



Ziff, Weiermiller, Hayden & Mustico
LLP

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Brought to you by:

Carl T. Hayden

Donald Mustico

James B. Reed

Mark A. Weiermiller

Adam M. Gee

Matthew Hughson

Susan Moore Daubner



303 William Street

Box 1338

Elmira, NY 14902-1338

607-733-8866

1-800-ZIFFLAW

FAX: 607-732-6062

e-mail: info@zifflaw.com

www.zifflaw.com

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The Ziff Law Firm Announces Its 2007 Scholarship Winners



The Ziff Law Firm was proud to offer two \$1,000 scholarships to high school seniors throughout the Twin Tiers this year. Most scholarships are awarded for academic or athletic achievement, but we wanted to do something different. We determined to award the scholarships to the two individuals who best demonstrated the ability to overcome adversity in their personal lives. After reading through scores of applications, two clearly stood out from the rest. Their stories were so compelling, we wanted to share them with the entire Ziff Law family.



From left: Atty. Carl T. Hayden, Lis, Daniel, Atty. Adam Gee

The first Ziff Law Firm Scholarship winner is **Lis Samayoa Lopez** of Elmira Free Academy. Lis was born in Guatemala and, due to an unfortunate series of events, found herself in an orphanage at the age of six. With no friends or family to rely on, Lis became self-sufficient and self-motivated at an early age. While in the orphanage, Lis studied hard to ensure she would be allowed to return to school; due to the cost of schooling in Guatemala, the orphanage allowed only the students with the best grades to continue their studies.

At the age of 14, Lis was adopted by an American and came to live in Elmira. While one might think this would be a wonderful opportunity for Lis, it turned out to be yet another nightmare. Lis was adopted into a home where she was physically and mentally abused. She spoke no English and had no idea how to extricate herself from the situation. After a month of constant abuse, the Department of Social Services became involved, and Lis was placed in foster care.

Since being placed in foster care, Lis has truly flourished. She devoted her time to learning English and studying hard in school, which was rewarded with a place on the high honor roll. This year, Lis graduated from Elmira Free Academy and is now fluent in English. She will continue her studies this fall at Cazenovia College, near Syracuse, New York. Lis has a bright future ahead of her, which will be aided by her inner strength forged from personal struggles.

Lis summarizes her outlook as follows: "I am very proud of my accomplishments. I have overcome my struggles by concentrating in school and moving forward. I refuse to look back and feel sorry for myself. I personally know that life will always bring you struggles, but it is your choice to overcome them or just let life beat you down."

The second Ziff Law Firm Scholarship winner is **Daniel Crawford** of Sayre High School. Daniel was born with cerebral palsy, which affects his fine and gross motor skills, as well as his speech. Because of his condition, Daniel was not able to walk until he was four years old. Always a fan of sports, Daniel joined tee ball, which he enjoyed for two years before moving on to Little League. In Little League, Daniel learned how mean-spirited kids can be; he was taunted for his disability, called names, and told he didn't belong on the field. Discouraged, Daniel stopped playing baseball despite his love of the game.

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Local Lawyers, Big City Results!

The Ziff Law Firm Announces Its 2007 Scholarship Winners

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It was at this point, at only eight years of age, that Daniel came to a harsh realization that has since guided his life. Daniel realized that no matter what he did in life, there would be people who did not understand him and would not accept him, simply because he was different. Daniel determined then and there that he would never again allow anyone to tell him there was something he couldn't do. That determination has since guided Daniel well.

Daniel joined a soccer league, where he played for the next four years. By the seventh grade, he realized he was no longer able to keep up with the other kids on the soccer field, but by this time, intramural activities at school were available to him. Daniel then joined his school's marching band, which he remained involved in until his graduation. Daniel also discovered his greatest love, wrestling, in the seventh grade. For the next six years, Daniel devoted himself to wrestling and his studies. Though he never won a wrestling match, Daniel is a winner in life. He hopes to serve as an example to others with disabilities that, with determination and effort, anything is possible. Daniel will continue his studies and his message at Edinboro University in Pennsylvania this fall.

The Ziff Law Firm applauds the perseverance of Lis and Daniel, and the shining examples they set for their peers. We look forward to offering these scholarships again next year, and again sharing the stories of the scholarship winners.

STAFF SPOTLIGHT— Enola Nelson

If you have ever done a real estate closing with the **Ziff Law Firm**, you have probably had the pleasure of working with **Enola Nelson**. Enola has been here, as she says, “forever” (that’s 21+ years), and we hope she’s here for 21 more!

In handling real estate closings, Enola is capable of the equivalent of juggling 15 balls at a time—she fields client and agent calls, deals with lenders, chases down the information for tax prorations, schedules the closings, handles the postclosing paperwork, and a hundred other details of a successful closing. Given her many years of real estate experience, there’s virtually nothing in the real estate world that Enola hasn’t seen and dealt with before.

Enola has been married to her husband Ed “forever” (30 years), and they have two grown children, Lynzie and Andrew, both of whom live here in Elmira. In addition to her professional accomplishments, Enola has a wide range of talents and interests, from painting Halloween faces at Bradley Gardens to gardening to riding her Harley with Ed and their many motorcycling friends.



Here's Enola with one of our favorite clients, Jonathon Stanley.

Great Legal Question...

As our clients know, we are happy to answer your legal questions. Our feeling is that many legal problems can be avoided if people get advice BEFORE they get involved in a legal mess. Below is a question that **Deanne** of *Unique Solution Monogramming* (a great local business that does monogramming, lettering, etc.) in Horseheads recently e-mailed to **Attorney Jim Reed**:

QUESTION: Is it OK for us to take orders from kids under the age of 18? I was calling customers today (the ones who have ordered and have not been in to pick up their items and pay) and a mom told me that it was illegal to take orders from minors, and that her son did not legally have to pay for any of it. Is she correct?

JIM'S ANSWER: Technically, that mom is correct because a minor (someone under age 18) does not have the legal capacity to contract with another unless the contract is for what the law deems a “necessity” (i.e., food, shelter, utilities, etc.). The bottom line is if I was in your shoes, I would insist that anyone placing an order be over the age of 18, and I would get the order in writing and have it signed by the adult. I think it's sad that that is how you have to operate, but, unfortunately, dishonorable people force us to protect ourselves. I will tell you, if one of my kids did this, I would be kicking their butt to get them to honor their obligation rather than defending them.

If you have a legal question, e-mail us at info@zifflaw.com, or call 607-733-8866.



Eight Secrets You Should Know About **BANKRUPTCY**

SECRET #1: Most People Keep All Their Property

The Bankruptcy Code provides for you to keep your home, cars, furniture, appliances, employer-sponsored retirement, and other essentials that you need to get your fresh start. Though it is true that there are limits to the values of what you can keep in bankruptcy, many people are not required to give up anything. In general, fears of losing property are overblown by the credit industry.

SECRET #2: You Don't Need To Be Broke To File For Bankruptcy

You can be employed, have a bank account, and own property up to certain limits as of the date your bankruptcy case is filed. Once your case is filed, you can have anything you want and nobody—the court or your creditors—can touch it. In fact, a New York City man recently bought a winning lottery ticket after he filed his bankruptcy case and was able to keep all of his winnings. Special rules do, however, affect inheritances for six months following your bankruptcy filing.

SECRET #3: There Is No Minimum Amount Of Debt Required For Bankruptcy

Chapter 7 bankruptcy is designed for people who are unable to repay their existing debts—it is not designed for people who owe certain amounts. The ability to file for Chapter 7 bankruptcy is based upon your debt and income. There are many people who file for bankruptcy owing very little money, and others who do not need to file for bankruptcy in spite of the fact that they owe a large amount of money.

SECRET #4: There Is Credit After Bankruptcy In New York

We hope you will not go into bankruptcy with the intent of getting back into debt. The negative impact of bankruptcy on credit is extremely exaggerated. It won't be long before you're getting credit-card offers again. You should, however, refuse all offers of credit cards until you've put together a realistic savings plan. Once you've put a savings plan in place and start to build up your "cash cushion," you will be able to start thinking about new credit. If you want to buy a home or car after bankruptcy, you will probably be pleased. We have had many clients purchase homes within two years of filing New York bankruptcy—but only if they've taken the steps necessary to establish their own financial stability.

SECRET #5: Your Employer Will Not Find Out About Your Bankruptcy

The Bankruptcy Court does not get in touch with your employer when your case is filed. Your payroll department may be contacted to stop a garnishee (income execution), but most times they are told to stop without a reason why. Though anyone can go to the courthouse and find out if you've filed for bankruptcy, this rarely happens.

SECRET #6: Your Spouse Does Not Have To File For Bankruptcy With You

It's not uncommon for one spouse to have a significant amount of debt in their name only. However, if spouses have debts they want to discharge that they're both liable for, they should file together.

SECRET #7: You Are Not Alone

Every person going through bankruptcy feels alone. Don't! In New York alone, over 40,000 people file for bankruptcy every year. Doubtless, several of your friends, coworkers, and neighbors have filed—they just don't advertise it. Also, many famous individuals and big companies have gone bankrupt, including:

- President Abraham Lincoln
- Actor Burt Reynolds
- Author Mark Twain
- Actress Kim Basinger
- Automobile manufacturer Henry Ford
- Entertainer Jerry Lee Lewis
- Hall of Fame quarterback Johnny Unitas
- Entertainer Wayne Newton
- Hollywood director Francis Ford Coppola
- Entertainer M.C. Hammer
- Television personality Larry King
- Entertainer Toni Braxton
- Actor Mickey Rooney
- Continental Airlines
- United Airlines
- US Airways (twice)

There is absolutely no reason to feel guilty about filing for bankruptcy, especially if you use it as an opportunity to provide future financial happiness and security for your family. All of these people went bankrupt, yet all of them went on to achieve success in their fields. So remember that while your financial problems are serious, they aren't the end of the world. Declaring bankruptcy is often the beginning of your new world of financial freedom.

SECRET #8: The Ziff Law Firm Is There To Help

Ziff Law has been providing individuals with bankruptcy assistance for over 20 years. Ziff Law is also the largest provider of bankruptcy services in the Chemung-Steuben-Schuyler County area. We offer a free, no-obligation first appointment with one of our skilled attorneys to discuss your particular financial circumstances and to develop a plan to help solve your financial issues. At Ziff Law, your bankruptcy appointment will always be with an attorney; you will never be "pushed off" on a paralegal or assistant. Let Ziff Law help you get the "fresh start" you deserve. Call today for your free consultation at **607-733-8866** or **1-800-ZIFFLAW**.

ZIFF LAW is a federally designated Debt Relief Agency under the United States Bankruptcy Laws. We assist people with finding solutions to their debt problems, including, where appropriate, assisting them with the filing of petitions for relief under the United States Bankruptcy Code.

Box 1338
303 William Street
Elmira, NY 14902-1338**Learn Why
Bigger Is
NOT Always
Better!**

ATTORNEY ADVERTISING

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.

Is **BIGGER** Better?

Let's say you were injured and engaged a law firm to help you get compensated for your injuries. Let's say the law firm succeeds and obtains a settlement for you of \$35,000. You're pretty happy, right? The system worked. You will be made whole again. Shortly thereafter, you receive an envelope from the law firm containing your long-awaited check. You eagerly tear it open and find inside a check for...six dollars and sixty cents.

How do you feel? It's ridiculous, right? That could never happen, could it? Well, it not only can...it did.

Perhaps you have seen the frequent TV ads for the Barnes Firm from Rochester. They advertise that they are "the biggest personal injury firm in New York." They claim to have obtained millions of dollars in settlements this year. But a recent front-page article in *The Buffalo News* revealed another side of this megafirm. The article described a Barnes Firm client who received just \$6.60 out of a \$35,000 personal injury settlement.

Yes, that's right—only six bucks and change. As the victim said, "Not even enough for a Happy Meal." How could this possibly be?

The Barnes Firm defended their settlement, claiming that \$6.60 was all their client was entitled to after they paid themselves their attorney fee of more than \$10,000, their expenses of \$3,600, and a workers' compensation lien of \$21,000. The Barnes Firm felt they were perfectly justified in paying themselves and denied they were shortchanging their client. Technically, they may be correct that under the terms of their retainer agreement with the client, that's how the math worked out.

But give me a break! Lawyers *always* have the right to charge *less* if sticking to the terms of the retainer agreement means the lawyer gets more than the client. In fact, for 60+ years, it has been the practice of the personal injury attorneys at the **Ziff Law Firm** to reduce our fee if taking a full fee would mean that we received more than the client.

In our opinion, that's just doing the *right* thing and one more reason that bigger is *not* always better. At Ziff Law, clients come first because we know that in a small town, if you do a bad job for someone, *everyone* will know.

Congrats to the Winners!

Congratulations to **Michele Carver** of Sayre, Pa., and **Joe Houck** of Waverly, N.Y., who each won a VIP ticket package to NASCAR Weekend at Watkins Glen International worth \$500! Michele won a ticket raffle sponsored by the **Ziff Law Firm** at the Valley Exposition in Athens, Pa. Joe won his tickets at another raffle sponsored by the Ziff Law Firm at the 2007 Pride Ride/Toys for Tots motorcycle charity event.

Both winners received weekend-long admission to the track, two reserved seat tickets in the finish-line grandstands, and Sunday admission to the Finish Line Hospitality Village, which includes a continental breakfast, buffet lunch and beverage service, covered hospitality area with courtyard, closed-circuit color TV broadcast of the race, self-guided pre-race pit tours, a Q&A session with a race personality, and two souvenir programs.

If you know Joe or Michele, be sure to congratulate them, and ask if they have an extra ticket!