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SPRING
2016

Hello again!

We are restarting our newsletter because we care about your family's security and well-being.

In each issue, we'll give you valuable information that will help keep you and your family safe and healthy, and what your rights are if you or a family member is injured as a result of the negligence of another. Our newsletter will also provide you with useful information regarding your insurance coverage and what to do if you have a claim.

Should you or a loved one suffer personal injury or have an issue with your insurance company, you'll learn a lot here about what your legal options and remedies may be.

We hope you enjoy this newsletter. We have prepared it with the same personal and professional touches that you feel when you visit our practice.

We also thank those who ask us to represent their legal needs and those who recommend us to others. We hope you'll share this information with relatives, friends, and colleagues.



Eric H. Luckman

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FOUR REASONS WHY home insurance claims get rejected

After filing a claim for homeowner's insurance, if your claim is denied, chances are good that it was for one of these four reasons:

1. LAPSED POLICY

If you didn't pay your premium, you have no insurance. Consider setting up automatic payments or, if that isn't possible, create a calendar entry before premiums are due on your PC or smartphone so you are alerted.

2. INSUFFICIENT COVERAGE

Many people find that when the time comes to make a claim, their coverage isn't as good as they thought. It pays to take the time to discuss your needs in detail with an insurance agent.

3. LACK OF EVIDENCE

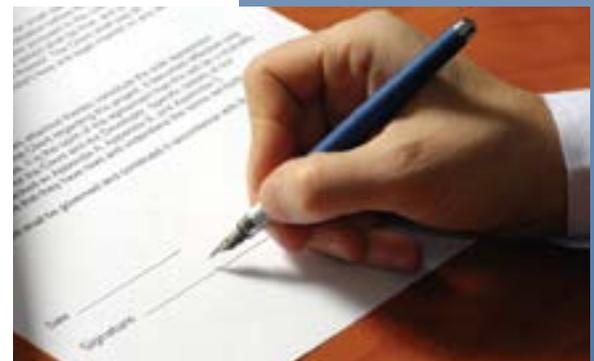
Whether your claim stems from an accident, theft, or leak, take photos and video of the damage and the cause. Get reports from the police, witnesses, and contractors regarding your

claim. If your home is inhabitable, be sure to keep receipts for living expenses.

4. LACK OF MAINTENANCE

Insurance is meant to cover sudden damage from a known source; it is not a substitute for home maintenance and care. For example, if a windstorm rips off your front porch, it would be covered under most policies; however, if an inspector sees that the porch was badly rotted to begin with, your claim will likely be denied.

If your claim has been denied and you feel that you have a case, every state has an insurance department set up to assist residents in the claims. A qualified attorney can also help you recover damages.



Legal news you can use.

CONSULTING WITH A LAWYER ABOUT A CAR ACCIDENT?

Here's what they are going to want to know...

After an auto accident, if you are able, it is vital to write down and record everything you can remember while it is fresh in your mind. Take photos and video of the accident scene, vehicles, injuries, etc. While the trauma of an accident may make it seem as though you could never forget exactly what happened, the details will slip away.

□ WHO

An attorney will want to know who was involved in the accident, if the police were there, and if there were any witnesses.

□ WHAT

What happened and how? It's likely that everyone involved will have a slightly different story; that is why it is vital to write down, draw, photograph, and record anything that might be helpful in showing what happened.

□ WHEN

Know the date and the time of your accident. If you were taken to the hospital or a doctor's office, be prepared to say when you went and how you got there.

□ INJURY

Tell your attorney about all your injuries that were a result of the accident or worsened by the accident.

□ MEDICAL EVIDENCE

Aside from a police report and photos and/or videos of the accident scene, submit any diagnostic testing (X-rays, MRIs, etc.) or medical records that support your claim. Keep note of how your medical condition affects your everyday life. If your doctor believes that an injury is permanent, be sure your attorney is aware.

□ ADMISSION OF GUILT

If the other driver apologized for the accident, tell your attorney. If you are in an accident in the future and the driver admits fault, be sure to tell the police so that they can note it in their report.

□ INSURANCE

Provide a copy of your policy and the insurance information of other drivers involved in the accident.



The role of insurance adjusters in a personal injury case

"Insurance adjuster" is a rather pleasant-sounding title, but these professionals are tasked with finding the weak spots in a claimant's medical evidence and testimony. Even if your case seems solid, they will be hard at work trying to disclaim and find inconsistencies in the evidence you present. While their goal may not be to personally sabotage you, they are hired to save the insurance company as much money as possible by devaluing a claim to reduce the settlement you get.

How do they do this? An adjuster looks for medical evidence and opinion to support every detail of the claim. If you claim that an injury is permanent, they look for medical evidence that says so specifically. For example, if a claimant says they have catastrophic and life-changing injuries, but their medical bills are less than \$10,000, an adjuster will point out that the amount paid for care isn't consistent with a life-changing injury. An adjuster will also pore over your testimony and look for inconsistencies in information that you provided regarding the accident.

What can you do? Don't give the adjusters anything to work with. Stick to the facts and don't offer any more information than asked regarding the accident, get medical treatment right away, go to all follow-up appointments, follow the prescribed treatment plan, have your attorney submit the appropriate paperwork for claims, and keep a journal of how your condition is progressing and how it is impacting your day-to-day life.



RECALLS

Spring is a great time to make sure that recreation and leisure goods in your home are still in good shape for the season ahead. The following items have been recalled for safety reasons:

Cannondale Mountain Bicycles

The OPI stem/steering tube assemblies can fail, posing a risk of injury from a fall. Consumers can contact the Cycling Sports Group at 800-BIKE-USA (800-245-3872), by email at custserve@cyclingsportsgroup.com, or online at www.cannondale.com; click “Recall Information.”

Madewell Women’s Sandals

The metal shank can dislodge and break through the bottom of the outsole, posing a fall hazard. Consumers can contact Madewell Inc. at 866-544-1937, email 24-7@madewell.com, or go online at www.madewell.com; click on “Important Safety Notice.”

IKEA PATRULL Nightlight

The nightlight’s plastic covering can detach and expose electrical components, posing an electrical shock hazard. Consumers can contact IKEA at 888-966-4532 or online at www.ikea-usa.com; click on “Press Room” at the bottom of the page, then “Product Recalls.”

Ramart Swing Chair Sold Exclusively at HomeGoods Stores

The swing chairs can tip over, posing a fall hazard to consumers. Consumers can contact HomeGoods at 800-888-0776 or online at www.homegoods.com; click on “Product Info/Recalls.”

Apple Beats Pill XL Speaker

The battery can overheat, posing a fire hazard. Consumers can contact Apple Inc. online at www.apple.com or www.beatsbydre.com or www.apple.com/support/beats-pillxl-recall, or contact Apple Support at 800-275-2273.

View all U.S. government recalls on Recalls.gov.

Sometimes, settling is a good thing!

All your life, you’ve probably been told to never settle. Usually it is good advice, but when two parties reach a fair settlement outside of court, it’s a good thing. Settling a case can be beneficial to both defendant and plaintiff. The defense avoids the legal costs of going to trial, avoids paying punitive or pain and suffering damages, and avoids unwanted publicity, typically negative, that goes with a trial. The benefits to the injured party include a guaranteed award, which may not happen in the courtroom.

Here are a few tips to consider when settling a case:

- ➔ **Get an attorney.** Having an attorney negotiate a fair settlement is key to getting the money you need to pay for past, present, and future costs related to an accident or event. An attorney is also familiar with tactics used to avoid payment—for example, extending the process of settlement beyond the statute of limitations for filing a lawsuit. Without the threat of legal action, there is little reason to offer any kind of payment for damages.
- ➔ **Be flexible.** Your attorney will help you come up with a fair settlement amount, but things may change. Perhaps the claims adjuster for the defense points out a few weak points in your claim that you hadn’t considered. Likewise, you may discover evidence supporting your claim after a demand letter has been sent.
- ➔ **Don’t accept the first offer.** It is typically a flat-out denial of your claim or it is low. In these cases, ask for reasons why the offer is low or was denied so that a proper response can be made.
- ➔ **Show your cards.** Settlement amounts typically don’t take into consideration things that don’t have a monetary value—pain and suffering, for example. But nonetheless, the defense still needs to be aware of these issues, especially when there is strong physical evidence that supports your claims.
- ➔ **Get it in writing.** Send a confirmation letter as soon as an agreement is reached.



What is a deposition?

In the course of a personal injury case, the plaintiff and witnesses may be asked to give sworn testimony for use as evidence or as discovery (the process where each side gathers information to create a case). This is called a deposition. During a deposition, one is under oath, just as if he/she were in a courtroom, and the testimony is recorded, usually by a court reporter who prepares a transcript of the deposition, but sometimes by video.

Plaintiffs should keep in mind that a deposition is asked to build the defense's case. They will not ask questions or try to gather information that would hurt their case. For this reason, it is very important to just give brief answers and to always consult with your attorney before giving a deposition. They can teach you how to word answers so they can't be used against you.

After the transcript or video is prepared, all parties are given the testimony to review. An attorney should be able to tell whether a witness will be helpful or harmful to a personal injury case and will plan your case accordingly. In addition to pretrial discovery, depositions may be used in court as evidence and may be available as part of the public court record after a trial ends.



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