

Caution, Caution . . .

Social Media Can Bite Back

by John J. Speicher,
Shareholder

Over the past 10 years or so, the ways people communicate have drastically changed based on emerging social media technology. Today, emails, text messages and blogs are replacing a telephone call or friendly conversation over a cup of coffee. Many people feel the need to post the most mundane aspects of their lives on Facebook and Twitter. But while something that you post on Facebook or text to another person may be harmless, if you get involved in litigation today, all that you have recorded on your computer, iPad or cell phone may very well be discovered by your opponent and viewed by a jury. Sending a text describing how you are feeling physically or emotionally, could come back to haunt you in a lawsuit. For example, a text telling your best friend that you just spent a weekend in New York City two months after a car accident is not going to be consistent with claims that your injuries were so severe that you lost the ability to enjoy your daily activities. A person who claims that she is no longer able to carry grocery bags would be rightfully embarrassed when pictures from Facebook are produced at trial showing her carrying her two grandchildren with relative ease. Try as you may to explain the photograph away, evidence like that gives juries a reason to question your honesty.

In business, email communications within the office developing strategies against a competitor or even a troublesome employee may all be discoverable. An inappropriate comment made at the end of the busy day will cast you in a negative light when a jury gets to read an email you wished you had never sent. Attempts to erase negative or inappropriate emails will only dig a deeper hole for you and could result in monetary sanctions being imposed against you by a judge.

Of course, we're not suggesting that people abandon modern technology. We use it every day ourselves. But you should consider that everything that you put out through a text, Facebook or email really never goes away. What you record one day can come back to hurt you on another. Discretion, reflection and a little caution are definitely important before you press that "send" button.



PHOTO BY ZELFF



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My Perspective An Honor and a Privilege

■ Representing clients who have lost a loved one or have been seriously injured as a result of another's negligence is an honor and a privilege. It is a job that we take very seriously. In order to do it properly, it is important for us to not only understand the physical and emotional injuries suffered, but also how the lives of all affected have been changed. Medical expenses, loss of income and other out-of-pocket expenses related to the accident are compensable under Pennsylvania law. It is our job to ensure that, in addition to being compensated for the tremendous pain and suffering and loss of enjoyment of life's pleasures, our clients get reimbursed for all of their monetary loss. We settle no case until that occurs.

From the very beginning of each and every case, our clients know that we will fight for them. Throughout a case, we are in constant communication with our clients and fully appreciate what they are going through. Although we cannot undo the accident or heal their physical and emotional injuries, we can and do empathize with their plight and help them to achieve all the justice to which they are entitled under the law. This is our promise to everyone we represent.

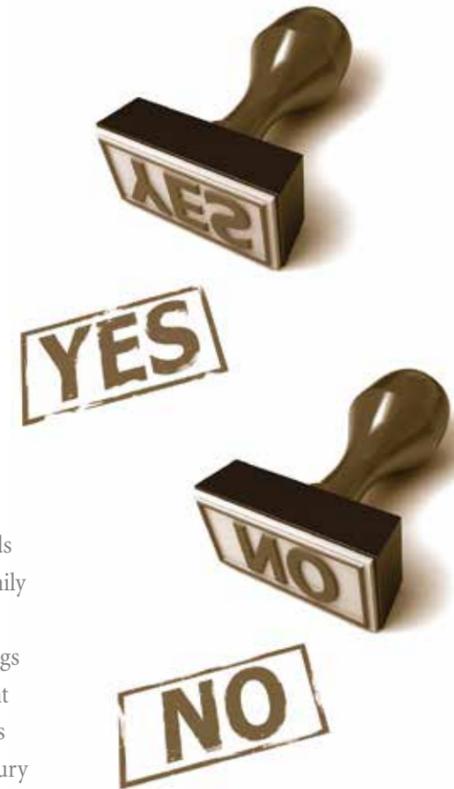
Kenneth Millman
Kenneth Millman, Shareholder

Know Your Needs First Party Special Needs Trusts

■ In the aftermath of an accident, many people enroll in programs like Medicaid and SSI for support until their cases resolve. And even after their cases end, they may still benefit from those same programs. However, a financial recovery can jeopardize their ongoing eligibility for benefits. For that reason, first party special needs trusts are a vital tool for maintaining benefit eligibility.

provision and its activities are usually scrutinized much more closely by government agencies and the court. There are also age restrictions for setting up special needs trusts. In short it's complicated and requires a skilled attorney to set up properly.

*... there are big differences
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needs trusts and third party
supplemental needs trusts.*



Unlike a third party supplemental needs trust that is funded with gifts from family and friends, a first party special needs trust is funded using money that belongs to the beneficiary receiving government benefits. Most self-settled special needs trusts are set up to receive personal injury settlements or judgments arising from a lawsuit. However, a poorly planned inheritance can also be placed in a special needs trust to maintain benefit eligibility.

Legally there are big differences between first party special needs trusts and third party supplemental needs trusts. A special needs trust must have a "payback"

Although it's unusual to hear litigators talking about trusts when benefits are on the line and a big recovery is in the offing, a special needs trust is essential. We set them up all the time and help our clients understand how they operate.

FYI FYI

Premise Liability - Watch Your Step by Thad M. Gelsinger, Associate

■ The holidays are often a time for visiting with family and friends. Often you may be invited to these gatherings on property owned by other people or businesses. Regrettably, injuries occasionally occur as a result of dangerous conditions on that property. You should know, however, that you have rights as a guest on someone else's property and, if you are injured, there may be ways for you to receive compensation for your losses.

If you are invited onto someone's property either as a guest or a customer, the property owner has an obligation to make the property safe. Failing to clear snow and ice from sidewalks and parking lots is a common example of an unsafe condition property owners may neglect to correct. Even if the condition that causes injury is not as obvious as snow or ice, it is the responsibility of the property owner to provide a safe environment

for all guests. Of course, you also have an obligation to be alert and avoid obvious and clearly marked problem areas.

It is also important to know that compensation for your losses is often provided by the property owner's insurance company. Most private residences and businesses have insurance that covers injuries occurring on the premises. The property owner pays for the insurance policies for a reason: to provide coverage for accidents, including injuries that occur on the property.

If you are injured as a result of an unsafe condition on someone else's property, seek medical attention immediately and then contact the litigation team at Leisawitz Heller. We'll help determine if you can recover for your injuries.

Web News

Visit our Legal Blog

■ This year we updated our Leisawitz Heller website to make it more user friendly, informative and interactive. One of the recent updates includes a blog section. The blog feature will provide an opportunity for our experienced attorneys to provide legal insight into many key issues in their areas of practice. We look forward to contributor comments and discussions.

Check it out at "goodlawyersgoodpeople.com" in the "resources" section located at the top right of the page.

Now, readers have single-click access to the Leisawitz Heller website by simply scanning the QR code on the back of this newsletter with a Smartphone.



Comfort Through the Suffering ... The Jane Kovatto Trate Story

The Accident: Jane was making a left turn from Wall Street onto northbound Route 61 in Leesport, Berks County, Pennsylvania when the operator of a vehicle traveling south on Route 61 ran a red light and violently struck Jane's vehicle. As a result of the collision, Jane suffered a disc herniation at C5-C6 that resulted in severe neck pain. In addition, the accident exacerbated pre-existing conditions in her lumbar spine resulting in lower back pain and decreased mobility.

The Problem: After filing a lawsuit against the party responsible for causing the accident and settling that case, Jane had still not been fully compensated. Therefore, to obtain full compensation on Jane's behalf a claim was made against Jane's own automobile insurance carrier for underinsured motorist benefits.

Due to Jane's foresight in purchasing this type of coverage and the serious extent of her injuries, additional money was recovered on her behalf.

The Result: By utilizing two sources of insurance coverage, Ken Millman was able to obtain a full recovery for Jane. Even after

this recovery was made on Jane's behalf, the lawyers at Leisawitz Heller continued to work for her. Allen Shollenberger, another Leisawitz Heller attorney, worked with Jane and her husband to establish an estate plan to ensure the proceeds of her settlements were properly preserved.





PHOTO BY ASIFE

Thank You, Enjoy the Season . . . and Stay Safe

■ The end of the year always evokes feelings of reflection and remembrance for goals we have accomplished and people we have met. The holiday season is a time for family, a time for friends and, most importantly, a time to be thankful. Even as we anticipate the new year, we want to pause and express our gratitude to those who have helped make 2012 such a successful year for us. Our attorneys, paralegals and staff would like to thank you for another wonderful year to serve as your trusted legal advisors. We hope that your experience was as rewarding and positive as ours. We take pride in the clients we represent and we hope you have a safe and wonderful holiday season. But life isn't perfect. Accidents happen. Mistakes happen. When they do, we're here for you. If you or someone you know needs assistance, please don't hesitate to call. From the Personal Injury Team and the rest of the staff at Leisawitz Heller, we wish you and your family all the joys of the holiday season.



PHOTO BY EWAWALIDKA

Giving Back

■ The Leisawitz Heller Army

This holiday season, our firm is participating in the Salvation Army's "Adopt A Family" program. Through this program, the firm can target its assistance to a specific family in need. A list of needed appliances, clothes and toys has been provided to our firm. We intend to provide our family with the things they need to experience a holiday season full of happiness. We built our firm one client and one case at a time. We know how much good can come from targeting our efforts at a single person or family. So the Salvation Army's "Adopt a Family" program is a perfect fit for us.

We understand that the holiday season can be a stressful time. However, we ask that you take some time to help someone in need this year. It's the best way we know to experience the joy of the season.

Let Us Know

■ It's been a pleasure to bring you the Leisawitz Heller Personal Injury newsletter throughout 2012.

Please email me if you have philanthropy event suggestions, ideas or personal injury topics you would like covered in future issues. We appreciate your input and look forward to your participation in these beneficial community events.

Brad Mease, Editor
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