



## **Report #2**

### **What to Do When Disaster Strikes:**

So you're in an accident; you're hurt. You're unprepared, you're frightened. Maybe you were in a car accident: the other car ran a stop sign; ran a red light; rear-ended your vehicle; made a left turn in front of you. Maybe you tripped on a broken sidewalk or staircase; slipped on snow and ice; or tripped on an object on the ground. Maybe you were hurt at work. There are an infinite number of ways to be hurt at work. Suddenly your world changes.

You have been injured and suffered trauma of one sort or another. You may go into shock. You feel fear. You experience pain. Your first concern is getting medical care. Sometimes you go to a doctor, in a serious case you go to the hospital, maybe in an ambulance. Maybe you talk to the police.

The shock starts to wear off. The fear starts to go away. Your pain begins to ease. You start to receive some kind of medical treatment, or surgery, or a program of physical therapy. Then you start to think.

- How do I pay the medical bills?
- Who will fix my car?
- Will I be able to return to work? To do the same job?
- Will I be able to sit or stand for a long time?
- Will I be able to walk or run, to carry, or climb stairs?
- What if I'm disabled? What if I don't get better and can't work?
- How will I support my family?



- What do I do first? Second? Third?

You need help. You have legal rights that need protecting. *Particularly if someone else caused your injury.* There are many variations on this theme. You instinctively know that you cannot trust an insurance company – yours or someone else’s – even if an insurance claims representative shows up at your door with a checkbook. Put simply, hiring the right attorney to represent you may be the most important decision of your life. You shouldn't expect to get a fair settlement for your injuries on your own.

My twenty-three years of practicing law have taught me that no one is ever prepared for an accident. No one anticipates being unable to work. Having their car smashed. Suffering pain that doesn't go away. Sometimes the pain eases. Sometimes it gets worse.

I've had clients come into my office after an accident and they seemed pain-free, able to twist and bend, and converse with me easily. Then they get worse and worse and may need surgery. I've also had clients come in after an accident in great discomfort. Wearing one of those padded collars around their necks; having trouble sitting down in the chair in my office. Having trouble standing up. I've accepted cases like that and seen people get all better. The point is that you never know if you're going to heal. I don't know if you're going to heal. Even the doctors don't really know if you're going to heal. Usually, only "time will tell."

What should you do?

Unfortunately, in many cases, and particularly in the five boroughs of the City of New York, you don't have to do a thing. Lawyers' business cards, and business cards for paralegals/legal assistants, intermediaries, legal or medical coordinators, self-styled insurance managers and representatives of doctors' offices and medical facilities will fly into your hands. Your telephone might ring. Someone may tell you that the hospital assigned you a doctor or lawyer. (This is



never true.) You may find a business card in your door or mailbox. A tow truck driver or ambulance attendant may hand you a business card.

There are other variations of this scam, and it is a scam. “Runners” sometimes drive around with police scanners in their car. You may have an accident, look up, and there they are. Maybe they offer to drive you to a doctor or lawyer. I have heard of unscrupulous tow truck drivers or body shops that also do this. There are reports of runners walking hospital hallways and entering rooms, or striking up conversations in hospital waiting rooms, all the while passing out business cards. Runners may call themselves a “Legal Referral Service” or “Medical Referral Service” or something similar. Please, please, please don’t be fooled.

I know a person who broke a leg in an accident and had an ambulance attendant pass her a cell phone in the back of an ambulance, to speak to a lawyer. I know another person who got a ride to a lawyer’s office from a tow truck driver, after dropping off his damaged car at a garage.

**YOU SHOULD KNOW:** Hospitals don’t give anyone an accident or injury lawyer and, as a patient, your hospital records and address and telephone number are supposed to be kept confidential and should never be given out without your permission. And if a hospital refers you to a doctor at all – rather than tell you to see your family doctor – it will usually give you a list of doctors, with several names to choose from. This, of course, is permissible.

Wow! You say. This takes the work out of searching for a lawyer. Especially if you’ve been admitted into the hospital and spent more than a day there. You’re likely to leave with a fistful of business cards.

**YOU NEED TO ASK:** Is this proper? Is this allowed, or is there something dirty going on? Are these people I want to trust with my case? Are these people I want to trust with my future? With my family’s financial well-being if I can’t work again?



**THERE ARE MORE THINGS YOU MUST KNOW:** The people running around with business cards or calling you or trying to drive you to the doctor or lawyer (called “runners”) are not doing so out of the goodness of their hearts. They are getting paid. Money is changing hands. And this is always improper. In the most outrageous cases, lawyers may offer money directly to you, the injured person.