



Do you know what live video surveillance by a defense investigator and social networking (Internet) websites have in common, and how they can affect your personal injury lawsuit?

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If your accident case is big enough, and your claim of injury serious enough, usually there comes a time when the attorneys for the defense will hire a private investigator to have you watched, followed and videotaped.

This tends to happen towards the end of a lawsuit, after you, the hurt plaintiff, has testified at an oral deposition about how badly you've been injured and about all the things you can't do and the activities in which you can no longer participate.

Maybe you're back at your job because it does not require much physical exertion, maybe you're still out of work. Defense lawyers live to make "mountains out of molehills," so they look for the slightest indication that you're not injured - even if you can do something a single time and not more than once. There is no way to show your pain the next day or that you need a heating pad and painkillers that evening from over exerting yourself.

The bad guys are trying to paint a picture of you for the jury; as someone who is not really hurt and, maybe, is a liar or just exaggerated about his or her injuries, so that you don't deserve to be believed at trial.

An investigator can videotape you without getting out of their car. He or she tries to catch you running to cross the street or maybe running to catch a bus, or carrying bags of groceries. Maybe in a laundromat or going to the gym. The most dramatic surveillance videos that I have seen show injured accident victims engaged in sports. Playing football or tennis or even just bicycle riding

I wish to make two points here, with a third point to follow.

First point, be truthful when testifying about your limitations. There are very few "can'ts" after an accident. Frequently, an injured person may still be able to engage in most of their pre-accident activities. But not as strong, or as long, or as vigorously. So if it's truthful, say "Yes, I can do it.

But not too much or too long or too often, and it hurts like heck afterwards."

Second point. Accident victims: be aware if you go outside that you can be followed and be the subject of video surveillance. Video cameras are small and powerful and easy to conceal.

My third point follows and links back to the title of this blawg.

MySpace. FaceBook, etc. By now you've no doubt read about companies that check out prospective employees' social networking sites over the Internet. Is the job applicant shown in photos doing something incompatible with the company's values? Is she using drugs? Or is he in a state of undress? Or making obscene gestures? Or showing a gang or prison affiliation? These occurrences are all too common these days.

Be especially careful if you're an accident victim. Be wary about posting photographs to a website that are inconsistent with your claims of physical limitation. And if you can't engage in sports, don't show your blue ribbon for winning a swim meet or a hockey trophy, and so forth.

The best policy if you're claiming injury from an accident is to tell the truth. And be aware and on your guard in what you do.

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