

Legal Report

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Personal Injury Department Helps Restore Hope

Laura Galluzzo was a 21-year old woman with hopes of a great life ahead of her on December 8, 2006. Unfortunately, she was on her way home at about midnight that evening when her car was rear ended by another vehicle. The other driver, a woman her age, was very intoxicated. The fact the other driver was charged and convicted of a DWI offense was of small consolation to Laura. The injuries she sustained in the accident plague her to this day. She was forced to undergo three surgeries and she has tried a variety of pain management regimens. Although Laura may

be able to forgive, she cannot forget the affect the accident has had on her life. Among her circle of friends, she preaches the importance of drinking responsibly and using designated drivers. She hopes that if by telling her story she saves just one person the hardship she endures, it will have been well worth it. The personal injury settlement Jeffrey Freedman Attorneys at Law achieved for her might seem to some to be



Christopher Kerr presenting a check to Laura Galluzzo

a large amount of money, but no amount of money could ever fully compensate her for what she has suffered.

Jeffrey Freedman Attorneys at Law Celebrates 30-year Anniversary

Jeffrey Freedman Attorneys at Law celebrated 30 years in the practice of law on April 1, 2010. Since the firm was founded by Jeffrey Freedman in 1980, almost 40,000 clients have been assisted with Bankruptcy filings, Social Security Disability claims, and Personal Injury lawsuits.

As senior partner, Freedman has been a vocal advocate for those who have fallen on hard financial times. He was one of

the founding members of the National Association of Consumer Bankruptcy Attorneys, and served as the organization's first vice president; and he has testified before Congress on numerous occa-

sions regarding reform of the bankruptcy code. In 2009, Freedman was named one of the top Social Security Disability claimants' representatives in the state by Super Lawyers Magazine and was also listed in Business First's Who's Who in Law as one of the top Bankruptcy and Social Security Disability attorneys in Western New York. The firm has grown to 13 offices throughout WNY, focusing on bankruptcy, Social Security Disability, and personal injury cases.

Jeffrey Freedman Attorneys at Law continues to contribute to the community through pro bono work, financial support to not-for-profit groups, and sharing its legal expertise with other attorneys by presenting at professional workshops and seminars.

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Why Some Personal Injury Claims Are Litigated

When an individual suffers a serious injury, that individual may be able to receive monetary compensation from the person or persons at fault. This compensation may include past and future loss of income, past and future medical expenses, and pain and suffering resulting from the injury. In some instances an injured person is forced to go to Court and to trial to prove that the Defendant's negligence caused the personal injury and damages. If the Judge or jury agrees, monies may be awarded.

Before a case can go to trial, the injured person must bring a civil lawsuit against the negligent party. This party may be an individual, a group of individuals, a business or a corporation. Determining who is responsible is the first step. This may not always be easy. The facts of the case must be considered. Early investigation is key. Therefore an injured person should immediately retain an attorney experienced in personal injury litigation.

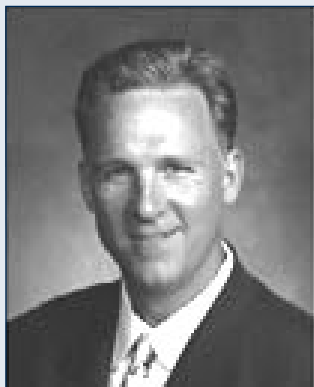
At the first meeting, an attorney

will discuss the facts of the case with the injured person. This may help determine the at fault party or parties who may be legally responsible for the injuries. For example, in a motor vehicle accident, the responsible parties may be the other driver and the owner of the other automobile, if not the same. Or, if a defective product causes injury to a person, a designer and/or manufacturer of the product may be responsible. The seller of the product may also be responsible.

After determining the responsible party or parties, the injured person can bring a claim for the injuries. Before trying to settle such a claim the attorney will work to learn the full extent of the injury or injuries suffered, will review the medical records, and assess the injured person's recovery. The extent of the injuries and duration of medical treatment can dictate how quickly the matter can be settled. An injured party must be careful. An insurance company may make a quick offer to settle, rarely for the full value of the

case. A settlement is final. An experienced personal injury attorney can best advise the injured person regarding settlement.

If a settlement cannot be reached, an attorney may need to bring a lawsuit on behalf of the injured party. The injured party will need to prove the fault of the responsible party and that the party caused the claimed injuries. If the case is not settled during litigation, the injured party may be forced to take the case to trial. If the injured party successfully proves the case, a Judge or jury can award monetary damages. Again, these damages can include lost wages, medical expenses, pain and suffering and loss of enjoyment of life. In each case, the amount of damages awarded will depend on the facts of the case, the severity of the injuries, and the location where the incident occurs and lawsuit is brought. Again, an experienced personal injury attorney can advise the injured party each and every step of the way.



Brian Knauth



Paul Pocheban



Kevin Bambury



Regina Walker

- Brian Knauth appeared on AM Buffalo 3/30 and discussed personal injury.
- Paul Pocheban will be speaking to the WNY Independent Living Center on 4/26 about Social Security Disability.
- Kevin Bambury, Paul Pocheban and Regina Walker will be speaking at the 7th Annual Bankruptcy Conference in Batavia on 5/14

30 Years of Fighting for the Disabled

People involved in the process of obtaining SSD or SSI benefits, often have questions about their medical support and the hearings. Below are some of the more frequently asked questions we've received over the past 30 years along with answers to them.

Q: I don't have a family doctor whom I see regularly. How will Social Security get the medical reports they need for my claim?

A: The disabled person has the burden of proving they are disabled. It is important to see a doctor so that your medical problems can be documented for Social Security. The more the doctor treats you for your disability related problems, the better your chances of winning your claim. If you have limited financial resources, you may be able to obtain treatment through one your local hospital clinics, Medicaid, or Family Health Plus.

Q: My doctor thinks I can work, but I don't feel I can because of my problems. Should I switch doctors?

A: You should consider at least consulting with another doctor. It is extremely important for your claim to have your doctor's support. However, you also have to consider what is best for you medically. You must weigh the possible benefit of switching doctors against any medical risk you might be taking.

Q: Is it necessary for me to appear at the hearing? Can my attorney handle it for me?

A: Unless it is absolutely impossible, we strongly recommend that you appear at the hearing with your attorney. The judge can get a much better understanding of your problems when he or she sees you in person, hears your testimony, and views first-hand the effects of your medical problems and your medications.

Q: Will Social Security have any attorneys at the hearing?

A: No. However, the judge will ask you questions. The proceeding is taped for later use by Social Security, and in the case of a further appeal, a copy of the tape is provided to your attorney.

Q: Should I take my medications the day of the hearing?

A: Follow your usual schedule of medication. Bring all of your pill bottles to the hearing.

Q: What if I say the wrong thing to the judge and hurt my chances of getting benefits?

A: The most important thing for you to do is to answer all questions honestly and in your own words. Neither minimize nor exaggerate your problems. You won't be asked to give medical opinions or to diagnose your own conditions. You'll be asked to talk about your symptoms and how they keep you from being able to work. You're the best expert on what you are feeling.

Q: Does the judge tell you at the hearing if you're going to receive benefits?

A: Not usually. Occasionally, the judge will ask for a stipulation (an agreement from you and your attorney) to a different onset date or a closed period (a granting of temporary benefits). But, generally, no decision is made at the hearing itself.



Q: How long after the hearing will I receive the decision?

A: Anywhere from three to five months, on average.

Q: When do benefits start once a claim is approved?

A: Generally, it takes at least one to two months for your retroactive payment to arrive and your regular monthly benefits to begin.

Q: Once I'm approved for disability benefits, will I receive them permanently?

A: Being approved for Social Security Disability means you'll receive benefits until otherwise notified. SSA can, however, decide to review your case at some point in the future. For this reason, you should continue to see your doctors regularly.

How Do I Stop Bill Collectors From Harassing Me?

Is your financial situation desperate? The Bankruptcy Code may be available to provide you with the “fresh start” you need, and relief from bill collectors.

We see people in our offices everyday — good, hard-working people — who have fallen on tough times for one reason or another. Maybe a job loss or an illness has reduced your income. Or, you have been through a difficult divorce, and you have additional debt as a result. Or, maybe you have lost a loved one. Any one of these life changing events, and many others, can leave you behind on your credit cards, with large medical bills, a wage garnishment, or even facing foreclosure of the family home.

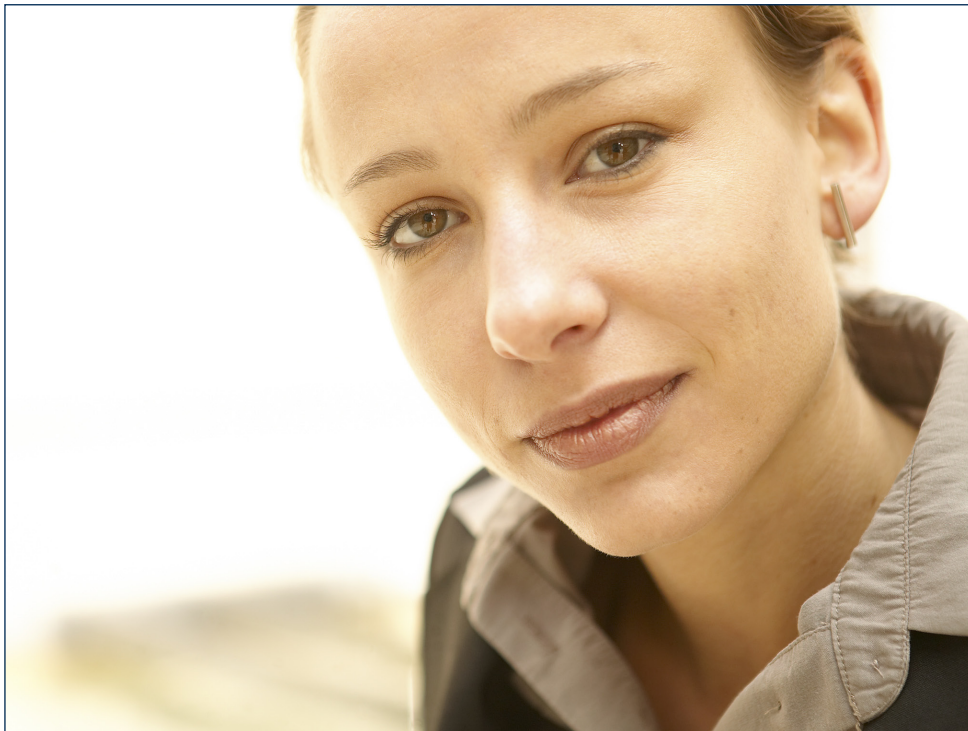
It is very possible that filing Bankruptcy could alleviate any one of these financial difficulties.

There are two Chapters under the Bankruptcy Code available to individuals with personal debt. Chapter 7 Bankruptcy may allow you to discharge, or wipe-out, most if not all debt. Chapter 13 Bankruptcy, often called the Wage-Earner's Plan, may allow you to pay back a percentage

of your debt, while paying past due taxes, or saving your home from foreclosure, all through a court-supervised repayment plan.

To determine whether Bankruptcy would be a good option for you and your family, speak with a knowledgeable and experienced lawyer, as there are many variables

to consider. He or she can best advise you whether you are eligible for Chapter 7 or Chapter 13, and if Bankruptcy is the solution to your financial problems. It very well may be the opportunity you are looking for to obtain that “fresh start” for your financial future.



Your First Consultation is Always Free

You should not have to travel far to receive expert legal service. That's why we have 13 offices conveniently located throughout Western New York. You can make an appointment with one of our attorneys at the office nearest to you.

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Dunkirk • Greece • Hamburg • Henrietta
Jamestown • Lockport • Niagara Falls
Olean • Tonawanda**

**Call us today!
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Jeffrey Freedman in the News

- Jeffrey Freedman Attorneys at Law founder and senior partner, Jeffrey Freedman, was named one of the top social security disability claimants' representatives in the state for 2009 by Super Lawyers Magazine

