

YOU STILL DON'T HAVE A WILL?!?

THIS LITTLE ONE'S EXPRESSION SAYS IT ALL!

WE HAVE NOW DONE OVER 4,000 FREE WILLS AND HEALTH CARE PROXIES FOR ACTIVE AND RETIRED NEW YORK CITY FIREFIGHTERS AND THEIR SPOUSES. IF YOU AREN'T ONE OF THEM, WHAT ARE YOU WAITING FOR?!

STOP PUTTING THIS OFF AND CALL US TODAY!



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with serious illnesses that they could not recover lost income from the VCF, although he believed they deserved it. He was deeply unsettled by the unfairness of the situation, and he was determined to do something about it. He lobbied the Director of the pension

fund, who in turn, brought it to the attention of the FDNY Legal Bureau and the Board of Trustees, ultimately effectuating the change.

Thanks to the efforts of Mike, FDNY Legal, and the Board of Trustees, members who are retired

under the WTC disability law for PTSD may now apply to reclassify their pensions if they have been diagnosed with significant WTC-related respiratory disease or cancer. These members can then receive benefits from the VCF. And, their families are

protected in the event that the member dies from the WTC-related illness. As a 38-year member of the FDNY, I applaud this change.

I wish to remind any affected member that your union trustee is always the best source of information for you. The trustee sits on the Pension Board of Trustees which is the final approval body for all disability claims. If you are contemplating a reclassification application, you should let the trustee know before your application is submitted. The trustee's expertise with similar disability claims is invaluable. Of course, you are always welcome to call us with any questions as well. We're here to help however we can.

Even if this news does not apply to you personally, please help us spread the word to any fellow retiree you may know who has been diagnosed with cancer or lung disease after retirement.



Michael Barasch speaking to Staten Island retirees

This is the SEVENTY-THIRD 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:

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FIREFIGHTERS' NEWSLETTER

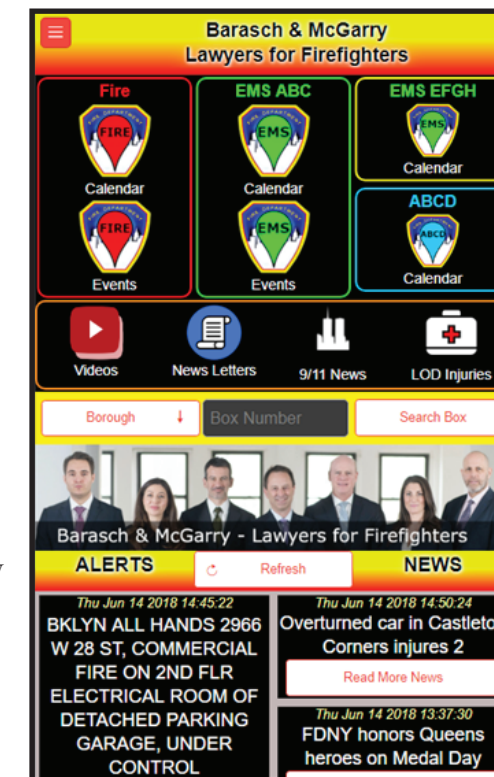


BARASCH MCGARRY FREE GROUP CHART APP NOW AVAILABLE

For over 20 years, our law firm has been sending out Group Chart calendars for your wallets, for your refrigerators and for your lockers. It's about time that we joined the 21st century. We are proud to announce that our FREE Group Chart App is now available for both iPhones and Android phones. Admittedly, there are a few other apps out there that are good. However, here is why you should try our app and why we think it is the best one out there:

- It's a FREE fully functioning 25-Group Calendar
- Mutuels, and OT tracking are easy to enter. Select "9 hour MSOT", "15 hour RSOT OT" or another time by clicking "manual".
- Calendars are backed up to your home computer.
- News and Notifications
- Fire Alerts (Audio feeds coming soon)
- You can download our app from your phone's App Store by searching for "FDNY Fire & EMS". Or, use the QR code here.

We hope that you enjoy your new Group Chart app and all the cool extras on it!



BARASCH & MCGARRY LAWYERS VOLUNTEER TO HELP VICTIMS OF CLERGY ABUSE

Program Brings a Measure of Peace to Victims

In 2016, Cardinal Timothy Dolan of the Archdiocese of New York, announced the creation of the Independent Reconciliation and Compensation Program (IRCP). The program was meant to serve as an expression of contrition for the church's painful history of clergy abuse, and the widespread coverups, and to offer compensation to the victims in recognition of the suffering they have endured.

The IRCP was administered by Kenneth Feinberg, the respected mediator who also administered the original 9/11 Victim Compensation Fund. Mr. Feinberg asked Barasch

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McGarry Salzman & Penson to volunteer to assist the victims, who were just children when these crimes occurred. Of course, we said yes. We spoke with hundreds of victims of abuse by clergy affiliated with the New York, Brooklyn, Queens, Syracuse and Rockville Center Archdioceses. We explained the legal paperwork they received, and ensured that they understood their rights and were comfortable with what they were signing. We even attended hearings in Washington to help victims increase their initial award.

While nothing can completely erase the pain and trauma these victims have endured for so long, we have seen firsthand that the program does bring peace and closure to many.

Many victims have told us that the awards are so meaningful to them because they represent an acknowledgment of the very crimes that were

denied for so long. They spoke of the pain and shame that they felt when they were abused, and the horrible experience of being turned away and disbelieved when they sought help. Many spoke of the toll the abuse has taken on their relationships, their self-esteem, and their sense of security. They have told us that the acknowledgment that these crimes occurred has lifted a weight that they have been carrying with them for decades.

We are grateful to Mr. Feinberg and his associate Camille Biros for including our firm in the program.



Cardinal Dolan with some Barasch McGarry staff

Cardinal Timothy Dolan met with several of us to present a token of his appreciation for our *pro bono* work.

The program has now closed to new applicants. However, submitted applications are still being reviewed.

BARASCH MCGARRY WINS JUSTICE FOR RETIRED FIREFIGHTERS

Retirees with PTSD may now file for pension reclassification for 9/11 illnesses

Here's why it matters:

By Richard Alles,
Deputy Chief FDNY, Ret.

After months of lobbying, the NYC Fire Pension Fund has implemented a change that corrects an injustice, and will help dozens of retired FDNY members who have fallen ill with 9/11 illnesses. Any member who was granted a WTC-disability pension for PTSD, or non WTC injuries, who has since been diagnosed with WTC-related cancer or pulmonary

disease may now file for pension reclassification.

Before this change, the FDNY pension unit's policy was to decline reclassification applications for any sick firefighter who was previously found disabled for PTSD until they died of a WTC cancer or disease. You can imagine the sense of frustration and abandonment these firefighters felt. They were stricken with serious illnesses, but denied formal recogni-

tion that their diseases were service connected. This policy meant that illnesses among exposed firefighters were under-reported. It also meant that sick members and their families were shut out of important benefits, including economic loss compensation from the 9/11 Victim Compensation Fund (VCF), which was created to help them.

Mike Barasch found himself in the position of having to tell firefighters

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MUST READ: NEW AUTO INSURANCE LAW PROTECTS INJURED FIREFIGHTERS

We know it's hard to get anyone excited about a new auto insurance law. But this time, the law is so important, and the impact that it will have on firefighters is so significant, that we think there is good reason for members to take notice. Our firm was part of the lobbying effort to get this bill passed, and we want to make sure all of our clients know about it.

The new law deals with Supplementary Uninsured Motorist coverage (SUM). SUM coverage is the part of your auto policy that protects you if you are injured in an auto accident by someone who has little or no insurance. This is different than your liability coverage, which will compensate others who are injured as a result of your negligence, but will not pay a nickel to compensate you if you are hurt.

SUM is critical insurance coverage for everyone, but it is especially important for firefighters. You depend upon your physical health to do your job. A non-line-of-duty auto accident could end your career, resulting in devastating financial losses to you and your family. That is reason enough for firefighters to make sure they have adequate SUM. But it is not the only reason.

SUM insurance also covers certain line-of-duty accidents. It will compensate you if you are in an accident with an underinsured driver while you are on duty. And it can even cover you if you are injured during an emergency operation to rescue a victim of an auto accident.

For example, we represented a firefighter who suffered a career-ending shoulder injury while extricating a driver who negligently crashed his car. Our firm was able

to recover \$25,000 from the driver, which was his full liability insurance policy. We were also able to recover an additional \$75,000 from the firefighter's own insurance carrier, because he carried \$100,000 in SUM coverage. To be clear, the firefighter wasn't hit by a car, or in any kind of an auto accident himself. His own insurer compensated him because he was hurt rescuing someone else who was in a car accident.

Most drivers only carry the minimum coverage of \$25,000 per person (and \$50,000 per accident). It doesn't matter how injured you are, if the driver that caused the accident only has a \$25,000 policy, that is the most you can hope to recover. And the insurance company likely won't just hand that over to you. You'll usually have to hire a lawyer to get it.

For firefighters, who drive long distances to get to work, ride in FDNY vehicles regularly, operate on public roads, and respond to motor vehicle accidents, having inadequate SUM coverage is especially risky.

What does the new law do?

The new law, known as the "Driver and Family Protection Act", requires insurance companies to provide all customers with SUM coverage in an amount *equal* to their liability coverage. Customers are free to opt out if they choose and want to save a few bucks.

You should never opt out of full



SUM coverage.

The new law becomes effective on June 18, 2018, and it applies to all new policies and policy renewals. It will not change your existing policy until it is up for renewal. If your existing policy does not have sufficient SUM coverage, you should call your insurance company to fix this.

How much SUM coverage do I need and why?

Everyone's needs are different, but one thing we can all agree on is that a \$25,000 SUM benefit won't provide justice to any firefighter who has sustained a serious career-ending injury, especially if the accident was non-line-of-duty. If you are forced to retire for a non-line of duty injury, you may lose millions of dollars of income. SUM coverage is one important way to replace that lost income.

For those of you whose pension hasn't yet vested, your future pension benefits will be crushed if you lose your career as a result of a non-line-of-duty auto accident. Please consider increasing your SUM coverage to as much as you can afford.

If you have any questions about this new law, or how much insurance is right for you, please call us for free advice.