

NEW YORK INJURY TIMES



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IN THIS MONTH'S EDITION:

HOLIDAY THOUGHTS

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ENDING (FICTIONAL)
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Holiday's Are Here Again!

SOME HOLIDAY THOUGHTS

Holiday cards:

I say this every year. Do you really need a pre-printed card with a generic holiday scene that says the same thing every year? I don't think so. Think about why you send out a holiday greeting to begin with. You want to send good wishes to your friends and relatives, right? I've got a better idea. Why not send a handwritten note expressing your real thoughts during this holiday season?

Getting a hand-written letter is so much more meaningful than a standard-issue, generic card which says nothing. That's my opinion, even though my wife always disagrees with me.

Holiday Accidents:

Along with family gatherings and enjoying the holidays together, there is someone, somewhere, drinking too much. Despite tougher laws that crack down on drunk driving, it still happens. You must be ever-vigilant when driving during the holidays. You do not want to be another statistic with your family in tears.

Lawyer advertising:

When you watch a TV ad for a lawyer advertising their services, ask this one word at the end of every commercial you see: **WHY?**

Why should you hire that lawyer? What information has that lawyer given you in their 30 second commercial that would give you the slightest bit of useful information that would allow you to know if that lawyer was the right one for you? The answer: They've provided you with nothing to educate you and make you a better-informed consumer of legal services.

Q&A

Frequently Asked Questions You Need To Know About

Q: “If I was in a car accident, how much time do I have to file a lawsuit in New York?”

A: Generally, you have 3 years. Children have a different time limit. You must file a claim with your no-fault insurance within 30 days of the date of your accident.

Q: “How much are we suing for?”

A: In a medical malpractice case, we are not permitted to put an actual number that reflects the amount we are suing for. That is for the jury to ultimately decide. In a personal injury or negligence case, we must put an amount down. It is no secret in the legal community that the amount demanded in your lawsuit papers bear no real relation to your actual damages.

Q: “Why do we need an expert in a medical malpractice case?”

A: Two reasons: (1) To confirm that you have a valid basis to bring a lawsuit, and (2) To help a jury understand just what medical care and treatment you had; what was done wrong; what should have been done differently; and how treating you differently would have changed your outcome.

Q: If a doctor left a foreign object inside of me during surgery, how much time do I have to start a lawsuit?

A: In New York, you generally have only one year from the date of discovery of this foreign object in which to start a lawsuit. Importantly, if the foreign object was intentionally left inside of you during the procedure, you will probably not be able to start a lawsuit, even though you just learned about this foreign object now. There are recent New York cases that have held if the object was NOT supposed to remain inside of you then you would have only one year from the date of discovery of the foreign object within which to file suit.

Q: I've heard the phrase 'loss of enjoyment of life' - what does it mean?

A: That is a concept that lawyers use to explain that your injuries caused you pain, suffering, and literally the loss of enjoyment of your daily life. This allegation of loss of enjoyment of life is included within any claim for pain and suffering you may have. We would point out to a jury how your injuries have affected your daily lifestyle, how you are physically disabled from doing those daily tasks that were once simple and easy, and how you no longer enjoy your life as you once did, because of your debilitating injuries.

Q: What does it mean when a lawyer is suing for 'damages'?

A: Damages means your injuries. Your injuries include those which are 'visible'- that you can see; those that are invisible- those you cannot see; physical pain and anguish; emotional pain, sorrow, anxiety, humiliation, anger, fear, frustration; an inability to do those physical activities you used to do (sports, gardening, music, cooking, etc.); an inability to socialize with friends and family; an inability to interact with your family; changes in your daily lifestyle; the need for medical treatment and visits to doctors; the need for future medical care; medical expenses; prescription medications; household help; loss of income in the past and future and similar types of damages.

Q: My car was totaled in a car accident. My insurance company wants to pay for the car and then get rid of the car. Should I allow this?

A: The most important thing is to take pictures of your car before the insurance company disposes of your totalled car. It will be extremely important to show what your car looked like after the accident.

Q: What does it mean when a judge says "Objection Sustained"?

A: It means that one party has objected to the question. It also means that the judge has decided that the attorney asking the question CANNOT ask the question, and that the witness is NOT to answer the question.

Q&A

Frequently Asked Questions You Need To Know About



How to Choose a Lawyer From a Radio Ad

Fact: You are sitting in your car on the drive home from work listening to your radio. You hear a 15 second commercial for an attorney that blasts their 800 number six times in the space of 15 seconds. The number stays in your head for about 2 1/2 seconds and then you continue paying attention to the road and the music you were listening to.

Fact: At that moment, you had no need for a New York accident or medical malpractice attorney. Will you remember that 15 second commercial?

Let's assume for a moment that a family member was recently involved in an accident or suffered harm because of a doctor's wrongdoing. Their injuries and disability are weighing heavily on your mind. On the way to work, again while listening to the radio, you hear another ad for an attorney in your area. In the space of 15 or 30 seconds they tell you how long they've been in business and what type of law they handle. Again they blast their 800-number repeatedly in an attempt to get you to memorize it on your drive to work.

Ask yourself this question if you've ever heard those lawyer commercials:

"How do I know that this law firm is right for me just based on the 15 second or 30 second ad I just heard?"

Here's another question you should ask: "What information has been provided to me that helps me distinguish this law firm from any other law firm I've seen advertised on TV, in the newspaper or on a billboard?"

In all likelihood, you will be unable to answer those questions.

Here's another question: "What information has the law firm provided to you that helps you understand how they can solve your legal problem?" Other than telling you that they've been in business for 'x' years and that they handle personal injury law, why are they any different from the 10 other law firms you also heard about on your way to work?

The problem is with the message and not the law firm. In the span of 15-30 seconds, it is impossible for anyone to provide you any real useful information that will help you distinguish intelligently how one particular lawyer can help you compared to any other lawyer. You should know that lawyers in NY are not allowed to compare themselves to other lawyers in their advertising. For example, a lawyer cannot say "we're better than John Smith's law firm because..."

Does this mean that you should not go to any lawyer who advertises by radio? No, because there may be a lawyer who advertises by radio ads that might be the perfect person to represent you. On other hand, you don't have any real information to help you and guide you to make an intelligent decision about whether that lawyer is right for you.

The bottom line? Radio ads fail miserably to provide you with any useful information that will help educate you when deciding whether a particular law firm is right for you. You need to know that any law firm you go to has the ability, experience and the drive to help you in your particular case. How do you find that information out? Not with a 15 second radio ad; that's for sure.



NEW FEATURE!



VIDEO UPDATE

The following videos went live last month on my video blog:

<http://nymedicalmalpracticevideoblog.com>

1. Strong Opening Arguments-NY Medical Malpractice Lawyer Explains
2. Worst Cross Examination Ever
3. The Worst Closing Argument
4. Choosing an Attorney From Yellow Pages
5. Watch What Happens When You Lie During Your Lawsuit
6. Attorney Bloopers #13
7. New York Lawyer Guarantees Outcome? No Chance
8. How To Hire a NY Lawyer Without Paying a Dime (Upfront)
9. How To Choose a NY Lawyer From a Radio Ad
10. Behind The Scenes- What Does My Legal Secretary Do?
11. Gerry's Legal Secretary Enjoys Helping Clients
12. Meet Gerry's Legal Secretary
13. Behind The Scenes: Video Tour of NY Medical Malpractice Lawyer's Office
14. Looking for a Medical Malpractice Lawyer? Here's 5 'Must Ask' Questions

ATTENTION READERS:

Want to **STAR** in your own video? Want to see your video on YouTube?

5 Reasons To Be On Video Today:

- ◆ Viewers get to see you
- ◆ Viewers get to hear you
- ◆ Viewers begin to trust you
- ◆ Viewers will call for more information
- ◆ You create a bond with a viewer using video

If you are a *former client*, call me at **516-487-8207** to schedule a video shoot to talk about what happened to you and how I was able to help you.

If you are an *attorney* who wants to get onto video, then check out my Turn-Key video incentive program for getting you onto video and starring in your very own video today!

<http://lawyersvideostudio.com/turn-key-system/>

If you're a *business owner* and want to get people to trust you; you need to star in your own video. Call me to get you onto video today.

516-487-8207.

GREAT HOLIDAY GIFT IDEA - SEND A BOOK!

Know someone who would benefit from learning how medical malpractice lawsuits in New York work? Send me an email and I'll gladly send my book **SECRETS OF A MEDICAL MALPRACTICE LAWYER** to them with a note letting them know that you were thinking of them. You can send me a note to lawmed10@yahoo.com. They'll thank you for your thoughtfulness and so will I.

GERRY'S TRIVIA GAME

TEST YOUR LEGAL KNOWLEDGE

1. An Examination Before Trial is also known as a Deposition. TRUE OR FALSE?
2. If an insurance company refuses to negotiate your case, and the value of your injuries are within the limits of that insurance policy, you have no basis to bring a bad faith claim against the insurance company. TRUE OR FALSE?
3. A doctor must be board certified to testify as a medical expert in New York? TRUE OR FALSE?
4. A traumatic brain injury is always visible on diagnostic tests like an MRI or CT scan? TRUE OR FALSE?
5. When a judge takes judicial notice of a common publicly known fact, it means the attorney does not have to actually prove that fact. TRUE OR FALSE?
6. A client has the right to fire their current attorney and hire another attorney. TRUE OR FALSE?
7. A person who hires a lawyer in an accident or medical malpractice case must always get a retainer agreement from the lawyer. TRUE OR FALSE?
8. Every personal injury lawyer is a trial lawyer. TRUE OR FALSE?
9. Your family lawyer is the best person to handle your medical malpractice lawsuit. TRUE OR FALSE?
10. Selecting a lawyer from the yellow pages is as easy as selecting a plumber from the yellow pages. TRUE OR FALSE?

BONUS: In a car accident, you have only 30 days to file a claim with your no-fault insurance. TRUE or FALSE?

GERRY'S NEVER-ENDING FICTIONAL STORY

continued from Back page

As Jimmy raced to the airport, the Russian President ordered the airport road closed. His goal was to stop Jimmy and Hillary from leaving. Not a good diplomatic move on his part. He knew what Jimmy's secret power was. He now knew that Jimmy knew when he'd die. Not only did he want to know himself, but he needed to make sure the Americans did not learn this.

The limo driver, an ex-Green Beret, saw trouble ahead as he was approaching the outskirts of the airport. Tanks were moving into position. Helicopters started hovering near entrances. Police car sirens could be heard getting louder.

"Uh, Madam Secretary, I think we have a welcoming party ahead, except they don't look very welcoming."

"Umberto, turn around and head back to the U.S. embassy. Call the Marine commander there and have him get every soldier with all the weaponry they can muster up right in front of the embassy. I want a display of force. Pull out our new M-1 Abrams tanks, the one's we're not supposed to have in-country, and block off the entire street.

The moment they see us coming, I want an opening in, then close that street up again," said Hillary authoritatively.

They had about 7 minutes before getting to the embassy. Two minutes into their diverted route, Umberto again spoke up. "Maam. Looks like we're being hunted. I'm picking up chatter on the Russian communication networks and they're looking for our limo. You need to get out an hoof it, or grab another car."

"Run in these heels?" screeched the Cabinet Secretary. "I don't think so." "Fine. Umberto screeched to a stop in back of a local fishing wharf. While opening his door, he yelled inside, "Wait one minute, then meet me down by the water."

Umberto went to get a boat. Two minutes later, Jimmy and Hillary witnesses the exchange of foreign currency with the owner of the boat. The former Green Beret motioned for them to hurry over and onto the boat. It was a fishing trawler that looked about a hundred years old. You can image the stink they encountered upon their arrival at the boat. Jimmy and Hillary immediately went below deck to hang out with the rotting fish. Umberto released the ropes and started off. He knew they'd have about a 10-15 minute head start before the Russians realized they were on a boat.

Jimmy pulled out his iPhone and twittered the National Security Advisor the news.

Till next time...stay tuned.



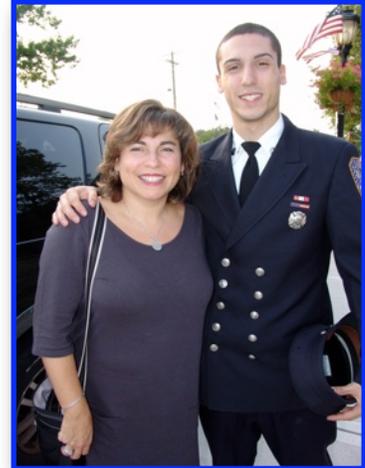
Really Cool Item #1

On December 12, my son will be honored by the New York Islanders Hockey team as a “Local Hometown Hero!”

If you remember from my summer newsletter, my 18 year old son, a firefighter, college student and assistant general manager of a health club in NYC, had saved the life of a man who went into cardiac arrest at the Fort Meyers, Florida airport as we were about to board our flight home to New York. My son was written up in many different newspapers and was interviewed on the radio about his efforts.

Last month, I received a call from a representative of the NY Islanders Hockey team telling me that they wanted to honor my son Joseph as a Local Hometown Hero. Wow! They had read about his life-saving efforts in Newsday over the summer and wanted to recognize him in a ceremony before the start of the hockey game on December 12. I was told they try and honor a local hero each month. Now that is really cool.

Congratulations Joseph!



Joseph & my wife at a ceremony at the Town of North Hempstead honoring him for his life-saving efforts.



Disney World, November 2009



Really Cool Item #2

Many of you know that my wife is a physician. On December 1, 2009 she was asked to go to Albany and testify in the New York State Senate in front of 8 State Senators, in a hearing on medical malpractice and “tort reform.” Now I have to tell you that while we differ about some of her viewpoints, in light of what I do for a living, I strongly support her efforts to change how her malpractice premiums are calculated and how best to fight “frivolous lawsuits.”

Did you know that a Long Island obstetrician/gynecologist pays \$177,000 in medical malpractice premiums? That’s per doctor. Per year! That’s before they pay a penny in office overhead. Neurosurgeons pay over \$200,000 per year for the benefit of being insured. Our dinner conversations are certainly lively and quite interesting!



Gerry's Photo Gallery



David in the cockpit of a very large jet. The Pilot went to look for some phone books for him to sit on while he started the engines.



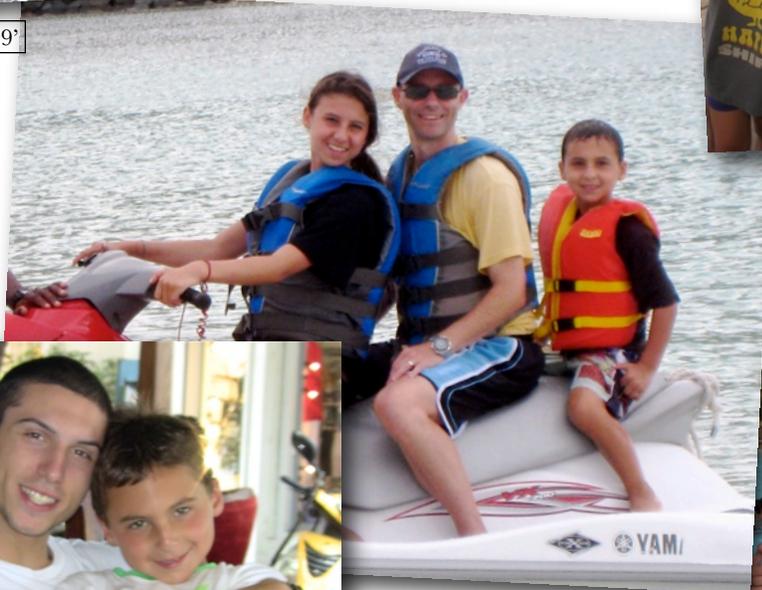
Cool flower- Sanibel, Florida



Disney World, Nov. 09'



USS Intrepid, NYC



St. Martin



GERRY'S NEVER-ENDING FICTIONAL STORY

The limo peeled out of the parking lot with Jimmy and Hillary on the floor of the back seat. The chief of security was in a fly car right behind them. Three of their best agents were still in a tangled tussle with the Russian security agents. They were standing in a parallel lines, each facing each other. The Russians refused to let them pass. The Americans did not want to create an international incident. The senior secret service agent walked across to his counter-part. "D'mitry. Your fly is open and your dog drank your vodka." The Russian agent looked down at his fly and

while doing so, the American knocked him to the ground with a solid punch in the groin. That started a rumble.

5 minutes later, the Russian President was screaming at his agents. All agents had large bruises, including their egos.



St. Martin

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Give this newsletter to your best friend. They'll thank you for it, and so will I.

Answers to Trivia Game: 1. True, 2. True, 3. False, 4. False, 5. True, 6. True, 7. True, 8. False, 9. False, 10. False BONUS: True.

NEW YORK INJURY TIMES

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SEND TO:

Call me right now with any legal questions about injuries from any accident or medical care. I promise to give you a straightforward and honest answer. That's my guarantee.

Call me today with your questions at 516-487-8207