



The Noll Law Firm Legal Talk™

What Is Tort Law - An Overview

There are constantly demands from some politicians for “tort reform.” The main objective of which is to limit the amount of monetary compensation an individual can receive when suing for personal injury. Usually, the individuals or entities in favor of such reform are insurance carriers and large corporations who often are the ones held accountable in personal injury lawsuits. However, the law says that if you are harmed by someone else’s actions - whether intentional or unintentional - you are entitled to seek monetary damages.

Negligence

To understand tort law, first we should examine its different categories. The most common is *negligence*. This includes automobile or motorcycle accidents, construction accidents, medical malpractice, and “slip and fall” accidents. In these instances, typically there is no intent to cause personal injury. However, if you are harmed as the result of someone else failing to act with reasonable care, the individual or entity responsible for driving that car or motorcycle, owning that construction site or company; performing that medical procedure; or owning that property may be held responsible in a court of law.

Strict Liability

Strict liability, is a subcategory within tort law, and some attorneys focus only on this area. A strict liability lawsuit can be brought against a company if their product (such as an infant’s car seat, for example) fails to work properly and causes personal injury, regardless of the injured person’s contributory actions. Strict liability may also apply to construction site accidents.

Intentional Tort

An intentional tort is a deliberate action on the part of an individual or entity to do harm. For example, two neighbors have a heated argument, and one assaults (punches him in the nose) the other. Criminal charges often follow, and may support a personal injury civil case.



Intentional tort also may include harassment and emotional distress. Recently, we’ve seen many examples of bullying in the news. It has been estimated that nearly 30% of school-age children either are the victims of bullying or are bullies, themselves. And, this is not just “kids’

stuff” any more. Sometimes the victims can become so isolated and depressed that they contemplate suicide or actually follow through with it.

While most of us think of bullying as a schoolyard fight, bullying also includes emotional intimidation and is not limited only to children. Adults can be bullied in the workplace; neighbors can be bullied by their neighbors.

Finally . . .

Tort law is a complicated and highly specialized field of law. If you find yourself the victim of a personal injury, be it as a result of negligence, medical malpractice, or product malfunction; or, if you are injured because someone else intended to do you harm, be certain to do your research and select an attorney who focuses on your specific problem. When an attorney focuses on specific areas of the law, he or she has the experience you need to achieve a successful outcome.

Frequently Asked Questions About Personal Injury Lawsuits

All too often, even though our clients are the ones injured and deserving of compensation for their injuries, the thought of beginning a lawsuit is terrifying to them. That is why we've put together the following FAQ's addressing their concerns. If you've been injured as a result of someone else's negligence, the last thing you need is additional stress caused merely by the thought of a lawsuit.

Will I have to go to Court? While nearly all cases are settled out of court and before a trial begins, some are settled *after* the start of the trial but *before* its conclusion. Sometimes, if we feel that the settlement offered is unfair to you, we will try your case. We will hold your hand every step of the way. The successful results we have achieved with past personal injury cases often give our clients the confidence they need to retain our firm. Our track record proves that we fight hard to get you results, whether your case is resolved before, during or after trial.

Why do you so frequently win favorable settlements? Because we always deal from a position of strength, never from a position of weakness. We're always **prepared** to go to trial. Defendants know about our years of experience and, sooner or later, understand how well prepared we are. There is no guarantee, of course, but at just the right point in the process, a favorable settlement becomes more likely.

Why can't my other lawyers handle my case? The practice of law has become very specialized and complex. The law is constantly changing, so it is important to choose an attorney who focuses on the specific area of law you need. Our firm focuses entirely on personal injury law; that's why we're successful. The Noll Law Firm devotes our entire practice to recovering damages for people who are harmed because of someone else's negligence. Other attorneys practicing family law or estate law,

for example, focus entirely on those areas. Additionally, other lawyers know our reputation and our record of success. They have the confidence that we will serve you well, and often look to us to handle their personal injury cases.

Will I have to take the witness stand? Will the other lawyer attack me and try to break me down in cross examination? 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 scenes 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 reality, 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.

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About Acupuncture: An Interview With Christina Moores

What is acupuncture and how does it work?

Acupuncture is a modality used to promote healing and restore health. It is done by inserting very fine stainless steel needles into precise acupuncture points. These points are organized in channels or meridians throughout the body. These meridians mimic our nervous system and therefore the insertion of a needle into an acupuncture point stimulates the release of chemicals such as endorphins from the nervous system, promoting increased blood flow to encourage healing. As a result, acupuncture can be used to treat a wide array of ailments from musculo-skeletal issues to internal disorders.



How does your certification as a Chinese Herbalist enhance the treatment and care of your patients?

Chinese herbs are an important part of Oriental Medicine. In fact, some traditional Chinese practitioners may go as far as to say that if you do not understand the proper use of Chinese herbal formulas then you are not practicing Oriental Medicine at all. This becomes particularly important when treating someone who has many deficiencies, such as in elderly patients or someone who is weak. For example, for someone who is found to be anemic or have a low red blood cell count, it is important to also supplement the body, rather than simply increasing blood flow with acupuncture alone.

Who should seek help from an acupuncturist/Chinese Herbalist?

Because Acupuncture and Chinese Herbs are so successful in treating such a vast number of ailments, you could say that almost anyone can benefit from treatment. Certainly anyone who suffers from pain and decrease joint mobility should seek acupuncture. Also, most internal issues such as anxiety, insomnia, migraine headaches, digestive issues, and women's health issues can be greatly reduced and often eliminated completely with the treatment of Acupuncture and Chinese Herbs.

How do you distinguish yourself from other acupuncturists?

All acupuncturists are trained in Traditional Chinese Medicine (TCM). In addition to TCM I use a specialized technique which releases trigger points or precise regions of taut bands of muscle. This technique is particularly helpful in resolving mild to severe muscle spasm. I work with my patients to create a goal and help them to achieve it. I tailor my treatments to the individual. We all have different sensitivities and therefore have specific needs. For example, five people can come into my office, all suffering from a headache. The cause and series of additional symptoms may be different for each of them. The patient with a tension headache would not benefit from the same treatment the person suffering from a sinus headache would receive. Making this distinction is crucial for having the best results.

What education and training have you received to become a licensed acupuncturist and herbalist?

I studied Acupuncture and Chinese Herbology at the New York College for Health Professions on Long Island, New York. The program is 10 trimesters or three and a half years and includes an extensive internship in the last two years. I have studied under some very prestigious medical doctors from China and have extended this expertise to my own patients for the past seven years in Glen Cove, NY.

For more information about acupuncture, or to make an appointment, contact Christina Moores, Licensed Acupuncturist, 150 Forest Avenue, Ste 201, Glen Cove, NY 11542, 516-676-4267.

Frequently Asked Questions About Personal Injury Lawsuits *Cont'd. from P.2*



Richard E. Noll, The Noll Law Firm

Can I afford your services? You certainly can. We work on a contingency basis. That means 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? You pay the same contingency fee if we win your case, regardless of whether you were referred to us from another lawyer or if you came directly to us. There are cases where both law firms will share the contingency fee, but our clients are not charged an additional fee for that.

Contact The Noll Law Firm for a free case consultation. Call us at 516-307-1199.

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