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In Confidence.*

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McConville Considine Cooman & Morin, PC Welcomes Retired Supreme Court Justice Raymond E. Cornelius to the Firm



The Honorable Raymond E. Cornelius has joined the firm as counsel after serving as a New York State Supreme Court Justice in the Seventh Judicial District for the past twenty years. Given his vast judicial experience, he will be instrumental in assisting the firm's litigators in developing case strategy and court presentations.

Justice Cornelius was first elected a Supreme Court Justice for the Seventh Judicial District in 1985. In 1999 he was re-elected and served until he retired at the end of 2006. In his capacity as a Supreme Court Justice for the eight counties of the District, Justice Cornelius presided over all types of civil litigation, including all asbestos related personal injury claims. During his twenty-eight year judicial career, Justice Cornelius served as a Supervising Judge of Family Courts for the Seventh Judicial District, a member of the Litigation Coordinating Panel for the State of New York, member of the Continuing Legal Education Board of the State of New York, and Education Liaison for the Seventh Judicial District to the New York State Judicial Institute.

Prior to his election as a Supreme Court Justice, he served as Monroe County Family Court Judge from 1978 to 1985, and as an Assistant District Attorney for Monroe County from 1965 to 1977.

Justice Cornelius received his Bachelor of Arts degree from Binghamton University and a Juris Doctor degree from the University of Michigan Law School. He is admitted to practice law in both New York and Florida, and also before the United States District Court, Western District of New York and the United States Supreme Court.

Justice Cornelius has been involved in many continuing legal education activities. These have included the presentation of legal courses for the Judicial Institute, the Office of Court Administration, the New York State Bar Association, and the Monroe County Bar Association. The subjects of his presentations have included evidence, civil procedure, guardianships and infant settlements. Justice Cornelius is also a current member and former Dean of the Monroe County Bar Association's Academy of Law. In 2006, Justice Cornelius led a delegation of Monroe County Bar Association representatives to Novgorod, Russia, as part of a Russian American Rule of Law Consortium program.

Updated Website Launched

On March 1, 2007 the firm launched a new website with updated content and easier navigation. The firm's logo, which many of you have seen on our correspondence, is incorporated in the new look of the website. Our diverse areas of legal practice are described for you, so that you may be aware of the expertise available at the firm to meet your service needs. Brief biographies of each attorney will assist you in getting to know us and directions to our downtown Rochester location will help you find us for your office appointment. Please visit us online at www.mccmlaw.com. We welcome your comments and feedback.



Are You Adequately Insured?

One of the most difficult aspects of our personal injury practice is informing seriously injured clients that their financial recovery will be limited because they do not have sufficient insurance coverage. The financial crisis that the underinsured victim faces is often more devastating than the injury itself. A quick review of your insurance policies and making any necessary adjustments before an accident occurs could prevent you from being victimized twice.

In New York, drivers are only required to carry \$25,000 of liability insurance. That means in the event that another driver causes an accident in which you are seriously injured, the most you can recover is that \$25,000 policy, together with any no-fault benefits paid by your own insurance company. In today's high cost world, \$25,000 is woefully inadequate for a seriously injured victim. There is, however,

some hope. You are entitled to purchase uninsured/underinsured (UM/SUM) coverage from your own insurance carrier. This coverage would supplement the inadequate coverage of the at-fault driver. Typically you can purchase UM/SUM coverage that equals the amount of your own liability coverage (the maximum amount your insurance company would pay if you were responsible for an accident causing injury to someone else). Therefore, as an example, if you have \$300,000 of UM/SUM insurance and you are seriously injured by another driver with only \$25,000 in liability coverage, there would be \$300,000 of available insurance funds because of your foresight to purchase the UM/SUM coverage.

Your automobile coverage not only protects you while you are driving, but also while you are a pedestrian or a bicyclist. If

you are struck by an automobile while you are a pedestrian or bicyclist and that person is underinsured, your own auto policy would cover you even though you weren't driving or riding in a car at the time of the accident. That is of course, if you have purchased appropriate UM/SUM coverage.

Insurance coverage can be confusing and very dependent on your individual circumstances. Because we would rather help you select the appropriate coverage before an accident, than inform you of insufficient coverage after an accident, we welcome your calls to discuss your coverage at no cost to you. It's that important.

If you would like to review your insurance coverage, or if you or someone you know has suffered a serious personal injury, we encourage you to call the firm and ask to speak with Paul Barden or another member of our personal injury team.

What is Elder Law?



Elder law refers to a multi-faceted legal practice area, where attorneys use a holistic approach to assist seniors and their families.

Why should someone see an elder law attorney?

Elder law attorneys are uniquely qualified and specially equipped to handle the issues facing seniors and those who love them. We draft legal documents (wills, trusts, health care proxies, powers of attorney), assist with government benefit applications (Medicaid), resolve nursing home admission issues, assist with Medicare denials, obtain home care benefits through our connections and assist with a variety of other unexpected issues. You have the added benefit of our

association with a network of non-legal professionals including geriatric specialists, placement professionals and financial advisors. The average family attorney can draft documents, but will not have the depth of knowledge or the access to non-legal professionals that the elder law attorney has.

What basic legal documents should I have?

A health care proxy and a power of attorney. The *health care proxy* names someone to make your health care decisions. New York recognizes a health care proxy, not a living will. A living will is just a written statement that gives an idea of types of treatment you may want or wish to avoid. The *power of attorney* names someone to make financial decisions on your behalf and typically allows full access to your assets. It will be tailored to your needs. If you do not have a health care proxy or power of attorney and illness strikes, your family may need to bring a guardianship proceeding, where a judge appoints someone to make health care and/or financial decisions on your behalf. A guardianship proceeding is expensive, typically costing several thousands of dol-

lars, paid out of your assets. Your foresight in signing a health care proxy and power of attorney will save you and your family members this considerable expense, and many hours of effort.

How much will proper planning cost?

Long term care consultations and planning vary, depending on each family situation. You would typically pay a realtor 6% of the sale price to sell your home; most consider this well worth the money for the expertise. A good elder law attorney can often save a family hundreds of thousands of dollars. The fee is small in comparison.

Congress drastically changed Medicaid and other laws affecting seniors recently, so the need to plan and protect assets has become urgent. Even if disaster has already struck, there may still be some options. Call us before you fill out the nursing home application and before you apply for Medicaid benefits (even if the hospital discharge planner tells you there is no time).

Plan With Us. In Confidence.

Featured Attorneys

Joseph A. Platania



A native Rochesterian and long-time Penfield resident, Joe Platania joined McConville Considine as counsel in 2004 after many years of independent law practice.

Joe serves as attorney and counselor to clients across a broad range of legal matters, with particular focus on real estate, wills, trusts and estates, business matters, and local governmental affairs. As a solo practitioner before joining the firm, he had more than 20 years of experience serving clients across Western New York with respect to their legal needs in these areas.

Joe currently serves as counsel to the Town of Penfield Zoning Board of Appeals and Planning Board, as well as several fire districts, making him highly qualified to offer legal expertise to clients who are dealing with local municipal government.

Patrick J. Lane



Pat Lane practices in the area of tax law (Federal and State Income, Estate and Gift Tax), and the related legal areas of corporation, partnership and estate law. His expertise in navigating the complex and esoteric provisions of the Internal Revenue Code has resulted in significant savings and tax advantages for his clients.

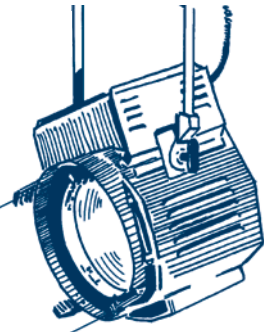
Born and raised in New York City, Pat graduated from St. Joseph's Seminary in Dunwoodie, New York in 1967 with a B.A. in Philosophy. After deciding not to become a Roman Catholic priest, he was drafted into the Army for the usual two year stint. Upon discharge he attended Fordham Law School and graduated in 1973 with the degree of Juris Doctor. He liked it so much that he then went to New York University, receiving a Masters in Tax Law (LLM tax) in 1975. He moved to Rochester in 1976 and has practiced law in this community ever since, joining McConville Considine as counsel in 2006.

Pat is admitted to practice in New York State, the U.S. District Courts for the Southern and Western Districts of New York, as well as the U.S. Court of Appeals for the Second Circuit, the United States Tax Court and the U.S. Court of Federal Claims. He has practiced before the Examination Division, Appeals Office, Criminal Investigation Division, the Office of International Operations, Exempt Organizations, Collections and the National Office of the Internal Revenue Service.

Our Lawyers in the Spotlight

Paul G. Barden has been promoted to the rank of Lieutenant Colonel in the U.S. Army Reserve. He currently serves as a Command and General Staff Instructor with the 12th Battalion, 98th Regiment.

Joseph A. Platania represented a client in obtaining rezoning and site plan approval for a truck franchise dealership; a client obtaining zoning board area variances and planning board subdivision and site plan approval for a residential subdivision development; and a client obtaining special permit approval on a commercial sign application.



Peter J. Weishaar was recently elected to serve on the Board of Directors of the Penfield Business Association.

Lucien A. Morin, II was appointed by U.S. District Court Judge Michael A. Telesca as Receiver of Pittsford Capital Group, Inc. and related entities in connection with an action commenced by the Securities and Exchange Commission.

Amy L. Varel has closed several transactions related to the purchase and sale of small to medium size businesses, including a golf course, medical practice, an oil distributor business, a staffing company and a fast food franchise.

Paul G. Barden has assumed the role of managing partner at McConville, Considine as of January 1, 2007 and was appointed to the chair of the Fee Arbitration Committee of the Monroe County Bar Association for 2006-2007.

Michael F. McConville recently completed a multi-million dollar business transaction for clients transferring company ownership from the founders to the new management team.

Lisa M. Powers is currently serving as the Vice President of Membership for the Rochester Women's Network, Western New York's premier networking organization for professional women.

Kevin S. Cooman now serves as Vice President of the Board of Trustees of Allendale Columbia School and is a member of the Executive Committee. He will serve as President for a two year term beginning in July 2008.

Joseph A. Platania, Michael F. McConville, Patrick J. Lane and **Amy L. Varel** are representing a family business entity in the development and negotiation of a succession plan for the family held business.

Peter J. Weishaar was a speaker at the Western New York Fire District Officers Association Legislative Workshop which addressed a number of recently enacted laws.

Kevin S. Cooman has been admitted to the Massachusetts Bar in order to better serve the needs of the firm's several New England clients.

Michael F. McConville and paralegal **Sue Kenyon** brought to conclusion a litigious estate matter among siblings and their respective counsel.

At McConville, Considine we provide a wide range of legal services.

Bankruptcy

(We are a debt relief agency – we help people file for bankruptcy relief under the Bankruptcy Code)

Business

Elder Law and Medicaid Planning

Employment

Health Care

Litigation

Municipal and Government

Personal Injury

Real Estate

Taxation

Wills, Trusts and Estates

For more detailed information about these practice areas, please visit us online at www.mccmlaw.com.

In this issue we feature our *Litigation Practice*

McConville, Considine's five litigation attorneys can assist you in resolving civil disputes in any area, including:

- Article 78 Proceedings involving municipal and State government action
- Banking
- Civil Rights and Discrimination claims
- Commercial and contract disputes involving businesses and individuals
- Construction claims related to performance or nonpayment
- Employment-related claims for employees and employers
- Estate matters contested by heirs and beneficiaries
- Health Care
- Landlord/Tenant disputes
- Personal Injury and Property Damage claims for injured persons or business owners
- Real Estate and Land Use disputes
- Products Liability claims as a result of defective products
- Tax Assessment Review of property valuation for businesses and municipalities

Resolve it with us. In Confidence.

We welcome new client referrals from our existing clients and friends.

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