

LAW OFFICES OF ERNEST HOLZBERG & ASSOCIATES, P.C.

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LEGAL UPDATE

SPRING 2008

HIGHLIGHTS OF LEGAL NEWS & INFORMATION

In This Issue

This issue of our newsletter explains how to make a personal injury claim and recover compensation for your injuries after an accident.

If you have a question about any article, please call us.

*Ernest Holzberg
& Associates*

About Our Firm

We handle all types of personal injury cases, including:

- Auto, Motorcycle & Truck Accidents
- Slip and Fall
- Medical Malpractice
- Product Injuries
- Construction and Work Accidents
- Falling Ceilings
- Building and Sidewalk Defects
- Lead Poisoning

Free Consultation
(212) 391-1139

**We Appreciate
Referrals**

What Happens When You Make A Personal Injury Claim?

Some accident victims fear making a claim to recover for their injuries. This fear can be eased by understanding the process of making a claim and recovering money.

One of the first steps in making a personal injury claim is recognizing that this is a proper action to take. Under the law, innocent victims of accidents are entitled to a remedy. Making a claim helps correct a wrong. It also benefits our society by encouraging other people and businesses to act carefully.

There are several steps in the

process of making a personal injury claim. They are:

- **Investigating The Accident.** After you meet with your lawyer, your lawyer will start investigating and documenting the accident. This preserves critical evidence and helps determine the strength of your case. It also provides the information to help you get a settlement or help in a trial, if one is needed.
- **Document Your Damages.** Your attorney will document all damages resulting from your accident for which you can receive money. These can

Continued on other side

Personal Injury Q & A

Q. *I was in an accident and want to make a claim. How soon do I need to call a lawyer and start the process?*

A. You should call your lawyer promptly. There are several reasons not to delay. One is that the more time passes after an accident, the harder it is to gather evidence and find and interview witnesses.

Another reason not to delay is that the law has deadlines for making claims. If the deadline passes, your claim will be lost, even if it was valid.

Q. *What should I do if an insurance adjuster calls me after the accident?*

A. It depends on whose insurance company the adjuster works for. If the adjuster is from the other driver's insurance company, you are not required to talk. Tell the adjuster to contact your lawyer. Do not give details about the accident or your injuries. You can be sure the adjuster wants to get information to hurt your claim.

Your obligation to your insurance company is stated in your policy. Most policies require you to cooperate with the insurance company's accident investigation. But since even your own adjuster wants to get information to lower the value of your claim, you should consult your lawyer before giving a statement.

Study Shows Top Causes Of Auto Accidents

A study recently released by the government showing the top causes of auto accidents is important for all drivers. Knowing the leading causes of accidents alerts you to things to avoid while driving. This increases safety and prevents accidents.

The study found that about 80% of accidents and 65% of near accidents are caused by driver inattention within three seconds of the incident. The main forms of driver inattention are distracting activities, like using a cell phone, and drowsiness.

Key findings of the study are:

- Drowsiness is a major cause of accidents. People who drive while drowsy are about four times as likely to be in an accident or near accident.
- The top driving distraction is using a cell phone. Dialing a phone boosts the risk of an accident by three times, and talking or listening by almost twice.
- The study also detailed how other activities raise the risk of accidents. Looking at outside objects increases the accident risk by nearly four times and applying makeup by three times.

IF AN INJURY OCCURS

If you are hurt in an accident, call us. We are dedicated to providing the highest quality legal representation to accident victims. We represent only accident victims — we do not represent insurance companies. We fight for your rights and try to quickly resolve your claim, with the goal of obtaining the maximum compensation for you.



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What Happens When You Make A Personal Injury Claim?, *continued from other side*

include lost wages, medical bills, pain and suffering as well as costs to fix or replace property.

• **Settlement Negotiations or Lawsuit.** When all your damages are known, negotiations to get you compensated can begin. The negotiations are usually with an insurance company. Your lawyer's formal request gives the company a chance to pay your claim and

resolve the matter promptly.

Most claims settle through negotiations with an insurance company. But some do not, and the process may involve a court, arbitrator or mediator. Mediators help the parties reach a solution, while courts and arbitrators decide who is right. Even if a lawsuit is filed, it's still likely you won't go to court, as most cases settle.

• **Distribution of Money.** After your case is resolved — whether by settlement or a court or arbitrator awarding damages — you will receive the money due you.

This process has been used for hundreds of years to resolve personal injury claims and compensate accident victims for their injuries. The system is here to help you when you have been injured in an accident.

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