

4 Benefits of Bringing a Civil Lawsuit (in New York)

by Gerry Oginski, Esq.

1. You'll get your frustrations out
2. You'll have an alternative to screaming into your pillow
3. You'll be more financially secure if you're successful
4. You are exercising your legal right to obtain compensation if someone was careless and caused you permanent harm

Let's get this out of the way right now...
This has nothing to do with frivolous lawsuits.

If you have a bogus claim, move on.
If you have no injury, move on.
If your injuries are only psychological and emotional, move on.

That's what most really good personal injury and medical malpractice lawyers think when you call their office to see if you have a valid case.

You will see that really smart and dedicated trial lawyers want nothing to do with any sort of frivolous claim. They want nothing to do with someone who cannot prove there was wrongdoing.

They want nothing to do with someone who cannot show that they are more likely right than wrong that carelessness caused or contributed to your injuries.

If your injuries are minor and will resolve soon, most good lawyers will want nothing to do with your case.

Why?

Simple.

It's because they spend the same amount of time, energy and resources on a minor case as they do on a very significant case.

So you think you have a valid case, huh?

You might.
Then again, you might not.
But first, you need to exercise your legal right to see if you have a valid case.

The best way to do that is to speak to an experienced trial attorney.
Notice I said 'trial attorney' and not just 'attorney'.

Want to know why?

It's because a trial attorney knows what proof is necessary.

It's because a trial lawyer knows how to show causation given the facts of your case.

It's because a trial attorney knows how to create strategy and tactics at the very beginning, before you've even started your case.

If you go to an attorney who doesn't try cases, you may be putting yourself at a disadvantage when it comes time to formulating your claims, handling your pretrial testimony and proceeding to trial if the defense refuses to negotiate.

Let's face it, you're frustrated.

Your life has been disrupted.

Your work has been interrupted.

Your family life has been turned upside down.

Now, the claims examiner for the driver who hit you is refusing to fully compensate you for all the harms and injuries you suffered.

You threaten (nicely).

You cajole.

You (almost) beg.

They refuse to pay you what you think your injuries are worth.

You have no choice but to sue.

You have no choice but to show them they're wrong.

You have no choice but to hire the best trial lawyer you can who can guide you through the legal process and take your case to trial, if needed.

Part of your frustration with the claims process has overflowed to your family.

You're cranky.

You're prone to outbursts.

You have a short fuse.

You're constantly yelling.

You're berating your kids and spouse.

You don't exactly know why or what triggers it.

You've taken to punching the pillow lately.

That's how you've gotten out your frustrations.

That's not Ok.

It is better than many alternatives, but it doesn't solve your problem of why you're so frustrated.

You finally reach out and hire the best attorney for you.

He's reassuring.
He's got a calming effect.
The burden of handling your own claim and lawsuit has just shifted onto his shoulders.

It's a relief.
He's done this before.
Thousands of times before.

He knows what to do and importantly, what not to do.
He tells you that the value of your case is significant.
He doesn't tell you exactly how much but you get the sense that if you're successful and are able to get full compensation for your injuries, you and your family will be financially secure for the rest of your life.

You are uncomfortable starting a lawsuit.
You've never done this before.
You're worried about what your friends will think.

You're worried what your neighbors and relatives will think.
You're worried what your co-workers will think.

Your lawyer tells you to stop worrying what everyone else will think.
They're not in your position.
They're not going to help you financially put your child through college.
They're not going to help pay your mortgage or rent.

They're not going to help pay for the multiple surgeries or ongoing medical care you'll need to repair your injuries.

They are not going to give you pain medication at 2 a.m. when you can't sleep.
They are not going to help you negotiate with the claims adjuster to get the most amount of money your injuries are worth.

Believe it or not, your right to obtain money from your injuries stems from biblical times.
Back then, there was an eye for an eye.
Thankfully, as a civilized society, we don't operate like that anymore.

However, there is evidence that even thousands of years ago, when someone caused harm to someone else, they became legally and morally responsible to pay for that harm and their damages.

Today, the same is true.
Those legal and moral responsibilities are established in the rule of law that exists in every civilized country today.

In New York, you have a legal right to bring a lawsuit in order to have the wrongdoer pay for all of your injuries and damages that you suffered as a result of someone's carelessness.

That's true regardless of what type of carelessness.

It might be a careless driver who caused a car crash.

Maybe it was a careless surgeon who injured your bowel during surgery and failed to recognize the problem.

Maybe it was a toy company who made a hoverboard that caught fire and destroyed your home.

There could be many instances of people or companies being careless causing physical harm.

In that instance, if you fail to exercise your legal right to sue and obtain full and fair compensation for your injuries, you will forever waive your right.

That means, if the time limit expires before you ever bring a lawsuit, you will never be able to get money for your injuries from the person or people who caused you harm.

That means you are depriving you and your family of financial relief because you can't work.

That means that all the suffering and pain you are going through will never be compensated.

That means that the person or people who caused your harm will never be held accountable for their actions and will never be required to repay you for the injuries that they caused.

If you and your family are ok with that, that's fine.

If you're not, and you want to exercise your legal right, you need to find the best trial attorney for you.

Now.

Not later.

Because later may be too late.