



Take a Witness Affidavit Instead of a Statement

When an accident occurs, your better attorneys may send out an investigator to get written statements from eyewitnesses to the accident or, if a defective condition is involved, to that condition, or even to the appearance of a client's injuries. Typically this is done as soon as possible after the accident, while memories are still fresh.

Rather than getting a mere written statement signed by a witness, it is hardly more work for an investigator to put the statement in the form of an affidavit. Then (assuming the investigator is also a notary public) the investigator can notarize the affidavit. If litigation ensues, the attorney then has something far more useful than a statement -- an affidavit.

An affidavit is handy to defend or bring summary judgment motions, especially if years have passed and witnesses have moved and are difficult to locate. This has happened to many of us aggressive attorney-litigators, not just to me.

From: New York lawyer Gary E. Rosenberg (personal injury and accident attorney and lawyer; serving Brooklyn Queens Bronx)