*A Lawyer’s Guide to Personal Injury Cases*

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**CHAPTER ONE**

*When Do Accidents Result in Legal Claims?*

Each year, thousands of people are injured in accidents—car, truck, and motorcycle accidents; bicycle accidents; pedestrian injuries; slip and falls; accidents caused by defective and dangerous products; medical malpractice; dog bites; construction accidents; and other accidents. Some accidents result in legal claims. Some do not. Some accident victims deserve reasonable compensation for their injuries because the accident was caused by another person’s carelessness. Some accidents are unavoidable and not caused by carelessness, so there are no legal claims.

One of the most common questions I hear in my Personal Injury practice is: *I’ve been injured in an accident—do I have a legal claim?* The answer depends on how it happened. If we can prove that someone else was careless and caused the accident and your injuries, the answer is probably yes. If you do have a legal claim, the law provides that you are owed fair compensation to make up for your injuries and all of the harm you have suffered (medical bills, lost wages, physical and emotional pain and suffering, and the negative impact on your life and activities). A Personal Injury trial lawyer helps clients understand their legal rights and receive fair compensation from insurance companies.

**CHAPTER TWO**

*Ten Steps to Follow if You’ve Been Injured in an Automobile Accident*

Being involved in an automobile accident is frightening, and legal issues are certainly not on the top of your mind during the first few minutes after the crash. Nevertheless, the actions you take, starting immediately after the accident, can have substantial impact on what will happen to you in the legal system. For this reason, please review these ten steps and, to be extra safe, call or email me to get a guide to put in your car’s glove compartment along with your proof of car insurance and registration.

**1. Call the police**

Having a Police Investigation and Police Report will help to establish who was at fault for the accident. Insurance companies rely heavily on the Police Report when reaching their conclusion on who was at fault for the accident. If the Police do not investigate, determining who was at fault can become a battle between the two drivers.

**2. Preserve Evidence**

Do not move your car unless it is creating a dangerous situation or you are ordered to do so by the Police. If possible, take photographs of the scene of the accident and the vehicles. Later, have photographs taken of any visible signs of injuries such as cuts, bruises, casts, braces, etc.

**3. Identify witnesses**

Get names, addresses, and telephone numbers of any witnesses to the accident. Often, witnesses will try to leave the scene before the Police arrive. Encourage them to stay to give a statement.

**4. Get the other driver’s vital information**

Be sure to get the other driver’s name, address, phone number, license plate number, car registration number, and automobile insurance company name and policy number.

**5. Seek immediate medical attention**

If you have any symptoms, it is advisable to get checked out at an emergency room or by your family doctor as soon as possible.

**6. Report the accident to your automobile insurance company**

Your automobile insurance policy requires you to report accidents. Be sure to call immediately. You should be able to find a 24-hour 800 number on your car insurance company’s website.

**7. Be careful to whom you talk**

You should not talk with anyone about how the accident occurred, other than the Police and your insurance company. Any statements you make can be used against you. Avoid talking about the accident while you are medicated or in great pain. Never talk to the other driver’s insurance company or give a recorded statement without your Personal Injury attorney being present. Your words can be twisted or misinterpreted and used against you.

**8. Locate an experienced personal injury attorney**

The laws regarding Personal Injury cases and automobile insurance are constantly changing. You need an attorney who focuses on Personal Injury cases to get proper representation. You are best served by an attorney who regularly fights for clients against insurance companies and who is prepared to negotiate a resolution to your case or, if necessary, to take your case to trial.

**9. Consult with an experienced personal injury attorney as soon as possible**

Depending on the accident and your injuries, you may not need to hire an attorney to represent you. Nevertheless, you should consult with an experienced Personal Injury attorney as soon as possible. The accident may require investigation before the scene changes or skid marks fade. An expert reconstructionist may be needed. Witnesses may need to be located and interviewed. The vehicles may need to be preserved. You should have an experienced Personal Injury attorney advise you on how to deal with both your insurance company and the insurance company for the other driver.

I offer free consultations regarding Personal Injury cases and will meet with you at my Dallas or Tarrant County offices. I also travel all around the state, so feel free to contact me about meeting elsewhere within Texas. We can also meet over the phone or videoconference call for this free consultation.

**10. Don’t sign anything**

Do not sign anything without first getting the advice of an experienced Personal Injury attorney. A private investigator or insurance adjuster may ask you to sign a statement. The insurance adjuster may offer you a money settlement and ask you to sign a release of your claims. You should not sign anything without reviewing it with your Personal Injury attorney.

**CHAPTER THREE**

*How to Hire a Personal Injury Attorney*

**DO I EVEN NEED A PERSONAL INJURY ATTORNEY?**

Just because you have been involved in an accident, that doesn’t automatically mean that you need to hire a Personal Injury attorney to represent you. The accident might not have been caused by anyone’s negligence, so a legal claim may not exist. The injuries might be so insignificant that they do not justify the hiring of an attorney. In these cases, you may not have a valid claim, or the claim may not justify retaining a Personal Injury attorney as opposed to dealing directly with the insurance company.

**SHOULD I CONSULT WITH AN ATTORNEY?**

Regardless of whether you think you actually need a Personal Injury attorney, it is advisable to meet with one. Such initial consultations are free of charge and allow you to have an expert determine whether or not you have a case and need an attorney.

**HOW DO I FIND A PERSONAL INJURY ATTORNEY?**

Any attorney with money can buy a television commercial, take out a full-page Yellow Page advertisement, put up a billboard, or have a fancy website. In my opinion, the best way to find a Personal Injury attorney is to get a referral from a family member, friend or business contact or colleague. These people have likely had hands-on experience with the attorney and will be able to tell you whether or not the attorney does a good job. Once you get the name of an attorney, you can perform your own investigation into that attorney’s experience and qualifications in handling Personal Injury cases.

**WHAT QUESTIONS SHOULD I ASK PROSPECTIVE ATTORNEYS TO SEE IF THEY ARE QUALIFIED PERSONAL INJURY ATTORNEYS?**

In these days of “tort reform” and increasing jury hostility to Personal Injury claims, it is critical to find an experienced Personal Injury attorney to handle your case. In my opinion, you should have an attorney who focuses on Personal Injury cases and has the knowledge, training, experience and resources necessary to take your case all the way to trial, if necessary.

Here are some good questions to ask prospective attorneys:

Where did you go to school?

Did you have any special training or receive any awards relating to trial practice during law school?

Do you take continuing education courses related to Personal Injury cases?

How long have you been negotiating with insurance carriers?

What percentage of your practice is devoted to Personal Injury cases?

Have you handled both sides of Personal Injury cases; that is, the side of the victims (plaintiffs) and responsible parties (defense)?

Are you willing to take Personal Injury cases to trial?

Do you have sufficient backup and resources to try a Personal Injury case?

What is your fee structure?

Who pays the litigation expenses and what happens regarding those expenses if the case does not result in recovery?

I will answer some of those questions myself. I went to Texas A&M University–Commerce for my BBA in Finance and The University of Texas at Arlington for my MBA. I have been negotiating with insurance carriers since 2004 when I first became an insurance agent in Texas. In law school at UNT Dallas College of Law, much of the coursework I completed prepared me to be proficient at not only negotiating personal injury settlements, but also trying those cases when necessary.

I continue to stay up-to-date on the latest changes in personal injury law by being involved and meeting with the Tarrant County Trial Lawyers, Dallas Bar Association Trial Skills Section, as well as the Dallas Bar Association’s Tort and Insurance Practices Section.

My practice is largely focused on Personal Injury law, and I represent only victims of accidents, no defendants or insurance companies. My dad and brother have been in the trucking business all of my life. I have previously helped both them with insurance coverages and advised them on how to be prepared for being sued. This insight into the trucking industry has allowed me to know how insurance carriers and defense lawyers think.

Further, having been a licensed insurance agent in Texas since 2004, I know how insurance carriers work. They try to delay, deny, and defend against paying claims that are due to the insured.

I have a different approach compared to other Personal Injury attorneys. My approach is centered on educating my clients on their legal rights, keeping them updated and involved in their cases and fighting to ensure that they receive fair compensation through either a settlement with the insurance company or a verdict at trial.

Although most Personal Injury cases settle before trial, I am willing to take Personal Injury cases to trial. The staff at my firm work as a team and are prepared to assist me in the trial of Personal Injury cases.

In terms of our fee structure, we handle our Personal Injury cases on a Contingent Fee basis in which we charge no fees unless we achieve a recovery for our clients. We pay all out-of-pocket expenses associated with your case and are reimbursed out of any recovery. If we do not win compensation for you, we do not ask you to pay any fees or expenses.

**CHAPTER FOUR**

*Common Injury Cases*

Not all accidents result in legal claims. Some accidents do not result in injuries. Some accidents are unavoidable and not caused by the carelessness of another person. Some accidents are actually caused by the carelessness of the victim.

In order to have a valid Personal Injury case, you need to be able to prove that you suffered injuries because of someone else’s carelessness. In Texas, you can recover if your carelessness contributed to causing the accident, but not if you were more than fifty percent responsible for the accident. In addition, in Pennsylvania, any monetary award that you receive for your injuries is reduced by the percentage of your responsibility for the accident. So, if you were twenty percent responsible for the accident, your recovery is reduced by twenty percent.

The compensation that you can recover in court includes your past and future lost wages, past and future medical bills and reasonable compensation for your pain and suffering and the negative impact of the accident upon your activities.

**CAR ACCIDENT CASES**

Car accidents are the most common Personal Injury cases. If you are injured in a car accident caused by another driver’s carelessness, you have the ability to seek compensation for those injuries.

**MOTORCYCLE AND BICYCLE ACCIDENT CASES**

Motorcyclists and bicyclists face grave dangers when riding on the roads and highways. Careless car and truck drivers cause countless accidents each year resulting in serious injuries and deaths. If you’ve been injured in a motorcycle or bicycle accident, you may be entitled to money compensation for your injuries and losses.

**PEDESTRIAN INJURY CASES**

Car and truck drivers have an obligation to look out for pedestrians, but each year thousands of pedestrians are seriously injured or killed by careless drivers.

**SLIP AND FALL CASES**

It is common for injuries to occur from a slip or trip and fall. Such accidents include things like slipping on spilled liquids in stores, slips on ice or snow, trips on defective sidewalks, falls down defective stairs, and other defective conditions on properties that cause accidents. If you fall and are injured on another person’s property, you may have a Personal Injury case.

**DEFECTIVE PRODUCT CASES**

Another common cause of injury is from defective and dangerous products. If you have been injured while using a product, you may have a Personal Injury claim if the product was defectively designed or manufactured, or if it did not have proper instructions or warnings.

**MEDICAL MALPRACTICE CASES**

If you have been injured as a result of improper medical care, you may have a valid medical malpractice Personal Injury claim. If it can be proven that your medical provider failed to treat you with reasonably competent medical care, you might have a Personal Injury case and be able to recover compensation for your injuries.

**CONSTRUCTION ACCIDENTS**

There are federal regulations and other safety standards mandating safe construction procedures on worksites. Even so, many contractors and subcontractors are either unaware of or ignore these safety rules and regulations, leading to serious injuries or deaths caused by accidents. If someone is injured or killed in a construction accident, there are potential legal claims to be pursued.

**DOG BITES**

Dog owners have a legal obligation to restrain and control their dogs to prevent attacks and dog bites. In the event of injuries arising out of a dog bite or attack, legal claims for compensation can be pursued.

**CHAPTER FIVE**

*Anatomy of a Personal Injury Case*

Hopefully, you have been fortunate enough to avoid being injured in an accident and will continue to have good luck in the future. However, in the event that you do find yourself injured and involved in a legal claim, the following is a brief description of the process—the *Anatomy of a Personal Injury Case*—which consists of Pre-Lawsuit Activities and Lawsuit Activities.

**PRE-LAWSUIT ACTIVITIES**

Not all injury cases have to result in a formal lawsuit, which is filed with the court. Not all cases have to go to trial. The majority of all injury cases are settled with the defendant’s insurance company. In a settlement, the insurance company agrees to pay compensation to the injured party in exchange for the injured party, releasing all claims against the defendant.

My goal as a Personal Injury attorney is to obtain full and fair compensation for my client’s injuries and damages. In my practice, I try to settle my client’s cases without actually filing a lawsuit, because litigation is time-consuming and stressful for my clients. In addition, lawsuits result in out-of-pocket expenses which, although paid in advance by my law firm, ultimately reduce the amount of your recovery. However, I recommend Pre-Lawsuit settlement only when the insurance company offers fair compensation.

***Investigation***

In terms of Pre-Lawsuit activities, I perform all work needed to prove the defendant’s responsibility for the accident. This involves investigation of the accident; interviewing client and witnesses; obtaining Police Reports and/or Incident Reports; photographing the accident scene, vehicles, and injuries; and researching legal theories.

Pre-Lawsuit activities also include evaluating injuries and damages. This involves client and damage witness interviews; obtaining medical records and bills; and quantifying lost wages and other economic damages. Often, our Pre-Lawsuit activities involve hiring experts to prove that the defendant was responsible for the accident and/or to determine the amount of damages.

***Settlement Negotiation***

In the final phase of Pre-Lawsuit activities, I offer my clients my expert opinion of the settlement value of the case and then prepare a comprehensive settlement package to send to the insurance company to convince it to settle the case for full value before litigation.

The last phase of the Pre-Lawsuit activities is to attempt to negotiate a settlement with the insurance company. This usually involves a back-and-forth process between me and the insurance adjuster. During these negotiations I communicate all settlement offers to the client, and it is always my client’s decision whether or not to settle the case.

If the case is settled, the client must sign a Release provided by the insurance company giving up all claims arising out of the accident. After the Release is signed, the insurance company pays the settlement funds.

**LAWSUIT ACTIVITIES**

If a case cannot be settled with the insurance company, a lawsuit needs to be filed. In most Texas Personal Injury cases, the Statute of Limitations time limit for filing a lawsuit is two years. If a lawsuit is not filed in court within two years of the date of the accident, the injured party loses all rights to seek compensation.

***Pleadings***

The Pleadings stage is the beginning of a Lawsuit. Once it is decided that a case cannot be settled and court intervention is required, the injured party, or Plaintiff, files a Complaint with the court. A Complaint is the written document starting the Lawsuit and it sets forth the Plaintiff’s dispute with the other party, the Defendant. The Complaint also describes what the Plaintiff seeks to recover in the Lawsuit.

Once the Complaint is filed and served upon the Defendant, the Defendant is required to respond to the allegations and set forth any defenses in an Answer. Thereafter, the Plaintiff files a Reply to the defenses contained in the Answer. Then, the Pleadings stage is over.

***Discovery***

After the Pleadings stage, the parties engage in Discovery in order to prepare for Arbitration or Trial.

The purpose of Discovery is to allow each party to learn about the other party’s case, such as what witnesses will be called to testify and what each will say. In addition, each party can ask the other what documents or other evidence will be used in the Lawsuit. In Discovery, each party can send written questions to the other side (Interrogatories) and ask that the other party provide copies of relevant documents (Requests for Production). Each party can also take the Deposition of the other party, which is an interview under oath regarding the subject matter of the case. Other witnesses can be subpoenaed for Depositions, and either party can issue Subpoenas for relevant documents from people other than the other party. In a Personal Injury case, it is common for the Defendant to subpoena all of Plaintiff’s medical records to learn about his or her medical history. In addition, the Defense has the right to request that the Plaintiff be examined by a doctor of their choice (Defense Medical Exam) so that doctor can testify for the Defense at trial. If properly done, the Discovery process ensures that there will be no surprises at the Arbitration or Trial.

***Summary Judgment Motions***

After completion of the Pleadings and Discovery phases, one party may feel so confident in the strength of his or her case that he or she will feel that a Trial is not necessary. In such a case, that party will ask the judge to decide in his or her favor before Trial by granting Summary Judgment. The procedure involves the party filing a Summary Judgment Motion explaining why he or she feels so strongly about the evidence and asking for a judgment without a Trial. Then, the other party must file a response explaining that there is evidence supporting his or her case and a Trial is necessary. If the Summary Judgment Motion is granted, judgment is entered and the case is over. If the Motion is denied, the case proceeds to Arbitration or Trial.

Once the Pleadings, Discovery and Summary Judgment Motion phases are complete, the Lawsuit is ready to go to Arbitration or Trial.

***Trial***

Depending on the preference of the parties, the Trial can take place in front of a judge or jury. There are generally six phases of a Jury Trial: (1) Jury Selection; (2) Opening Statements; (3) Testimony and Evidence; (4) Closing Arguments; (5) Jury Charge; and (6) Verdict.

In a Jury Trial, the first phase of the Trial begins with *Jury Selection*. A pool of jurors (usually 50–80 jurors) is brought into the courtroom and each juror has a number. Then, the judge and/or attorneys for both parties ask the jurors questions to determine whether they know any of the parties, attorneys, and witnesses or whether they have had any experiences or have strong feelings on certain issues which would not allow them to be fair and impartial. Once the questioning is complete, each attorney can ask that certain jurors be stricken from the jury pool due to some disclosed bias, prejudice, or another reason making them unable to serve such as school, job, or family obligations. After the judge rules on the “for cause” challenges, each party can also strike a set number of other jurors (six peremptory challenges in district court and three in the county court) who they think would likely favor the other side. These are called “peremptory strikes.” Once the strikes are complete, the first 12 remaining jurors constitute the jury panel for the Trial.

After Jury Selection, *Opening Statements* are presented to the jury. The Plaintiff’s Opening Statement is intended to give the jurors a “roadmap” of the Trial—to describe to the jury what the Plaintiff intends to prove. Normally, the facts of the case are outlined and the witnesses and important evidence are discussed. Argument is not permitted in the Opening Statement. The Defendant can decide to give an Opening Statement or defer the statement until after Plaintiff presents its testimony and evidence.

After Opening Statements, the parties present their *Testimony and Evidence*. The Plaintiff goes first by calling witnesses and offering exhibits into evidence. Each witness may be cross-examined by the Defense. Next, the Defendant may call witnesses and introduce evidence to support its defenses. The Defense witnesses can be cross-examined by the Plaintiff’s attorney. Thereafter, the Plaintiff may present witnesses or evidence in rebuttal to the Defendant’s case.

Once all testimony is complete, the attorneys deliver *Closing Arguments*. During the Closing Arguments, the attorneys are able to argue why the facts and applicable law should lead to a verdict in their favor. The Plaintiff goes first. After Plaintiff’s Closing Argument, the Defendant presents its closing. Finally, after the Defendant’s closing, the Plaintiff’s attorney usually presents a brief rebuttal argument.

After Closing Arguments, the judge must give the *Jury Charge*. In the charge, the judge explains to the jury all of the law applicable to the case so that the jury can reach a proper verdict. The *Jury Verdict* itself marks the conclusion of the Trial.

In the case of a Trial in front of a judge only (a Bench Trial), the procedure is the same except that there is no Jury Selection, Jury Charge or Jury Verdict. Usually, the judge will take additional time to consider the evidence and prepare a written decision rather than announce the decision immediately after Trial.

**CHAPTER SIX**

*What We Do for You in a Personal Injury Case*

When you hire me to represent you, you will know that I and a team of experts are personally managing all aspects of your case from beginning to end.

The following are the things I normally do in a Personal Injury case:

**BEFORE DECIDING TO FILE A LAWSUIT**

Initial client call

Initial client meeting (interview client, photograph injuries, and obtain documents from client)

Visit and photograph accident scene

Locate and interview witnesses

Review insurance policies

Research legal issues

Identify target defendants and define legal theories

Communicate with defendant’s insurance company

Gather medical records and bills as well as lost wage information

Obtain doctor reports and reports from other experts

Prepare comprehensive settlement demand package to send to defendant’s insurance company

Negotiate settlement or advise client to file a Lawsuit

If case is settled, negotiate reduction of medical bills and other liens on settlement proceeds

**AFTER DECIDING TO FILE A LAWSUIT**

Draft and file the Lawsuit

Draft written discovery requests to defendant

Answer defendant’s written discovery requests

Prepare client for deposition

Attend client’s deposition

Prepare for and take depositions of defendant and other witnesses

Prepare client for and attend Defense Medical Exam

Work with experts to prepare expert reports

Attempt to settle case with defense attorney

Attend mediation

Attend settlement conference with judge

Prepare for trial—prepare exhibits, prepare witnesses, write opening statement and closing argument, work on pretrial motions, prepare jury instructions and verdict slip

Try the case before a judge or jury

Analyze verdict

Advise client on appeal issues and handle appeal

**CHAPTER SEVEN**

*Ten Ways to Hurt or Kill Your Personal Injury Case*

If you have a Personal Injury case, it is critical to get advice from an experienced Personal Injury attorney. If you do not get and follow proper advice, you can hurt or kill your case. Based upon my experience, the following are Ten Ways to Hurt or Kill Your Personal Injury Case:

**1. FAILING TO DOCUMENT THE ACCIDENT**

It is important to document the accident as best you can. If it is an automobile accident, call the police to the scene, get the other driver’s personal information, get contact information from witnesses and, if possible, photograph the vehicles and the accident scene. If it is a slip and fall case, notify the store or property owner immediately, get contact information from witnesses and photograph the scene. Failing to document the accident can hurt or kill your Personal Injury case.

**2. FAILING TO GET IMMEDIATE MEDICAL TREATMENT**

If you have an accident, you should get medical treatment as soon as you feel any pain. You should either go to the hospital emergency room or your family doctor. Insurance companies evaluate the value of Personal Injury cases based, in large part, on medical treatment. If there is a delay in seeking treatment, the insurance company will argue that you must not have been injured seriously or that something else, not the accident, caused your injuries. A delay in medical treatment hurts your Personal Injury case.

**3. DELAYING CONTACTING AN EXPERIENCED PERSONAL INJURY ATTORNEY**

Personal Injury attorneys are experts at properly documenting and then presenting cases to insurance companies and juries. This job can be best performed if the attorney is involved immediately after the accident.

You may not have a case or need an attorney to help you. If you consult with an experienced Personal Injury attorney, he or she will tell you if you truly need an attorney. This advice is usually free of charge.

If you have a case and need an attorney, the attorney can: investigate the accident, locate witnesses, photograph the scene, photograph your visible injuries, identify the parties who are responsible for the accident, and advise you on how to protect yourself.

Delaying contacting an experienced Personal Injury attorney can hurt or kill your case.

**4. DEALING DIRECTLY WITH THE OTHER INSURANCE COMPANY**

You have a duty to report an automobile accident to *your* insurance company and should cooperate in their investigation. However, before you give any statement, especially statements to the insurance company for the other party to an accident, you should seek advice from an experienced Personal Injury attorney. You should also get advice *before* signing any authorizations for release of records to the insurance company. You have a right to privacy and do not need to sign very broad releases. Never agree to accept money and sign a release of your claims before getting advice from an experienced Personal Injury attorney. If you sign a release, your legal claims will be gone forever, regardless of how your injuries may affect the rest of your life.

**5. NOT FOLLOWING MEDICAL ADVICE**

It is important to listen to your doctor—for medical and legal reasons. Your doctor knows what is best for you. If you don’t trust your doctor, get a new one. If you do trust your doctor, listen to his or her advice regarding recommended treatments, diagnostic tests, therapy, and surgery. If you miss appointments or ignore medical advice from your own doctor, it gives the insurance company powerful ammunition to use against you in your case that you did not cooperate and try to get better.

**6. HIDING PAST ACCIDENTS**

Always tell your attorney about prior accidents and legal claims. Insurance companies know how to find out about them—and will. If you are not truthful about prior accidents, it will hurt and can kill your case.

**7. HIDING PAST INJURIES**

Do not hide past injuries either. The insurance company’s attorney will subpoena your medical records and find out about past injuries. If you try to hide them, it can destroy your credibility and hurt or kill your case.

Although your case is better if the accident actually was the sole cause of your injuries, the person responsible for an accident will be held liable for any aggravation or worsening of a preexisting medical condition. For example, if you had preexisting neck injuries which were made worse by the accident, you can recover for the worsening of your neck problems. Juries lose trust for clients who try to hide past injuries.

**8. EXAGGERATING OR MISREPRESENTING YOUR INJURIES OR ACTIVITY LEVEL**

Another way to hurt or kill your Personal Injury case is to exaggerate or misrepresent your injuries. During your case you will be asked many questions under oath about your condition and its effect on your life. These things can be verified by the insurance company. Its attorneys can subpoena medical records and have private investigators interview people who know you, or even perform video surveillance on you. Being caught in a lie or a clear exaggeration can hurt or kill your case.

**9. HIDING SUBSEQUENT ACCIDENTS OR INJURIES**

Sometimes accidents happen twice or maybe three times. If you have another accident, it is important to tell your attorney. It is likely that the insurance company’s attorney will find out about it. Let your attorney know about it immediately.

**10. FAILING TO LISTEN TO YOUR ATTORNEY**

The last way to hurt or kill your Personal Injury case is to ignore your attorney’s advice. If you have chosen your attorney wisely, you will be given sound advice on all issues that arise during your case, both before the lawsuit is filed and throughout the litigation process. Your attorney is the expert on how to prepare your case and obtain fair compensation for you. Your attorney also knows best about the value of your case and whether it should be settled or taken to trial. Trust and follow your attorney’s advice, because if you don’t, you may hurt or kill your case.

**CHAPTER EIGHT**

*Ten Ways to Maximize Your Chance of Recovering Fair Compensation*

There are many ways that clients can assist me in ensuring that they receive full and fair compensation after an accident. The following are ten ways to maximize your chance of recovering fair compensation:

**1. MAKING THE RIGHT CAR INSURANCE CHOICES**

How much I can help someone after a car accident often depends on the choices they made when they selected their car insurance. Please see Section I of this book, A Lawyer’s Guide to Purchasing Car Insurance, for extensive advice on appropriate car insurance choices. Reach out to Legal Insurance Agency at legalinsuranceagency.com or 817-618-6381 to ensure you have the best automobile coverage.

**2. DOCUMENTING THE ACCIDENT AND YOUR INJURIES**

If you are involved in an accident, it is important to document the accident with photographs and to keep a record of all of the names of the witnesses to the accident. It is also important to document your injuries by taking photographs of any visible sign of injury. Following these directions can help maximize the value of your case.

**3. TRACKING EXPENSES AND LOST WAGES**

Accident victims are entitled to fair compensation to make up for their injuries and losses. Two of the items of compensation include out-of-pocket expenses and lost wages. In order to maximize your chance of recovering fair compensation, it is important for you to track your out-of-pocket expenses and lost wages. Please keep copies of receipts and prepare a log of all of your out-of-pocket expenses. Also keep track of all of your time lost from work. Proving lost wages often requires production of pay stubs and tax returns. Please keep all of the relevant lost wage information so it is available for use in your Personal Injury case.

**4. JOURNALING PAIN AND LIMITATIONS**

Another main source of compensation in a Personal Injury case is for non-economic damages, which includes your physical and emotional pain and suffering and the negative impact that the accident has on your life and activities. It is important to keep track of these items so that, at the appropriate time, proof can be presented to the insurance company and Defendant. I advise my clients keep a daily journal of their physical and emotional pain and suffering and the negative impact that the accident and injuries have on their activities. This information is critical for me to have when attempting to value your case and communicating the extent of your losses to the insurance company and Defendant.

**5. HELPING YOUR ATTORNEY WITH DISCOVERY RESPONSES**

If your case cannot be settled without litigation, after the lawsuit is filed you will need to assist me in preparing responses to Discovery Requests served by the Defendant. Your help in providing complete and accurate responses to Discovery helps me to maximize the ultimate value of your case.

**6. PREPARING FOR AND PERFORMING WELL AT YOUR DEPOSITION**

Part of the Discovery process involves you giving a deposition in which the defense attorney asks you questions concerning the accident, your injuries and the impact on your life. Performing well at your deposition is critical to the success of your case. Because of this, it is important to use maximized effort when preparing for and testifying at your deposition. Doing well increases the value of your case, while doing poorly will decrease the value.

**7. FINDING THE RIGHT WITNESSES FOR YOUR CASE**

Personal Injury cases are stories. Because of this, presenting your Personal Injury case at trial involves having the right characters to tell the story about how the accident happened and how it has impacted your life. When preparing the case for trial, I will rely in part on you to provide me with witnesses who can help tell the story of your case. In particular, I always ask for good witnesses who can tell the story about the difference in your life before versus after the accident. Finding the right witnesses who can tell that story and relate well to the jury can maximize your chance of recovering fair compensation at trial.

**8. AVOIDING CONTRADICTIONS**

Personal Injury cases and trials are all about credibility. It is critical for the insurance company, defense attorney, and, ultimately, the jury to believe the story of your case because it maximizes value. If you are ever caught in any lies or contradictions relating to the accident, your injuries, or any prior or subsequent injuries or medical problems, it can harm your case. It is critical to avoid these potential contradictions in order to maximize the value of your case.

**9. CONSIDERING MEDIATION OR ARBITRATION**

Alternative Dispute Resolution, including Mediation and Arbitration, have become very popular venues for settling cases because they reduce the expense, risk, and stress of a jury trial. A Mediation is a voluntary process which involves both sides of the case meeting with a neutral third party who attempts to help the parties negotiate a resolution. Neither party is forced to settle the case, but mediators are often effective in arriving at an agreement which allows both parties to avoid the expense, risk, and stress of trial.

Arbitration is an alternative to a jury trial which involves having one or more arbitrators hear and decide the case. Usually, Arbitrations are binding and result in final decisions that cannot be appealed. Benefits of Arbitration include the ability to schedule the hearing based on your schedule, not the court’s, a quicker hearing, and a more predictable result compared to a jury trial.

**10. LISTENING TO YOUR ATTORNEY**

Clients who fail to follow my advice during their case will pay the price in terms of decreasing their ultimate recovery. My job as your attorney is to attempt to maximize your recovery and minimize your risk. Following my advice can help you maximize the chance of recovering fair compensation.