

# **"Do you know the three questions every attorney must ask and answer before filing your accident lawsuit in court?"**

**HINT:** An accident lawsuit is like a three-legged stool that must not wobble. Without all three legs, a stool just does not work!



The **first question an attorney must answer** before filing an accident case or lawsuit in court is:  
**Who is liable or responsible for the accident?** Was someone negligent in causing injury to another?  
← This is the first leg of our stool.

Not all accidents are the fault of others. However, sometimes the party responsible for an injury is not always obvious or apparent. A good attorney must analyze the facts of an accident to see who, if anyone, is at fault. Then the attorney must analyze the degree or percentage of fault of the persons involved in the accident. This is so in every type of case, whether a car accident, a fall down stairs, an accident at work, a slip on an icy sidewalk, or any type of accident imaginable. An accident that is not mostly the fault of another party might not be brought into court; maybe it can be settled out of court, or maybe the attorney will politely decline the case—but this is a question best left to an experienced personal injury attorney.

**In my next monthly mailing to you:** The second leg of the three-legged stool, which is a key element of every accident case.

The nail file (emery board) I'm sending you is meant as a reminder that **there are important things for an attorney to consider before "filing" your accident case in court.**



## *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.

**Gary E. Rosenberg**  
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What is written here is not legal advice. You should consult your attorney before applying any of this information to a specific situation.

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**Gary says: WITH BASEBALL SEASON  
STARTED, HERE'S A GOOD ONE**

In October 2004, California Judge Paul Zellerbach was presiding over a murder case. He sent the jury out to deliberate and went to the local ballpark to see a major league baseball playoff game: the then Anaheim Angels against the Boston Red Sox. Judge Zellerbach was at the ballpark when he was telephoned and told the jury had reached a verdict. Rather than come back to have the jury verdict read in court, the judge waited until the next day to do so. (The jury had convicted.)

For what the California Commission of Judicial Performance called a "serious dereliction of judicial duty," the judge was found to have acted improperly. The judge's penalty? There was no penalty, dear readers; apparently, the shame of being scolded publicly was the punishment. Sure glad it wasn't my freedom at stake, waiting for the judge to return to court to do his job.



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