

FIREFIGHTERS' NEWSLETTER



SKIMPING ON AUTO INSURANCE CAN COST YOU YOUR HOME

Consider your most valuable assets when you purchase liability insurance

A few years ago, we obtained a \$950,000 settlement for one of our firefighter clients. Although he had lost his career due to the injuries sustained in his line-of-duty accident, he and his family now had financial security. He paid off his home mortgage and invested the money prudently. What he didn't realize was how susceptible he was to financial ruin when he was in a car accident, and was sued by the driver of the other car.

Everyone knows that car owners are required to carry automobile liability insurance. This coverage protects you in case any member of your household injures someone else while operating your car. But just how much coverage do you need? The primary consideration is protecting your assets in the event you are sued after an accident. Therefore, the amount of coverage you need, depends upon the assets that you have to protect. As a general rule, you should carry sufficient liability insurance to protect your home. If your home is worth \$500,000, then do yourself a favor and carry at least that amount of auto liability insurance.

Any significant bank accounts or investments should also be protected.

Uninsured/Underinsured Motorist Coverage is Just as Important

Make sure that you are protected against uninsured and underinsured drivers

There are scores of drivers out there who take out the minimum insurance possible, or, worse still, who are uninsured. They tend to have no significant assets. All too often, we are in the unenviable position of having to tell our clients that the driver who injured them does not have enough insurance to compensate them.

As a recent example, just this past year, one of our firefighter clients was badly injured while he was in a yellow cab, on the way to his firehouse. Unfortunately, the amount that we will be able to recover for him for his injuries, pain, and suffering will be limited to the minimum insurance coverage that New York State requires cabs to carry (the cab driver was entirely at fault for the accident). This is simply insufficient to fairly compensate our client for his seri-

continued on page 2

A PROUD SUPPORTER OF "GIFT OF LIFE FAMILY TRANSPORT"

Our firm is proud to support the "Gift of Life Family Transport." The charity provides free 24-hour transportation to grieving families of organ donors in the New York metropolitan area until recovery of organs and transplantation is complete.

This charity was created by the Forsyth family, after the tragic loss of their sixteen-year-old daughter and sister, Amanda, in a car accident. Amanda donated her organs, giving the gift of life to seven people.

continued on page 2



Bruce Kaye, Michael Barasch and Warren Forsyth

continued from "Gift of Life" page 1

Amanda's father Warren is a former New York City Firefighter. After Amanda's accident, his colleagues and friends from the Fire Department provided 24-hour volunteer transportation service to the Forsyth family. He said "the gesture made all the difference for my wife Diane and me at a time when we were suffering the devastating loss of a child. This service allowed for our family to be with her as much as possible during the hospitalization, relieving us of the stressful task of driving during our grief."

The charity was created to provide transportation service to other families going through similar ordeals. Drivers will be volunteers from the New York City Police and Fire Departments, and 100% of financial contributions will be used for vehicle insurance, tolls, gas, and maintenance.

For more information, please visit www.GiftofLifeTransport.com

This is the FORTIETH edition of the BARASCH McGARRY SALZMAN & PENSON NEWSLETTER...attorney advertising which presents topics of interest to firefighters. For questions, additional copies, or more information about topics raised in this newsletter, call or write:

**BARASCH McGARRY
SALZMAN & PENSON
11 PARK PLACE SUITE 1801
NEW YORK, NEW YORK 10007
Toll Free No. 1-888-FIRELAW (1-888-347-3529) or 212-385-8000
www.firelaw.com**

HOUSE JUDICIARY COMMITTEE TAKES A MAJOR STEP TOWARD REOPENING THE VICTIMS' COMPENSATION FUND

On July 29, 2009, the House Judiciary Committee voted to approve a bill that would reopen the 9/11 Victims' Compensation Fund. The bill's sponsors hope that the full House will vote on the measure on the eighth anniversary of the attacks this September.

This is an important step in obtaining justice for those injured rescue workers who were unable to file a claim before the Fund was closed in 2004. Congress established the Victims' Compensation Fund to compensate the families of those killed and those injured as a result of the World Trade Center attacks. But after the Fund closed, many more rescue workers fell ill with respiratory ailments. Still more came to realize that illnesses they hoped would resolve, were, instead, getting worse.

We are hopeful that the House will pass this measure in September, and we will certainly keep you updated as it moves through Congress. While we applaud the Judiciary Committee for its vote, we are mindful that the bill does not extend far enough. Many rescue workers who filed claims for minor injuries or illnesses with the Fund, are now suffering with new, or worsened illnesses. Many were forced to file claims prematurely, before the extent of their illnesses could be fully appreciated, because the Fund's deadline was approaching. But they will not be permitted to seek further redress with the Fund if it is reopened. In other words, if a rescue worker filed a claim for a broken finger, he can never make a claim to the fund again, even if he is stricken with a disabling lung ailment years later. We believe this restriction is unjust, and we are continuing to fight for a more expansive bill.

continued from "Auto Insurance" page 1

ous career-ending injuries.

So, what can you do to protect yourself from uninsured and under-insured motorists? Your current automobile insurance company must offer you the chance to buy not only liability insurance coverage, but uninsured motorist protection (a/k/a UM/UIM insurance). This insurance protects you in case you are injured by an uninsured or under-insured vehicle. This coverage protects you, and it is indispensable!

Free Insurance Reviews Available

UM/UIM coverage is relatively cheap, which is probably why insurance companies and brokers don't push

it. You should have as much of it as you can (i.e. as much as your liability coverage) in order to protect yourself. If you are at all uncertain as to whether you are adequately insured, please take advantage of our offer to review your personal insurance policies. This is a service that we offer to firefighters, free of charge. "You protect us ... we protect you."

