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Attorneys At Law

Third Generation Personal Injury Law Firm

FIVE IMPORTANT TIPS YOU MUST KNOW IMMEDIATELY FOR YOUR INJURY CASE

Why is it so important to know these Important Tips immediately after an accident? It's simple: so the insurance company that may be responsible to pay you can't take advantage of you. Never forget that insurance companies are in the business of making money for their shareholders – that means *paying you the least* so they can *pay their shareholders the most* that they can. And because it is their business, they have professional adjusters, investigators and attorneys at their service and ready to spring into action. It is their job to take steps immediately after the accident to find ways to limit the amount of money they may have to pay to you.

The insurance company's goal is to “control the narrative” of how the accident happened by framing the facts in a light most favorable to them and playing down the damages. To best achieve this, they will try to get statements from you right away – *before* you get advice from a lawyer. They will look for



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ways to blame you for the accident if there is any way they can, and they will look for ways to minimize the injuries you have suffered. For example, if you fall down a stairway because of a broken step that existed because the owner negligently maintained the property, they will say it's your own fault because you weren't looking carefully as you were walking. If you injure your back so badly that you need surgery, they will argue that its because you sprained your back five years ago, even though you healed up fully and had no problems until the recent accident. And if you conceal certain information or make a mistake how you describe things, they will play it up that you are committing fraud.

Don't be a victim twice! Engage your own personal injury lawyer right away to protect your rights as soon as you have been injured. Most lawyers will offer you a free consultation, and charge you only when the case is settled, so there is no reason not to have a lawyer at your side during this critical time.

But you must make sure the lawyer you choose is knowledgeable, experienced and trustworthy, with a proven track record of success.



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Here are five Important Tips you must know immediately after you suffer an injury:

IMPORTANT TIP ONE: Never speak to someone else's insurance company or any investigators before you engage your own attorney. Nothing you say to them can help, because these people are looking to weaken or even destroy your case. Even though the truth is on your side, anything you say can be misconstrued, and will be used against you. The insurance company wants a recorded statement for one reason: so that it can use your words as evidence to defend against your claim. Do not give it to them! What you say will be used against you. This is an adversarial system.

But you must report an accident in certain cases. If you have your own insurance that might cover some of your losses, such as a motor vehicle insurance policy, you should report the accident right away, because most policies require this as a condition of coverage. If you were injured at work, you must notify your supervisor within 30 days, or you may lose your worker's compensation benefits. Even so, you should consult with a lawyer before making any statements, even to your own company. The insurance company is not interested in helping you prove your case.



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That's the job of your personal injury lawyer, and that is why you need to engage a lawyer as soon as possible after you've been injured. This brings us to the next Important Tip.

IMPORTANT TIP TWO: Never speak to any lawyer or investigator you didn't contact yourself, even one who wants to represent you or refer you to a lawyer. It is unethical and illegal for a lawyer you didn't contact to approach you with an offer to represent you in your case. Unethical lawyers may pay off hospital staff, ambulance personnel, auto body shops, or even union representatives to "recommend" them. Sometimes an unethical lawyer will send what is called a "runner," that is, someone claiming to be a paralegal or investigator who can direct the injured victim to a medical facility that takes workers compensation or No-Fault insurance and has an "in-house" lawyer. They often use business cards with no address or limited contact information. This is a criminal violation. Lawyers can be disbarred and banned from the practice of law for engaging in this type of behavior. Unethical lawyers are not good lawyers. On the contrary, you can expect them to be pretty bad if this is what they have to do to get clients. If a lawyer is an "ambulance chaser" who is willing to violate the law, ethical rules and risk his or her own legal license, you certainly can't trust such a lawyer with your case.



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IMPORTANT TIP THREE: Do not post on Facebook, Twitter, Instagram or any other form of social media, anything about your case, about your injuries or about your activities. Insurance companies and defense attorneys have a field day with these posts. Even if you set your postings to “private,” the insurance company and their lawyers can subpoena your account, and will use this against you, no matter how innocent. That smiling photo of you on vacation? The family shot of you at your sister’s wedding? That little joke about your accident? Insurance companies and their defense lawyers routinely use those photos and videos as “evidence” that you’re not really hurt. Do not give this to them. Although it is a good idea to make your past posts private if not already set that way, be careful not to delete anything, because that is viewed as destruction of evidence, and that can also be used against you.

IMPORTANT TIP FOUR: Take pictures, pictures and more pictures of the accident scene, any vehicles, any objects or defective conditions involved, and of your injuries. Continue to take pictures of your injuries as you heal. But remember: close-up pictures are needed, but more is required. If you’re taking a photo of your injured foot, remember to include photos that also show your face in the photo so it can be seen that it is you. (Do not smile in the pictures!).



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When you take pictures of the accident scene remember to take some photos from a distance that show the entire scene, and where it is located with landmarks, such as light poles or street signs shown as reference points. When you take pictures of a damaged car or vehicle, take shots from all around, from a distance and then closer up, so the entire vehicle can be seen, even the undamaged parts. Take as many different views and from as many different angles as you can.

The sooner you hire a lawyer to help you with this, the quicker this evidence can be properly and effectively preserved.

IMPORTANT TIP FIVE: Get medical treatment as soon as you can and follow up with your treatment plan. It is understandable when an injured person doesn't want to leave in an ambulance from the scene of the accident to be taken to a strange emergency room. Maybe they have family at home they need to get to or they'd prefer to see their own doctor. However if you decline treatment at the scene of the accident, the defense lawyers for the insurance company may argue that means you weren't injured in the accident. If something hurts, go to the doctor as soon as possible. Medical evidence is essential for any injury case. Make notes of all your appointments, and keep copies of all bills.



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If you were injured at work, the employer is responsible in almost all cases in New York to provide you with worker's compensation benefits. The insurance company that provides these benefits is responsible for the medical bills. You do not have to pay the doctors or hospitals directly. They are supposed to bill the insurance company, not you. You must tell them you were injured on the job. If you do not yet know who the worker's compensation insurance company is, tell them to send the bills to your employer, who will forward them to the correct insurance company.

If you were in an auto accident, the New York No Fault Law governs your rights. Among other things, it provides medical coverage for treatments for injuries resulting from the accident. You must file the application within 30 days for these No Fault benefits with the correct insurance company (the one for the vehicle you occupied at the time of the accident, even if some other vehicle caused the accident). Any medical bills must be sent to this No Fault Insurance company within 45 days of the date that the medical service was given, or the No Fault insurer is not required to pay it. If this is not done it can leave you with a huge



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problem because under the No Fault Law, you cannot recover from the negligent party the first \$50,000 of economic losses, such as medical bills. Your own health insurance will deny coverage for bills that may be covered by No Fault Auto insurance. This is especially important if you were a passenger in someone else's car and you do not have that No Fault insurance information available when you are treated. Bills for ambulances and emergency rooms can easily reach thousand of dollars. Once you learn the No Fault claim number assigned to your case, make sure this information is immediately given to the billing departments of all hospitals and the ambulance company, so they can bill the correct insurance company. If you get any bills, send them right away to the No Fault insurance company with the claim number clearly written on the bill.

For more information, call us or email us now at no charge, and we will advise you as to your best course of action. You can speak to us without obligation. There is never a fee if we don't recover money for you.

Call now: 914-723-1700

Email now: Office@tomkiel.com

24 hours a day, 7 days a week.

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