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MESSAGE TO OUR CLIENTS

In this holiday season, we send our warm regards to you and your family with gratitude for the opportunity to serve you. We are deeply appreciative of the trust which you place in us as your attorneys.

Lacy Katzen LLP was founded nearly 70 years ago by two World War II veterans, Herb Lacy and Leon Katzen, who had a vision to create a full service regional law firm representing each client with unmatched advocacy. Today, we continue to be drawn to their belief that being a good lawyer goes beyond the knowledge of the law and includes dedication and care for the clients we serve. We remain guided by the values inspired by Herb and Leon: commitment to our clients, striving for excellence, high ethical standards, teamwork and common sense financial practices. We seek to live these values each day – a contributing factor in Lacy Katzen being recognized as a Top Workplace three years in a row by the Rochester Democrat and Chronicle.

We are proud that the excellence of our legal services is respected by our peers in the legal profession. Six of our attorneys were listed in Best Lawyers in America for 2018. In addition, several of our departments were honored as top tiered practice areas by Best Lawyers in America, including Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, Medical Malpractice Law - Plaintiffs, Trusts & Estates Law, Corporate Law, Personal Injury Litigation - Plaintiffs, Banking and Finance Law and Closely Held Companies and Family Businesses Law.*

Our family law practice was recognized by the Rochester Business Journal as a “top winner” in its 2018 Reader Rankings Awards for the best family law firm in Rochester.

We have expanded our commercial litigation department with the addition of Joshua Levitt who earned his undergraduate degree at the University of Massachusetts at Amherst and his law degree from the University of Notre Dame. Josh recently passed his New York State bar exam and is pending admission to the bar. We also welcome Attorney Nancy McKinley to our trusts and estates department. Nancy has 20 years of experience in estate planning, estate administration, Medicaid planning, elder law and real estate law. Also new to our trusts and estates department are Legal Assistant Genevieve Tarbell and Paralegal Barbie Ruffell. Barbie previously worked with David C. Pettig, Esq. and continues to assist Dave Pettig’s clients as they transition to Lacy Katzen.

At Lacy Katzen, we are committed to the Rochester community. For the last several years, the firm has chosen a local charitable organization to support throughout the year. This year, our attorneys and staff volunteered at the Bethany House, which provides food, clothing, support, advocacy and hospitality for women and their children. Also, twenty-two Lacy Katzen runners participated in the 2018 JP Morgan Corporate Challenge, celebrating teamwork among co-workers, clients and fellow community members.

A quick “thank you” to the many who have expressed appreciation for our new, more accommodating Canandaigua office – we are glad you like it! Please know we are happy to meet with you either downtown or in one of our many branch offices – visit our website at www.lacykatzen.com for office locations, hours and directions.

Wishing you a peaceful holiday season.

— *The Lacy Katzen Team*



LACY KATZEN FAMILY LAW RECEIVES “TOP WINNER”

Lacy Katzen is proud to receive recognition by the Rochester Business Journal (RBJ) as a “Top Winner” in its 2018 Reader Rankings Awards for the Best Family Law Firm in Rochester, N.Y. Lacy Katzen’s principal family law attorney and partner **Lawrence J. Schwind** has more than 35 years of experience working with clients on a variety of matters including divorce and separation, prenuptial and postnuptial agreements as well as child custody, support and visitation matters.



LACY KATZEN PARTICIPATES IN 2018 CORPORATE CHALLENGE

Lacy Katzen took to the streets with 22 team members to participate in the 2018 J.P. Morgan Corporate Challenge. The Corporate Challenge is a 3.5 mile road race; a great health and fitness team building opportunity for many of the participating companies. This year’s race was centered around Frontier Field in downtown Rochester. Susan Naccarella and Ginny Krutell recruited the Lacy Katzen team and acted as team captains. Team members included: Alison Blain, Beth Campbell, Etta Crumb, Mary Beth Davis, Jennifer Dixon, Collin Doane, Ami Gallagher, Susan Gill, Kimberly Heller, Adrienne Kiley, Virginia Krutell (team captain), Marie Kuitems, David MacKnight, Tracy Mastrangiola, LaTonya McGowan, Susan Naccarella (team captain), Mary Nault, Lisa Robertson, Matthew Ryen, Jill Routly, Haley Werner, and Kerry Vargulick.



COMMUNITY INVOLVEMENT – GIVING BACK

Lacy Katzen volunteers gave active support this year to Rochester’s **Bethany House**. Lacy Katzen volunteers assisted with painting projects as well as the preparation and serving of a community dinner on Halloween. The mission of the Bethany House is to provide food, shelter, clothing, support, advocacy and hospitality for women and their children. For more information about the Bethany House visit their website at <https://bethanyhouserocny.org>.



LACY KATZEN ATTORNEYS RECEIVE SUPER LAWYERS AND BEST LAWYERS RECOGNITIONS

2018 Upstate New York Super Lawyer recognitions went to attorneys **Peter T. Rodgers** and **Jacqueline M. Thomas** while 2018 Upstate New York Rising Star recognitions went to attorneys **Robin L. Folts**, **Michael J. Wegman** and **John M. Wells**. Attorneys are selected through peer nominations and evaluations which are combined with independent research. Each candidate is evaluated on 12 indicators of peer recognition and professional achievement. Selections are made on an annual, state-by-state basis. *

The following attorneys also received Best Lawyers recognition: **Jennifer L. Chadwick** (*Banking & Finance*), **Mary V. Fisher** (*Trusts & Estates*), **David D. MacKnight** (*Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law*), **Peter T. Rodgers** (*Medical Malpractice Law – Plaintiffs*), **Jacqueline M. Thomas** (*Personal Injury Litigation – Plaintiffs & Medical Malpractice Law – Plaintiffs*), **Craig R. Welch** (*Closely Held Companies and Family Businesses Law*).

Lawyers on *The Best Lawyers in America* list are divided by geographic region and practice areas. They are reviewed by their peers on the basis of professional expertise, and undergo an authentication process to make sure they are in current practice and in good standing. *



Lacy Katzen's Trusts & Estates attorneys are dedicated to providing each client with the personal attention needed for their unique circumstances.

With decades of experience and a dedicated support staff our Trusts and Estates practice can guide you and your loved ones through estate planning and administration, wealth management, business succession planning, Wills, Medicaid/asset protection planning and more.

The Trusts and Estates attorneys at Lacy Katzen include: **Lawrence J. Schwind** (*Partner*), **David E. Anderson** (*Partner*), **Robin L. Folts** (*Partner*), **Joanne Constantino**, **Mary V. Fisher**, and **Nancy A. McKinley**.

Below are some commonly asked questions answered by our Trusts & Estates attorneys:

What is a common concern clients have when they need help preparing themselves and loved ones for the challenges that often lie ahead?

How to preserve wealth without jeopardizing the quality of care often necessary as they age.

When should someone begin the estate planning process?

Everyone 18 and older should have an estate plan.

What happens if I don't have a Will?

Without a Will, the state in which you reside decides how to distribute your assets to your beneficiaries according to its laws. This is known as dying intestate, and the resulting settlement process may not produce the results that you would prefer for your survivors.

What is a trust and what are its benefits?

There are many types of trusts. A trust is an effective way to hold title to assets and distribute income and assets during one's lifetime and after death; it provides clear direction as to how and to whom income and principal assets should be distributed. Certain trusts can minimize estate tax, ensure your income and assets are properly distributed, protect assets and resolve potential conflicts among beneficiaries that may arise over the distribution of assets. Properly drafting and transferring your assets into a revocable living trust allows you to keep control over your assets and avoid the court probate process.

What is the difference between a Will and a Trust?

A Will and a trust can work together in creating an estate plan, and often does. A Will provides for assets to be distributed at your death to those you want to benefit, including charities. An inter vivos trust goes into effect as soon as you create it. The term "inter vivos" simply means you create the trust instrument while you are living. A Will is probated (a court oversees the administration of the Will), while the trust operates outside of probate. However, you can have a testamentary trust written in your Will (a trust created in your Will, but the trust only goes into effect at your death). An example of a testamentary trust could be a trust created in your Will for a beneficiary who is disabled. This would require a trustee to manage the assets to be used to or for the benefit of a disabled beneficiary without jeopardizing governmental benefits the disabled beneficiary may be receiving.

MEDICAL MALPRACTICE – LACY KATZEN CASE SUCCESSES



Lacy Katzen LLP represents individuals and their families who have suffered injury or death as a result of careless medical, hospital and nursing home care. Some examples of recent favorable case resolutions include:

- A 43 year old man whose stroke was misdiagnosed in the emergency room, depriving him of an opportunity to treat the stroke;
- A man who suffered a ruptured artery after his CT scan showing an aneurysm of a major artery was misread by a radiologist, depriving the patient of the opportunity for a surgical repair before rupture;
- The failure to rule out a suspected rare autoimmune disease, leading to permanent kidney damage;
- The failure to diagnose retinal detachment in a 50 year old male following cataract surgery, resulting in loss of vision in one eye;
- A 66 year old man whose bladder cancer was not diagnosed by his urologist;
- The family of an 81 year old woman who died after her nursing home failed to provide adequate hydration;
- An 85 year old man who developed multiple pressure ulcers while a resident in a nursing home.

Lacy Katzen LLP is recognized as a Tier I Best Law Firm in Plaintiff's Medical Malpractice by Best Lawyers in America. Our team includes a consulting physician and nurses. Peter Rodgers and Jacqueline Thomas are listed in Best Lawyers in America in Plaintiff's Medical Malpractice. Peter Rodgers was recognized by Best Lawyers in America as Lawyer of the Year in Plaintiff's Medical Malpractice in Rochester in 2013 and again in 2017. John Wells is listed as a Rising Star in Super Lawyers.*

IS YOUR LOVED ONE SUFFERING FROM PREVENTABLE PRESSURE SORES?



Unfortunately, preventable pressure sores occur too often in nursing homes. A pressure sore, also known as a bedsore, pressure ulcer or decubitus ulcer, is an injury to the skin and underlying tissue that usually occurs over a bony area due to constant pressure or pressure in combination with friction. Pressure sores often form in the elderly or disabled when restricted movement puts constant pressure on certain areas of the body such as the buttocks, hips, back of thighs, back or sides of the head or the heels. This leads to restricted blood circulation causing the tissue to die and pressure sores to form.

Nursing home residents often suffer from mobility, sensory, activity and/or nutritional impairments leaving them more susceptible to pressure sores. If existing impairments are not addressed with preventative measures such as regular skin inspections, the use of cushions to offload pressure or regular turning and repositioning, pressure sores can develop.

Ask the nursing home what plan has been put into place to prevent pressure ulcers. Make sure it's being followed by asking questions and regularly checking your loved one for any signs of early skin breakdown which can include: unusual changes in skin color or texture, swelling, pus-like draining, tender areas and/or an area of the skin that feels cooler or warmer to the touch than other areas.

If you have been told that your loved one has a pressure sore, verify it is being properly treated to prevent the sore from becoming larger and deeper. Immediate treatment is necessary because pressure sores, while painful and debilitating, also create susceptibility to infection and can undermine rehabilitative therapies.

After verifying that proper treatment is being provided, ask the nursing home or other medical providers to photograph the sores and place the photographs in your loved one's medical record. If photographs aren't being taken by the nursing home or other medical providers, make sure you begin taking photographs on a regular basis until the pressure sores heal.

Failure to prevent the development of pressure sores can constitute negligence and a violation of New York State regulations. If your loved one develops a serious pressure sore, please contact a personal injury attorney at Lacy Katzen LLP for a free consultation.

SPOTLIGHT ON LACY KATZEN HUMAN RESOURCES



Sherry Rettew has been Lacy Katzen's Human Resources (HR) Manager for more than a decade. As the firm's HR Manager, Sherry is responsible for recruiting & staffing, performance management, employee relations, reward and recognition and administration.

In addition, as head of the firm's Culture Committee, Sherry remains focused on developing forward-thinking initiatives to strengthen and facilitate a positive work environment at Lacy Katzen. We largely credit Sherry and the Culture Committee for helping us achieve the Rochester Democrat and Chronicle Top Workplace recognition three years in a row!

Sherry's compassionate approach to people combined with her many years of experience and ongoing training in the ever changing field of Human Resources, makes her an invaluable asset to the firm.

Asked why she felt Lacy Katzen was a great place to work Sherry said, *"Simple. Lacy Katzen cares about its employees. We can see the effects of this in our low turnover rate. We are proud to have employees who have been here their entire career...35 plus years."*

If you are someone who holds yourself to a higher standard, and are interested in learning more about our firm and available employment opportunities, please visit the [Careers](#) page on our website.

You may also send your cover letter and resume directly to Sherry Rettew at srettew@lacykatzen.com.

LACY KATZEN RECEIVES TOP WORKPLACE RECOGNITION!

Lacy Katzen is proud to be the recipient of the Rochester Democrat & Chronicle's **Top Workplace** award for the third year in a row.

At Lacy Katzen, we are committed to our firm values: **Teamwork, Excellence, Ethical Behavior** and **Fiscal Responsibility**. These values foster communication and accountability that benefit both our team and our clients.

"We are very excited about this honor and the many successes that have gotten us this far. However, this is a race without a finish line. We will always have things to work on...as business changes, as the economy changes, as the law changes, as our work force changes, as our leadership changes - we will focus on opportunities to be better; but we will also continuously need to raise the bar on what we are doing well." – **Craig Welch, Managing Partner**

We thank everyone for contributing to our success!



*For more information on Best Lawyers and Super Lawyers methodology visit www.bestlawyers.com and www.superlawyers.com

OUR PRACTICE AREAS

Business, Banking & Corporate Law • Residential & Commercial Real Estate Law • Municipal Law • Business Succession & Estate Planning • Estate Planning & Wealth Management • Elder Law & Medicaid Planning • Estate Planning & Administration • Family Law • Litigation • Medical Malpractice, Hospital & Nursing Home Negligence • Personal Injury & Wrongful Death • Creditor's Rights • Collections

Legal Notes

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Legal Notes

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