

The Legal Pad

PUSATIER SHERMAN ABBOTT & SUGARMAN LLP

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INCLUDED AMONG OUR AREAS OF PRACTICE

- Personal Injury
- Auto Accidents
- Medical Malpractice
- Divorce and Family Law
- Mediation
- Social Security and Long Term Disability
- Real Estate Closings
- Criminal Law and DWI
- Business and Corporate Law
- Wills and Estates
- Planning for the Elderly

Pusatier Sherman Abbott & Sugarman Chosen As One of the Best Law Firms by its Peers



We are proud to be chosen by our peers as one of the best law firms featured in *U.S. News and World Report-2016*.

Audrey Rose Herman, Associate Since 2014



I am proud to be an associate attorney with our law firm. I began my career practicing almost exclusively in litigated Family Court cases before expanding my practice to also include litigated divorce and mediated matters. I have represented parents, children, grandparents, and occasionally other family members or friends. My practice includes

litigation and mediation of divorce, child custody and visitation, child support, abuse and neglect, family offense and juvenile delinquency proceedings.

Regardless of whether clients choose litigation or private mediation, I strive to offer excellent service along with high quality legal representation. I have a law school concentration in financial transactions and apply that knowledge to the many financial aspects of financial and matrimonial law. I am on the Surrogate's Court Guardian Ad Litem Panel, the Mental Hygiene Law Article 81 Adult Guardianship Panel, and the Appellate Division, Fourth Department Attorneys for Children Trial and Appellate Panels.

The Dangers of Distracted Driving

Talking on the phone, sending a text, using your GPS, adjusting your stereo and/or talking to passengers can lead to distracted driving.

Distracted driving occurs when a driver is trying to do something else while driving and does not give his or her full attention to the road. Although some may see these distractions as trivial, the National Highway Traffic Safety Administration estimates that 9% of all traffic deaths (3,000 out of 33,000) are caused by distracted drivers.

Given that new technologies like cell phones and GPS systems are a common source of distractions, it should come as no surprise that in 2010, 13% of the distracted drivers involved in fatal crashes were between 15 and 19 years old. However, teenagers are not the only culprits – 48% of young drivers saw their parents talking on the phone while driving, and another 15% saw their parents texting while driving.

Many of these crashes involved sending or receiving a text. Looking



at the average text takes your eyes off of the road for almost five seconds. At 55 miles per hour, this is the equivalent of driving the length of an entire football field without looking where you are going.

A number of different approaches are being taken to try to reduce the amount of distracted driving. Many states have enacted laws forbidding texting while driving and all cell phone usage for all drivers to hands-free devices so that the driver can keep his or her eyes on the road. Some states are enforcing vehicular manslaughter laws against those who kill someone because they were driving while distracted. For more information, go to

www.distraction.gov.

Parents should try to set a good example for their children by not allowing themselves to be distracted while driving. Many parents are asking their teen drivers to sign a “safe driving contract,” where the teen pledges not to talk or text while driving and to do other things to increase safety, such as wear a seatbelt and not drive with someone who has been drinking.

There is nothing you need to say or see that is worth risking your life or the lives of others. Remember to “Put It Down” when you’re driving.



Umbrella Insurance

As insurance prices continue to rise, many people are looking for more and better insurance coverage for less money, and “umbrella policies” are often a good option for increasing coverage. Umbrella policies act as a backup for your primary insurance and can provide a cost-effective way

of increasing your insurance coverage.

Most of us carry several kinds of liability insurance policies: car insurance, homeowner’s insurance, renter’s insurance, etc. All of these

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Umbrella Insurance (continued)

different policies do essentially the same things: They cover us for the different careless acts we might commit. However, the coverage available under these different policies varies, and their cost is often very expensive compared with the coverage they provide.

Umbrella policies begin where our other insurance ends. They provide additional coverage – coverage that is available only after the underlying liability policy has been exhausted. Umbrella policies are often surprisingly inexpensive, given that they can provide additional coverage in amounts up to \$1 million or more. The reason umbrella policies are relatively inexpensive is that they are asked to cover only the largest of claims. Because of this, the number of claims brought against umbrella policies is lower than the number of claims brought against the “regular” policies.

As with any kind of insurance, the coverage offered by umbrella policies and the rates charged for them can vary greatly. Consider the possibility of buying an umbrella policy. You may find that it is right for you.

We Love Referrals!

Despite this modern age of marketing and advertising, the best source of our new business is word of mouth. We are grateful that many of our clients and friends feel confident in recommending our firm.

Unfortunately, many people who need a good lawyer do not know where to turn. If you or someone you know has been injured by someone’s negligence or has other legal needs, please call us: **716-873-6765**

Social Security Disability Hearings In Western New York



The second stage in the Social Security Disability process is a hearing before an Administrative Law Judge. This hearing is the only opportunity in the system for you to be face to face with the person who decides your case. It is statistically the best chance to win your case. Only 33% of claims nationally were approved on the initial application in 2015 while 45% of claims were approved at the hearing level. Our firm wins approximately 90% of our cases; the vast majority at the hearing level.

The Buffalo Office of Disability Adjudication and Review has one of the longest waiting periods in the country to get a hearing. It takes approximately 20-24 months to get a hearing. There have been steps taken to reduce the backlog and waiting period. Many cases are being heard by out-of-town judges either by bringing the judges to Buffalo or by video conference. You do not have to have your hearing by video conference. It does speed

up the process but you do lose some of the personal atmosphere.

Some things that our firm does to help claimants is ask for an “on the record” determination and/or a “dire need” hearing.

If a case is strong enough, we can sometimes convince the judge that you are disabled without the need for a hearing and give a favorable determination “on the record”. A dire need hearing avoids the 12 month wait if we can convince the judge that your financial condition is extremely bleak. We need back up documentation such as eviction, foreclosure, or shut off notices and current medical records. Unfortunately, most disabled individual’s financial condition are poor and everyone’s case can’t be placed on the top of the heap, so to speak. We will do everything within our power to try and win your case as expeditiously as possible.

Personal Injury Q&A

Q What is a personal injury (PI) claim?

A Any kind of legal claim against someone for causing physical or mental injury to someone else is a PI claim. PI claims commonly result from automobile collisions, slip-and-falls, defective products, or medical malpractice.

Q What compensation can I receive if I have a PI claim?

A Although it depends on the facts, if you have been injured, you can usually recover for your medical bills, lost wages, pain and suffering, mental anguish, property damage, and any

permanent injury you have suffered. In some cases, other people (such as your spouse or family) may also be entitled to recover.

Q When is another person liable for my injuries?

A Again, the answer depends on the facts, but another person is most commonly liable if your injuries were the foreseeable result of that person's negligence-which generally means that person's carelessness toward you. Sometimes another person can be liable for your injuries even if he or she was not careless. These cases are called "strict liability cases."

Q How long does it take to make a PI claim?

A Making a successful PI claim depends on a lot of factors, including the complexity of the case, and the reasonableness of everyone involved. Some PI claims settle very quickly, while others have to go to trial or even to appeal, although that is relatively rare.

Q Is my PI case a good one?

A Only a PI lawyer can answer that question. If you believe that you have a PI claim, you should contact our office as soon as possible.

Publisher's Box

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