

How to Screw up Your Long-Term Disability Claim with Facebook

by Ben Glass



The other day, I was reviewing the long-term disability claim file of a new client. He suffers from a chronic, debilitating illness.

Now, mind you, the guy has paid a significant fee just for me to review his file to see whether or not he has a valid claim. He's had to jump through some hoops to speak with me and, in fact, he had arrived with a referral from a trusted colleague. This is one of our busiest practice areas. There are very few attorneys in Virginia who specialize in long-term disability claim denials.

So, what do I find in the claim file? A long investigative report that starts with screen shots of our client celebrating his physical prowess while vacationing! The investigators didn't have to work very hard to find it. They just clicked and there it was, in all its glory, on his open Facebook page.

There goes that claim!

They didn't stop there, though. They talked to his neighbors, made "discreet inquiries" (probably calls directly to him) to see whether he was running a business on the side. They didn't have video this time, but my files are filled with surveillance video that insurance companies have taken of unsuspecting claimants.

Usually, the claimant expresses outrage, "How dare they sit on my street and video me! It's an invasion of privacy for them to follow me to my doctor's office." My reply, "Don't lie to the insurance company. What were you thinking?"

Here are some tips on not sinking your long-term disability claim:

- **Be honest and straightforward** when you tell the insurance company what you can and can't do. Cheaters ALWAYS get caught.
- Be aware that if the insurance company knows when your next doctor appointment is, they will likely be videotaping your trip. Don't stop at the mall to shop.
- **Don't post stupid stuff to Facebook** and, at the very least, don't let your Facebook page be viewed by everyone. Same for LinkedIn and YouTube.
- **Don't think that an experienced long-term disability lawyer can work miracles.** There's a lot we can do to improve your chances of winning, but changing the reality of a video, photo or Facebook comment isn't one of them. ■

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“THE LAWYER PROMISED ME I'D GET \$80,000 FROM MY ACCIDENT CASE”

We met for an initial consultation recently with a very nice gentleman who had been injured in an accident. A young driver had run the red light. There were witnesses and the police accident supported the claim.

The potential client was interviewing lawyers and wanted to know how much his case was worth. He was rather insistent that we “put a number” on his case for him. “How much am I going to put into my pocket if I go with you,” he asked.

When we prodded a bit, it turns out that one of the local TV lawyers in town had met with him in his home and had told him that his case was worth “no less than \$80,000.”

We told him that we couldn't answer that question. He walked out.

“Good riddance,” we said.

Here's the problem:

The potential client had not yet finished his treatment and whether he was going to have another operation on his wrist was up in the air at this point. ***We told that client that it is impossible to “put a number on his case” until:***

- 1 His treatment has ended and we know whether or not he will have permanent disability
- 2 We talk to or get reports from his treating doctors and rehabilitation specialists
- 3 We know how much insurance is available to cover the claim (the other lawyer had not asked that question)
- 4 We know how many medical bills remain unpaid and whether his health insurance company wanted to be repaid the money they had spent
- 5 The accident facts are further evaluated—sometimes the police report does get it wrong

We say “good riddance” because this is the type of client we likely won't ever be able to make happy. He's purely money driven. Good for him to find a lawyer who is solely money driven. Hope it works out for both of them. ■



Employee Spotlight: Charley Mann

When Marketing Director Charley Mann was in college, he wasn't exactly leaning towards a career in marketing. He was a theater major and worked as a teacher for a local children's theater group, Acting for Young People. (He now serves on their board of directors.) He was also the Denver Broncos' featured columnist for BleacherReport.com.

Shortly before graduating from George Mason University four years ago, Charley came across one of Ben's Craigslist ads for an opportunity for a self-starter to learn a cool, new skill: marketing. The job also sounded like it would actually be fun, so he decided to apply for it and subsequently got the position. (Charley confirmed that he has, indeed, been having a ball with us since day one!)

Charley especially loves the opportunity to be creative within the work he does. “We are always creating something new, fun, and interesting,” he stated.

Most of the time, you will find him developing content for BenGlassLaw or Great Legal Marketing. Charley has found some unusual ways to stay productive, including occasionally working in a storage closet in the Great

Legal Marketing office that he uses to write when he really needs to focus. “I turn off my [Wi-Fi], and I get a lot of work done in there.”

Charley's enthusiasm for and dedication to his job truly inspire us. Marketing Assistant Laura Vezzani shared, “From even my first day at BenGlassLaw, I have looked up to Charley. He is an amazing person to work with and learn from. I consider it an honor to call him my friend.”

Cheryl Lanham, our personal injury paralegal and Executive Assistant to Ben Glass, also spoke fondly of Charley, “Charley is a kind and fun-loving, but serious-when-need-be type of person. Once, when I was having ‘one of those days,’ Charley told me a story about himself and made me feel much better. He is always there

for you.” She jokingly added, “My co-worker, Mary-Elise, and I also like to comment on his awesome hair!”

Colin Lynch, Video Studio Manager, stated, “It's an honor to work with Charley. He's kind, compassionate, hardworking, and a brilliant team leader. If we could find a way to clone him, we'd all be better people (and a lot richer, too!).”

When Charley's not hard at work creating something amazing for the Great Legal Marketing/BenGlassLaw team, he enjoys running, playing the banjo (with a guitar to create even more noise on the side), reading, eating vegetarian food, and watching *Arrested Development* and *Bob's Burgers* with his wife. (He joked that his wife is a saint to put up with his musical eccentricities!) ■

Justin Bieber Demonstrates What NOT to do During a Deposition

by James Abrenio

By now (and for better or worse), you've probably heard of Justin Bieber. Recently, he's managed to land himself in a lawsuit with a former employee. On March 6, as part of that suit, Bieber was deposed. (You can watch the deposition on YouTube. Search for "Justin Bieber deposition.")



All jokes aside, Bieber's deposition is a perfect example of what NOT to do during a deposition. *Here's where he went wrong:*

1 Don't be a jerk. Ever! Look, if you're being deposed, it's not going to be fun. You're going to have to sit in front of an attorney and answer personal questions which are being recorded. Perhaps that attorney is a jerk. The last thing you should do is lower yourself to that standard. No matter what question is asked (or how it is asked), always be polite, respectful, and calm. You gain credibility with the attorney deposing you, and the last thing he/she wants is a credible witness—it's bad for his/her case!

2 If you don't understand the question, simply ask that the question be repeated. Attorneys are people, too. Oftentimes they ask unclear, poorly worded questions. Heck, I know I do. If you find yourself not understanding the question, simply say "I don't understand the question; could you repeat it?" Attempting to be argumentative, non-responsive, or sarcastic will not get you far in depositions. And all it does is make you lose credibility—that's bad for your case!

3 You don't get to decide what questions you have to answer. Depositions are not like court. In court, there are Rules of Evidence that

your attorney can employ to prevent irrelevant/improper questions. In depositions, permissible questioning is much more far reaching. In fact, the questions don't even have to be relevant! If an irrelevant/impermissible question is asked, it's your attorney's job to make an assessment as to whether to object to it. And even if he objects (except in very limited circumstances, such as privileged information), you must still answer the question. The quickest way to get sanctioned by a court is for a judge to find out that you didn't answer a question that you should have.

4 Claiming, "I don't remember," when you do remember, is lying. Don't do it. Before the deposition, you are required to swear under oath to the truth of the answers you give. Lying to avoid answering a question that may be harmful is simply unacceptable. We at BenGlassLaw represent honest clients who have legitimate cases. The quickest way for you to be fired by us (and, yes, we have the ability to fire you!) is to lie under oath, or at any time, for that matter. ■

If you have any other questions about depositions, or perhaps you will be deposed soon, BenGlassLaw has a lot of resources to educate you about the deposition process. Give us a call!

Reminder About Our Firm's Communication Policy

Our promise to you is that while we are working on your case, we don't take inbound phone calls, faxes or emails. Ben Glass takes no inbound unscheduled phone calls whatsoever. It makes him much more productive and helps get your case resolved faster. You can always call the office at 703-544-7876, and schedule an in-person or phone appointment, usually within 24-48 hours. This is a lot better than the endless game of "phone tag" played by most businesses today. Remember, too, that email is "quick," but is checked no more than twice a day. Replies are then scheduled into the calendar. So if it's really important, don't email—call the office instead.

This publication is intended to educate the general public about personal injury, medical malpractice, and small business issues. It is not intended to be legal advice. Every case is different. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

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BGL's Best Bites

SUPER SIMPLE QUICHE WITH BACON AND THYME



*This quiche is perfect for a
branch or lunch!*

Ingredients:

- 1 frozen pie shell (thawed)
- 8 strips lean bacon, cooked and crumbled
- 4 large eggs
- 1 1/2 cups half-and-half or whole milk
- 1/4 teaspoon dried leaf thyme
- 1/8 teaspoon pepper
- 1 cup shredded sharp cheddar cheese

Preparation:

- 1 Preheat oven to 350° and bake thawed pie shell for 10 min. Set aside.
- 2 In a small bowl, whisk together eggs, milk, thyme, and pepper. Pour into baked pie shell. Crumble bacon and shredded cheddar cheese over the top. Bake at 375° for about 30 minutes, or until quiche filling is set and top is lightly browned. Serve quiche with fresh tomato wedges or a tossed salad.