

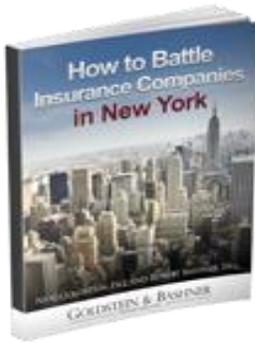
# **What You Need to Know before Hiring a Lawyer: Finding a New York Lawyer and Battling Insurance Companies**



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Thank you for downloading this book! Our goal is to give you some sound advice about finding a lawyer and working together to get the compensation you deserve for your case. We try to provide a lot of information through our free resources, website and newsletter mailings. Why? Because we want our clients and potential clients to have answers to their questions and use us as a resource. We answer our phones and take time to talk to anyone who contacts us with a question.

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## **PREFACE: A Little Background about Us**

Our firm doesn't advertise on TV, radio or yellow pages. We don't have to. We don't handle every claim under the sun. From the many calls we receive, we accept a small number of injury and accident cases. We are not a "personal injury mill." It is our opinion that with fewer cases there is more time that we can devote to your case. We believe more time for you will achieve better results. We would rather have fewer cases with the best results for each case.

We will tell you if you have a case. Sometimes the best advice you can get when considering a lawsuit is being told honestly that your claim cannot be won. There are no games here. We will tell you the truth so that you can have the time to speak to another attorney. However, if your case passes our test, and we accept it, we give you our personal attention. We will handle your case aggressively and we will regularly advise you on the status of your case as well as whether you should settle or go to trial.

All fees and costs will be explained to you fully before we start working on your case. We believe in a team approach. Your understanding of the issues is essential. For a successful outcome, we must work together establishing liability which will help in maximizing your recovery for all the damages you have sustained.

### ***THIS BOOK IS NOT LEGAL ADVICE***

What is in this book is not legal advice. We are not your lawyer until we enter a written agreement for us to be your lawyer. We know the arguments the insurance company will make—and so should you—even before you file your claim. We can offer suggestions and identify traps, but please do not construe anything in this book to be legal advice about your case, as each case is different and an attorney can only give you quality legal advice when he or she understands the facts involved in your case.

Happy Reading! We look forward to hearing from you,

### **NEAL GOLDSTEIN ROBERT BASHNER WHY WE WROTE THIS BOOK AND HOW IT CAN HELP YOU**

We wrote this book because, if you're like most people, this is the first time you have been in an accident. Even if you have been in a previous accident, you have questions. You are getting calls from the insurance company representatives, wanting to ask "just a few questions." They may ask to take a recorded statement on the telephone or in person. The insurance company may be bothering you to sign their forms (forms that you may not understand). They may even have already offered you money to settle your claim.

You started your search for an attorney, but found that most attorney's advertising doesn't give you any useful information at all about how to find the right lawyer for your case. All of the ads

say “hire me we don’t charge a fee unless we get you money” but then you realize that ALL personal injury lawyers say that. You may realize ads that showed fistfuls of cash, gory accident scenes or statements like “We care for you” or “We Are Aggressive” are 100% meaningless. (Don’t you expect that your attorney will care for you?)

Look at these other meaningless headlines you might see in ads for attorneys and ask yourself: Does this headline help me figure out if this is the right lawyer for me?

- FAST CASH
- INJURED? (Wow, that’s original)
- PERSONALIZED AND DEDICATED SERVICE
- NO RECOVERY—NO FEE
- ATTORNEYS YOU TRUST

We wrote this book for you so that you could have good information in the quiet of your own home before you hire a lawyer and before you talk to the insurance adjuster. You may not even need a lawyer to settle your claim. You may be able to resolve your claim by representing yourself in small claims court. Your claim might have bad liability or minimal damages. If you have a viable claim, we can meet with you in person—or speak on the telephone—to go over all the issues leading to a successful recovery on your behalf.

## **9 MYTHS YOU MIGHT HAVE HEARD FROM FRIENDS, NEIGHBORS AND RELATIVES**

Do you think the insurance agents are on your side? They are not. Their job is to get you to agree to the smallest settlement possible. Here are just some of the myths that you might have been led to believe by others:

- If you write the insurance company a letter and are reasonable, you will get a reasonable settlement proposal.
- When you are in an accident and the insurance company calls you to ask for a recorded statement, you have to give them a recorded statement or they will not settle with you.
- All lawyers who advertise that they handle accident cases have the same ability, tools and experience to handle your case.
- Since there was an accident and it wasn’t your fault, there must be some insurance company that will pay for your bills, lost wages and injuries. □ Juries in New York are generous.
- Friends don’t sue friends.
- Family members don’t sue each other.
- If you take time off from work, you can be fired.
- If my friend got “XY” dollars for the same injury as mine, I should get the same money.

## **TRICKY INSURANCE COMPANIES, MEANINGLESS LAWYER ADVERTISING AND FRIVOLOUS LAWSUITS**

Having been in the business for over twenty years, we are sick and tired of insurance companies taking advantage of injured victims before they have a chance to talk to a lawyer. For years, many insurance companies would tell accident victims not to talk to an attorney. In fact, they used fear to dissuade people from getting good advice.

Guess what? You may not need an attorney to represent you in your case. No one, however, should settle a case without understanding the “legal system.” Remember, insurance companies are in business to make money for their owners and/or shareholders. They don’t care about you. That adjuster just wants to close the file and get you to release all claims.

Here are some of the sleazy tactics insurance companies use just to wear you out and get you to go away:

- 1. Deliberate delay**—Insurance companies know that you are often in a financial squeeze. Even if you have good health insurance, the fact that you aren’t working may make it difficult to pay deductibles, co-pays, transportation, etc. The insurance company knows you need money now to make payments, so they take their time with your claim to lower the bargaining field. We have had elderly clients die waiting for their claims to be resolved (don’t think for one moment that some insurance companies don’t actually plan this). In a recent case, we dealt with an insurance company that delayed and delayed until our client died of colon cancer.
- 2. Requesting Unnecessary Information**—Insurance companies will insist that you track down every little piece of information “before we can evaluate the claim.” Even if the information they are now asking for would not add a penny to their offer, they are happy to wait another six weeks for you to track it down. Meanwhile, they are earning interest on the money they are NOT paying you.
- 3. Disputing Medical Treatment**—Even though I’ve never met an adjuster who went to medical school, they seem to know just what treatment is right for you! Usually, they “know” that you were over treated because “our computers say you should have been better by now.” Insurance companies frequently hire the same doctors over and over again to write negative reports about injured clients. Often the conclusions of these doctors are so preposterous, it makes our blood boil.
- 4. Nickel and Dime the Medical Charges**—Think about it. If they shave just 5% off your claim and can do that to the millions of claims made each year, they get richer.
- 5. Misrepresenting Insurance Benefits**—This is a big one. They tell you there’s only \$100,000 coverage. We file suit and “magically” find an umbrella policy! Many times in car accidents, the defendant has a homeowners or umbrella insurance policy that covers above their auto insurance.

**6. Acting Like Your Friend and Making False Promises**—Many insurance companies are lazy intentionally, and don't actively seek to resolve claims until their insured is sued or the case is awaiting trial. Watch out for the adjuster who befriends you, shows up at your house and promises to pay your future medical bills. We know of one company that shows how they do this in television ads. This is a tactic to stop you from hiring a lawyer. They won't come around your house once you have a lawyer. Those future medical bills? Well, they'll pay them until their computer says "too much, too much, this claim is costing us too much."

**And we know, it's not just insurance companies that can act sleazy, but lawyers as well:** We were sick and tired of outrageous lawyer advertising where lawyers with a reputation for handling hundreds of cases at a time make promises that can't be kept or equate your injury to "cash, cash, cash." Did you ever notice that almost all of the attorney ads claim personal injury expertise? Many lawyers, who NEVER go to court, settle each case for pennies on the dollar. There are also attorneys who don't have the knowledge of when to settle a claim and will recklessly take your case to trial. Experienced lawyers know when to settle a claim and when to go to trial. The insurance companies know who they are and so should you.

We are also tired of lawyers who file frivolous lawsuits because these claims hurt everyone by delaying real claims from getting to court. If you are looking for a lottery win, look elsewhere. If you are looking never to work again because someone tapped you from behind at a red light, look elsewhere. Our firm handles legitimate claims for legitimate claimants. No "quick cash for your pain" here. Sorry.

## **WHAT IS A PERSONAL INJURY CASE?**

Let's start at the very beginning: Just what is a personal injury case? Lawyers say that they do "personal injury cases" or "accident cases" or "wrongful death cases" and yet we are constantly reminded that not everyone understands what that means. A personal injury, car accident, or wrongful death case is any type of claim where a person has been injured or killed due to someone else's carelessness. Accident cases frequently involve people tripping and falling due to defects, construction injuries, defective products and negligent maintenance.

In a car or motorcycle accident, there are two types of claims. One involves property damage. The other involves personal injury. If the only damage in your case is that your car got banged up, then you don't have a personal injury case—but you may have a property damage case. We do handle significant property damage cases. If both you and your car have suffered an injury, then you have both a personal injury and a property damage claim. In those circumstances, either your insurance company or the other party's insurance company will usually take care of the

property damage claim depending upon liability or fault of the parties, and whether a car has “full coverage.”

If someone’s negligence causes the death of another, then this is called a “wrongful death” claim. The law of each state or jurisdiction differs significantly regarding what can be recovered in a wrongful death case. You need an attorney who understands the wrongful death laws of New York. Specifically, in New York, the current law is not favorable to either very young people or very old people who die at the hands of another’s negligence. The only type of damages in wrongful death cases in New York are pecuniary loss (how much money dependents, such as a spouse or children, relied on) and the amount of pain and suffering prior to death. The estate of a child or a senior citizen who is instantly killed in a car accident is a very different case than the estate of a forty-five year old executive who is earning \$100,000 per year who is hospitalized for 6 months prior to dying. It is a shame that our state puts such little emphasis on the very young and the very old but experienced attorneys will do all they can to maximize the damages.

## **YOU ARE AT WAR—BUT IT’S A WAR THAT CAN BE WON**

The day you were injured, you entered a war zone. Insurance companies and some in the government have declared war on injured people and their attorneys. They have waged war in the media and their propaganda has had a tremendous effect on juries and their verdicts. Some call it tort reform. We call it brain washing. The success that the insurance companies have had in tainting the minds of jurors has emboldened them to not offer fair settlements until you prove that your case is strong, properly prepared and there is a strong chance that the insurance company could lose a lot of money.

Admit it. Until you or family members were injured, you too may have thought that a personal injury lawyer was a bad person and that people who make claims and file lawsuits are stealing from society. But the real aim of a lawsuit is to make a person whole again—to compensate them for the real injuries and damages they suffered.

## **WHAT YOU MUST PROVE TO WIN YOUR CASE**

Just because you were hurt doesn’t mean you are entitled to money. You must prove that someone else was negligent or careless, and that it was their negligence or carelessness that caused your injury. If you fail to do this, you lose. If you sue the wrong person, you lose. If you wait too long to sue, you lose. If you had an injury BEFORE the accident, then you are only entitled to be compensated to the extent that you can prove your injury is now worse.

In New York, if you were at fault, a jury is allowed to allocate your percentage of negligence against you. That percentage will then reduce the total amount of damages awarded. In other words, if you were 50% at fault and your damages were \$100,000.00, you only get \$50,000.00.

Obviously, insurance companies know this and they will slant the offers of settlement, if any, in accordance with the plaintiff's percentage of negligence.

## **DO YOU REALLY NEED AN ATTORNEY TO SETTLE YOUR CASE?**

You definitely do not need an attorney for every injury case. In fact, our office does not even accept cases where there's little or no property damage or the injuries are minor or small. Why not? In a small case, the attorney fee and costs might leave little or nothing for you after your medical bills are paid, and we don't believe that would be fair to you. We must do a cost-benefit analysis on each case. If the injury is small, the recovery is small. Each case must be assessed to make sure the injury justifies the litigation costs. If your case is small, perhaps we can handle it without litigation at the "claim stage." If we decline your case, we can also give you advice on how to handle it by yourself.

## **BEFORE YOU DECIDE WHETHER OR NOT TO HIRE AN ATTORNEY, YOU SHOULD KNOW...**

A recent study found that insurance companies pay higher settlements to injured people who use an attorney than those who do not.

It's true. The insurance industry performed a study to find out if people who had accident claims received more money in settlement by using an attorney than those people who settled on their own. The study was performed by the Insurance Research Council, a non-profit organization that is supported by leading property and casualty insurance companies across the United States. The mission of the IRC ([IRCweb.org](http://IRCweb.org)) is to advance the insurance industry's view on matters crucial to insurance companies. The IRC found that people who used an attorney received, on average, 3 ½ times more money in settlement than those individuals who settled on their own.

## **MORE INSURANCE COMPANY TRICKS**

1. **Not being honest about your options.** Insurance companies often incorrectly tell their clients who have full coverage or collision coverage, that they have to go through the careless driver's insurance company to get their car appraised/fixed since it was "the other guy's fault." This simply is not true. You paid your insurance company a premium for service. It is often quicker to go through your own insurance company to get your car

fixed. Yes, you will pay the deductible up front but your insurance company should get that back from the other insurance company and reimburse you.

2. **Secretly videotaping you and talking to your neighbors** about you just to get some “dirt” on you to use in settlement negotiations.
3. **Trolling Internet social networking sites** such as YouTube, Facebook and Instagram to view your postings and videos of activity. Sometimes they will even attempt to be your “friend” on these sites to get you to admit to certain facts.
4. **Putting you at risk of financial ruin by failing to settle claims fairly and/or advise of settlement offers.** In several cases, we have seen one of the largest car insurers in the world subject their own customer to large verdicts and recorded judgments against them because they refused to settle cases fairly. For example, suppose a negligent driver has only \$100,000 in insurance (a very low number, considering the cost of medical care) but the case is legitimately worth several hundred thousand dollars. The insurance company makes a low-ball offer that is rejected. The jury returns a fair verdict of several hundred thousand dollars. The insurance company only has \$100,000 to pay, leaving their own customer with a recorded judgment of several hundred thousand dollars. Try getting a mortgage with a judgment like that against you!

## FINDING A QUALIFIED PERSONAL INJURY ATTORNEY

Choosing an attorney to represent you is an important but daunting task. The decision certainly should not be made on the basis of advertising alone. The Internet, Newspapers, Circulars, Radio, TV and the Yellow Pages are filled with ads—all of which say basically the same thing. You should not hire based solely on advertising—anyone can buy a slick commercial, and many have. So what should you do? Here are some tips for finding a new lawyer:

1. **Research.** Search the web, ask friends for referrals, and check on legal sites such as [Nolo](#), [Avvo](#), and [Martindale](#). Look for testimonials from clients, endorsements from other lawyers, and any press coverage of past cases.
2. **Read our [blogs](#) and [articles](#)!** We have specific articles on what you can do to find a lawyer, how to interview them and how to know if they are giving your case the attention it deserves once you hire them.
3. **Get a referral from an attorney that you know.** He or she will probably know someone who does specialize in your area of need. If you need an attorney in an area of practice that we don’t do, call us. We’ll help you find the right lawyer for your case.
4. **Communication is key.** Find a lawyer you are comfortable talking to and who seems to make time to talk to you and learn first-hand about your case. A lawyer should be willing to fully discuss any questions or concerns you have.
5. **Experience.** Make sure that any lawyer you are considering has adequate experience, not only in law, but also with specific cases in the area of your lawsuit. In addition, make

sure that he or she has adequate trial experience. Many lawyers don't actually try lawsuits.

6. **Specialty.** Some law firms will claim they specialize in nearly everything under the sun. Try to find a lawyer that truly handles cases in the specific area of your lawsuit.
7. **Be wary of any attorney who rushes you to sign a fee agreement.** If you are concerned with what you are signing, ask questions. You can take the agreement home to read it and think about it. We have heard of instances where fee agreements are delivered by courier within hours of the time you first call the attorney's office—before you even had a chance to meet with the attorney. This is outrageous. It is our custom to meet with you personally before you sign an agreement.
8. **Run from any attorney who calls you first.**

Here are factors and good points to look for and ask your attorney about when you meet with them:

- **Experience**—Experience can be a big factor in many cases. Ask the attorney if anybody on their legal team has experience handling matters similar to yours. Has he or she achieved any significant settlements? Past results are not a guarantee of the future, but past results do demonstrate some level of experience and success.
- **Membership to trial lawyer associations.** In our area, you can certainly find a lawyer who is a member of NY Academy of Trial Lawyers or the New York State Trial Lawyer Association. These organizations provide extensive education and networking for trial lawyers.
- **Internet**—Does the lawyer have a website? Is it educational or is it a selling tool? What types of cases does he or she write about?
- **Is the attorney licensed in the state where your case will be filed?** We believe that an attorney who is not licensed in the state where the case will be filed is at a disadvantage when it comes to negotiating with the insurance company. The insurance companies know who is not licensed and thus cannot litigate the case. Additionally, statutes of limitations (the timeframe for when you can sue) and other laws vary greatly from state to state. New York has a three year timeframe to sue for negligence. Where the case is being litigated and the type of case it is will all affect the statute of limitations. Be aware!

Once you have decided on an attorney, make sure you both agree on your goals and understand how the relationship will work. How will your attorney keep you informed of progress on the case? Your attorney should take time to explain the “pace” of the case and the timeframe when you can expect activity to take place. In addition you should know who will be working on your case—legal decisions should always be made between you and your attorney. There is always some work done by staff in office (sending medical bills, scheduling appointments or drafting non-complex letters and documents), but the main casework should be done by your attorney. Feel free to ask how your case will be negotiated, whether arbitration or mediation will be an option and how the trial will be handled if a settlement is not reached.

**WHAT DOES AN EXPERIENCED PERSONAL INJURY ATTORNEY DO FOR YOU IN A CASE?**

Here is a list of the tasks your attorney may be called to do in your case. Remember that each case is different, and that not all of these tasks will be required in every case:

- Initial meeting and follow up meetings to review case facts with the client
- Educate client about personal injury claims
- Gather documentary evidence, including police accident reports, medical records and bills
- Analyze the client's insurance policy to see whether it will cover all or a portion of the medical bills while the claim is pending
- Analyze the client's insurance coverage and make suggestions if additional coverage should be purchased for future protection
- Interview known witnesses
- Collect other evidence, such as photographs of the accident scene
- Analyze the legal issues, such as comparative negligence and assumption of the risk
- Talk to the client's physicians or obtain written reports from them to fully understand the client's condition
- Analyze the client's health insurance policy or welfare benefit plan to see if any money they used to pay your bills must be repaid
- Analyze the validity of any liens on the case. Doctors, insurance companies, welfare benefit plans and employers may claim that they are entitled to all or part of the client's recovery
- Contact the insurance company to put them on notice of the claim if this has not already been done
- Decide with the client whether an attempt will be made to negotiate the case with the insurance company or whether suit shall be filed
- If suit is filed, prepare the client and possible witnesses for depositions. Take their depositions.
- Prepare a detailed list of the claims you are making against the defendant (Bill of Particulars) and a list of questions and items for the defendant to produce for inspection (Notice for Discovery and Inspection)
- Respond to the defendant's notice for discovery by providing them with all of the pertinent data for the claim, such as medical bills, medical records, tax returns and employment records
- Go to court and attend numerous trial conferences
- Prepare for trial and/or settlement before trial
- Make recommendations to the client as to whether or not to settle
- Prepare the client and witnesses for trial
- Organize the preparation of medical exhibits for trial
- Organize the preparation of demonstrative exhibits for trial
- Prepare for mediation and/or arbitration
- File briefs and motions with the court to eliminate surprises at trial
- Take the case to trial with a jury or judge
- Analyze the jury's verdict to determine if either side has good grounds to appeal the case

**11 QUESTIONS TO ASK THE INSURANCE COMPANY WHO WANTS YOU TO “JUST SIGN A FEW FORMS AND GIVE US A STATEMENT.”**

1. Will you put in writing that the accident was not my fault?
2. Will you tell me how much insurance the person who hit me has?
3. If I give you a recorded statement, will you give me a copy of the recorded statement from the person who caused the accident?
4. If I sign this medical release, will you immediately forward to me a copy of everything you get using my release?
5. Will you tell me how much money you have set aside in reserve to pay my claim?
6. Will you give me copies of the recorded statements that you have taken from any witnesses?
7. Will you tell me now whether there is any umbrella insurance coverage available to cover my claim?
8. Will you tell me whether you have already used video surveillance of me or intend to do so in the future
9. Will you give me a copy of any “index” information that you have already gotten from your computer system looking up any prior claims I may have?
10. Will you give me a copy of any financial information that you may have already obtained on me?
11. Will you tell me which of my neighbors you have already interviewed?

Good luck! Our experience is that the information sharing with insurance companies is a “oneway street.” You give to them and they don’t give to you!

**AN IMPORTANT TIP FOR YOUR CAR**

Take out the maximum “**INSURANCE**:underinsured ” or “underinsured” motorist protection possible. This portion of the policy is for protecting you, your family household members and anyone who is a passenger in your car if you are in an accident caused by another motorist who has no or low insurance coverage.

## **THE LEGAL PROCESS: TO SETTLE OR NOT TO SETTLE**

After gathering all of the facts and medical records, your attorney will develop a settlement strategy with you and attempt to settle the case with the insurance company. Sometimes attempting to negotiate with the insurance company before filing suit is not a worthwhile endeavor. Insurance companies sometimes use pre-suit negotiation only to attempt to find out as much about you, your lawyer and your doctor as they can.

However, there are many reasons to settle a case and your attorney will weigh the benefits for your particular case. Benefits of settling include the fact that jury verdicts tend to be conservative; winning a verdict is never a sure thing, trials can take time and you may want compensation much sooner and the costs will usually be less if the case is settled rather than brought to trial. Your attorney will help you analyze the insurance company's best offer and compare it to what you might net by going to trial.

## **SOME OF THE ARGUMENTS THE INSURANCE COMPANY WILL USE TO JUSTIFY A LOW PAYMENT OR OUTRIGHT DENIAL OF YOUR CLAIM**

1. You delayed seeking medical treatment
2. You did not go to go the emergency room
3. Your doctors are not credible
4. You shouldn't have stepped into the hole if you were looking where you were going
5. It's an "unreported" accident
6. The history in your medical records doesn't match your current version of the accident or injury complaints
7. You weren't wearing your seatbelt
8. Your car had defective equipment
9. You were drunk or impaired by legal or illegal drugs
10. You didn't see the defendant run through the red light, so it's your fault you got hit
11. You exaggerated the defendant's speed or conduct, so you are not credible.

## **AUTO ACCIDENTS: UNDERSTANDING NO-FAULT**

Auto cases involving minor impact, minor injuries and only bumps and scratches to your car are not grounds for a lawsuit in New York. No-fault insurance takes care of these costs. However

no-fault has a limit in most cases of \$50,000 and does not allow you to recover money for pain and suffering. In order to sue beyond the limits of no-fault, New York State law requires that claimants have a serious injury.

Serious injury is defined as having at least one of these seven conditions:

1. Personal injury which results in death
2. Dismemberment or significant disfigurement
3. Fracture
4. Loss of a fetus
5. Permanent loss of use of a body organ, member, function or system
6. Permanent consequential limitation of use of a body organ or member; significant limitation of use of a body function or system
7. A medically determined injury or impairment of a non-permanent nature which prevents the injured person from performing substantially all of the material acts which constitute such person's usual and customary daily activities for not less than ninety days during the one hundred eighty days immediately following the occurrence of the injury or impairment

If any of these conditions exist, a lawyer can help you collect compensation with no cap to cover current and future medical as lost wages, other related expenses and pain and suffering.

## **THE FIVE DEADLY SINS THAT CAN WRECK YOUR CASE**

### **1. The Client is Referred by the Lawyer to a Doctor or Chiropractor Who Is Not Credible.**

Often, when we are retained by a new client, they are already seeing a doctor or being treated at a medical facility. If the client is happy with their care, we believe in letting them continue with their own doctors. In instances where the client needs a referral, we attempt to connect the client with providers who have a good reputation and are credible. If you pick a facility that is run like a mill or has frequent turnover of staff, you are in for trouble. We have seen many cases handled by other lawyers that went down the drain because a doctor lost his license. We have also heard attorneys say, "I'm a lawyer, you pick your own doctor." We don't believe in leaving you stranded. If you need help in finding a doctor that accepts your health insurance, workers compensation or no fault insurance, we will try to coordinate your care with competent and quality medical professionals.

### **2. Hiding Past Accidents From Your Lawyer**

Once you begin a case, the other side will be interested in knowing the number of past accidents you have had. The reality is that they probably already know the answer or have access to that

information. All insurance companies subscribe to insurance databases and often the only reason they ask you this question is to find out if you are an honest person.

If you have been in other accidents, your lawyer can investigate this and make a determination as to whether this is a valid problem in your case or not. If you do not tell your lawyer, and instead misrepresent your accident history to the insurance company, then it is almost guaranteed that you will lose your case. If you swear to something untrue in court proceedings or depositions, you may be guilty of perjury.

### **3. Hiding Other Injuries**

It goes without saying that you should be upfront and honest with your attorney about any injuries that occurred before or after this accident. Again, if you saw a doctor or other healthcare provider, then there is a record in existence that you must assume the insurance company will find. Your lawyer can deal with this only if he knows about it. If you lie about it, and the insurance company finds out, then your case is over. Remember, there is little privacy in America today. When you make an insurance claim, your file becomes an open book.

### **4. Not Having Accurate Tax Returns**

In most cases, when you are in an accident you will have a claim for lost wages. If you do file a claim for lost wages, you will most certainly be asked to produce tax information. That is why it is so important to make sure your past tax returns are pristine. You don't want to risk problems by claiming a loss of income only to have your tax returns not back up that claim. Again, being honest with your attorney is essential, because he or she can only deal with a problem if they know about it. If you are not honest, it will destroy your injury case.

### **5. Misrepresenting Your Activity Level**

Insurance companies routinely hire private investigators to conduct videotape surveillance. These days they also check Facebook, YouTube and other social networking sites. Your friends listed on Facebook and other sites can be called, subpoenaed or questioned. If you claim that you cannot run, climb or stoop, and you get caught on videotape or brag about breakdancing on the Internet, you can forget about your claim. There is no explanation that can overcome the eye of the camera. One of our former clients claiming a back injury got caught on his roof repairing shingles. That didn't look so good and his case settled for a small percentage of what he would have received if he had been honest about his injury and careful about what he posted online.

Another client was unfortunate to have been ejected through the rear window of a car in a high speed highway accident. He sustained multiple fractures to his back. Just prior to trial, the defendant's attorney "googled" him and learned that he competed in a bike marathon from Boston to New York after his deposition.

## **THE INSURANCE COMPANIES WILL STOP AT NOTHING TO DESTROY YOUR CLAIM**

Insurance companies do their own independent medical examinations (IME's). These exams are hardly "independent." Most of the time, they hire the same unscrupulous doctors again and again to negate a victim's injuries. The doctors they hire make a fortune to say everyone is okay. Often, they do minimal quickie exams to come to their conclusions. You, your doctor and attorney must be ready to battle what may seem like ridiculous findings.

Insurance companies will be watching you. Using private investigators with telephone lenses to tap injury victims is standard operating procedure at many insurance companies. Your back may be causing you trouble around the clock. The one day you feel a little better might be the day they decide to photograph you. Insurance companies will often pay to defend the case rather than work to settle it in a fair manner. This is done to deter future claims.

## **CLIENT'S RIGHT**

All New York Attorneys are required to post a statement of client's rights. This statement will tell you your rights in the lawyer-client relationship, including:

- 1. YOU ARE ENTITLED TO** be treated with courtesy and consideration at all times by your lawyer and the other lawyers and personnel in your lawyer's office.
- 2. YOU ARE ENTITLED TO** an attorney capable of handling your legal matter competently and diligently, in accordance with the highest standards of the profession. If you are not satisfied with how your matter is being handled, you have the right to withdraw from the attorney-client relationship at any time (court approval may be required in some matters and your attorney may have a claim against you for the value of services rendered to you up to the point of discharge).
- 3. YOU ARE ENTITLED TO** your lawyer's independent professional judgment and undivided loyalty uncompromised by conflicts of interest.
- 4. YOU ARE ENTITLED TO** be charged a reasonable fee and to have your lawyer explain at the outset how the fee will be computed and the manner and frequency of billing. You are entitled to request and receive a written itemized bill from your attorney at reasonable intervals. You may refuse to enter into any fee agreement that you find unsatisfactory. In the event of a dispute, you may have the right to seek arbitration; your attorney will provide you with the necessary information regarding arbitration in the event of a fee dispute, or upon request.
- 5. YOU ARE ENTITLED TO** have your questions and concerns addressed in a prompt manner and have your phone calls returned promptly.
- 6. YOU ARE ENTITLED TO** be kept informed as to the status of your matter and to request and receive copies of papers. You are entitled to sufficient information to allow you to participate meaningfully in the development of your matter.

7. **YOU ARE ENTITLED TO** have your legitimate objectives respected by your attorney, including whether or not to settle your matter (court approval of a settlement is required in some matters).
8. **YOU HAVE THE RIGHT TO** privacy in your dealings with your lawyer and to have your secrets and confidences preserved to the extent permitted by law.
9. **YOU ARE ENTITLED TO** have your attorney conduct himself or herself ethically in accordance with the Code of Professional Responsibility.
10. **YOU MAY NOT BE** refused representation on the basis of race, creed, color, religion, sex, sexual orientation, age, national origin or disability.

**HERE'S SOME USEFUL INFORMATION. WE RECENTLY HAVE HAD LITIGATION PENDING IN THE FOLLOWING COURTHOUSES:**

**SUPREME COURTS**

**Supreme Court New York County**

60 Centre Street, 80 Centre Street, 111 Centre Street  
New York, NY 10007

**Supreme Court Kings County**

360 Adams Street  
Brooklyn, NY 11201

**Supreme Court Queens County 88-11**

Sutphin Blvd.  
Jamaica, NY 11435

**Supreme Court Bronx County**

851 Grand Concourse  
Bronx, NY 10451

**Supreme Court Richmond County**

18 Richmond Terrace  
Staten Island, NY 10301

**Supreme Court Nassau County**

100 Supreme Court Drive  
Mineola, NY 11501

**Supreme Court Suffolk County**

1 Court Street  
Riverhead, NY 11901

**Supreme Court Westchester County**

111 Dr. Martin Luther King Jr. Blvd.  
White Plains, NY 10601

**Supreme Court Rockland County**

1 South Main Street  
New City, NY 10956

**IF YOUR CASE IS SMALLER AND YOU WANT TO HANDLE IT YOURSELF, YOU CAN FILE IN SMALL CLAIMS COURT:**

**SMALL CLAIMS COURTS**

**Civil Court New York County**

111 Center Street  
New York, NY 10007

**Civil Court Kings County**

141 Livingston Street  
Brooklyn, NY 11201

**Civil Court Queens County 89-17**

Sutphin Blvd.  
Jamaica, NY 11435

**Civil Court Bronx County**

851 Grand Concourse  
Bronx, NY 10451

**Civil Court Richmond County**

925 Castleton Avenue  
Staten Island, NY 10310

**District Court of Nassau County**

99 Main Street  
Hempstead, NY 11550

**District Court of Suffolk County**

400 Carleton Avenue  
Central Islip, NY 11722 28

**OFFICE LOCATIONS**

**Nassau County Office**

1778 Hempstead Turnpike  
East Meadow, NY 11554  
Phone: (516) 595-0692  
Fax: (516) 222-0034

**Suffolk County Office**

320 Carleton Avenue  
Central Islip, NY 11722  
Phone: (631) 851-2063  
Fax: (516) 222-0034

**Bohemia Office**

606 Johnson Avenue Suite 30  
Bohemia, NY 11716  
Phone: (631) 851-2063  
Fax: (516) 222-0034