



WINGFIELD & GINSBURG

ATTORNEYS AT LAW

Watch what you post if you are in the middle of a lawsuit

Now the defense has another powerful tool that can be used against accident victims: SOCIAL MEDIA

What you post can and will be used against you in a court of law—or in the process of settlement. Insurance companies and defense attorneys have always used investigators hired to record injury victims in hopes of showing that the person is exaggerating, or lying, about a claim.

Now the defense has another powerful tool that can be used against accident victims: social media. Everyone tends to edit their life online. Naturally, we want all our friends and family to think we are living well. Someone might post on Facebook that they went sledding with the kids and shoveled the driveway. What they don't post, as many wouldn't, is that they only watched the kids sled, and shoveling the driveway was a painful necessity that resulted in spending the rest of the day lying down. Considering the information posted, and the information left out, it's easy to see how it could be effectively used against a claim of injury.

In the case of Omeisha Daniels, a Georgia accident victim, a series of posts on Twitter reduced a jury award of \$237,000 to under \$150,000. The posts were about partying with friends on spring break and included a photo showing Daniels carrying a purse on an arm that was previously broken. Not exactly the most incriminating news for a young adult, but enough to make a jury believe her injury wasn't as severe as she claimed.

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When Mother Nature is at fault

Ice and snow and freezing rain...wouldn't it be great if you could just not drive at all in the winter? Unfortunately, that's not realistic, and at some point most people have to venture out in bad weather. Even though a great deal of caution is used when the roads are slick, an accident can be hard to avoid. What happens when extreme weather and road conditions play a part in an accident? Which driver is to blame? Can you place some blame on Mother Nature?

Unfortunately, even if you hit a patch of ice caused by weather conditions, you are still responsible for maintaining control of the vehicle. It may seem unfair to be at fault when ice clearly caused a loss of control, but if you choose to get behind the wheel when driving conditions are poor, it's your responsibility to keep the vehicle under control.

In some cases, a contractor who did not properly remove ice or snow from a roadway could be found liable for injuries if it can be proven that the company/person acted in negligence. If you've been injured in an accident, call our offices to discuss your case.

Teaching teens the rules of the road

Getting a driver's license opens up a new world for teens—and parents! While the reality of no longer having to shuttle their teen to school, social events, and work is welcome, the thought of a child behind the wheel can be terrifying. Data from the National Highway Traffic Safety Administration (NHTSA) shows that 1,963 young drivers between the ages of 15 and 20 died, and an additional 187,000 young drivers were injured in motor vehicle crashes in 2010. One out of 10 drivers involved in a fatal crash were between the ages of 15 and 20. Those statistics really are scary. There are things that parents can do to help ensure the safety of their teens, even when they aren't with them.

In a recent release, the NHTSA offered the following advice for parents of new drivers:

Learn and follow your state graduated driver licensing (GDL) laws—GDL systems have been shown to reduce teen crashes.

Create and sign a parent-teen driving contract—A parent-teen driving contract sets ground rules and creates and explains the consequences of breaking those rules.

Prohibit the use of electronic devices while driving—Driving while talking on the phone or while texting is risky for all drivers, but especially for teens. In 2010, 368 teen drivers ages 15 to 19 involved in fatal crashes were distracted, accounting for 13 percent of all fatal distraction-affected crashes.

Limit teen passengers and night driving—An NHTSA analysis found teen drivers were 2 1/2

If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can. Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

CALL US. YOU'RE GOING TO FEEL A WHOLE LOT BETTER ABOUT THINGS.

times more likely to engage in one or more potentially risky behaviors when driving with one teenage peer compared to when driving alone.

Encourage your teen to always buckle up—Wearing a seat belt is the most effective protection for drivers and passengers in the event of a crash. In 2010, three out of five 16-20-year-old occupants killed in passenger vehicles were not wearing seat belts.

Talk to your teen about alcohol—All states have a minimum legal drinking age of 21. In 2010, 22 percent of the young drivers involved in fatal crashes were drinking.

Wingfield & Ginsburg is a proud sponsor of the Northern Virginia Corvette Club Teen Driving School.

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