

Michaels & Smolak Again Named One of Top Personal Injury Law Firms in USA

Once again, all four of the lawyers here at Auburn New York's premier personal injury and medical malpractice law firm have been selected for the latest edition (2018) of the prestigious lawyer directory, "Best Lawyers in America". They have been selected for both the "personal injury" and "product liability" litigation categories.

According to the publishers of "Best Lawyers in America", inclusion in Best Lawyers is "based entirely on peer-review and employs a sophisticated, conscientious, rational, and transparent survey process designed to elicit meaningful and substantive evaluations of the quality of legal services." Best Lawyers asks voters – which consist only of other lawyers and judges who are named Best Lawyers – the question: "If you were unable to take a case yourself, how likely would you be to refer it to this nominee?"



The American Lawyer magazine – one of the nation's preeminent law magazines – describes the Best Lawyers directory as "the most respected referral list of attorneys in practice."

The Michaels & Smolak team makes up 4 of only 12 lawyers in all of Central New York listed in "Best Lawyers" for plaintiffs' personal injury litigation.

"Best Lawyers" is only one of several nationally recognized peer-review (lawyers reviewing lawyers) publications in which the lawyers at Michaels & Smolak are listed. All lawyers in the

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WELCOME TO THE

Michaels & Smolak Newsletter!

Don't hesitate to send your comments (*the good, the bad and the ugly!*) to Mike Bersani at bersani@michaels-smolak.com.

And if you like what you see, please add us on Facebook, follow us on Twitter ([@cnylawyers](https://twitter.com/cnylawyers)) and subscribe to our blog (centralnewyorkinjurylawyer.com).

For Serious Cases

forseriouscases.com

Our Team



Lee Michaels



Jan Smolak



Michael Bersani



David Kalabanka

the

MICHAELS

SMOLAK

pledge

we deeply appreciate the trust our clients have placed in us and we will strive to uphold that trust by working hard and fighting for our clients' rights.

The New Billboard in Town

Those of you who live in and around Auburn may have noticed a new billboard that went up this spring on the building adjacent to our office on East Genesee Street. Soon after it went up, the billboard was featured on the front page of Auburn's local newspaper, the Citizen. Why? Read on to find out!



First, a little background about Michaels & Smolak's and billboards. Actually, there is no background. This is our one and only billboard. Before this, we never had one. Generally, we under-spend our rivals on advertising by a long shot. That's because we get most of our cases from our network of referring lawyers and prior clients. Maybe we don't need to advertise as much as those other guys. But we do like to get our name out there a little, especially in our home town.

Now back to the story about why our billboard ended up on the front page of the Citizen.

The Auburn City Council voted this past spring to impose a six-month delay on new billboards in anticipation of prohibiting new billboards for good. But our billboard was erected the day before the ban passed. We got the billboard up right under the wire. And it was not planned! We had no idea the City was contemplating a

billboard ban. We found out through the Citizen article after our billboard was up.

Why is the City banning billboards? The City apparently believes billboards clash with Auburn’s “urban and historic character.” We get it. Billboards can clutter the cityscape. They are generally not pretty. But they work. And we erected this sole M&S billboard on the rooftop right next to our office, so it’s got special meaning for us. It’s like our welcome mat, our “HERE-WE-ARE” sign.

Since we got our billboard up just under the wire, our billboard will be “grandfathered in” even after the City passes the long term billboard ban. So get used to it Auburn! We’re going to be looking down at you from up there for as long as we are representing New York personal injury victims from our home base in Auburn, New York!

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firm have been listed as outstanding New York personal injury lawyers in a similar publication, “Super Lawyers”, since that publication’s inception. The title “Super Lawyer” is given only to those attorneys who are considered to be among the top 5% of all lawyers in their field.

Michaels & Smolak, P.C. is also listed as a top-tier firm in “US News & World Report”. The U.S. News & World Report website describes its selection process as follows:

“Rankings are based on a rigorous evaluation process that includes the collection of client and lawyer evaluations, peer review from leading attorneys in their field, and review of additional information provided by law firms as part of the formal submission process”.

What do these “listings” mean to our clients? Two things: (1) they can rest assured that they are represented by the best of the best in the personal injury field and (2) insurance companies will know it, and are likely to take this into consideration when negotiating our clients’ settlements.

So congratulations to us!



ATTORNEY SPOTLIGHT

Eleven Years of NY Personal Injury Litigation Boxed Away

As our regular readers know, attorney Mike Bersani recently settled a multimillion dollar case involving nine injured farmworkers. What is unusual about the case is not the dollar amount (Michaels & Smolak has had several multimillion dollar results over the years), but the time it took to get it. So we asked Mike about his experience:

QUESTION: So tell us about this photo with all the boxes, Mike.

MIKE: Well, that’s me inside our storage locker putting away the file after I finally closed it.

QUESTION: Holy cow! That’s a lot of paper. Aren’t you guys using electronic files?

MIKE: Yes we are, but we still use paper, too. Our electronic files mirror our paper file. Unfortunately, our legal system is not totally paperless (yet).

QUESTION: So that’s what eleven years of litigation looks like? Do you feel bad for all those trees that sacrificed themselves for your case? Ha ha.

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MIKE: Ha! Yeah, I guess I do feel a little guilty for killing so many trees. I consider myself somewhat an environmentalist and I try not to waste our natural resources. But in my opinion, those trees gladly sacrificed themselves to the greater cause of bringing justice to my severely injured clients.

QUESTION: How did it feel to finally close out this file?

MIKE: Honestly, these boxes contain a chunk of my life: years of legal research, deposition transcripts - more than thirty -, motions - more than 20 -, discovery, and three appeals. It felt good — very good — to box it all up and put it into storage where it will stay for seven years and then be shredded. But I did get some pangs of nostalgia I enjoyed representing these guys.

QUESTION: How are the men doing now?

MIKE: They are doing reasonably well, but their injuries are permanent and severe. One of them is paralyzed from the chest down. But their structured settlements help them keep food on the table and pay for medical treatment.

QUESTION: I guess that's the best you can expect. Do you keep in touch?

NEW YORK STATE LAWS:

New York State Senate Tries to Fix a Loophole in Your Auto Insurance. "You Should, Too!", says M&S Attorney Jan Smolak.

Yes, there is likely a big problem with your auto insurance. So big, so problematic, that our legislature is attempting to fix it. But you can fix your insurance right now, with just a phone call.

But before you make that call, you have to understand the problem and a few things about New York auto insurance. Jan Smolak, a highly respected auto accident litigator at M&S, explains it this way: "The minimal auto liability insurance in New York pays out

a maximum of only \$25,000 per injured person and \$50,000 collectively for all persons injured through the negligence of the vehicle's driver. That's woefully inadequate if you or your passengers suffer long-term disabling injuries that prevent you or them from working. And this ridiculously low limit applies against you and your innocent passengers no matter how much liability insurance you have purchased on your own vehicle. For example, let's say you have \$500,000 in auto liability coverage. This liability insurance you purchased will payout bigtime to people you might negligently injure with your vehicle, but will not pay you or your passengers a dime for injuries you or they suffer from the negligent driving of others."



Jan also speaks to the solution to the problem: "There is a little known, cheap way to protect yourself and your passengers (usually family members) from this situation: Purchase maximum SUM coverage for your vehicle. Maximum SUM brings your SUM coverage up to the same level as your liability insurance." SUM stands for "Supplemental Underinsured Motorist." Jan explains how maximum SUM works: "Say you have \$500,000 of liability insurance on your vehicle. Purchase the same amount in SUM coverage. If you do, and the negligent driver who injures you or your passengers has only \$50,000 in coverage, then your SUM insurance will kick in the additional \$450,000 to make the total amount of insurance available to you and your passengers \$500,000."

But can you afford that? Jan says, "actually, you can't afford NOT to purchase it! Buying SUM is cheap! Only a few extra dollars per premium period. And the protection it provides is enormous."

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So why doesn't everyone have maximum SUM? Good question. We asked Jan: "As I said before, it is a well-kept secret. The insurance companies don't make much money selling it, so they don't push it. Right now the insurance industry generally has a "don't ask, don't sell" policy, meaning that if the customer does not specifically request SUM coverage, none is provided."

This insurance practice leaves many car-accident victims teetering on bankruptcy after an accident. That's why the New York State Senate recently passed a bill (Bill S5644A) to correct the injustice. The proposed law would **require** insurance carriers in New York to **automatically** provide maximum SUM coverage on all auto policies issued in New York unless the customer affirmatively states he does not want it.

If our lawmakers want to force the insurance industry to automatically provide this coverage, there is a good reason: It's cheap and provides great financial protection for all New Yorkers.

The New York State Assembly is likely to pass the Bill this fall and the Governor is inclined to sign it into law. But until then, you have to affirmatively ask for maximum SUM coverage. Jan encourages all of his clients to do it: **"Call your insurance broker now and request the maximum SUM coverage"**. This means your SUM coverage is as high as your liability coverage.

Legal Crossword Puzzle

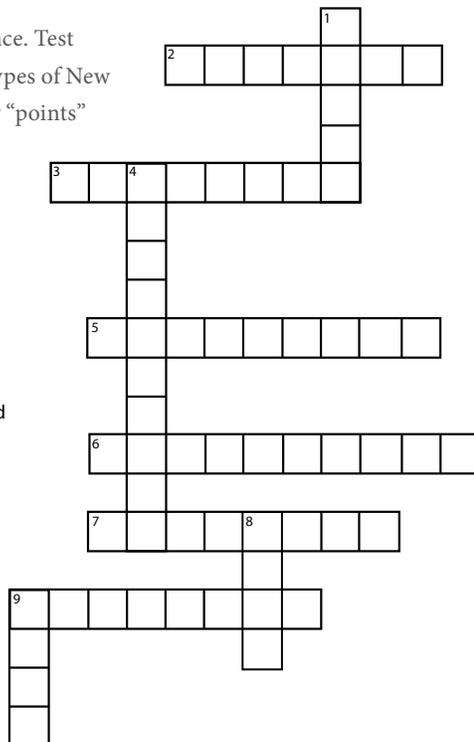
This will be fun and a learning experience. Test your knowledge of the most common types of New York traffic violations. Learn how many "points" go on your license for each violation.

Across

- 2 ____ while driving (5 points)
- 3 ____ crossing violation (5 points)
- 5 Child safety ____ violation (3 points)
- 6 Following too closely (4 points)
- 7 Worse than negligent driving (5 points)
- 9 MPH over posted limit (points go up as speed goes up)

Down

- 1 Failure to ____ right-of-way (3 points)
- 4 ____ brakes (4 points)
- 8 Improper ____ change (3 points)
- 9 Disobeying a ____ sign (3 points)



For "hints" or help with the puzzle, just call 315-252-3293

areas in which WE CAN HELP

our attorneys can help with all personal injury & malpractice cases such as:

- Motor Vehicle Accidents
- Catastrophic Injuries
- Construction Accidents
- Slip/Trip and Falls
- Wrongful Death
- Medical and Legal Malpractice
- Defective Products
- Almost any Accident or Malpractice Case of Any Kind

attention attorneys

INJURY & MALPRACTICE REFERRALS

a lot of lawyers and law firms refer all their injury and malpractice cases to Michaels & Smolak. Why?

- (1) We are known for getting top dollar (in settlement or verdict) for the referred case
- (2) We carry all expenses of the case
- (3) We give personal attention to your clients

Consider referring your cases to us!



COMMUNITY SPOTLIGHT: **A&M Graphics**

We're Auburn's homegrown personal injury law firm. And although we're from a small town, we get big city results. Our clients come from all over, including Syracuse and Rochester, because of our reputation. But we are not the only bigtime homegrown business in this small town. A&M Graphics is another. So M&S attorney Mike Bersani stopped in for a visit and talked with co-owner Albert Brunner:

Mike: Ok, Al, first, I am assuming the "A" in your corporate name is for "Al". Who is the "M" for in A&M Graphics?

Al: It's for my partner, Matthew Ferguson. We started the business together in 2009.

Mike: What were you doing before you started this business?

Al: I'm a printer by trade. I grew up in the family printing business.

Mike: So what made you decide to start this new business?

Al: I had the graphic artist and printing background and I worked for a local sign company for about a year and liked the business so I ventured out. And I've never looked back! Best decision I have ever made.

Mike: What kind of graphics work do you do and why do you like it?

Al: We do everything from billboards to vehicle graphics to business signage. We also design logos, t-shirts, screen printing and embroidery, printing services, business cards, letterhead, envelopes, almost everything graphic. We have a one-stop package for the entire spectrum of a business' graphic needs. And what I love about this work is its variety. I get to use all my graphic skills to meet the full needs of my corporate clients.

Mike: Ok, so let's talk about those clients. Where are they from?

Al: All over. Actually, our newest client is Budweiser out of Baldwinsville. Most of them, though, are in or around Auburn.

Mike: Who in Auburn example, for example.

Al: Nucor, Auburn Community Hospital, Cayuga Community College, and lots of other businesses, local and regional.

Mike: Sounds like a Who's Who of Auburn. What makes you guys so successful, Al?

Al: Quality of service, paying attention to customers, delivering on promises. Our advertising budget is low, but our get-the-job-done-right budget is high!

Mike: That sounds like Michaels & Smolak! Ok, to finish off, just tell our readers where and when to find you.

Al: 9 to 5 Monday through Friday, but we accept appointments on Saturdays, too. We're at 202 Grant Ave. in Auburn.

Mike: Thanks Al! We love hearing about thriving local businesses like our own.

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MIKE: Look, we spent eleven years together, and forged life-long relationships. They still call me on my cell phone via "WHATS APP" or SKYPE just to chat and see how I am doing. I should mention I speak fluent Spanish.

QUESTION: Mike, I bet you are a hero to these guys.

MIKE: Well, I don't know about a hero. I do know they are grateful. A few months ago, one of them called me to say, "I just called to tell you how thankful I am to you for all you have done for us". Practicing law doesn't get much better than that!

QUESTION: I guess not. Congratulations Mike. But now what are you going to do with your time?

MIKE: Don't worry about me. Fortunately, I have lots more cases. On to the next one!

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