

Legal Report

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Hurt in an accident? You May Have a Personal Injury Claim.

If you've been injured as a result of someone else's carelessness, you may choose to bring a claim or a lawsuit against the other party. For some people this is a difficult decision-but keep in mind that our legal system provides people with the right to seek compensation under many circumstances.

Personal injury law is based on the theory that if something is taken away from you as a result of negligence, the responsible party should make it up to you. "Personal injury law is a system of determining compensation and allocating costs," says Christopher C. Kerr, head of the Personal Injury Department at Jeffrey Freedman Attor-

neys, PLLC. "It's not a get-rich quick scheme."

considered and compared with the fault of the person accused

of causing the accident (the defendant). Usually, the plaintiff's share of fault reduces compensation proportionately, the more a person is responsible for his or her own injuries, the less the amount of compensation.

Once fault is established, the amount of compensation can be set. Compensation for injuries is determined by the following factors:

- Medical costs incurred from your injuries
- Past, present and future lost wages or any changes that would force you into lower paying employment
- Pain and suffering, including all types of physical restrictions and deficits as well as loss of enjoyment of life



A person's right to recover money for personal injuries is based on legal responsibility. Did your injuries occur because someone violated the law or did they happen because of someone's recklessness or carelessness? Proving fault is a key factor for presenting a solid personal injury case.

In New York, the injured person's (the plaintiff) fault is also

Continued on Page 4

Inside

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Protect Yourself With Uninsured/ Underinsured Motorist Coverage	2
Jeffrey Freedman Included in Best Lawyers in America guide.....	2
Americans Bear the Burden of the Financial Cost of Drunk Driving.....	3
New York State Automobile Accident Checklist.....	3
Recent Settlements Highlight Firm's Personal Injury Practice	4

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Protect Yourself With Uninsured/Underinsured Motorist Coverage

Under New York State law, every motor vehicle insurance policy is required to include uninsured motorist coverage. What most people don't realize however, is that they also have the option to purchase additional coverage to supplement that required coverage. Often, such supplemental coverage might be the best financial decision they ever make.

The uninsured motorist coverage required under NYS law applies when the driver who is at fault in an accident has no liability insurance, or is not identified because it was a hit-and-run accident. Under the NYS statute, the injured party can pursue a claim under the uninsured motorist coverage of their own policy. By doing so, the injured party can receive some compensation for his or her injuries, and will not face increased premiums or other penalties as a result.

Since the penalties are so high for operating a motor vehicle without insurance coverage in NY, accidents where a driver has no insurance are quite rare. More frequently we see accidents where a person is injured

in a "hit-and-run" accident. We also frequently see accidents where the motorist at fault in the accident is underinsured. The minimum uninsured motorist coverage is \$25,000 per person/\$50,000 per accident. So anything over this amount must be purchased as optional Supplementary Uninsured Motorist (SUM) or Underinsured Motorist (UIM) coverage, and can be purchased in an amount up to the same amount of coverage carried for bodily injury liability.

Quite often motorists purchase only the \$25,000/\$50,000 coverage. If you were in an accident and your injuries were caused by a driver with the minimum coverage, the damages you could recover would be limited to those amounts. One cannot assume that the other driver will have sufficient liability insurance coverage to fairly compensate for injuries and damages. Practically speaking, by having the same coverage for SUM/UIM as you carry for bodily injury, you make sure your own family and passengers can recover as much insurance money as someone who sues you for injuries.

For example, Christopher C. Kerr, a lawyer in our Personal Injury Department, handled a case for a man who was involved in a motor vehicle crash. He was struck from behind by another vehicle operated by a driver with a long history of causing accidents. The reckless conduct of that driver caused our client severe and permanent injuries. Unfortunately the other driver was considered high-risk and had only \$25,000 per person coverage.

Without the underinsured motorist coverage under our client's own policy, he would not have received fair compensation for his injuries. Our client's SUM/UIM coverage allowed this case to be settled satisfactorily because he received another \$75,000 from his insurance company.

It is a good idea to check your automobile insurance policy to make sure you have adequate SUM/UIM coverage. The cost of such coverage is fairly affordable, so our advice is to get as much coverage as possible. If you need more information on this subject, contact our Personal Injury Department.



Jeffrey Freedman included in Best Lawyers in America guide

The Best Lawyers in America, 19th Edition, has included Jeffrey Freedman, Jeffrey Freedman Attorneys, PLLC, for the high quality of his firm's legal work. Those chosen for the Best Lawyers designation must go through a survey of more than four million confidential evaluations by top U.S. attorneys.

Best Lawyers is a partner with publications such as The Washington Post, The Wall St. Journal, The New York Times, U.S. News & World Report, and more than 85 regional magazines and international newspapers.

"Being included in the Best Lawyers listing is a prestigious designation," said Jeffrey Freedman, Jeffrey Freedman PLLC. "This publication is recognized by The American Lawyer as the most respected referral list of attorneys in practice."

Jeffrey Freedman Attorneys, PLLC has been assisting clients for more than 30 years, focusing on consumer issues.

Americans Bear the Burden of the Financial Cost of Drunk Driving

According to the National Highway Traffic Safety Administration, 28 people die every day as a result of drunk driving crashes. This staggering number means that most of us understand and sometimes sadly know first hand, the human costs of drunk driving. Many people however, do not realize the financial costs of drunk driving.

MADD reports that drunk driving costs Americans \$132 billion each year, a cost of nearly \$500 for each adult in the United States. These

costs, paid by federal, state and local government, include expenses related to injuries, insurance premiums and expenses, and lost work for employees and their benefit-eligible dependants. With these statistics, and considering 1 out of every 3 Americans will be involved in an alcohol-related car accident in their lifetime, we all have an interest in fighting against drunk driving. Take time to educate ourselves, and our children, about making good decisions and staying safe behind the wheel.



New York State Automobile Accident Checklist

These are steps to take when you have been involved in a motor vehicle accident. Cut along the dotted line and keep this list in your glove box or wallet for easy reference in an emergency.

At the accident scene:

1. Telephone the police.
2. If anyone appears to be injured:
 - a. Telephone for an ambulance or other appropriate transportation to a hospital.
 - b. Tell the investigating police officer about the injuries
 - c. Cooperate fully with health care providers
3. Unless your vehicle is creating the potential for another accident, do not move it or the accident debris until you are instructed to do so by the investigating police officer.
4. Do not discuss the accident with anyone other than the investigating police officer, your doctors, your own insurance representatives and your lawyer.
5. Make notes of any statements made by the driver or occupants of the other vehicle as to how the accident occurred.
6. Get the name, address, telephone number and automobile insurance information from the other driver.
7. Get the names, addresses and telephone numbers of any witnesses to the accident.
8. If you believe the other driver may have been under the influence of drugs or alcohol, advise the investigating police officer.



After leaving the accident scene:

9. Telephone a lawyer who is experienced in handling personal injury cases. Jeffrey Freedman Attorneys, PLLC has lawyers who work exclusively on serious injury cases.
10. Telephone your insurance agent.
11. Take photographs of your vehicle's damage and of your injuries.
12. If you later experience pain or other symptoms, see your doctor.
13. Within 10 days of the accident, operators of motor vehicles involved in most accidents must file a written report with the Department of Motor Vehicles.



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Continued from Page 1

There are many aspects to evaluating a case, says Kerr, including how well it may be received by a jury. But an attorney evaluating a case most always focuses on the long-term effect of injuries. Specifically, the attorney looks at how the injuries will affect the person over the course of a lifetime financially, emotionally, and socially.

It is also important to remember that personal injury cases are usually not resolved quickly. Because the physicians treating the injured victim typically will not offer a determination on the long-term health consequences until six months to a year have passed, an attorney may not know the value of the claim until then.

Many of the cases handled by the Personal Injury Department of Jeffrey Freedman Attorneys, PLLC relate to accidents involving vehicles. According to Kerr, the attorneys have handled accident cases involving cars, buses, motorcycles, trains, planes, boats, snowmobiles, ATV's, and even amusement park rides.

The law firm handles cases based on dog bites, slip and fall injuries, malpractice and construction and work-related accidents. If you are suffering from an injury that resulted from someone else's negligence, contact one of our attorneys to learn what rights you have to seek compensation.

Recent Settlements Highlight Firm's Personal Injury Practice

Some examples of successful personal injury cases handled by Jeffrey Freedman Attorneys, PLLC include the following:

- A negligence lawsuit was successfully brought against a building owner for failing to install proper smoke detectors. During a building fire, one of the tenants sustained serious back injuries when she and her daughter jumped from a window to escape.
- A settlement was obtained on behalf of a factory worker when the ladder he was holding came into contact with high voltage wires. Damages for burns sustained over 40 percent of his body were obtained because the wires were not properly insulated.
- A roofer who sustained serious injuries following a 40 foot fall won his case against the project's general contractor. The case was settled at trial after it was proven that the contractor failed to provide proper safety devices. A major factor in his compensation was the fact that the roofer's injuries prevented him from returning to his long-time career.
- A head-on collision on a wintry day prompted a nurse to seek remuneration for her severe injuries. Her lawsuit, based in large part on her inability to resume her career, succeeded in obtaining money she needed for financial security and a fresh start.

Serious Injury & Accidents



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1-800-343-8537

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