

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

The Chanin Building • 380 Lexington Ave., 17th Floor • New York, NY 10168

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LEGAL UPDATE

WINTER 2013-2014

HIGHLIGHTS OF LEGAL NEWS & INFORMATION



Season's Greetings!

At this festive time of the year, we would like to express our holiday wishes to everyone.

We wish you and your family a wonderful holiday season, with happiness and prosperity in 2014.

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Police Misconduct
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How Using Facebook and Other Social Media Can Affect Your Personal Injury Case

When you make a claim or file a lawsuit for compensation for your accident injuries, be aware that your public postings on Facebook, Twitter and other social media sites may be viewed by the insurance company or the attorney for the defendant. This is done through "Electronic Discovery" or "e-discovery," and it is becoming more common every year. In New York State, the law is clear: when you claim an injury,

you are placing your physical condition "in controversy." The insurance company for the defendant will try to prove that your injuries are not as serious as you claim they are. For example, if you testify that because of your injuries you can no longer play sports or do other activities yet you have posted online photographs of yourself playing sports, on vacation or just living an "active lifestyle," a judge

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Dealing With Insurance Companies: Why "First I'll Try It Myself" Is A Bad Idea

If you're in an accident, a key decision you have to make is whether to hire a lawyer to help with the claims process. Some accident victims adopt a "first I'll try it myself" approach. They start off handling their claim alone, figuring that if things start to go bad, then they'll hire a lawyer.

The "first I'll try it myself" approach is a bad idea. Many things are done early in your

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*Season's
Greetings!*

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How Using Social Media Can Affect Your Case, *continued*

will likely order that your entire online account be made available to the defense attorney as possible evidence that you are exaggerating your injuries. It is a fact that "pictures speak louder than words," and this type of evidence can be very damaging to your case. Of course, you should never exaggerate your injuries.

Just as you should not give

You should not discuss or post online about your accident or injuries.

statements in person or by telephone about your case, do not discuss or post online about your accident or injuries. Only discuss your case with your attorney or your doctor. If your own insurance company requests your statement, call Holzberg and Associates first and we will advise you free of charge. Our telephone number is 212-391-1139.

Dealing With Insurance Companies, *continued*

personal injury claim that significantly affect your case. For example, evidence is gathered, statements are made, and medical and other records are obtained. If you make a mistake in the early stages of your case, it can hurt you later and even cause you to lose your case.

Insurance adjusters know that some accident victims first try to go it alone, and they take advantage of the accident victim's not knowing how to

build a case and protect their rights.

The best approach is to get a lawyer's help promptly after the accident. Your lawyer can obtain evidence and witness statements, tell you what to sign and not sign, and take other steps to get you the most compensation. Handling your case on your own and figuring you'll get a lawyer involved when things go wrong almost always results in a bad outcome because many mistakes can't be undone.

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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Referrals Welcome

When friends, family members or co-workers are in an accident and need legal help, please give them our name and phone number. Thank you.