

BWBA MEMBER HIGHLIGHT

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Justice for Cancer Patients:

Ask Governor Cuomo to Sign Lavern's Law by February 5, 2018
& Modernize Our Obsolete Medical Negligence Law
by Brielle C. Goldfaden, Esq

Lavern Wilkinson, a 41 years old mother of an autistic teenage daughter, died in 2013 of a *curable* form of lung cancer. She could have been saved, had the hospital caught it in time. However, by the time Lavern found out that Kings County Hospital misdiagnosed her lung cancer, it was too late to survive the disease and too late to bring a lawsuit. Lavern, like many other women under New York's archaic statute of limitations law, was shut out of court with not even a simple chance at recourse.

After many years of patient groups fighting for victims' rights, in June, 2017, the Legislature passed Lavern's Law, which would start the statute of limitations running from the *date of discovery* of a medical error, rather than from the *date of the medical malpractice*. The current law limits bringing a medical malpractice lawsuit to 2 ½ years from the date of malpractice and leaves those who are told of the medical error after the 2 ½ years, with no remedy. This hurts women who are told to come back 3, 4 or 5 years after a routine test, like a mammogram or pap smear, and only find out after the short statute of limitations has expired, that their test was misread and they have an advanced cancer which now cannot be treated.

The Bill passed both houses and only awaits Governor Cuomo's signature, **which must happen by February 5, 2018 or the bill dies**. New York is one of just 6 states, along with Arkansas, Idaho, Maine, Minnesota and South Dakota, without this law. Although the bill only extends the statute of limitations for cancer patients, it is a major victory for the citizens of New York and a step in the right direction toward modernizing New York law.

The Brooklyn Women's Bar Association and the over 4,000 women of the Women's Bar Association of New York State support Lavern's Law. Support Lavern's Law and call or write Governor Cuomo to sign it now. **#PassLavernsLaw #NationalCancerSurvivorsDay**

Wingate, Russotti, Shapiro & Halperin, a tremendous supporter and a firm member of the Brooklyn Women's Bar, is a personal injury and medical malpractice firm, representing victims of negligence for over fifty years. The firm is comprised of 27 attorneys with a reputation for being meticulously prepared and trial ready. What sets Wingate apart is that it intentionally limits the number of cases it accepts, to ensure that every client receives the personal attention they deserve.

Brielle C. Goldfaden, Esq., has been with Wingate since 2012. She is an experienced, highly-regarded trial attorney, who tries a wide variety of complex personal injury cases, including construction accidents, car and truck accidents, slip and falls, ceiling collapses, medical malpractice, and school liability cases.

Brielle has dedicated her career to representing injured people and their families. She was named a "Rising Star" by Super Lawyers for four consecutive years, from 2014 to 2017 – an honor extended to no more than 2.5% of the attorneys in the New York Metro area. In addition, she was selected by her peers for three consecutive years to be included in Best Attorneys in America, 2013, 2014 and 2015, has been honored since 2013 in Best Attorneys in New York for her medical malpractice work, and she was also voted "Top 40 Under 40" by the National Trial Lawyers – an invitation only membership extended to trial lawyers under the age of 40 who exemplify superior qualifications, trial results and leadership.