

# LawUpdate

News from Gersowitz Libo & Korek, P.C.

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Spring 2010



**HAPPY  
ANNIVERSARY,  
GLK**

25 Years of Fighting  
for Social Justice

# LawUpdate

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## IN THIS ISSUE { SPRING 2010 }

- 3 Of Note
- 4 Motorcycle Nightmare  
GLK Wins \$9.5 Million Settlement
- 5 3 Months, 3 Verdicts
- 6 **COVER STORY**  
**GLK Celebrates 25 Years of Fighting for Justice**
- 8 Yasmin, Yaz & Ocella  
What Every Woman Needs to Know
- 9 Our Winning Team
- 10 Community Outreach  
The Gardiner Foundation
- 11 Settlements & Verdicts

LawUpdate is a publication of  
Gersowitz Libo & Korek, P.C.  
of New York, NY.

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Dear Readers,

Gersowitz, Libo & Korek, P.C. is celebrating 25 years of fighting on behalf of victims of negligence. Over the years our firm has grown, offices have moved, and major cases have been won or settled with tremendous success. Our firm's profile has soared as our partners receive countless accolades, while continuing to anchor ourselves in the community in support of wonderful organizations such as the Gardiner Foundation. As we look back at our 25 years of history what we are most proud of is not our success as measured by the size of our firm or its offices, but by the adherence to our core principles and values that guide us as we stand up for those who need a voice for justice.

As you read through this edition of LawUpdate you will find some interesting history behind GLK, including significant wins, the growth of our firm, and our decision to keep our offices downtown in the wake of the September 11th tragedy in solidarity with our local business community. You will also find a look ahead to future cases, our increased community involvement and continued sponsorship of the Gardiner Memorial Basketball Classic, as well as the newest news on our partners, the firm, and important information you need to know about the law.

As always, we see this publication as an opportunity to reach out to the extended Gersowitz Libo & Korek, P.C. community and we welcome any responses, comments, or suggestions to help us better serve you.

Sincerely,  
Gersowitz Libo & Korek, P.C.

## OF NOTE

### GLK Supports Relief Efforts in Haiti

This year tragedy struck Haiti as a record earthquake left many of its citizens homeless and coping with the loss of countless loved ones. Gersowitz, Libo, & Korek, P.C. is first and foremost a firm dedicated to helping people in need and offering a voice to the voiceless. We represent people who have suffered needlessly in New York and New Jersey, but we are also moved to reach outside of the New York area and act in the wake of this tragic earthquake that has left an untold number of Haitians in dire circumstances.



Gersowitz Libo & Korek, P.C. is helping the relief effort in a few different ways, from individual decisions to help the relief effort by members of the firm to a larger, firm-wide initiative to raise and donate funds in support of Doctors Without Borders, a trusted disaster relief organization doing wonderful work in Haiti. GLK thanks the numerous volunteers at Doctors Without Borders for their dedicated, selfless, and important service to the people of Haiti who are coping with the effects of this disaster. If you would like to join the effort, please visit <http://www.doctorswithoutborders.org> for more information. Our heart goes out to the people of Haiti and we thank all of our friends and family who are joining in the relief effort.

### New York Super Lawyers 2009



Gersowitz Libo & Korek, P.C. is proud to announce that Andrew L. Libo and Jeff S. Korek were named by Super Lawyers magazine as two of the top lawyers in the New York metro area. A publication of the journal Law & Politics, Super Lawyers conducts a rigorous analysis of lawyers across the country to find the best lawyers based on peer review, published articles and many other criteria.

## HAVE QUESTIONS?

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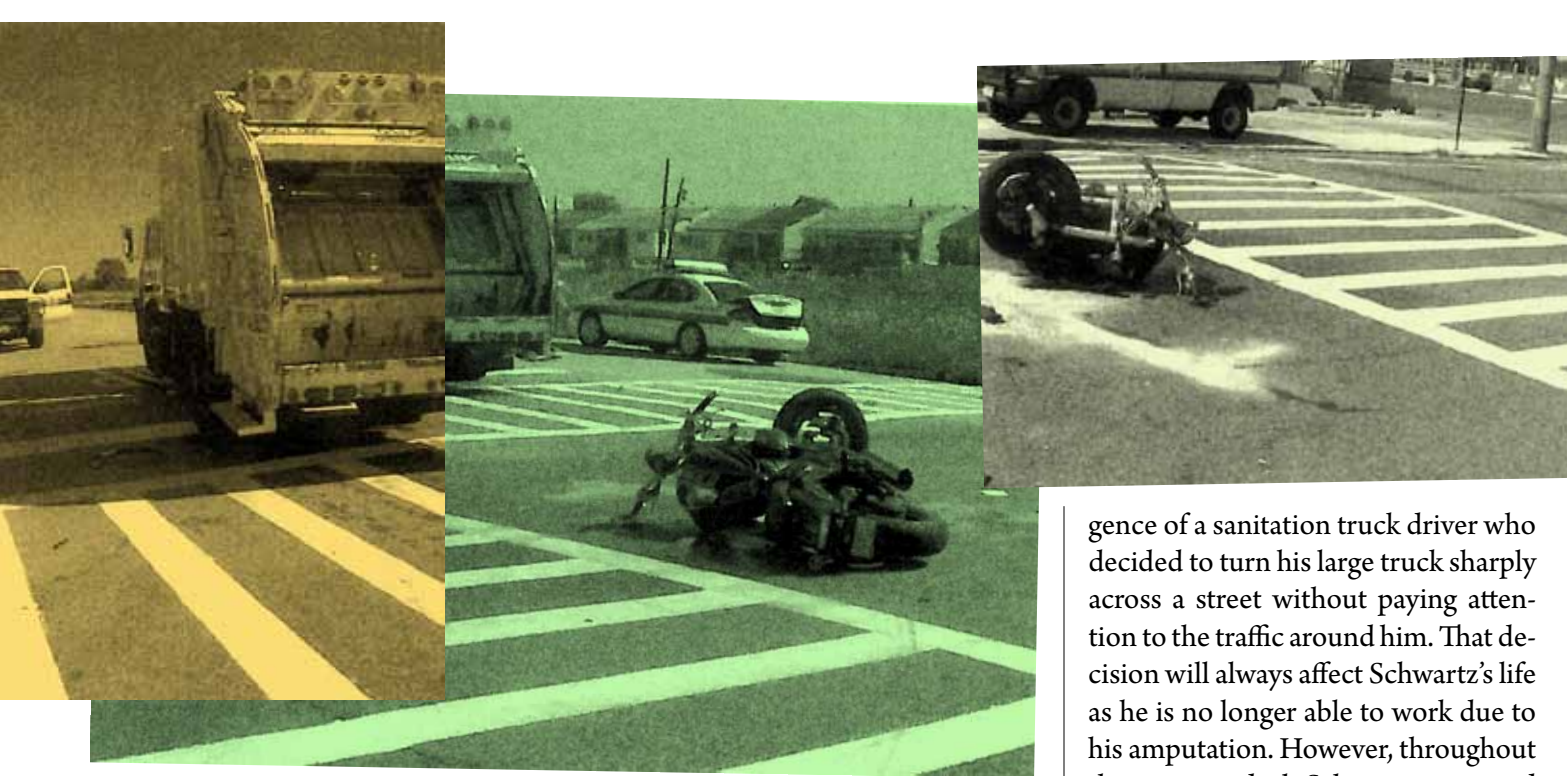
Contact us at [info@lawyertime.com](mailto:info@lawyertime.com) with questions or concerns.

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*"Each time a person stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, these ripples build a current that can sweep down the mightiest walls of oppression and resistance."*

**ROBERT F. KENNEDY**



## MOTORCYCLE NIGHTMARE

### GLK Wins \$9.5 Million Settlement

A Long Island construction foreman and father spent 30 days in a coma, lost his left leg up to his hip after undergoing a hip disarticulation, and required extensive surgeries after his motorcycle collided with a New York City Department of Sanitation truck that took an abrupt turn. Gersowitz, Libo & Korek won a \$9.5 million settlement for him after he sued the City of New York and the New York Department of Sanitation for pain and suffering.

Our client Meir Schwartz, now 27, was riding his motorcycle down Beach Channel Drive in Queens when an eyewitness saw a sanitation truck operated by a sanitation employee suddenly make a left hand turn, causing our client to crash into the truck. Our client suffered a medically induced month-long coma. In addition to the

coma, he had severe injuries throughout his body resulting in 15 surgeries, including a left hip disarticulation, in which his left leg and thigh were amputated.

Schwartz turned to GLK for help and was represented by Jeff S. Korek and Andrew L. Libo. Korek and Libo tried the case for three weeks before state Supreme Court Justice Peter Kelly before it went to a jury. As the jury deliberated, Libo and Korek were able to negotiate the settlement for a \$9.5 million win for Schwartz.

"I'm thankful for this settlement and for the support of my friends and family," Schwartz said. "I try to never let the pain get me down and just focus on how I can overcome obstacles, be here for my family, and live my life as best I can."

Schwartz is the victim of the negli-

gence of a sanitation truck driver who decided to turn his large truck sharply across a street without paying attention to the traffic around him. That decision will always affect Schwartz's life as he is no longer able to work due to his amputation. However, throughout the entire ordeal, Schwartz remained positive and served as an example of inspiration for everyone on the GLK team.

"Meir is a hardworking citizen who faces an uphill battle to get through every day due to the negligence of another," Mr. Libo said. "But, he gets through every day with an incredible attitude that is truly inspiring."

Unfortunately, accidents like the one Schwartz found himself in happen far too often. GLK is dedicated to helping victims like Meir Schwartz get the compensation they deserve when they are injured by someone else's negligence.



## 3 MONTHS, 3 VERDICTS, LESS THAN 3 HOURS OF DELIBERATIONS AND OVER \$9 MILLION

Within a three month period in 2009, Gersowitz Libo & Korek P.C. successfully tried and won three cases totaling over \$9 million in awards. GLK won \$5 million for a Connecticut business owner who was rear-ended by a tour bus in the Lincoln Tunnel, \$3 million for a married man and father to two adopted children who suffered severe injuries after medical tape was left inside him after surgery, and almost \$1.1 million dollars for a 25 year old woman who suffered serious complications after a botched gall bladder removal.

David Goodwick, former CEO of Leverage Marketing Group of Connecticut, suffered life altering injuries from a mild traumatic brain injury (MTBI) sustained when a tour bus crashed into the car he was a passenger in from behind. Faced with the reality that he no longer possessed the necessary skills to hold a job, much less run his own company, Mr. Goodwick came to GLK for help. Understand-

ing the trauma he suffered from the negligence of others, Jeff S. Korek and Stacey T. Sokol tried Mr. Goodwick's case in front of the Supreme Court of the State of New York, County of New York. The jury swiftly returned with a verdict awarding Goodwick \$5 million.

In 2002 a married man with two adopted children received news no father of two ever wishes to hear when he was diagnosed with prostate cancer at the age of 52. While the prostate and cancer were removed, a piece of umbilical tape was left behind. The tape left inside of him caused a host of medical problems including: bladder neck contractures and strictures, urinary incontinence, urinary retention, and debilitating pain and discomfort.

After years of anguish, 16 surgeries, and an artificial sphincter, he turned to the medical malpractice law expertise of GLK to seek justice. Jeff S. Korek handled the case for him, which

was tried before Justice Geoffrey Wright in the Supreme Court, Bronx County in July of 2009. Thanks to the hard work of GLK, the jury awarded the victim \$3 million dollars.

GLK also won almost \$1.1 million for a 25 year old woman who worked as a teacher and counselor to young children. Unfortunately, a routine surgery resulted in serious complications due to the negligence of her doctor. GLK understood the severity of her injuries and tried the case for a verdict win that amounted to four times the typical amount awarded and five times the best offer made by the defendant.

In all three cases, each of the verdicts was returned in less than an hour of deliberation. In just three short months, and less than a total of 3 hours of jury deliberations, GLK won over \$9 million dollars for individuals who suffered injuries due to someone else's negligence.



*Gersowitz Libo & Korek, P.C., is a proud sponsor of Hoops 4 Hope.*

*Hoops 4 Hope is a not-for-profit organization that supports youth development in Zimbabwe and South Africa by working with schools, shelters, and community organizations.*

*For more information, visit [www.hoopsafrica.org](http://www.hoopsafrica.org).*

# GLK CELEBRATES 25 YEARS OF FIGHTING FOR JUSTICE

## COVER STORY

In 1984 Andrew L. Libo and Edward H. Gersowitz founded Gersowitz & Libo, P.C. after successful careers working with the legendary F. Lee Bailey and Aaron J. Broder. As the firm grew over the years, Jeff S. Korek left a Wall Street defense firm to join the firm as a named partner in 1992. Now, Gersowitz Libo & Korek, P.C. celebrates 25 years of standing up for people who have suffered from the negligence of others.

“We founded the firm 25 years ago based upon the goal of offering the best legal services to people suffering from the negligence of others,” Libo said of founding the firm with Gersowitz. “I am so proud that after all of these years our values have not changed as we continue to represent those who need it most.”

GLK has successfully won and settled some of the highest profile cases in New York and New Jersey, leading to a number of accolades from professional law associations and other lawyers across the country.

“Our lawyers are the best in their fields and are consistently recognized with honors and awards,” added Gersowitz. “We have successfully taken on big names and successfully settled and won these cases because of the extremely talented lawyers at all levels of our firm.”

This year marked the 6th consecutive time Korek was named as one of New York’s “Super Lawyers.” Partner Andrew Libo was also given the same honor. The honor is determined by a survey of New York lawyers in each respective field of practice. Korek was also named one of New York’s “Best Lawyers” earlier in 2009 in New York Magazine for the 5th consecutive year.

Korek also served as President of the New York State Trial Lawyers Association, (NYSTLA) in 2008. As President, he worked to successfully get the “No Prejudice Bill” signed into law. The No Prejudice Bill prevents insurance companies from saying you are not covered if there is no harm to them.

“All of us at Gersowitz, Libo & Korek take protecting people’s rights

seriously,” Korek said. “We care about the people we represent, the communities we live and work in, and making a difference in the lives of both. This commitment to our community and the people we serve are the driving values to our success.”

GLK’s success stems from the excellent, passionate lawyers that make up the GLK family. Over the years, the family has grown including the addition of Michael Fruhling in 1991, who became a partner in 1999. Associates Stacey Sokol and Jennifer K. Fink each joined the firm in 2007, followed by GLK’s newest Associates Brielle C. Goldfaden and Nicolas Bagley in 2009.

As GLK’s reputation grew over the years, so did its need for space. The firm’s first office location was at 333 Seventh Avenue in New York. In 1989 GLK moved to 56 Thomas Street until 1991 when it relocated to 299 Broadway, suite 702. Finally, in 1995 GLK settled in our current home of 15 years in Downtown Manhattan at the Trinity Building location at 111

Broadway. In our current building, the firm started out on the 12th floor, and eventually expanded, taking over

“We founded the firm 25 years ago based upon the goal of offering the best legal services to people suffering from the negligence of others.”

— ANDREW L. LIBO

the annex on the other side of the building to accommodate its growth.

“Our expansion at 111 Broadway is actually rather important as it highlights an important decision we made as a firm to stay downtown after September 11th,” remembers Michael Fruhling. “We expanded a few years later, growing as a firm in solidarity with the downtown business community which went on to thrive despite the tragedy.”

It was actually shortly after the 9/11 terrorist attacks that GLK’s lease

was up at 111 Broadway. The firm had to make a decision of whether or not to stay in the neighborhood and it certainly would have been understandable for the firm to find a new location. However, after discussing the best option, GLK decided it was important to remain in the area and be a part of the post 9/11 revitalization of the downtown business community. In 2005, four years after the attacks, the firm expanded into the annex and remains proud of its decision to renew its lease and stay in downtown Manhattan.

GLK has a long history of supporting the community. Among the community activities the firm engages in is the support of the Gardiner Foundation, an organization in the Bronx dedicated to offering support for families suffering from the loss of loved ones. In 2009, GLK sponsored the 4th Annual Gardiner Memorial Basketball Classic which brought together talented players from across the country, provided thousands of dollars in scholarships and laptop computers for student athletes, and offered comfort to families who had recently lost loved ones. The event was such a success that GLK proudly announced they would sponsor the tournament

again in 2010.

In many ways, the firm’s sponsorship of the Gardiner Memorial Basketball Classic is reflective of the core values of GLK that have been strong for a quarter of a century. Not only did the firm offer the financial support to produce the event, give the scholarships, and even feed hundreds of people, but the firm came out in full to participate in the weekend long event.

Attorneys Gersowitz, Libo, Korek, Fruhling and the rest of the firm sported “Team Lawyertime.com” jerseys and some even took to the court to play ball. Their families came out to help, offer moral support, and make some lasting friendships in the well known St. James Park in the Bronx over a beautiful weekend. Whether on the court or in the court, GLK is working hard for community members suffering undue pain and anguish, and has been for 25 years and counting.

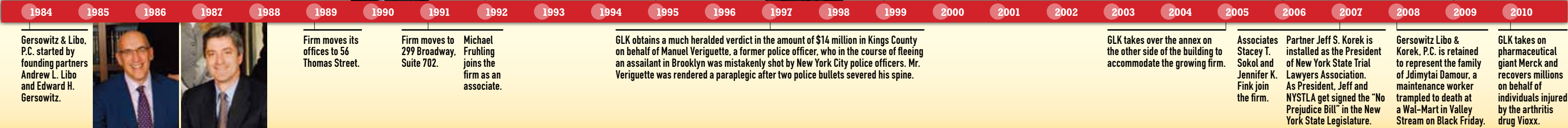
## Gersowitz Libo & Korek, P.C. THE FIRST TWENTY-FIVE YEARS



Jeff S. Korek leaves a Wall Street defense firm to join Gersowitz Libo & Korek, P.C. as a partner.



Michael A. Fruhling becomes a partner.



# YASMIN, YAZ & OCELLA

## What Every Woman Needs to Know

Yasmin and Yaz, two popular oral birth control pills are taken by women throughout the country to prevent pregnancy. Manufactured by Bayer HealthCare Pharmaceuticals, Yasmin was approved by the Food and Drug Administration (“FDA”) in 2001 and Yaz was approved in 2006. Ocella, manufactured by Barr Laboratories, is the generic version of these drugs. As a result of its aggressive marketing campaigns, Yaz and Yasmin have become the top-selling oral contraceptives in the United States.

Despite Yasmin and Yaz’s widespread use, many women do not realize that these drugs have been linked to serious side effects including strokes, pulmonary embolisms, heart attacks, blood clots and gallbladder problems.



Yasmin, Yaz and Ocella are combination birth control pills that contain both the hormones estrogen and progestin. These drugs contain the progestin known as drospirenone (“drsp”) which has been linked to an

increase in patients’ risk of blood clots and other related events.

While Yasmin, Yaz and Ocella are still on the market, the FDA has issued several warning letters to the manufacturer of Yaz and Yasmin after finding that several of its advertisements minimized the health risks associated with these drugs and made false claims regarding the benefits of the drugs.

Lawsuits have been commenced throughout the country on behalf of women seriously injured after taking Yasmin and Yaz. If you or a loved one has suffered any adverse effects after taking Yasmin, Yaz or Ocella, please call Gersowitz Libo & Korek, P.C. for a free consultation.

*This newsletter is dedicated to providing public information regarding Yaz, Yasmin and Ocella lawsuits. None of the information on this site is intended to be medical advice. If you have medical questions regarding Yaz, Yasmin or Ocella, please contact your doctor.*

# OUR WINNING TEAM



**Alexis Ramos** has been with Gersowitz Libo & Korek, P.C. for 2 years. As a legal assistant, he works closely with the attorneys and staff, assisting them on a variety of legal matters. Alexis grew up in Puerto Rico where he attended the University of the Sacred Heart. He presently resides in Manhattan and is a fluent Spanish speaker.



**Teuta Zoto** began working at Gersowitz Libo & Korek, P.C. in June of 1998 as the office bookkeeper. In 2009, Teuta was promoted to her current position as comptroller of Gersowitz Libo & Korek, P.C. and oversees the daily accounting of the firm. Teuta emigrated from Albania 15 years ago and presently resides with her husband and son in New Jersey. Teuta is active in the Albanian community and plays the violin.



**Nicolas Bagley** was born and raised in Brooklyn, New York and currently resides in Westchester County, New York with his wife and two small children. Nicolas is a graduate of New York University and received his law degree from Brooklyn Law School in 2007. Prior to joining GLK he worked at Wilson Elser where he represented area hospitals and physicians in medical malpractice actions. He is an avid basketball and volleyball player and is interested in the area of veteran’s benefits rights issues.



**Gersowitz Libo & Korek, P.C. is proud to announce that associate Stacey T. Sokol and legal assistant Edgar Daniels completed the New York City Marathon on November 1, 2009. Both Edgar and Stacey ran the marathon for the first time this past year. The New York City Marathon, one of the world’s premier road races, receives approximately 100,000 applications annually and is broadcast world wide. Congratulations to Stacey and Edgar on a job well done!**

Andy, Jeff, & Ed in Israel – 12/09

Community Outreach in Belize – 11/09

Gardiner Hoops – 8/09

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# THE GARDINER FOUNDATION

## Save the Date!

Gersowitz Libo & Korek, P.C. will be sponsoring the Annual Gardiner Foundation Memorial Basketball Classic Tournament for the second year in a row this summer. The Gardiner Foundation, a non profit organization, was established in 2006 by Dexter Gardiner in memory of the tragic and devastating loss of six of his family members in a horrific car accident. The Gardiner Foundation has embarked on a community outreach initiative that offers a variety of support to community members experiencing various social, spiritual and financial needs incurred after the loss of a loved one.

Since its inception, the Gardiner Foundation has been able to successfully raise enough money for three scholarship grants for students entering their freshman year of college, and each year hosts an annual charity basketball tournament, which includes live entertainment, food, music, media coverage, and appearances from community leaders and elected officials.

Saturday, August 14th and Sunday, August 15th the Gardiner Foundation will be celebrating its 5th Annual Gardiner Foundation Memorial Basketball Classic Tournament in St. James Park, 2530 Jerome Avenue at 192nd Street, in the Bronx from 10 a.m. to 8 p.m. In addition to off the hook basketball talent, the event will include a memorial service in honor of those who have tragically lost a loved one.



### 2010 GARDINER FOUNDATION MEMORIAL BASKETBALL CLASSIC TOURNAMENT

August 14–15, 2010  
St. James Park, 2530 Jerome Ave. at 192nd St.

Train: #4 or D train to Fordham Road or Kingsbridge Road

Driving: Take the Major Deegan Expressway to the Fordham Road exit. Make a right on Fordham Road. Continue east on Fordham to Jerome Avenue. You will see the elevated subway. Make a left on Jerome Avenue to 192nd St. Go about 1.5 blocks. The facility is on your left, located inside St. James Park.

#### GLK COMMUNITY OUTREACH

#### Some of the organizations we are proud to be affiliated with:

American Jewish Congress	Maryhaven Center of Hope
Southampton Hospital	National Reye's Syndrome Foundation
The Gardiner Foundation	Autism Speaks
Helen Keller Services for the Blind	Revlon Run/Walk
Immaculate Conception School	Southern Poverty Law Center
Hoops 4 Hope	The NYC Chapter of
Make a Wish Foundation	Leukemia & Lymphoma Society
Memorial Sloan-Kettering Cancer Center	WORC Geraldo Rivera Tennis Classic

# SETTLEMENTS & VERDICTS

## Recent Wins from GLK

**Motor Vehicle/Sanitation Truck** — A settlement during trial was reached in the amount of **\$9.5 million** in Queens County on behalf of a 23 year old real estate project manager and father who was struck by a sanitation truck while riding his motorcycle. Our client was required to undergo an above the knee amputation, also known as a left hip disarticulation. He underwent 15 surgeries related to this incident.

**Motor Vehicle/Commercial Bus** — A jury returned a verdict in the amount of **\$5 million** in New York County on behalf of a 48 year old advertising executive who was a passenger in a motor vehicle which was rear ended by a commercial bus. As a result of the accident, our client suffered mild traumatic brain injury.

**Medical Malpractice/Foreign Body** — A jury returned a verdict in the amount of **\$3 million** in Bronx County on behalf of 52 year old married father of two. During a radical prostatectomy, the doctor and surgical team assisting in the procedure failed to ensure that all of the surgical tools used during surgery were accounted for. As a result, they left a piece of umbilical tape inside our client's body at the end of the procedure. Our client suffered urinary problems as a result of this and was forced to wear adult diapers for a period of time. Our client also underwent 16 separate procedures to correct the mistake, one of which included the permanent placement of an artificial sphincter.

**Motor Vehicle/Illegal U-Turn** — A settlement in the amount of **\$1.2 million** was reached in Middlesex County, New Jersey on behalf of our client, a 49 year old man who sustained injuries after his vehicle was struck by a commercial vehicle which made an illegal u-turn into his lane of travel. Our client suffered a right thigh bone fracture and a right hip fracture as a result of the accident. Our client underwent three surgeries related to this incident.

**Medical Malpractice** — A jury returned a verdict in the amount of **\$1,064,820.60** in Kings County on behalf of a 25 year old schoolteacher whose doctors negligently per-

formed surgery to remove gallstones. The surgeon mistakenly cut our client's bile duct and she subsequently developed septicemia.

**Motor Vehicle/Pedestrian** — A settlement in the amount of **\$1 million** was reached in Bronx County on behalf of our client, a 55 year old woman whose foot was run over by a motor vehicle. Our client sustained a crush injury to her foot, a lisfranc fracture and subsequent arthritis as a result of the incident.

**Medical Malpractice/Abdominoplasty** — A settlement in the amount of **\$950,000** was reached in New York County on behalf of a 55 year old corporate executive. Our client's doctor negligently performed an abdominoplasty and liposuction on our client. As a result of the incident, our client underwent skin grafting and reconstructive surgeries for her injuries and suffers permanent scarring.

**Medical Malpractice/Erbs Palsy** — A settlement in the amount of **\$885,000** was reached in Broome County on behalf of a 5 year old child who suffered a left brachial plexus injury, also known as Erbs Palsy, during birth. Erbs Palsy, a nerve injury, results in serious symptoms including limpness and loss of function in the arms and hands.

**Motor Vehicle/Snow Plow** — A settlement in the amount of **\$650,000** was reached in Rockland County on behalf of a 58 year old computer executive who was struck by a snow plow which backed up into him. As a result of the incident, our client underwent surgery to repair a fractured humerus.

**Medical Malpractice/Wrongful Death** — A settlement in the amount of **\$650,000** was reached on behalf of the estate of a 75 year old mother and grandmother who died as a result of complications arising during an upper endoscopy. The doctor failed to perform a proper pre-operative evaluation and the anesthesiologist failed to properly monitor our client during the procedure. As a result, our client suffered cardiopulmonary arrest and died.

**Premises/Icy Sidewalk** — A settlement in the amount of **\$240,000** was reached in Bronx County on behalf of a 35 year old assistant manager who slipped on ice which was allowed to collect on a sidewalk. Our client suffered a fractured right ankle as a result of the incident which required surgery.

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## FREQUENTLY ASKED QUESTIONS

of Gersowitz Libo & Korek, P.C.

### *Will I have to go to Court?*

Possibly you will – but not necessarily. Nearly all cases are settled out of court, sometimes during a trial, often before it begins.

### *Why do you so frequently win favorable settlements?*

Because we always deal from strength, never from weakness. We're always prepared to go to trial. The defendant knows about our years of experience and, sooner or later, understands how well prepared we are. There is no guarantee, of course, but at the right point a favorable settlement becomes more likely.

### *Why can't my other lawyers handle my case?*

They know that the practice of our firm is focused entirely on personal injury law, on recovering damages for people who are harmed because of someone else's negligence. Lawyers know our reputation

and our record of success. They have confidence that we will serve you well. Gersowitz Libo & Korek, P.C. has a wide reputation as lawyers' lawyers. They look to us for this work alone. You look to them for all your other legal needs.

### *Will I have to take the witness stand? Will the other lawyer attack me and try to break me down in cross examination?*

Please understand: you are the victim in this case, and we will represent you. The process of winning compensation for what has been done to you should not be painful, and, for the vast majority of plaintiffs-it is not. Courtroom dramas on television are not real life. They are exaggerated for dramatic effect. Even actual televised trials are most often selected because they are sensational. In actuality, there is a plaintiff, a defendant, a judge and usually a jury in the courtroom. If the case is tried, the judge and jury are sworn

to do what is right. Jurors are people like you, and they do not like lawyers abusing witnesses.

### *Can I afford your services?*

You certainly can. We work on a contingency basis. What that means, in simple terms, is you pay no legal fees unless you win an award, either through settlement or trial. We make the full investment of money and time to win justice for you. If we succeed on your behalf, we are paid a percentage of the award-and that sum is regulated by Court rule. We are also reimbursed for our expenses. What is most important is this: We have never lost a case for lack of money or professional time, and we never will.

### *Suppose I've been referred by another lawyer or law firm.*

### *Does that mean my case is going to cost me more money?*

Absolutely not! Many of our clients are referred to us by other lawyers. It is these lawyers who pay our fee.

For more information, visit:

**LAWYERTIME.COM**