

Things Which You Should NOT DO:

- Do not give any statements (written, recorded or oral) to anyone concerning your accident or injuries without first getting our approval.
- Do not discuss your case with anyone other than your attorney or your doctor. If your health insurance company or your auto insurance company want to talk about your case before they pay your medical bills, please refer them to us.
- Do not make any incorrect statements about prior injuries or accidents to any doctor who treats or examines you. If you don't remember, say so.
- Do not sign any contracts, authorizations, Releases, or other documents until you check with us first. The only real exception to this would be documents presented to you by your doctors or healthcare providers but feel free to contact if you have questions about any such documents.

Things Which You SHOULD DO:

- Seek medical or healthcare treatment if you are in pain or have a physical limitation.
- Follow the advice and instructions of your doctor and other healthcare providers. There is never a reason or excuse to miss a doctor's appointment. By missing an appointment, you are saying to the doctor and insurance company that you aren't hurt enough for it to matter. This may harm your claim. It is important for your doctor to have up-to-date information on your condition and know how you are feeling. Each time you go to the doctor and report that you are still in pain, your doctor makes an entry in his or her records. Some clients get discouraged and do not see their doctor even though they are having pain.

Our job is to recover compensation for the pain and suffering that you have endured. Not going to the doctor is a good way to prove, instead, that you are not hurting. If you are in pain and you do not see a doctor, the insurance company and the jury will not believe that you are having pain. It is very important for you to work hard to get well and to go to all of your appointments.

- Keep your doctor's appointments.
 - Tell your doctor about all pains, injuries, and limitations you have experienced due to the accident.
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Things for You to REMEMBER/To-do List:

Your personal/contact information:

- Address and Phone: Inform us immediately of any change of address, e-mail address, telephone number(s), or place of employment.
- Insurance information: If you were injured in an automobile/vehicle accident please provide us with a copy of your automobile insurance Declarations Page. Please provide us with a copy of the front and back of your health insurance card(s). In some cases we may ask to see a copy of your health insurance documents such as your Summary Plan Description or policy booklet.

Evidence:

- Vehicle Damage: If your vehicle was damaged, try to obtain pictures before you get it repaired. Use a camera phone if you can and email us the pictures. If you do not have a camera phone, take pictures with a regular camera and have the pictures developed and copies made; please bring us the copies of the pictures. Keep a copy of all repair estimates, invoices, and checks you may receive. This is true even if your vehicle is deemed a total loss by the insurance company. Note that we typically do not become involved in the process to have your vehicle repaired or deemed a total loss as we have found that the client can often adequately handle this on his or her own. However, if there is any aspect of the property damage claim that causes you concern or about which you have questions please call us.
- Injuries: Take pictures of all bruises, cuts, scrapes, wounds, burns, and other visual injuries. Use a camera phone if you can and email us the pictures. If you do not have a camera phone, take pictures with a regular camera and have

the pictures developed and copies made; please bring us the copies of the pictures.

- Photographs: Give us any pictures and videos of the accident or accident scene that you or anyone else has taken for you. Use a camera phone if you can and email us the pictures/videos. If you do not have a camera phone, take pictures or video with a regular camera and have the pictures developed and copies made; please bring us the copies of the pictures/videos.

Medical:

- Bills and letters from hospitals, doctors, and other healthcare providers: Keep all documentation you receive so we can ensure we have a complete list of all healthcare providers you have seen for your accident injuries. Be sure to file your health insurance with each healthcare provider you see and if you have questions about billing or payment issues please contact us.
- Medications and medical equipment/devices: Save all pill bottles, casts, braces, and any other medical items from your doctors. Also save all invoices and receipts for these items.
- Out of work/disability notes: Keep a copy of each note you receive from your doctors stating you are unable to work or on limited/light duty.

Employment:

- Your job/place of employment: Tell us of any changes to your job, job duties, pay rate, or anything else that may be related to your accident injuries and recovery from the injuries.
- Employment income records: If you are self-employed please have ready records of your pre-accident income as well as any income you have lost due to your accident injuries. These documents can include but not be limited to W-2 forms, 1099 forms, contracts, pay stubs, and independent contractor agreements. At the appropriate time we will ask you to provide these records and possibly explain them to us.

Health Insurance:

- Health insurance letters: If you receive any letter from your health insurance company denying payment for an accident-related medical bill please notify us.
- Explanation of benefits forms: Your health insurance company will likely send you periodic forms explaining the benefits they paid for your medical and other healthcare visits related to your accident injuries. Keep all explanation of benefits forms and all other letters or correspondence from your health insurance company. If you receive any letter, correspondence, or questionnaire from your health insurance company seeking information about the accident and other sources of recovery/insurance contact us immediately and DO NOT complete or submit any response before speaking with us.

General Information:

- Receipts: Be sure to obtain and save all receipts itemizing any and all expenses you incurred as a result of your accident. Receipts must be dated and contain legible and complete identification of the person or company you paid for the expense.
- New information: Inform us of anything you think has a bearing on the case, including extensive medical treatment or hospitalization.

Our First Steps in Representing You

We will conduct an initial interview with you to get information regarding your accident and injuries as well as some background/prior information about you.

We will have you sign certain authorization forms which will allow us to obtain your medical records, employment documentation, and other necessary information.

We will notify the person who was responsible for your injury and/or their insurance company that you have retained us as your attorneys.

We will decide if it is necessary to speak to any witnesses or law enforcement officials about your case and we will follow up appropriately.

Our Steps Once You Complete Your Accident-Related Medical/Healthcare Treatment

We will send requests for your medical records and billing information to all of the doctors and hospitals involved in your care.

We will send requests to your employer for lost wage/income information.

We will send requests to your school or other academic institution for information on your lost time from classes/school.

We will follow up with you to ensure we have copies of all case-relevant documents and information from you

Once we receive all relevant injury and damage documentation we will review these items and contact you to discuss our evaluation of your case. This evaluation will include potential pros and cons of your case as well a desired settlement range. Once the case evaluation and discussion with you is complete we will prepare a settlement demand package to send to the insurance company for their review and potential settlement offer. We typically allot the insurance company 30 days to review and respond to our settlement demand package but this timeline may change depending on the nature and value of your case. You should note that the more serious the case and more extensive the damages, the longer it may take for the insurance company to evaluate your case and make a settlement offer.

Medical Payments Before Your Case Is Settled

While your case is pending against the insurance company of the person who caused your injury, we try to arrange to have your medical bills paid by your own insurance company. This could be from the medical payments (also called personal injury protection or PIP) provision of your automobile insurance policy, your health

insurance policy, or, if applicable, workers' compensation insurance. Please be sure that all medical bills related to your injury are sent to our office so that we may forward them to the appropriate insurance company for review and payment.

Keep Detailed Records

Please be sure to record the following:

- Lost work time and wages.
- Other expenses resulting from your injuries, i.e., transportation, home care, etc.
- Pain and suffering.
- Your physical limitations.

It is important to make your entries on an ongoing basis. A summary at the end of each month will not be as helpful to us. Copies of checks and receipts of payment, as well as the above records, will be very helpful when the insurance company or an attorney asks you to recall your pain, physical disabilities, and any out-of-pocket expenses including medication.

Medical Liens

Sometimes our clients are involved in accidents where there is no medical payments insurance, workers' compensation or private health insurance. In such cases, your doctor will expect to be paid by you at the conclusion of this case. Often the doctor will require you to agree, in writing, to have us pay him or her directly from the money you receive in your case. State laws sometimes permit health care providers to file a "lien" which must be paid out of the proceeds of your case. If your doctor asks you to sign what is often called a "lien letter," be sure to contact our office. **In some cases, it may not be appropriate for you to sign such an agreement.**

Subrogation

If any insurance company pays some of your medical or other expenses arising from your injury, the law provides "subrogation." This means that the insurance company stands 'in your shoes' so to speak, and can recover some or all of the amount paid to you by the liable party. If this is the case, the company may be required to pay its proportionate share of the attorney's fee and costs in connection with the recovery. This is handled on a case-by-case basis. There are even some instances where an employer may notify an employee of a subrogation claim. Employer subrogation claims are often covered under ERISA which is a dense and somewhat complex federal law regulating, among other things, recovery of benefits paid on behalf of employees.

Subrogation claims can be confusing and failing to understand how they work can lead to disaster for the client including loss of future healthcare benefits or even an unexpected claim for money owed. If you receive any letter or correspondence from any insurance company or employer which seeks or mentions subrogation/recovery, please notify our office so we can review the documents and determine whether and how to respond.

You May Be Watched and Photographed

When a claim is filed by an injured person, insurance companies may conduct a detailed investigation of the injured person's background. **It is not uncommon for an insurance company investigator to park a surveillance vehicle near your house and videotape your activities.** These investigators work very hard to obtain videotapes of claimants lifting heavy groceries or engaging in strenuous physical activity. However, these same surveillance tapes have been useful to corroborate our client's limitations, including the use of canes, crutches, etc.

If you believe you are being watched, please call us and try to avoid the camera. Do not exaggerate your limitations or pose for the camera.

Bankruptcy

If you are considering filing bankruptcy, you should know that you may lose all rights to your personal injury case. The Bankruptcy Court can take over your case, settle your case and give your settlement money to your creditors, and you will receive nothing. Be sure to talk to us before filing bankruptcy.

Why Does It Take So Long to Resolve My Case?

We cannot make your claim until after the doctors have given us reports stating exactly what your medical condition is and what they expect it to be in the future: in other words, until you have reached "**maximum medical improvement.**" If we try to settle your case before your medical condition is stabilized, you may lose money that you might be entitled to for a condition that did not show up until after your case was settled.

It is important to know that your case will not be settled until the damages have been determined and all investigations to determine who is liable have been completed. It generally takes several months to gather the necessary information for us to review and assess your case and then submit the information to the insurance company for a potential settlement of your case. If it becomes necessary to file a civil lawsuit in your case, it can take several more months to complete a case—sometimes more than a year. **One of the most difficult yet important requests we make of you is to have patience.** We will work as hard and fast as reasonably possible to seek a favorable outcome in your case.

What Is The Value Of My Case?

It is impossible for us to tell immediately how much money, if any, you will recover in connection with your case. There is no formula and each case is unique. In cases of serious injury, the ultimate recovery is often related to the amount of insurance coverage available, as well as the nature, extent and duration of your injuries, along with an assessment of liability. As your attorneys, we feel it is our primary duty to obtain an amount of money which will fairly and justly compensate you for your injuries. We will make every effort to do this by locating all sources of money. We will advise you of our evaluation in this regard.

In general, most states allow recovery of damages for the following elements of damage:

- The nature and extent of injury, including whether the injury is permanent, and the amount of disability.
- Medical expenses, both already incurred and reasonably certain to be incurred in the future.
- Wage loss (past and future) and damage to property (including your motor vehicle and other possessions).
- Pain and suffering.
- Loss of consortium (past and future) for your spouse.

Filing a Civil Lawsuit

It may be necessary to file a lawsuit in civil court to obtain an adequate recovery. This is a legal decision that should be made by your attorney with your input. Before filing suit in your case, we will obtain your permission and explain to you why we believe a lawsuit should be filed.

Although a lawsuit may have to be filed, settlement is always possible. Negotiations continue after a lawsuit is filed and only a small percentage of lawsuits actually go to trial.

The following is a general road map of a case from filing of the lawsuit to trial (NOTE: Some of the below steps and events may not occur in every case. Your attorney will provide you with details and information on the road map and timeline of your case):

A. Pleadings

Pleadings are the documents parties file in court that form the basis of a lawsuit. This is intended to be general information only. Each case is unique.

- **Complaint or Petition.** A lawsuit is filed against an opposing party by filing a document in court known as a complaint or petition. The person who brings the action is the plaintiff (you). The person or company against whom the action is brought is the defendant. The complaint/petition is a statement of facts alleging the names of the parties and alleging why the conduct of the defendant entitles the plaintiff to recover damages.
- **Summons.** Once the plaintiff's petition is filed, a "summons" is issued to be served on the defendant by an officer of the Court, usually a Deputy Sheriff or process server. This informs the defendant that a suit has been filed and that a response must be made within a given period of time or a judgment will be taken against the defendant.
- **Answer or Motion.** The response filed by the defendant is called an Answer, which is prepared by the attorney for the defendant. Alternatively, if a defense attorney feels there is a fatal flaw with the lawsuit, he or she may file a motion to dismiss the complaint or to strike portions of the complaint.

B. Discovery

Once an action is filed, both sides have a right to "discover" facts concerning the opposing party's case. Normal discovery proceedings include written interrogatories, depositions, production of records, and sometimes medical examinations.

- **Interrogatories:** Each side may serve written questions on the opposing party, called "interrogatories." We will serve interrogatories on the defendant on your behalf, and the defendant will serve interrogatories on you. You are required to answer these questions within a prescribed period of time, in

writing and under oath. We prepare answers to these questions in consultation with you for accuracy.

- **Requests for Production of Documents:** Similar to the interrogatories, **each** side is entitled to serve requests that the other side produce documents relevant to the case. Again we will notify you if we receive a request for production of documents from the other side and we will prepare the responses with your assistance.
- **Depositions:** A "deposition" is an oral and transcribed statement, under oath, which may be used by either side in a lawsuit. It has the same effect as testifying at trial. It is used to learn as much as possible about the other side's claims or defenses. Those present are the parties concerned, their lawyers, sometimes an additional witness or two, and a court reporter who records the questions and answers. Each side is entitled to take depositions if they choose to do so. Note there is a cost associated with the deposition as the attorney taking the deposition of a witness must pay a court reporter and sometimes even a videographer to record the deposition. Additionally some witnesses will need to be paid for their time in giving deposition testimony. If we take depositions we may ask you to contribute some money toward the deposition expenses and know that the entire deposition expense is ultimately the responsibility of you, the client.

The lawyers normally agree in advance where the deposition will be held. It is usually in the office of one of the lawyers.

You are required by law to give a deposition if the other side provides sufficient legal notice. This is not something in which we have a choice. Because of this, we will need your full cooperation. Prior to the deposition, we will go over the facts of the case with you, prepare you for the deposition, and answer any questions you might have.

YOUR DEPOSITION IS OFTEN THE MOST IMPORTANT PART OF YOUR CASE.

It is important that you be prepared well in advance of the deposition date.

In giving a deposition, there are a few rules to follow:

- Always tell the truth, even if it hurts your case.
- Answer only the questions. Do not make any voluntary statements or speeches.
- Think before you make any answer to any questions. If it concerns a matter about which you do not know, or a detail you do not remember, you may so state. However, once you have stated that you do not know or remember, it's hard to change your testimony at trial.
- Always be polite.

Frequently, the other attorney will ask you questions which will seem to have no bearing upon the case. Nevertheless, it is your duty to answer these questions, notwithstanding the fact that they may irritate you. Never conceal prior injuries or prior illnesses. Remember, the other side has the means of obtaining such information.

C. Mediation

There are occasions when the Court orders the parties to meet and discuss the case in an effort to see if a settlement can be reached. In other occasions the parties may voluntarily agree to a settlement meeting. The settlement meeting is called a mediation or, in some jurisdictions, a mediated settlement conference. In a mediation the parties meet with an independent third person, usually an experienced lawyer or retired judge, called the mediator who seeks to assist the parties in arriving at a settlement. The mediator cannot force either side to settle the case or agree to any specific terms of settlement. The mediator does, however, have the power to keep the parties together until he/she determines a settlement cannot be reached at which time the mediator will declare an impasse and the mediation shall end. Mediation is informal and less expensive than a trial. If this is an option in your case, we will discuss it with you.

D. Trial

If your case cannot be settled at mediation or some other means of negotiation, it likely will result in a trial. You may have a jury trial or a bench trial (judge only, no

jury). A trial usually takes multiple days to complete especially when a jury is involved. The procedures and outline of a trial are such that attorney representation is a virtual necessity. Your attorney will discuss with you the prospect of your case going to trial and, if trial is on the horizon, we will set aside time to prepare you and your case for trial.

E. Arbitration

In some cases instead of a trial, an arbitration will be held. An arbitration is the functional equivalent of a trial although there are some key differences from trial. There is no jury in arbitration. Instead there would either be one person or a panel of persons who hear all of the evidence, testimony, and witnesses and render a decision in the case. These persons, who are often practicing or retired attorneys or retired judges, are called arbitrators. Sometimes arbitration can cost less than trial and the procedure may be a bit less formal than trial. Your attorney will discuss with you whether your case can, will, or should go to arbitration.

Uninsured/Underinsured Driver

If you were hit by an uninsured or underinsured motorist, you may be eligible for benefits under your own policy or the policy that covered the vehicle you were in. Many insurance companies have special "uninsured motorist" provisions. In most cases, you will be able to collect for your lost wages, medical bills, pain and suffering, etc., in the same way as if the driver that hit you did have insurance. We ask that you provide us with a complete copy of your own insurance policy in force at the time of the accident.