



Law Offices of GARY E. ROSENBERG, P.C.

SEPTEMBER 2009

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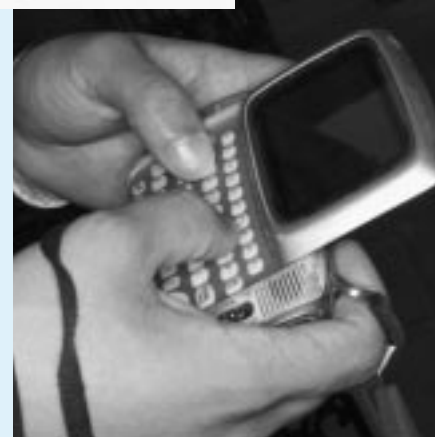
- Too hurt to travel? We'll come to your home or hospital.
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ATTORNEY ADVERTISING

AUTO ACCIDENT INVESTIGATIONS

When a client is seriously injured in a vehicle collision, we will make every effort to seek additional sources of precise, detailed, and thorough information to determine responsibility for the accident. We often investigate:

- Cell-phone, personal digital assistant, and global-positioning satellite records for all involved vehicles and drivers. These may record direction, mechanical problems, operating errors, position, velocity, or improper electronic-device use.
- Digital 911 call records to locate witnesses who may have observed and reported the accident.
- Digital photographs taken by police at the scene.
- Paramedic, ground ambulance, or medical air transport reports of emergency care that may include injury specifics.
- Tow-truck or wrecker records, which also may shed light on accident details.
- Traffic cameras at dangerous intersections to determine if the monitoring system recorded the accident.



What are "pain and suffering" damages?

Some people refer to noneconomic damages as "pain and suffering" damages or damages for "emotional distress."

That's not really correct. Noneconomic damages compensate those harmed for many things that are not easily measured in terms of money, including physical injuries such as the loss of a limb, scars and disfigurement, and blindness, as well as nonphysical injuries such as fright and shock, loss of enjoyment of life, and loss of society and companionship of a loved one.

Many trial lawyers believe that referring to noneconomic-damage verdicts simply as compensation for "pain and suffering" or "emotional injury" trivializes the real harms noneconomic-damage verdicts are meant to compensate.

These real injuries are often as important or more important to the injured person as the losses that can be directly converted into dollars.

Also known as quality-of-life damages, "pain and suffering" compensation covers the most severely injured patients, such as people who are paralyzed and can't use the bathroom without assistance, or a brain-damaged child who will never attend school, get married, or work.



Have you been injured in an accident and need a personal injury attorney you can trust? Come in and see me.

PLEASE CALL US IF YOU HAVE ANY LEGAL QUESTIONS OR PROBLEMS.

Referrals

Our practice continues to grow through referrals from our clients and friends. If you know someone who has been seriously injured or is buying or selling a house, co-op, condo, or commercial building, we hope you will recommend us.

Thank you.

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.



Gary says:

FACING FORECLOSURE? BEWARE THE GREEDY VULTURES

This “just off the presses.”

A former client called to tell me that her niece was being evicted from her one-family house in Queens County and asked if I could help. The niece, who had recently

lost her husband after a long illness, had already paid thousands of dollars to a mortgage restructuring

firm which could do nothing for her because she could not come up with \$8,000, and now some attorney wanted to charge the niece \$1,000 per month. The aunt didn't want to see this woman get taken advantage of, so could I give a second (honest) opinion?

I'm no foreclosure expert—I represent people hurt in accidents and handle plaintiff's personal injury cases and lawsuits. Mindful that a little knowledge is a dangerous thing, I offered to look over the young woman's papers and see if I could give any meaningful advice—with all disclaimers that I'm not a foreclosure expert, but in the interest of decency and helpfulness, I'd gladly apply some common sense to the problem as a favor to my former client.

So this woman came to see me that very evening with some papers. She owed a total of \$370,000 on a one-family house that I doubt is worth that much now, in light of the problems in our nation's and New York State's economy and the real estate market. She is presently in mortgage arrears for more than \$60,000, and her annual income is less than \$40,000; plus she has credit-card debt.

The house is scheduled for auction in less than two weeks.

The attorney she consulted had her sign a long retainer agreement giving him a fee of \$24,000, payable at \$1,000 per month for 24 months and giving the attorney (believe it or not) a mortgage on the woman's home to secure his fee. The retainer mentioned sending the husband's death certificate to the lender's attorneys, which should delay the

eviction since the deceased husband is a named party to the lawsuit, whose death, technically, freezes the lawsuit. The retainer also mentioned some other steps the attorney might take, including advising the woman to go bankrupt—none of which should cost \$24,000.

Basically, the attorney told her that while she paid him \$1,000 each and every month, he'd keep her in the house. But none of that money would go to the bank, so at the end of 24 months, she'd still owe the lender 24 more monthly mortgage payments. Interestingly, the lender had offered to take the house in exchange for erasing her mortgage debt—maybe a good deal if the house is worth less than the amount owed. Also, I suggested that she might consider bankruptcy right away (rather than at the end of 24 expensive months). She could give back the house and/or declare bankruptcy (especially considering her other debts), hiring a less greedy attorney for way less than \$24,000, and use the rest of her money for rent elsewhere.

By the way, this attorney solicited the woman through the mail, apparently obtaining a list of houses being foreclosed or auctioned off (which is public record) and writing to those unfortunate homeowners, offering his legal services.

So I did what any smart personal injury lawyer would do. I referred the niece to a trusted friend and fellow attorney who handles bankruptcy and debt problems and could help her for far, far less than \$24,000, an amount which shocked me and still has me shaking my head.

Gary's FREE Library

(Free Books & Reports)

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