

Managing attorney at Finkelstein & Partners urges governor to sign Grieving Families Act into law Legislation would hold negligent parties accountable, make New York safer for all

By Alyssa Seidman

Since 1959, Finkelstein & Partners has represented countless personal injury victims in a wide variety of areas. From motor vehicle crashes to construction and pharmaceutical safety, the firm's attorneys have made tremendous headway for their clients.

One area that has proven impenetrable, however, is wrongful death lawsuits. The firm has represented more than 3,000 families who have lost a loved one from preventable and predictable causes in New York, but due to the state's current wrongful death statute, "what we could do for them was entirely limited," Managing Partner Andrew Finkelstein said.

The current law

New York's wrongful death statute was first enacted in 1847, when Andrew Polk was president. At that point in time people were considered "chattel," and their value was based on what they financially provided for their families, Finkelstein said.

"The law as it was originally constructed was meant to replace the economic value of a human being, but if you didn't produce wages you had no value if your life was taken," he added. "There's currently a lack of recognition of the grief and anguish families go through after losing a loved one, and that's what we're trying to change."

New York's wrongful death statute has not been updated in the more than 170 years since its enactment. At the national level, 48 states recognize the grief and anguish families experience when a loved one dies of preventable causes; New York and Alabama are the only two states without such provisions on the books.

The updated law

The Grieving Families Act was introduced to make the law more equitable. It would hold negligent hospitals, gun manufacturers, unsafe worksite operators, and others accountable in wrongful death lawsuits, thus making New York a safer place for all.

The legislation has passed the state Senate and Assembly with near-unanimous support thrice, but has been vetoed by Gov. Kathy Hochul twice. Finkelstein & Partners is just one of several entities statewide lobbying the governor to sign the



Finkelstein & Partners, LLP
Andrew Finkelstein is the managing attorney at Finkelstein & Partners, LLP.

bill into law.

"It would allow families to obtain full and complete justice for the wrongs imposed on their loved ones, and that justice comes in the form of accountability," Finkelstein said. "Holding these wrongdoers accountable would provide them closure where there previously hasn't been."

Finkelstein noted one such case the firm is currently handling. Last month, the parents of slain 17-year-old Michael Kleinke, Jr., filed a lawsuit against the Town of Colonie and Thomas McGrath. The suit alleges that local authorities failed to properly investigate McGrath's condition just 38 minutes before the deadly collision that took their son's life.

"Michael's parents had no recourse because of this law, but it does not accurately measure how we think about people," he said. "We think about how people made us feel, and the loss we suffer when they're no longer with us. I encourage anybody who cares about safety in the state of New York to reach out to the governor and ask her to sign the Grieving Families Act into law."

Show your support

To contact Gov. Hochul's office, call (518) 474-8390 or send a letter to: The Honorable Kathy Hochul, Governor of New York State, NYS State Capitol Building, Albany, N.Y., 12224

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