



LAW OFFICES OF
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LEGAL UPDATE

WINTER 2015

HIGHLIGHTS OF LEGAL NEWS & INFORMATION

In This Issue

This issue of our news-letter answers often-asked questions about slip and fall accidents. It also discusses where your injury case will be filed. This is an important issue and can affect the amount of compensation you recover.

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

*Ernest Holzberg
& Associates*

Areas of Practice

- Auto, Motorcycle & Truck Accidents
- Bicycle Accidents
- Trips, Slips and Falls
- Medical Malpractice
- Product Injuries
- Construction and Work Accidents
- Falling Ceilings
- Building and Sidewalk Defects
- False Arrest/Police Misconduct
- Nursing Home Cases

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Answers To Questions About Slip and Fall Accidents

Many people who have been in a slip and fall accident call our law firm with questions. Here are answers to some of the most often-asked ones.

Q. What is a slip and fall claim?

A. It's a type of personal injury claim based on premises liability. In personal injury law, a claim based on premises liability generally refers to an injury caused by an unsafe condition on someone's property. Although a 'slip and fall' injury can be caused by a number

of unsafe circumstances, some common conditions that can lead to a slip and fall include defective staircases, accumulations of ice and snow, wet or oily floors, hidden extension cords, loose rugs or carpets, broken or loose flooring, sidewalks, steps, or stairs.

Q. What does a slip and fall claim require?

A. To win a slip and fall claim, you generally must prove several things. You must show you were on the property because you live there, the

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After An Accident: Where Will Your Case Be Filed?

In which court will your case be filed? Many people think their case will be brought in Manhattan, because that is where we have our office. Or, you might think the choice is based on where the accident happened. Neither is correct.

As your attorney, one of the important choices we make for you is the court where we file your lawsuit. This is called the "Venue" of your case. New York law requires the case to be "venued" in the county where either the Plaintiff (the injured party) or the defendant (the person who

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Slip and Fall Questions & Answers, *continued*

premises are open to the public, you were invited on the property, or had other reasons to be on the property. Secondly, you must show the property owner was negligent in creating or dealing with an unsafe condition. This means the owner knew or should have known about the unsafe condition but did not address it either by fixing it or providing adequate warnings about it. Third, you must show your injury resulted from the owner's negligence in not addressing the unsafe condition.

For example, during winter, a common example of negligent maintenance comes after an owner fails to adequately remove

snow and ice from the sidewalk near their property. After a snowfall, property owners/building managers are responsible to clear the snow and provide pedestrians with a safe walkway.

Have you been injured?

If you or a loved one have been injured due to an unsafe condition on someone else's property, you may be entitled to compensation for your medical bills, lost wages, and other damages. For more information about filing a slip and fall claim, please contact the experienced personal injury attorneys at The Law Offices of Ernest Holzberg & Associates.

Where Will Your Case Be Filed?, *continued*

caused your injury) resides. The venue is important because the value of your case is partly based on what kind of jury hears your case if it goes to trial. Will the jurors be generous or stingy when it comes to deciding the amount of money you should receive for your injury?

Experienced attorneys know that jury verdicts can differ significantly between say, the Bronx or Westchester or Queens. We closely

examine all possible venues before deciding which venue will bring the best result for you. For example, some clients may live in Westchester or Nassau County, but if their case can be brought in one of the New York City courts based on a defendant's residence, we would file in a New York City court because jury awards are generally higher in the City.

If you have any questions about Venue, feel free to contact us.

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.