

# NEW YORK PERSONAL INJURY GUIDE

*Steps to Take After a  
Serious Accident in NYC*

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AND STUART M. GLASSMITH, ESQ



KRAUSE & GLASSMITH, LLP  
The Law Offices of Leslie Elliot Krause



If you have been injured due to someone else's carelessness, it can be truly devastating and frustrating. Your injuries may be extensive and life-changing. At Krause & Glassmith, LLP we cover personal injuries including car accidents, truck accidents, motorcycle accidents, bike accidents, bus accidents, pedestrian

accidents, slip and falls, dog bites, construction accidents, and elevator accidents. All of these accidents are unique in how we handle them. The injuries these accidents cause will vary case-to-case and we have handled them all. Please call our office so we can go to work to get you the compensation we deserve. We offer free initial consultations.

## FIRST STEPS AFTER THE ACCIDENT

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The very first thing you should do after an accident, regardless of the cause, is seek medical attention. If your life is possibly in danger, and you're extremely injured, you need to get onto an ambulance and get to the ER. Medical attention is a top priority. If you do not need the ambulance, you have to seek medical attention very shortly after the accident. Do not wait. These injuries can be aggravated and get worse if they are left untreated. It is also a benefit to your claim when you go to the doctor. You can get your injuries documented and treated which all goes into determining the value of your claim. The honest truth is that, the worse your injuries are the more they cost you, the more your claim is worth. This shouldn't be construed as anyone wanting their injuries to be worse so they can get more compensation. This is our way of ensuring you that if you are struggling financially and physically, we're going to fight to get you a big compensation award.

Your next step that is vital to your case is collecting evidence. You can do this in a few ways. Following the accident, getting police on the scene to put this on their records and collect information is key. You can also do your own collection. Take the names and numbers from all witnesses. Get the name, number, and insurance information from the negligent party. Lastly, take photos and

videos of the scene. Take as many as you can. They will be great evidence for us when we approach the insurance company and ask for compensation.

With the insurance company in mind, it is important to know something about how they work. They have no intention to pay you what you deserve. It is their job to give you as little as possible. Sometimes that means trying to deny the case altogether. A step you need to take is not necessarily something you're going to do. It is something you will try not to do. You don't want to talk to the insurance company. They are going to try to ask you questions that will make you seem at fault for the accident, and keep you from getting compensation. The way compensation works in New York is that if you are found to be at fault for the accident, your award will be reduced by the percent of fault you are found at. The insurance company knows this and they will do what they can to reduce or eliminate your payment.

Your last step is going to be to hire an attorney. They will help you to accomplish all the steps that you need to get done. They will become your legal safeguard. You can tell the insurance company that you have acquired legal representation and if they have any questions about the accident, they can call your attorney. Having an attorney is not always necessary, but it is almost guaranteed that you will be getting more compensation if you have an attorney to help you through the process.

## WHY YOU NEED AN ATTORNEY

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Technically, you are absolutely allowed to bring a claim by yourself. Is it advised that you do? No. That's because these claims are complicated. The reason why lawyers take on claims such as these are because they went to school and gained experience in order to navigate the legal process better. It takes a long time to be able to get to the level of understanding personal injury that we have. If your day job does not include dealing with insurance companies, the discovery process of accidents, and negotiating to get compensation, chances are you won't be able to get the level of compensation on your own that an attorney would be able to get you. That is not an insult to anyone's intelligence. It is simply stating that these cases are difficult for those who have not studied and

practiced this work. You might not know your particular statute of limitations and end up getting barred from ever receiving compensation. You might take a call from the insurance adjuster and get tripped up while giving them a statement and end up getting blamed for the accident, again resulting in no compensation. Attorneys can help you avoid these mistakes. We are trained to deal with the difficult things. We know when the insurance company is offering you a low-ball settlement and we will push to get you every penny that you deserve for your injuries and damages. So, do you need an attorney? I would say yes. If you want full and fair compensation, an attorney is the person to help you get that. A common misconception is that attorneys are unnecessary middle-men and you'll have to pay them more than you will make. That is a thought process the insurance company will be glad you believe. It is not true in the slightest. You will walk away with more if you have an attorney to help you fight for what you deserve rather than settling for the amount the insurance thinks you'll go for.



## FREQUENTLY ASKED PERSONAL INJURY QUESTIONS

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### *What Should I Know About Hiring an Attorney?*

If you are injured in an accident in New York, it is very important that you find the correct attorney to represent you. That correct attorney is one who is an accident lawyer. That attorney shouldn't do divorces. That attorney shouldn't do wills. That attorney shouldn't do anything else but accidents. Accidents have many rules and regulations, and you want to make sure that your attorney is fully aware and has fully done all these things over the years to represent his clients and know how to protect your rights.

I myself have been doing this for 45 years. I assure you, I know a lot because I've been doing the same thing over and over again taking care of my clients

and representing them in their serious accident cases. Get someone with experience. Get someone who, when you meet, you feel at home, you feel that they'll help you, not look down upon you or not take advantage of you. It's very important to get the proper lawyer to take care of you.

## *Do I Need a Lawyer?*

A lot of people have asked me, "Why do you need a lawyer for an accident case?" I always respond in the same way, "Why do you need a surgeon for your operation?" You need a lawyer because we have been trained to protect you. We have been trained in all the laws and the regulations of New York to get every single benefit for you.

You are no match for the insurance companies. The insurance companies have one goal – to make as much profits as possible for their shareholders – and every penny they pay you is less money for their shareholders. You need a lawyer to represent you so you will get all your rights, you will get all your benefits, and you will get the top dollar that your injury deserves.

Whatever you think you can save by not having a lawyer, you will lose much more money. It is a very bad decision to do it on your own. The insurance companies will take advantage of you. You need a lawyer to protect you. You need a lawyer, experienced in accident cases, to do the best job for you.

## *What Steps Should I Take?*

Many people wonder what steps they should take if they're seriously injured in New York. The first step, after taking care of your health, is hiring an experienced attorney. That attorney will take care of all the filings and all the necessary requirements that you need once you're in an accident. There are many forms that have to get filed. There are many time deadlines on these forms. There are many things you have to do to protect all your possible rights in an auto accident case, even some you may never need.

You have to go to someone with the experience to know what should be filed on your behalf and how soon it should be filed, and to make sure it's filed long before the deadline arrives. I've seen many cases from other law firms where they miss basic rights because things were not filed appropriately and

timely. Get yourself an experienced lawyer in accident cases so you're properly protected.

## *What are Common Mistakes Made After a Personal Injury?*

The common mistakes that people make when they're seriously injured in New York are that they don't take care of their medical needs. Go to the hospital, go to a doctor, go to a clinic, and see what's wrong with you. There are many injuries that can be sustained, and it's most important you find out what those injuries are and how to treat them immediately. Too many times I find clients with broken bones, that don't realize it till the next day. This type of hesitation can delay the healing of these injuries. The minute you're injured, seek out medical help. Nothing is more important.



Another mistake that people make is that they talk to the insurance carriers. Don't talk to the insurance carriers. They're not representing you. They're not interested in your needs. They're not interested in anything that's for you. They want to save money. They want to have more profits for their shareholders. They're not there to help you in any way, shape and form. You shouldn't talk to the insurance companies, and you shouldn't fill out any forms for the insurance companies. You need to have a lawyer help you.

The last mistake is that people hire attorneys that are not experienced in injuries. You must hire an attorney who's 100% a personal injury. The attorney that will do your divorce, will do your house closing, will help prepare a will for you and do your slip and fall is not the attorney for you. You want someone who completely does only negligence, who knows all the time variations, all the rules, all the nuances to do the best possible job for you, and make you the most possible money for your injuries in the shortest period of time.

## *How Much Is My Case Worth?*

Determining the value of an injury case in New York is a very complex task. It's based on many factors. It's determined on what the injury is, what the prognosis is for your injury, and how you will be in the future. It's also determined by the liability and how the accident happened. It's a very complex type of question, and the answer can be given to you by an experienced personal injury lawyer. It's not something you need to find out on your own, it's something the lawyer needs to explain to you.

When they have money on your case, they should sit down and explain to you all the nuances of your case and say, "This is your injury: this is a good part; this is a bad part. This is the liability: this is the good part, this is the bad part. This is what they offered: this is what we think your case is worth; this is what we think you should do." Many times I tell the clients, "This is the offer. Don't take it; it's too low; we want more." Many times I tell the client, "This is a good offer. We can take a little more, maybe; let's go a little farther." Many times it's, "This is it. We're not going to get any more. Even if we try the case, I don't think we'll do better." It depends, but that's based upon the experience of the attorney. That's why it's important to get yourself an attorney who only does personal injury work and has a lot of years of experience in doing this type of law.

## *How Long Do I Have to File a Lawsuit?*

After an injury, there are time limits in which you must begin a lawsuit. The type accident determines the time limits that you have. Rather than try and learn every single possible time limit, which can be burdensome, what you should do is go out and find yourself an experienced attorney. That attorney will know all the rules. They'll know everything he has to do to protect your rights, and that attorney will protect you against time limits, such as the statute of limitations.

I do not like to play with the statute of limitations. I like to begin the lawsuit as quickly as possible, to push my clients' cases as hard as possible, to get them the maximum amount of money that they deserve as soon as possible.

# CALL OUR OFFICE TODAY

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If you are looking for strong, dependable New York personal injury attorneys, please call our office today for a free consultation. We will fight to make your claim as successful as possible. We don't go for low-ball settlements from the insurance companies when we know just how much your injuries and damages have set you back. Let us be your champions.



## ABOUT THE AUTHORS

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### *Leslie Krause*

A go-getter from the start, Leslie Elliot Krause, earned four degrees during his college years. In 1969, he received his B.B.A. from City College of New York and went on to earn an M.B.A. from Baruch College, as well as a J.D. from Brooklyn Law School in 1973. Leslie concluded his schooling in 1975 with an L.L.M. from NYU School of Law. He has passed the bar in New York, New Jersey and Florida.

After college, Leslie established himself in the law field and over 40 years ago started The Law Offices of Leslie Elliot Krause. He also became a certified accountant during this time. Leslie is a strong-willed lawyer who fights for the rights of his diverse client base.

Leslie concluded his schooling in 1975 with an L.L.M. from NYU School of Law and passed the bar in three states.



## *Stuart Glassmith*

Stuart Glassmith received his B.A. from the University of Madison-Wisconsin in 1998 and followed his passion for law to Brooklyn Law School where he earned his J.D. in 2001. Stuart has worked with Krause & Glassmith, LLP for over 15 years.

He is a hard-nosed, aggressive litigator who specializes in cases from commencement through trial. A gifted litigator and negotiator, Stuart's track record of success speaks for itself. If you are a personal injury victim, you want Stuart on your side.



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