners of True Love. Josh continues to practice law, so Lisa runs the business with evening and weekend help from Josh. They have about 10 employees.

True Love, built in 1926 in Maine as Venona II, was celebrated in two movies. A model of True Love made its screen debut in the 1940 romantic comedy, “The Philadelphia Story,” as Katherine Hepburn marveled over its beauty and grace during one scene. In the 1956 movie “High Society,” Bing Crosby sang “True Love” to Grace Kelly as they sailed.

True Love’s show biz career may be over, but there is still plenty of life left as it sets sail from the Village Pier at the south end of Seneca Lake, not far from the Watkins Glen Harbor Hotel.

Josh and Lisa recently took a break from getting ready for their busy 2014 season to talk with us.

*(Continued on Page 6)*

## LOCAL BUSINESS SPOTLIGHT: TRUE LOVE WILL SAIL INTO YOUR HEART THIS SUMMER

ELMIRA LAWYER AND HIS WIFE OWN AND OPERATE MAJESTIC 67-FOOT SCHOONER ON SENECA LAKE.

(Continued from Page 5)



The True Love has been sailing on Seneca Lake since summer 2009.

**Ziff Law:** Lisa, have you always shared Josh's passion for schooners and True Love?

**Lisa:** I was totally against this adventure at first because I was afraid of the unknown and getting into a seasonal business. I didn't know much about schooners.

After the first year, we decided if we were going to continue in the business that it would be in our best interest for one of us to be there full-time. So I left my job as an administrative assistant with United Dividers in Elmira and I have been running the schooner since 2010.

Now, after four years, I can't imagine doing anything else. I understand what he sees in these amazing ships. It's been great fun.

**Ziff Law:** Are you happy with the growth of your business?

**Josh:** We have seen more passengers in our public sails every year since we opened, so it's gone very well.

Our charter business has taken off, too, because we have been very aggressive in marketing and have had some great repeat business from corporate groups that have sailed with us. We have been very successful with advertising and all the tourism businesses up here – hotels, motels, bed and breakfasts, wineries, everyone – we all work well to promote one another.

**Lisa:** We have a lot of repeat corporate clients locally and sometimes attract corporate groups from out of the area. A lot of times, the groups will come to the Harbor Hotel for their conferences. But we also see local companies like Corning Inc. and Dresser-Rand.

**Ziff Law:** How did you prepare for the 2014 season?

**Josh:** We had to haul True Love out of the water for inspections, so while it was out, we decided to repaint the hull and redo the mast, sand it down and varnish it. When it was damaged near Cuba, the hull was painted black and it had always been white. So this time we repainted it white to get her back to her original color. It looks great now.

**Ziff Law:** What are your lives like during the sailing season?

**Lisa:** It's chaos. It's a seven-day work week. I am running the business and people call from 7 a.m. to 10 p.m. We are on call 24/7 because people have questions or want to make reservations for the next day, so it is pretty hectic. Josh is busy with his law practice during the week, but he is my fill-in captain on the weekends if I need him.

**Josh:** Lisa does a spectacular job. She has brought it to where it is, and I have confidence in all of our employees. It's easy for me. I come in, the work is done and I get to go sailing.

**Ziff Law:** What has surprised you?

**Josh:** One of the cool things we see is people who sailed on True Love when it was down in St. Thomas from 1965 to 2008 who sail with us now. She had a great history down there and we have had couples that



The True Love is docked at the Village Pier in the village of Watkins Glen at the south end of Seneca Lake.

come up and say, "Oh my gosh, it's True Love and we sailed on her years ago." Then when they get home, they will send us their photos from sailing in St. Thomas. The ship has such a great history.

**Ziff Law:** What has been the most satisfying part of owning True Love?

**Lisa:** I honestly have to say what has kept me going are the passengers that I meet every day. When I take the boat and the business for granted, they are my constant reminders of the gifts I have been given. When they come back from a trip and are hugging me and almost in tears because they have had such a good time, they are thanking us for the opportunity to sail, that's what keeps me going. We have met so many amazing people.

I have told Josh many times I don't feel like the boat is ours. I feel like we are here as caretakers to share her with the world and it's pretty special. Right now, this is where I am meant to be.

**Josh:** It's simple for me: it's the satisfaction of knowing that we are preserving a piece of history for our customers and employees, and our community. It's satisfying because we get to watch our young employees grow up. We teach them not only how to sail and take care of the customers, but there are life lessons in everything we do out there. We are very grateful and blessed to be able to spend our lives with True Love. It is a labor of love.

**True Love**  
Go to [www.schoonerecursions.com](http://www.schoonerecursions.com)  
to learn more about the schooner.

## ZIFF LAW BLOGS DELIVER ANSWERS TO YOUR QUESTIONS



The Ziff Law Firm lawyers, who blog about legal issues at [www.ziffllaw.com](http://www.ziffllaw.com), are ready to answer your questions on our Injury Law, Bike Accident and Motorcycle Law blogs in our new feature, Q & A.

"While we will answer questions about personal injury, medical malpractice and divorce law, our primary practice areas, we will also be glad to talk about car/motorcycle/truck insurance, medical bills, lost wages, property damage and any legal issue in the news," said Jim Reed, Ziff Law managing partner. "If we aren't able to answer your question, we will refer you to a lawyer with expertise in that particular area."

Submit your questions by email to Jim at [jreed@ziffllaw.com](mailto:jreed@ziffllaw.com).



### A Recent Q&A

Jim recently answered this question from a Twin Tiers resident who received misleading information from an insurance adjuster after a minor car accident:

**Question:** *I was in a car accident yesterday evening. A woman failed to stop at a stop sign and pulled out in front of me, and I struck her vehicle on the front driver side.*

*I just spoke with my insurance adjuster and she indicated that New York State has a shared responsibility law, or something like that, and that the insurance adjusters determine who was at fault and how much fault each party has.*

*The officer at the scene indicated the woman driving the other vehicle was clearly at fault because she failed to stop at the stop sign and pulled out in front of me.*

*Why should I have to share responsibility in this accident? There was nothing I could do to avoid the accident. Fortunately, there were no injuries, but I still feel that since she was fully responsible for the accident, her insurance should pay for the repairs to my vehicle.*

*Why should I have to pay the deductible out of my pocket through my insurance and claim this on my insurance if I was not at fault?*

*Does New York State really have such a law of shared responsibility, even if one driver is clearly at fault?*

**Answer:** New York does have a comparative negligence rule, which basically means that each party is responsible for their percentage of fault. For instance, if the other driver was 100 percent at fault, the other driver is 100 percent responsible for all damages.

On the other hand, if a judge or jury determines that the other driver was 80 percent at fault and you were 20 percent at fault, the other driver (and their insurance company) would only have to pay 80 percent of your damages.

Because New York State is what is called a "pure" comparative negligence state, you can collect from the other driver in direct ratio to their percent of fault, even if they are less than 50 percent responsible. (However, there are some exceptions to this general rule, so I recommend consulting with a lawyer.)

This comparative negligence law makes sense and is logical, but the way in which the insurance carriers often try to apply this law to cases is horrible. Even in cases of absolutely clear liability, where the other driver is 100 percent at fault, the carriers will often try to claim that you were 20 percent, 30 percent, 50 percent at fault, and will refuse to pay 100 percent of your property damage. I have had them do this in rear-end cases, drunken driving cases, and other clear cases, and they are betting that most people just want to get their property damage check and will not fight them on this.

My advice is to NOT let insurance companies get away with this nonsense. Go talk to a lawyer and see if they can help you with the insurance carrier. Sometimes just the threat of a possible lawsuit over the property damage or personal injury claim is enough to have the carriers not jerk you around regarding the property damage claim.

Depending on the amount of your property damage, you can also take the other driver to Small Claims Court, suing them for 100 percent of the damage they caused.

And finally, you can (and should) file a complaint with the New York State Department of Financial Services (used to be called the N.Y. Insurance Department) about the insurance company's dirty tactics.

### Send us your questions

Submit your questions for the Q&A feature on our blogs by sending an email to Jim Reed at [jreed@ziffllaw.com](mailto:jreed@ziffllaw.com).

### See our blogs

Go to [www.ziffllaw.com](http://www.ziffllaw.com), scroll to the bottom of the page and click on Injury Law, Bike Accident, Motorcycle Law and Divorce Law under Our Blogs.

### Tune in Wednesdays for 'Law Talk'

Ziff Law lawyers talk about legal issues in the news during the WETM-TV News at Noon each Wednesday. The legal segments are on at about 12:20 p.m.