

Personal Injury Guide

for Georgia

Copyright © 2010 by R.Shane Smith

All rights reserved. No part of his book may be used or reproduced in any manner whatsoever without written permission of the author.

Printed in the United States of America.

ISBN: 978-1-59571-592-0

Designed and published by:

Word Association Publishers
205 Fifth Avenue
Tarentum, Pennsylvania 15068

1 800 827 7903

www.wordassociation.com

Personal Injury Guide

for Georgia

R. Shane Smith

WORD ASSOCIATION PUBLISHERS
www.wordassociation.com
1.800.827.7903

Table of Contents

Why I Wrote this Book	I
Disclaimer	3
Introduction	5
The Top 10 Ways People Damage Their Personal Injury Claims	7
Not Doing Anything at the Scene	9
Not Getting Their Vehicles Fixed	13
Delaying Medical Care	17
Not Using Health Insurance	21
Giving a Recorded Statement	27
Overstating Their Injuries	31
Sending Incorrect or Incomplete Information to the Insurance Adjuster	37
Signing a General Health Authorization	41
Getting the Wrong Medical Care	45
Hiring the Wrong Lawyer	49
How to Hire the Right Lawyer for Your Case	55
Not Knowing the Value of a Case	57
Other Common Mistakes	59
The Basics of a Bodily Injury Claim	63
Insurance Law	65
Uninsured Motorist Coverage	67
Med Pay	71
The Litigation Process	73

Should You Hire a Lawyer?	75
What Does an Experienced Lawyer Do for You?	77
Lost Wages and Taxes	81
About the Author	89
About My Firm	93
Conclusion	99
The Types of Cases We Handle	101
Coupons for Free Books	103

Why I Wrote this Book

I represent people who are injured in car wrecks by someone else's negligence or through no fault of their own. These are typically hard-working people who were minding their own business; often their vehicles were hit by distracted drivers, who were talking on a cell phone or doing something else when they should have been driving. The innocent party needs medical care and relief from pain and stress. This book is designed to help those people learn how to protect themselves and avoid damaging their Georgia bodily injury cases.

I get numerous calls from people who have tried to avoid hiring a lawyer or who just don't know where to turn. This book and my website are designed to help you until you can hire a competent attorney who practices personal injury work. You want a lawyer who knows car accident cases. I limit my law practice to only personal injury cases, the majority of which are car accident cases. After years of practice, and years of answering the same questions, I decided to write this

book that explains the “ins and outs” of a bodily injury case in Georgia. If you are reading this in another state, things very well may be different. I would encourage you to contact a lawyer in your state. If you need help finding a lawyer in your state, just go to my website www.shanesmithlaw.com. Under the links page, you can find a listing of personal injury lawyers in your state.

Disclaimer

The state bar of Georgia requires that I inform you that this book is not legal advice. I am not your lawyer. I cannot become your lawyer unless we sign a contract in which you retain my services. While the information in this book can detail your rights and offer suggestions, it does not provide specific advice about your case. If you need legal advice, please contact an attorney to discuss your specific case.

Introduction

This is not a book about how to get your car fixed. This book doesn't cover what to do about your vehicle or your rights regarding getting your car fixed. If you need help with that, I would encourage you to visit my website at www.shanesmithlaw.com or call us at (770) HURT 999 or (770) 487-8999. You can also order my other book *Property Damage Guide for Georgia*. This can explain your rights, the procedure to get what you are entitled to, and how to get a fair result. Either of these sources will provide you with facts and frequently asked questions regarding property damage.

This book is not a substitute for legal counsel. As I'll say frequently in the book, every case is different; your injuries may be more or less severe than someone else's, and your case might require specific guidance. Each person's case is different. The specific facts and circumstances surrounding your accident are different from anyone else's. Your losses are individual to you. For advice about your case, I will always encourage you to contact an attorney who handles bodily injury claims or personal injury.

This guide is just that, a guide to a general personal injury claim. It covers the most common ways I have found that my clients have injured their personal injury cases prior to seeking representation or hiring a lawyer, and how to avoid these same mistakes.

The Top 10 Ways People Damage Their Personal Injury Claims

1. Not doing anything at the scene.
2. Not getting their vehicles fixed.
3. Delaying medical care.
4. Not using health insurance.
5. Giving a recorded statement.
6. Overstating their injuries.
7. Sending incorrect or incomplete information to the insurance adjuster.
8. Signing a general health authorization.
9. Getting the wrong medical care.
10. Hiring the Wrong Lawyer.

1. Not Doing Anything at the Scene

At the scene of a collision, many times people are shaken up. They may be injured. They may not think they're injured. They've got adrenaline going through their systems. Normally, everybody's just thankful that they're alive and they're in shock that this accident happened. Sometimes, they're worried about their vehicles and they're wondering what to do. It's also not uncommon at the scene for the person who caused the wreck to be somewhat apologetic. He or she might ask you how you're doing. He or she might apologize for causing the crash. And you're thinking, "Okay, this is not going to be a problem. Everybody's accepting responsibility and acting like a grown-up. I don't need to make a big deal about the case." This happens a lot. People have an accident; the person who caused it seems like a good person. He admits that it was his fault or she says she will call her insurance. Sometimes, you then say you don't need to call the police. You decide not to make an accident report. Unfortunately, if that person changes the story, you have a big problem. Now you don't have an accident report telling anyone what happened. You

also don't have the person's address. You also don't know who that person's insurance carrier is or even if he or she has insurance. You have basically allowed your compassion to place you in a situation where you could be on the hook for thousands of dollars worth of medical care.

Sometimes you might be tempted not to call the police or not to file an accident report. The other party has asked you not to. He asks if your insurance companies can just settle it, or if he can just settle it. She tells you that she will be happy to give you her insurance company's information so that you can just contact them directly. I would urge you not to do this. I recommend to my clients that they always get a police report. There are many reasons why I would recommend doing this. The first, so you have an independent person describing the accident scene and talking to all parties. An insurance company or a jury, if your case goes that far, expects that a police officer would come out to the scene of any major collision. Merely the fact that you choose not to do a police report will convince many people that the case is not serious. No matter what the property damage is on the vehicle, if there's no police report, they're going to consider it a minor incident. So for that reason alone, it's good to have a police report.

Also, the police officer will do an on-the-scene liability investigation where he talks to all parties, figures out what happened, draws a diagram and determines who is at fault. If you were not at fault and a police officer issues a citation to the other party, that makes it much easier to establish liability in a civil case or against that person's insurance company. If someone receives the ticket, his or her insurance company will almost always accept responsibility for it. Not every

time, but almost always.

At the scene before police officers arrive, many times there are witnesses and these are the people who say, “Hey, if you need anything, call me. If you need a witness, call me. Here’s my name and telephone number.” I would tell you always to get that information. Many times, those witnesses will leave if the police don’t arrive promptly or the police officer will talk to everybody, without writing down their names and phone numbers. If they are not listed on the police report and you didn’t get their information at the scene, they’re gone and you might as well not have a witness. This is a critical part of any case where the other party could claim something different. A four-way stop sign collision, a collision at a traffic light, a collision where the other party backed into you, all of these are fact-specific situations where a witness is critical and key. If you have one and don’t take his or her information down and depend on the police officer to do so, you are letting someone else determine whether or not you’re going to be able to win your case. I would always encourage you to get a witness’s name and telephone number. We always try to contact any witnesses listed on the police report or who gave you their names.

With the advent of cell phones, almost everybody has a little camera at the scene of a collision. I would encourage you to take a picture of your vehicle. You can do this for several reasons. One, you can take a picture of the scene before any vehicles are moved. That will establish where things happened. This is critical in a sideswipe collision where one person may have moved over and hit your vehicle. If you take a picture before moving the vehicles, it shows your vehicle is in your lane and the other car over in yours. You can also take pictures

of the other person's car. This is important in case someone claims that a phantom vehicle hit his or hers and knocked it into yours. You can take pictures of the back of his or her car, showing that there is no damage there. This can pretty much end that argument. Take pictures of the damage to your car. That way, nobody can later claim that you had another accident and there was extra damage added onto your vehicle because of that second collision.

Also at the scene of the collision, the police officer is going to ask you if you're hurt. Many times at the scene you have adrenaline flowing through your body. All you can think is, "My, gosh, I've been hit" and you don't really feel like you're hurt. There's nothing wrong with telling the officer you're not sure but you don't need an ambulance. That's much better than saying, "No, I'm not hurt."

In summary, at the scene of the collision, take down the name and phone number of anybody who saw the accident; always call the police and get a police report; take pictures with your camera phone, if you can; and don't say you're not hurt if, in fact, you might be.

Georgia law requires that you move your vehicle after a minor accident. Sometimes the officer will tell you to move it quickly so traffic can get back to normal. This isn't that big a deal when it is a rear-end collision. However, if you were sideswiped the officer needs to see where your car was to determine who was over the line. I would always take a picture before moving the car. Even a bad cell phone picture is better than no picture.

2. Not Getting Their Vehicles Fixed

Insurance companies are trained when they come out to look at your car to make an on-the-site offer or to tell you they'll be mailing you a check based on the amount of the damage to your car. Insurance companies do this for several reasons. The primary reason is to encourage you not to get your vehicle fixed. An insurance company adjuster is trained to make an assessment of the property damage based on the visible damage to the vehicle. What does that mean? That's damage that they can see with the naked eye without taking any parts off, without climbing up underneath your vehicle, or putting it on a frame machine. This number is sometimes significantly lower than the actual damage to your car. If you have any frame damage to your vehicle, it's unlikely the adjuster is going to see it. He's not going to climb up underneath the vehicle and frame damage can only be seen when the car is put on a lift and somebody looks underneath it. Also, sometimes frame damage can only be seen with a laser frame machine. The bumpers on most vehicles have steel reinforced bars underneath them. Certainly, unless your bumper has been torn completely off,

that steel reinforced bar cannot be seen. However, if it's been damaged and bent, it has to be replaced. This would not be seen in an on-the-spot insurance adjuster's offer.

The insurance company hopes that you'll take the check, cash it and that will be the end of your property damage claim. This results in savings to them because all of the hidden damage was not repaired and they didn't have to pay you for it. Six months from the date of the accident if something breaks on your car or you notice there is extra damage, they're not going to cover that. This is why I would always recommend at a minimum that you go have your vehicle checked out by a reputable body shop. I encourage all my clients to get their vehicles fixed. This typically results in everyone being confident that the vehicle is safe and that all broken parts have been repaired. For more on property damage, go to my website or check out my book, "Property Damage Guide for Georgia."

Another reason insurance companies hope you don't get your vehicle fully repaired and that you take their cash-on-the-spot offer is because property damage to many insurance companies is a figure that limits the amount of your bodily injury claim. Scientifically and medically, property damage has nothing at all to do with your injuries. The amount of damage to your vehicle does not determine how badly you were hurt. It also does not determine the existence or non-existence of any injuries. However, the insurance companies have found that many juries will look at a damaged vehicle and, if it's not damaged too badly, assume that the victim could not be hurt significantly. Insurance companies have gradually raised the dollar figure that they use to classify a case as a minor impact collision. Many years ago it

was \$500. It has gradually gone up to \$1,000 or \$1,200, and I've seen some insurance companies classify anything with property damage under \$1,500 as a minor impact collision. They will limit the amount they are willing to offer you on your bodily injury case based on that property damage value. Many times, an insurance adjuster at the scene will make a cash settlement offer to you with a dollar figure that is below their internal company threshold.

By accepting this offer, you have effectively defined your accident as a minor impact collision, and limited the amount they will be willing to offer you on your bodily injury claim. This effectively means that you will either take their offer or you will have to file a lawsuit against them. Many lawyers are unwilling to file lawsuits in cases where the property damage to the vehicle is below a certain dollar threshold, so you have automatically knocked out many lawyers who might otherwise take your case. Each insurance company has a different dollar amount that they use to classify cases as minor impact. For some companies it's \$1,000, for some it's \$1,500; regardless, you're injuring yourself and injuring your case by not getting your vehicle fixed, putting a limitation on what they are willing to pay you.

3. Delaying Medical Care

Seeking medical care soon after the accident is a critical component of your bodily injury case. A delay in medical care does not make the insurance company or a jury think that you are trying to handle your injuries on your own. It does not make anyone think that you are trying to be responsible and take care of things on your own. It doesn't make people think that you are doing the best you can and had no choice. Jurors and insurance companies are not sympathetic to the fact that you might have no insurance and might not know where to turn. A delay in medical care impacts your case and reduces its value. Every day of delayed medical care means that your case is worth less and less money. Any delay in medical care is a bad idea. If you are not hurt, then you don't need to go to the doctor. However, if you are hurt then you should get immediate medical attention. Go to the emergency room or use your family doctor. Get checked out to make nothing more serious is wrong. If you need physical therapy or need to see a chiropractor, then go see one.

If you are injured, I encourage you to go to the emergency room. I

don't recommend that everyone go by ambulance. If you're not hurt, if your injuries are not life-threatening, then you don't need an ambulance. If you are hurt, however, go to the emergency room, get seen by the doctor, and make sure nothing is seriously wrong. Right or wrong, an insurance company will consider your bodily injury case a more serious and important case if you go to the emergency room right after the accident or the day of the accident. Do you have to go right after the accident? No. You can wait several hours, get your vehicle home, and then go. Have someone take you. If you don't go that night, is it okay to go the next day? The answer to that is yes. If you wake up the morning after the accident and you're terribly sore and in a lot of pain, go to the emergency room. You can also go see your family care doctor or a medical doctor. But regardless of which one you're going to choose, get some medical care quickly, the day of the accident or the next day.

Some clients have asked me whether they can just go see their chiropractors. If you have a chiropractor you're familiar with or you're injured and you believe that a chiropractor will best be able to treat you, then go see him or her. But make sure you're seen within one or two days after the accident. As long as you seek medical care for your injuries and you have your injuries documented within several days of the accident, you'll be okay. We recommend going to the emergency room, your family care doctor, your chiropractor or some other medical doctor who can diagnose your injuries, document them and begin your medical care.

If you are sore at all the day of the accident, I would encourage you to go immediately to a medical doctor who can prescribe muscle re-

laxers or pain medicine. Back and neck injuries get worse over several days, the first 48 to 72 hours. Therefore, my experience has shown that if you are hurting the day of the accident and you do not seek medical care, you will be in extreme pain within two or three days.

Some people in today's economy do not have health insurance. They're worried about going to the doctor. They don't think a doctor will see them or they don't know a doctor that will see them without health insurance. This is not a good reason not to seek medical care. Under Georgia law, insurance or health insurance is not relevant and is not to be discussed in a personal injury case. Under certain circumstances, it might be brought up that you didn't have health insurance and you can argue that was the reason for your delay in medical care. However, most jury members are going to think if you were really hurt you would go to the doctor and worry about paying the bills later. When you delay medical care because you don't have health insurance, jury members are likely to think that you were not really hurt and did not really need to go.

I've had some clients tell me that they were trying to get the insurance company to give them a doctor or authorize going to the doctor. The insurance companies don't want to do this. They are not going to prepay for you to visit a doctor. They're going to tell you if you're hurt, go get medical care. Think about this. The insurance adjuster's job is to minimize the value of your case. Their training is to teach them how to pay you as little for your case as possible. If a delay in medical care reduces the value of your case to a jury and they can delay you seeking medical care, they will do so. If you call them and leave a message that says, "Hey, I need to go to the doctor. Tell me

where I can go,” why would they call you back immediately? If they can wait 24 to 48 hours to do so, they’ve effectively reduced the value of your case all the time you’re waiting for them to call and tell you where to go. An insurance adjuster will almost always seek to delay your medical care through authorizations or not returning phone calls or just not providing you with a doctor. It is not in their best interest to make it easy for you to go to the doctor. They will not preauthorize any treatment. They will not prepay anything. They will not pay any bills until after your case is settled. Therefore, it’s important for you to be in charge of your own medical care, to find your own doctor, to make a decision whether you’re hurt or not, and if you are to go to the doctor. If you don’t think you know a doctor or don’t know of a doctor that can see you, I would recommend calling a personal injury lawyer who might know a doctor in your area, or checking with friends or family or asking a chiropractor you might know.

4. Not Using Health Insurance

If you have private health insurance or government health insurance (Medicaid/Medicare) and you need medical care, you should always give your insurance information to the hospital or the doctor. There are many reasons to do this. The first and foremost is that the doctors' offices are familiar with health insurance; they know how it works, and they feel confident that they will be paid that way. Using health insurance allows a doctor or hospital to process your case just like anybody else's, and get the bill paid. They feel better about providing you medical care when there is health insurance.

Also, a doctor is more likely to order a test he thinks you need if he feels there is health insurance in the case. Doctors become very careful about ordering medical tests when there's no health insurance. If you have health insurance, they know that the bill is going to be paid and they're likely to refer you out for an MRI, or X-rays, or CT scans, or even blood work if they think you need it. That's one reason to provide your health insurance information to them.

Some people don't want to provide their health insurance information because they feel like the other person's insurance ought to pay for the accident so instead of their own. I will tell you that when you settle your bodily injury case, it is none of the defendant's business whether or not you have private health insurance. If you have a lawyer who practices personal injury, he will, or he should, present the full amount of your medical bills to the other party's insurance company. It's not relevant whether those bills were paid by health insurance, whether you paid them in cash, or whether they're still outstanding. The face amount of those bills will be presented to the other person's injury company and they should make a settlement offer based upon those bills. Once you receive that settlement check, then you will pay those medical bills. If the bill has been paid by a private health insurance company and nothing is owed to them, that extra money would go to you.

If your health insurance is entitled to be paid back, then you would just pay them out of the settlement offer. However, health insurance companies normally do not pay the face amount of the bill. In almost every case, they have negotiated discounted rates for their patients. The hospitals and doctors give it to them because of the volume of patients those health insurance companies can send them. Therefore, if you had a bill for \$1,000 for a doctor and you have private health insurance, your private health insurance might pay them \$500. When you pay your health insurance company back, you would only have to pay them \$500, not \$1,000. That would be an extra \$500 in your pocket.

Do you have to pay your health insurance company back? This is a

question I am frequently asked and the answer is, it depends. If your health insurance company is an ERISA company, then the answer is most likely. This is a company-sponsored health insurance plan where your company basically pays into a fund and, if that money is all taken out by injured employees, they have to replenish it. This is different than regular health insurance where your company buys a policy knowing what the fixed amount is every month. ERISA repayment is a complicated area and I would caution you against trying to do it on your own without seeking legal advice.

Georgia also has what's called the "Made Whole Doctrine." This doctrine basically says that if you are made whole, with a jury settlement or a jury verdict, then you have to pay your health insurance carrier back. If you are not made whole after your economic and noneconomic damages, then you don't have to pay the health insurance company back—if they're non-ERISA. How do you know if you're "made whole" or not? Basically, any time a jury renders a verdict, you're made whole. If you engage in a settlement compromise, then you're not made whole. This is because the compromise, by its very definition, means that you took less money for one of many reasons. One of those reasons is "certainty," because you now know exactly what it will be rather than leaving it up to a jury to tell you what your case is worth. The second is "time"; you took less money now rather than wait to go through the entire legal process, which can take several years. So, if you receive a settlement offer or a settlement compromise without filing a lawsuit and going to a jury, then you probably do not have to pay back any health insurance company unless it is ERISA-based. There is one caveat to that, and this is governmen-

tal health insurance.

If you are a recipient of Medicaid, Medicare, Peach Care, any other governmental insurance, or Tri Care, then you most likely have to pay them back for any health insurance costs associated with your accident. The federal government and state government operate by different rules than private health insurance carriers. Since it's taxpayer money purchasing your health insurance, the taxpayers have a right to be paid back. They function very similar to ERISA-based companies. If you do not pay Medicaid and Medicare the money that's owed to them, you can be liable for it. They can sue you. But more importantly, they can take away your Medicaid and Medicare benefits. The same goes for Tri Care. Repayment of health insurance is a complicated issue and it's beyond the scope of this book. However, I urge all of my clients who have health insurance to use it for their medical care and treatment, especially in the emergency room and family care doctors, or if they require MRIs or any specialized treatment beyond chiropractic care. If you follow the correct procedures, this can represent thousands of dollars in your pocket. You shouldn't worry about the defendant driver getting the benefit of you having health insurance. The only ones who benefit are you and your family.

Some folks also don't want to use the Medical Payment or Med-Pay coverage that they have on their own car insurance policies. They use the same arguments: why should my insurance have to pay for it? Somebody else caused it. If you have Med-Pay, or Medical Payment coverage, you pay for that privilege every month. Every time you write your car insurance agency a check, you are giving them some money for that Med-Pay coverage. The amounts aren't usually high, but

Medical Payment coverage is there in case you are in a car accident, whether it's your fault or not. That's how that coverage works. Med Pay falls into the same category as the Georgia "Made Whole" rule. If you are not made whole, you generally don't have to pay back your health insurance company or Med Pay Provider. That's just coverage you bought. Clients ask me, "Well, will my insurance go up if I use my Med Pay?" The answer is the law says no. The law says they cannot raise your insurance rates based upon a no-fault collision. Therefore, use of Med Pay should not increase your rates and should not cause your insurance company to drop you. If your insurance company were to raise your rates or to drop you, I would urge you to contact another insurance company. They would then research the accident. They would see it was a no-fault collision, and they would not hold it against you. I would not want to do business with a company that raised my rates for something that wasn't my fault in violation of Georgia law. For that reason alone, I would want to change insurance companies, because it's probably a signal that if you're in a collision and you need their help for your own policy, they're not going to treat you fairly.

5. Giving a Recorded Statement

When you first contact the other party's insurance company, they're going to have you set up a claim. They will then say, "Do you have a few minutes? We just need to take a brief recorded statement to find out what happened in the collision." Some folks say, "Well, I don't want to make a recorded statement. Do I have to?" They'll say, "Yes, you have to. It's part of our investigation. We do this in every case." Or they'll say, "You don't have to, but I can't put you in a rental car until you do." Or, "I can't start repairing your car until I do, because I have to establish liability." This is true, but also not true.

Many times, they are trained as part of the procedure on any new case to ask for a recorded statement. They have to ask for one. They don't have to receive one. In a simple rear-end collision where liability is not an issue, there is no need to give a recorded statement. In a more complicated case, sometimes there is a need to. Many times when they ask for a recorded statement, if they really do need one, they've already made up their mind that they're going to question liability. They just want to get you on tape telling a story so that later

on, if you go to court, their lawyers can put up your statement and compare it to your story, and try to cross you up and trick you, or see if there are any inconsistencies or differences. I would recommend not giving a recorded statement unless you absolutely have to. You can send the accident report to them, so they can see it. In close to two-thirds of my cases, we don't do any recorded statements at all. When the circumstances surrounding the accident are clear and everyone knows what happened, there's no reason to give a recorded statement. They only reason the insurance company wants one is to try to trip you up later, or in an attempt to limit your bodily injury.

If you give a recorded statement, they will ask you what your injuries are. They will sometimes do this within two days of the accident. You may not know what your injuries are at that time. Back and neck injuries frequently get worse over two to three days. Therefore, if you gave a statement on the day after the accident, you might hurt more on the following day than when you gave the statement. Another possible scenario is that you are in so much pain from your neck injury and the migraines it was causing; you might fail to mention that your lower back hurt. You might have a broken arm and have just had surgery from it, so you might not be worried about your knee, which struck the dashboard and has been causing you pain. If you fail to mention an injury in a recorded statement, no matter how soon after the accident it happened, and you later need any treatment for that injury, it is very difficult to get the insurance company to pay for it or include it in your bodily injury settlement.

For that reason, I do not give recorded statements talking about damages until a client is done treating. If you must give a recorded state-

ment, talk about liability only, or talk about the facts surrounding the accident, but not about your injuries. I recommend that you say that you're hurt and you're seeking treatment, but you don't want to go into any details at this time. This keeps you from being trapped by an insurance company claiming you didn't tell them about an injury. There is no need to talk about your injuries in a recorded statement with the insurance company.

They will sometimes say that procedure requires them to take a recorded statement of what you say happened at the collision. Its sole purpose is to document your testimony, to try to find inconsistencies in it. They want to see if you change your mind or story about anything. Did you say the accident happened at 5:00 and the police report says 6:00? Maybe you say that you were going 45 mph and the speed limit is 35 mph in this area. Anything that you get wrong will be treated in front of a jury as if you purposefully lied about it.

Another insurance company technique is to get a recorded statement immediately after the wreck. They will ask what hurts. Maybe it is the night of the wreck and your neck has not started hurting yet. If your neck doesn't hurt that night, they will play back the recording where you say your neck wasn't hurting. Or, maybe your neck hurts so bad, that you cannot concentrate on anything else. If after the doctor gets your neck under control, and you need treatment for you knee, guess what? They will say you failed to mention it and won't want to pay for any associated injury to it.

6. Overstating Their Injuries

There is a sure way to destroy your credibility to a jury or even to an insurance adjuster. That is to overstate or exaggerate your injuries. Some people think the longer they treat the more money they'll get. Some people think the more medical care they have, the more money they'll get. Some people think the longer they don't go to work, the more money they'll get. These ideas are not necessarily true. Juries are pretty good at figuring out who is exaggerating their injuries. If you see a doctor for four months, and every time you go in you say your pain is at a level 9, that is not really believable to a jury or to an insurance company. If it really is that high, you need much more serious care and treatment than just a physical therapist or a chiropractor. If your pain level is that high, then you should have been in a hospital getting an MRI, or getting epidurals, or some more serious treatment. Juries can usually tell if you're exaggerating. If a jury feels that you have exaggerated your injuries, or are making them out to be worse than they really are, the jury will heavily penalize you on your verdict. They will not believe anything you say. They will become

convinced that you are faking everything and give you much less money. Don't lie to anyone about your case. Not your lawyer, the doctor, or the insurance company. I can fix a lot of stuff, but I can't fix a lie. I cannot prepare for it, I cannot diffuse it, and I cannot prove our side if you lie to me or to the jury.

Your doctor cannot treat you effectively if you lie to him. Prior injuries are okay, but if you lie about them, then you will destroy any value in your case. Also, overstating your injuries or exaggerating them to your doctor is just not good medicine. Your doctor won't know which tests to perform, which medicines to prescribe, whether his treatment is effective, and how to make you better.

A sure way to irritate and frustrate your lawyer is for him to find out you're being dishonest. Never overstate your injuries. It's not fair, it's not honest, and it will almost always come back to bite you. Your bodily injury case is what it is. Your lawyer's job is to get the most value for your case based on what's fair. Overstating your injuries usually results in a lower jury verdict and then less money from the insurance company.

Another component of overstated injuries is extended wage loss claims. If you cannot go to work, that's perfectly fine. You need a medical excuse from a doctor telling you that you cannot go to work. People understand that right after the accident you very likely could not or did not feel like going to work. However, most people expect you to go back to work within one to two weeks. Just because you're seeing a chiropractor or a physical therapist does not mean you cannot go to work. Some jobs are more physical than others and you

would be prevented from going to work if you were injured. If this is the case, you need a note from the medical doctor saying you cannot go. Insurance companies and juries do not believe extended absences from work or extended lost wage claims without significant medical documentation. Juries are made up of normal folks just like you and I. Most cannot understand why you could not go to work for three months when all you did was treat with a chiropractor or physical therapist. They do not believe that you were injured to the extent that you could not work. Therefore, they will discount your lost wage claim if it's that high, believe you are overstating your injuries, and punish you by giving you less than they normally would have. The insurance companies operate the same way. Juries expect that you'll be in an accident, not go to work for some days and seek treatment, go back to work while you are still seeking treatment and then be done. Not going to work for three months with minor injuries is the same as overstating your injuries.

A component of this issue is simple honesty. If you are giving a recorded statement and they ask you a question, you need to be honest. Tell the truth. If your lawyer asks you a question, tell the truth. Lawyers can deal with bad information. What they cannot deal with is being caught not knowing about something. That makes them look like liars, or it makes them look like bad or uninformed lawyers. It is also makes you, the client, look terrible. I had a client who was asked in a recorded statement, "Do you owe any back taxes?" Back taxes have nothing at all to do with a car accident and they have nothing at all to do with a bodily injury case. The fact that my client had or did not have back taxes would not be admissible or relevant in

court. However, my client did owe back taxes and lied about it. After her recorded statement was over and my client was no longer present, the insurance company said, “She does owe back taxes. Here’s the lien.” The back taxes issue became admissible in court, not to prove she owed back taxes, but to prove that she was a liar. My client’s lie accomplished two things for the insurance company. One, it got the back taxes into the minds of the jury, so they felt like she was not paying her fair share to the government. Two, it destroyed her credibility; because she lied, the jury would not believe anything she said.

If they ask if you’ve been in a prior accident and you have, then you need to say so. Insurance companies will run your name and your social security number in their large database, and they will pull up every claim you’ve made in the last ten to fifteen years. You better believe they will know whether you filed a claim or not. If you say you haven’t, be prepared for your credibility to be destroyed in court.

Clients have said to me, “Well, Shane, I don’t want to tell them I’d ever hurt my back before the accident, because I’m afraid then they’ll think that none of my medical care is related to the accident.” This is perfectly justifiable fear. An insurance company will try to say, “Well, we don’t want to pay for your back injury because you were hurt before.” The important thing is, are you worse now than you were before the accident? If you were, then they are liable for that worsening of your condition. I tell clients it’s important to let me know what your status was six months before the wreck. Were you seeing any doctors for your lower back? Were you on medication? Did you need any therapy? If the answer to all of these is no, then it’s not really relevant that two years before the accident you saw your doctor for your lower back

and he gave you a little bit of medicine and then you were fine. Juries understand that. They know that you can get hurt and get better. Even if you were seeing a doctor prior to the accident, your condition could, in fact, be made worse by the accident. As long as your medical doctor can document what your condition was before and what it was after the accident, we can work on it and we can have a case based on the worsening of your condition.

7. Sending Incorrect or Incomplete Information to the Insurance Adjuster

The insurance company is going to ask you to send them a packet of your medical bills about your lost wages and pain and suffering. If you send shoddy information to them, it will damage your case. If you send lost wage information and say, “Well, I missed six days of work,” but you don’t send the proper paperwork from your employer showing your rate of pay, and how many days you missed, you will hurt your case. If they ask for medical bills and you don’t send all of your medical bills, you will not be paid the full value of your case. When you go to the emergency room and you don’t get treated on health insurance, there’s a bill from ambulance, there’s a bill from the emergency room, there’s a bill from the ER doctor, and there’s a bill from the X-ray people. That’s four bills for one trip to the emergency room. If you only send two bills, guess what? They’ll be more than happy to pay you for only two.

When my firm sends information to the insurance company, we create a nice packet. We draft a demand letter about the facts and cir-

cumstances surrounding the accident. We include a section about your medical treatment, where you went, what kind of diagnoses you received, what kind of treatment the doctors did, what medicine they gave you. Next, we include a section about your medical bills, with an itemized expense list, including your lost wages and any future medical expenses we expect. Finally, there ought to be a section talking about your pain and suffering, or inconvenience due to the accident. What are some things that you cannot do because of the accident? What are some things you missed because of the accident and your injuries? Did you miss your high school prom? Were you unable to play in any sports tournaments? Could you not go fishing with your Sunday fishing buddy? Could you not work in your yard or around your house? Talk about some specific things that you could not do because of the accident. If you have children and could not pick them up, you can talk about the fact that your children did not understand why daddy or mommy couldn't suddenly pick them up anymore, or why you could not wrestle with them on the floor. Talk about specific things. This is all that goes into pain and suffering, in addition to the fact that you were hurt.

**ANOTHER MISTAKE:
THINKING THE ADJUSTER IS YOUR FRIEND**

Always remember that the adjuster's job is to settle claims as cheaply as possible. This means if he or she can get you to take less money, he or she is doing a good job. Maybe the adjuster only gets you to take \$500 less, but over the whole year, on all of the outstanding claims, that is a lot of money for the insurance company. If they can convince you not to file a claim, imagine what they save their company. The adjuster wants to get you to take less money than the claim is worth.

Some adjusters play very nice in the beginning of a file. What have they got to lose? If they aren't nice they can always go back to being not nice. They know that you feel like you are suing the adjuster. If they have been nice and cooperative some folks will feel bad about it.

8. Signing a General Health Authorization

When you tell the insurance company that you were injured, they will send you a packet full of forms. I don't recommend filling out any of these forms. One of these forms is a general authorization form. If you sign a general medical authorization form, you have authorized the insurance company to get your medical records for the last ten years from any doctor you ever went to, whether it is relevant or not relevant to the car accident. With this authorization, if you sought psychological counseling three years ago right after your divorce, they'd have a right to request that. They would have a right to request a woman's OB/GYN medical records. They would have a right to request records of any substance abuse counseling you had received. They would have a right to order your primary care doctor's records for the last five years to see if you ever went in for low back pain. Signing a general health authorization is one of the most damaging things you can do to your case. Is it relevant that you sought alcohol counseling three years ago after your mother died? It's not relevant at all. Can the insurance company use it to damage

your credibility and to lower the value of your case? Yes, they can. You should control the flow of information that you give to the insurance company. When you get your medical records and bills together for the insurance company, you control that information. You give them the information that's relevant to the case. This is critical. If you sign a general authorization, you give all that control to them, and give them the ability to reduce the value of your case. They can then say, "Well, three years ago we see that you hurt your lower back," and they can start arguing with you by saying, "Well, maybe some of your injuries are from that," even though you hadn't sought a doctor's care in two years. They will use anything in your records to reduce the value of your case.

Sometimes there are other forms they ask you to fill out. Be careful. One of those forms very well could say, "What did you hurt in the accident?" If you talk about your back and neck and forget to put your knee down, guess what? They may not pay for your knee treatment. If they ask you what happened in the accident, and you describe something and you misstate it, guess what? They may now dispute liability. If you write down the wrong number for your property damage, guess what? Even though they know what the amount is, is it possible they'll use it against you to try to argue with you? Yes. Filling out insurance company forms is just like anything else. The forms are designed by them to help them pay you less money on your case. Why would an insurance company need to ask you on a form what happened in the accident when they've already had you give them a recorded statement, when they've already seen the police report, and they've already talked to their insured? There's only one

reason and that's to try to minimize the value of your case to look for any differences in these four statements and try to use them against you. The same is for medical records and forms.

Along those lines, signing a release is a bad idea. A release from the insurance company ends your case. I would not sign any form without reading it in full, making sure it's not a bodily injury release, or general release, extinguishing your claim. Once you sign a release, your case is over. It doesn't matter if two days after that you decide you need surgery or you find out some other information. Once you sign a release and take an insurance company's money, your bodily injury case is over. Be sure to consult with an experienced personal injury attorney before signing any forms from the insurance company.

9. Getting the Wrong Medical Care

The key component to your bodily injury case is the amount and type of your medical care. If you get the wrong care, it can wreck or diminish the value of your case. How do you know what is the proper medical care? Hopefully, you haven't been in any other wrecks, so you would not have a lot of experience dealing with back and neck pain. Also, most people have great respect for medical doctors. We're taught that we should listen to doctors and do what they say.

On many occasions, a family care doctor is not a back specialist. Many times he or she might feel that your back and neck may very well get better on their own and that you might not need any further care. Therefore, if you go see your family doctor, he may prescribe 30 days' worth of medicine and tell you not to come back, or to come back if you don't feel better then. This is devastating to a personal injury case. This is 30 days of no treatment when you were saying you were in significant pain and needed more care. Most juries feel that if you were hurt, you would have gone back to the doctor. Sometimes you were just following the doctor's orders,

and were going to go see him after the end of the 30 days. If you're hurt, go to the doctor. If you see a family care doctor and he gives you medicine and says "come back if you don't feel better" and a week goes by and you don't feel better, go back to the doctor so he can recommend physical therapy.

Another issue that comes up is when medical care is not making you better. If you're seeing a physical therapy or a chiropractor, and 90 to 120 days go by and you don't feel better, you need to do something different. Whether that means getting an MRI to look for a bulging or herniated disc, or going to a pain management doctor, will depend on the specific facts of your case. However, juries do not expect you to continue doing the same thing over and over for months at a time. If it's been over four months and you don't feel better, you need to talk to somebody about changing your care. Sometimes this can be talking to your physical therapist or chiropractor and changing specific aspects of the treatment. That's perfectly fine. Maybe they can add something. Maybe they can do something different that will make your symptoms better. If they can, that's great. If they cannot treat you, though, after 120 days, they should refer you to someone who can: an orthopedic specialist who treats chronic neck and back injuries; a pain specialist who treats people with injuries that are not healing; a neurologist who can order an MRI to look for herniated or bulging discs. There are many different types of treatment for a case where injuries are more severe than standard, soft tissue injuries.

Another issue is when you have a broken bone and you don't have any health insurance, you may not get exactly the right care you need. You need to know whether the bone is healing correctly and whether you

need surgery or not. The only way to do this is to see an orthopedist who treats bone injuries. If you have a complicated fracture and you see your family care doctor, he or she is not going to be able to give you the proper advice on whether or not you need surgery.

If you have a scar, either from a cut or a burn related to your bodily injury claim, you should see a plastic surgeon, who can do a scar evaluation. A picture alone is not sufficient to document what it costs and the severity of a scar. When you go to court and you talk about a scar, a question many juries will ask is, is it repairable? If you have not seen a plastic surgeon, you will not be able to answer that question.

In a standard case where you just hurt your back and neck or have muscle strain, your normal care may be an emergency room visit, a visit with your family care doctor, and then treatment through either a chiropractor or a physical therapist. This is typical medical treatment for these types of injuries. If you have pain that radiates down into your arms or legs, a referral to a neurologist who can order an MRI would also be typical. Any time your pain and treatment lasts over 120 days, you are stepping out of that normal pattern to more complicated medical care. You need to discuss with your doctor how to make you better.

10. Hiring the Wrong Lawyer

All lawyers are not the same. All personal injury lawyers are not the same. There are many different types of law that someone can practice: divorces, criminal defense, contracts, corporate law, wills, estates and trusts, bankruptcy, workers' compensation and personal injury. You hire a lawyer based on his or her knowledge of that area of the law, his or her experience in dealing with insurance companies and juries, and his or her handling of personal injury cases. Does that lawyer know how to maximize the value of your bodily injury case? Is he or she willing to put in the time and effort to do so? When talking to a lawyer you should feel free to ask him or her, "What types of law do you do?" Does he or she do personal injury cases? Is he or she a generalist, who does a little bit of everything? Does his or her firm do anything besides personal injury work? All of these are important and relevant.

If a firm does other things, that is similar to an orthopedist's office having someone who works on knees, someone who works on hands, and someone who works on backs and necks. It's just a more well-

rounded firm. However, if the lawyer who is handling your case does multiple types of law, you should ask more specific details. I would not go to a personal injury attorney to close on a house. Why would I use a real estate attorney to do a car wreck? I get calls all the time asking do I handle this or that type of case. Do we do wills or handle child support cases? Can we help a small business collect on an owed debt? Can we handle a criminal defense case?

When we first started our own firm we tried to do several different types of cases. Very quickly, I learned that my clients were best served when I did what I do best. Now when a former client calls and says can you do this type of case, my answer is almost always the same – sure I can, but you don't want me to. Let me refer you to someone who does that all the time. I know this lawyer and he can help you better than I can. I then refer the client to a lawyer I know will take care of his or her matter, a lawyer who knows that particular area of the law as well as I know personal injury work.

What percentage of your cases is personal injury? How many personal injury cases have you handled? How many cases like mine have you handled? Does your staff know how to do personal injury cases? These are important questions that you should ask. If you had a knee injury, would you want to go to a doctor who does surgery on the entire body, or someone who just works on knees? The same is for your personal injury case. Hopefully, you will not have more than one car accident or personal injury case. Therefore, how do you feel most comfortable having that case handled? Do you want someone who does a little bit of everything, who does a few personal injury cases a year, or do you want someone who only works on personal in-

jury cases? That's entirely up to you. It is important to know the experience level of the attorney you are working with. Is this a brand new lawyer? Does he or she know a lot about personal injury work? Has he or she only recently started taking personal injury cases?

Any lawyer should be willing to talk to you about his or her experience, about prior case results, especially cases similar to yours. Remember every case is different, which is why you want an experienced lawyer.

What is the lawyer's experience in handling cases? Has he done personal injury for six months, a year, five years or ten years? Has he handled ten or twenty personal injury cases, or has he handled hundreds? A lawyer with experience in personal injury matters is going to be best able to advise you on whether a settlement offer is fair or not. He will be best able to advise you on whether you need to go outside for further medical care. He can best advise you on paying back the health insurance companies. He can best advise you whether there are things in your past that will make filing a lawsuit a bad idea in a personal injury case. If you're paying for a lawyer's services and come to him for advice, just make sure that the lawyer you hire can give you good advice and help you with your personal injury case.

Beware of the "family friend" lawyer, or lawyer your friend used for something else. A phrase I've heard quite often is "a family lawyer." A family lawyer is a lawyer your family uses for everything. This may not be the best person to handle your personal injury case. A lawyer who writes wills all day long may not know how best to negotiate with the insurance company. A lawyer who focuses on divorces may

not know best how to prepare a demand to send to the insurance company that documents the full range of your injuries. A lawyer who does contracts may not be prepared to file a lawsuit on your personal injury case. A lawyer who has not handled many personal injury cases may not be in a position to tell you whether your offer is fair or not. A lawyer who doesn't know a lot of medical doctors may not be able to help you get the medical care you need if your case is more complicated, and if you don't have health insurance. A lawyer who only dabbles in personal injury may not be able to help you maximize the value of your case, or even know how to push a personal injury case to a rapid resolution. I cannot tell you the number of times I have heard people say, "we have a family lawyer." These clients often come to me in the middle of a case and want help. Their "family lawyer" was going to help them and then the case fell apart. Why? Many times, the family lawyer doesn't do personal injury work, but does some other type of law and was just going to help out. I don't do other types of law. I do personal injury work.

TRYING TO SETTLE QUICKLY – WITHOUT A LAWYER

“I thought a lawyer would only cost me money. I thought I didn’t need a lawyer. I thought a lawyer would only take my money.”

I hear these excuses from people who hire me in the middle or at the end of their cases. They try to explain why they waited so long to call a lawyer.

The insurance industry did a study and has repeated the study several times. Every time I have seen the results, they are the same. The group who did the study found that people with lawyers receive settlement numbers three and a half times higher than those without.

These are their numbers, not mine. At my firm, we do our best to tell you about pitfalls that can hurt your case. We help you to avoid them. We try to fix any mistakes. We argue with the insurance company and will investigate your claim. We know what a case is worth.

I do not expect my clients to know as much about personal injury cases as I do. After all, this is what we do all day, every day. For most of my clients, this is their first injury in a car wreck.

How to Hire the Right Lawyer for Your Case

Choose a lawyer the same way you would do anything else. Do your research. Ask prospective lawyers about their practice. Ask them about their experience, what they normally find in cases such as yours. Ask them about their staff. Ask them how your case will be handled. Does the firm have more than one paralegal? Will there be a paralegal who will be focused solely on your case, or do they share files? Does the lawyer return telephone calls on a regular basis? Get the details about your lawyer before you hire him or her. If it takes a few days or weeks to choose the right lawyer, it's okay. Just make sure you are getting the medical care you need while the case is going on. Can the lawyer provide testimonials from former satisfied clients? Is there anything about the lawyer on the Internet? Does the lawyer have malpractice insurance? These are all relevant questions you ought to know.

It is very difficult to tell one lawyer from another just looking at *Yellow Pages* ads. When I bought a house, I looked at many different houses; when I buy a car, I look at more than one car. I would cau-

tion you against hastily calling a lawyer whose name you got out of the phone book. At least take the time to talk to the lawyer, and find out about who he or she is prior to hiring him or her for your case.

I would caution you that trying to settle your first injury case is similar to buying your first car. When most 18 year olds go to buy a first car, especially a used car, they don't go alone. They call their dad or mom or an older friend to go with them and negotiate. They check on-line to see what the car is worth. This is how they don't get taken for a scam. Your case is similar. Unless you have experience in this area, you are likely to make a mistake.

Can you settle your case without a lawyer? Sure you can. Should you? That is a different question entirely. If you consult with a fair, experienced and ethical lawyer, he will tell you whether you need his help. I have talked to some prospective clients, reviewed their cases and after explaining all of the options, told them that I recommended that they not hire me and handle their cases on their own. The difference is that these people made an informed decision with advice from a lawyer.

Not Knowing the Value of a Case

A case has a certain value range, based on the severity of the collision, the type of injury a person had, the type of treatment he or she needed, the duration of treatment, and other factors that cannot all be listed here. It matters where the accident occurred and even who specifically caused it. Was it a commercial company? Was the other driver drunk? There are too many variables to list.

Sometimes I hear, “well my brother was hurt like me and he got x dollars.” Put whatever number you want there. I don’t know your brother’s case. I don’t know when it happened or where. He may not have even gotten that much. I usually want to see a copy of the check or talk to his attorney. It is possible your brother told you everything. It is also possible that he left out some terribly important fact that makes his case much more valuable. It’s also possible he didn’t get that amount and just told you he did. Let an attorney advise you about your specific case and injuries. Then the attorney can tell you what he or she thinks. This can only be done effectively after you are done treating. Sometimes a small case becomes big and a large case becomes small due to a fact discovered after treatment is done.

Other Common Mistakes

SETTLING YOUR CASE BEFORE YOU'RE WELL.

Sometimes people talk about settling their cases quickly or settling before they are done treating. This is a sure way to settle for less than your case is worth. The insurance company will only pay you for the treatment you have received. They are not going to pay you for future medical care at the chiropractor or with your doctor. The only reason they would settle with you early is so that they don't have to pay for any more medical care. Remember, their job is to settle your case for as little as possible. They don't want you to get any medical care. If they think you are desperate to settle or need money now, they will offer it, but it will be less than what your case is worth.

Another problem with settling your case before you are well is – what if you don't get better? What if – instead of shoulder strain, you have a torn rotator cuff? What if, instead of lumbar strain, you have a herniated disc and need surgery? Once you settle your case, every medical cost and expense is on you. Also, once you settle your case no additional pain and suffering will be considered.

SETTLING WITHOUT KNOWING ABOUT LIENS.

In certain circumstances, there can be a lien associated with your case. A lien is where someone has to be paid out of the settlement. Some liens are straightforward – for example, a hospital lien. This is where you were treated at the emergency room and they have filed a lien so they are paid out of the settlement. Health insurance companies may also try to have liens on your case. Usually, health insurance does not have to be paid back unless you are “made whole” in Georgia, unless you have what is called ERISA health insurance. The “ERISA Monster” is an entirely separate type of lien that is very complicated.

MISSING THE STATUTE OF LIMITATIONS.

A surefire way to ruin your case is to miss the statute of limitations. The standard statute of limitations in Georgia is two years from the date of the incident. However, there are shorter statutes and notice requirements for cases involving any city, state, or county governments. This is an “ante litem” requirement totally separate from the statute of limitations.

The statute of limitations is also different for cases involving minors or children. Children’s cases survive longer, because they are minors. Their limits are extended until after they become adults.

Also, under a few select circumstances a hidden medical malpractice injury case can survive longer than two years, but there is a limit to how long it can go on after the two years.

NOT FINDING ALL THE INSURANCE.

This will not ruin your case, but it will make sure you don't get all you are entitled to due to your injuries. We always look for all types of insurance that may be available in every situation. Is there uninsured motorist insurance? Is there a resident relative policy we can use? Is there an umbrella policy that applies? These are extra policies that can cover you for your injuries.

An insurance adjuster may not tell you the amount of available insurance. By citing the code section and sending a letter by certified mail, we can find out the exact amount of coverage available. Sometimes though, there is a hidden umbrella policy that we can only find after filing a lawsuit. An umbrella policy is usually in the amount of one million dollars. Obviously, if someone is seriously injured then we want to find all of the available insurance.

The Basics of a Bodily Injury Claim

As discussed in detail previously in this book, your bodily injury case is valued by the cost of your medical treatment, the amount and duration of that treatment, as well as your pain and suffering and documented lost wages. Each component adds to the value of your case. Removing any component reduces the value of your case. It is your lawyer's job to make sure that your case receives maximum value based on its specifics. Every case is different; every injury is different; every claim is different. Any lawyer who gives you a dollar value for your case before you have been treated is just pulling numbers out of thin air. A lawyer can tell you what an average case is worth. He can tell you what his experience shows a similar case may be worth, but he cannot tell you specifically what your case is worth without knowing all the facts, reading the medical records, and knowing your past history.

When determining what you have lost due to a personal injury case, please keep in mind that you may or may not have lost wages. You may have medical bill costs. You may have prescription costs; even if

you take over-the-counter pain medication, this is recoverable. You may also have co-pays. If you require a nurse or someone to help take care of you as a result of your accident, that cost is recoverable. What about household chores? If you were unable to do something and your spouse had to do it, that is mentionable and recoverable. If you normally mow your yard, however, due to your injuries you had to hire someone else to mow it, that is recoverable. If your home had to be modified due to a permanent injury, this should be included in your accident case. Many times people require transportation costs for transportation to and from treatment either through a taxi or some other service. You should document and record this recoverable expense. If you drive yourself, you should keep track of your mileage. Normally when we present a demand, we present it based on whatever the appropriate tax rate is from the federal government for mileage at that time. In 2009 it was 55 cents a mile. Document what days you went from your location to the doctor's office and back home; the total mileage for the round trip is the amount of mileage you are entitled to for that day.

Insurance Law

Georgia requires everyone carry what is called liability insurance. This is a minimum amount of coverage you have to have to drive a car legally on the roads of Georgia. All liability coverage pays for is if you are in an accident and injure someone else. It doesn't pay for your injuries; it doesn't pay for your car. Liability coverage normally is sold in amounts as low as 25/50/25. That's the terminology the insurance company will use. The first 25 refers to the amount in thousands the insurance company will pay up to any one claimant if you injure someone. The second number refers to the total amount they will pay for any one accident to any number of claimants. For instance, if you have a 25/50/25 policy, they will pay in sum an amount of \$50,000 to all the parties if there are more than two. This means that if in the accident you harm three people, the most that will be paid on their cases added together would be \$50,000. This is a limit no matter how serious the accident is. The third number is the total amount of property damage they will pay for in a collision for the other parties; it does not include your vehicle.

When evaluating insurance coverage, please evaluate how much you need. It's normally sold in amounts of 25/50/25 or 50/100/50 or 100/300/100. The amount is always in thousands. Is a 25/50/25 policy sufficient for you? I would tell you it does not protect you very much. For instance, if the last number is \$25,000 and you hit someone in a fancy car and total his or her car, or strike two vehicles, that may not be enough to pay for their vehicle costs. This will force the other person to sue you. If you have a \$25,000/\$50,000 policy and you injure someone and that person has a severe break, that would not be sufficient to protect you. Liability coverage protects you from being sued. If you have any substantial assets, you definitely need a larger policy. Your insurance company will attempt to settle any case for the amount of your policy limits; however, if you severely injure someone and you only have a \$25,000 policy, they may be unable to do so and your personal assets would therefore be on the hook should that person receive a larger judgment against you.

Uninsured Motorist Coverage

When you purchase automobile insurance, you have the option to buy uninsured or underinsured motorist coverage. I always recommend this to my clients. This is insurance that protects you if someone who does not have insurance causes an accident. You may be thinking, the law requires you to have it; therefore, what are the chances that someone who doesn't have insurance is going to hit me? Depending on what state you live in, uninsured motorists can be between four and thirty-four percent of all drivers. Studies have shown that unlicensed and uninsured drivers represent twenty percent of fatal crashes in America's highways. This is from a national news article. Whatever the number, it's frightening to think that one out of four drivers on the highways today probably do not have insurance.

Many people realize that while the police run a report when they stop you to see if you have insurance or not, but the database is not real time. The insurance companies are not required to update that as soon as a policy is cancelled; they're given latitude of 30 to 60 days. This means somebody's insurance could be cancelled, this person

could be in an accident, and the database could report that he or she had insurance. That wouldn't help you though if you were injured by this person in an accident. Uninsured motorist coverage protects you from this scenario.

Underinsured motorist coverage protects you if the other driver doesn't have enough coverage. Underinsured motorist coverage in Georgia can be one of two types: it can be stackable or not stackable. Stackable insurance means that it stacks directly on top of whatever coverage the other party has. If the other person has \$25,000 worth of coverage and you have \$25,000 worth of stackable coverage, you're protected up to \$50,000. This is the preferred and recommended type of underinsured motorist coverage. You should get the amount of insurance coverage you pay for.

Non-stackable insurance means that your insurance company gets credit for any amount of money the other party's insurance pays. For instance, if you had a \$50,000 policy of non-stackable coverage and the other party paid you \$25,000 for your injuries, you would have had a \$50,000 minus \$25,000 equals \$25,000 of coverage left. It's not as valuable as stackable insurance.

Uninsured motorist coverage is recommended for everyone. Additionally, it covers you if you're walking along the road and struck by an uninsured driver in a motor vehicle. It can cover your children if they're injured by an uninsured driver while riding their bicycles. I would always recommend uninsured motorist insurance to my clients.

Your uninsured motorist coverage will also normally cover a relative who is living with you in your home if he or she is injured in a car accident. To find this out, you need to look at the specific policy but many times it covers any relative who is living with you. It does not cover an unmarried partner or spouse.

Med Pay

Med Pay or medical payment coverage is a type of insurance you can purchase. Med Pay is no-fault coverage meaning it does not matter whether the accident is your fault or someone else's fault. It will cover you or any passenger in your vehicle if there is a motor vehicle collision. This means that if you cause an accident, it will pay for you to go to the doctor to seek medical care. If you are injured in an accident, it will pay for your medical care and treatment. I recommend this type of coverage for several reasons. One, it allows you to go to the doctor immediately and get treatment. Two, it may be able to increase substantially the amount of money you receive in a bodily injury case because your medical bills would already be paid by your medical payment coverage. Med Pay is typically only entitled to reimbursement if you're "made whole." If you have Med Pay and you need an expensive test, you are more likely to get that test because you're not worried about having to pay out-of-pocket in cash. We always recommend Med Pay to our clients just as a safety measure. Med Pay is essential if you do not have health insurance.

The Litigation Process

Litigation is the process of actually suing someone. Filing a bodily injury claim, or sending in a demand to the insurance company, or filing a claim is not the same as litigation. Litigation occurs when you actually file a lawsuit in the courthouse against the other party. This begins the process of going to trial. Prior to beginning this process, you should have a long and detailed conversation with your lawyer about what is involved in this process and whether this is the right move for you.

Litigation is time-consuming and expensive. It will require you to provide documents to the other person. These documents can range from medical bills, records, and tax returns, to job history and employment questionnaires. Litigation means filing a lawsuit as the first step on the path to getting to a jury.

Most personal injury cases do not go all the way to a jury. Many are settled prior to ever filing in court or beginning the litigation process. Many of those that do file a lawsuit ultimately are settled prior to going to court, through mediation, arbitration or just negotiation.

Should You Hire a Lawyer?

Every few years, the insurance companies do a study to find out if people who have lawyers make more money in accident cases than people who don't. This is a study paid for and performed by the insurance companies and they are deliberately trying to reduce the involvement of competent personal injury attorneys in bodily injury cases. Why are they trying to do this? Some people might think it's so that the injured parties get more money. After all, if a lawyer is not involved, the claimant doesn't have to pay a lawyer. Also, the case might go more smoothly, be resolved more quickly, and be less confrontational.

However, every few years when they do this study, the results are the same. It's a study performed by the Insurance Research Council, a nonprofit organization that's supported by property and casualty companies across the United States. This is the same organization that advances insurance company abuse, does some advertising/propaganda talking about insurance companies and lobbies your elected officials. Every year, this study finds almost exactly the same thing:

that people who have lawyers receive on average three and a half times more money in settlements than people who settle on their own. This is based on the total amount of the settlement prior to paying lawyers and medical bills and anything else. Three and a half times. This seems to me to explain why they try to reduce attorney involvement: money.

What Does an Experienced Lawyer Do for You?

These are things you should expect your lawyer to do for you:

- Interview you.
- Educate you about personal injury claims.
- Gather the necessary information to support your claim: accident reports, medical records, bills, and lost-wage evidence.
- Look at your insurance policy and health insurance to see what type of coverage is available for you, whether it's Med Pay, health insurance or uninsured motorist coverage.
- Look at your own policy and make suggestions about what you might buy in the future: e.g. uninsured motorist coverage, Med Pay.
- Interview you and gather evidence from witnesses.
- Collect any other evidence, such as photographs of the vehicles, if they are available.

- See if there are any legal problems to the case, such as whether you might partially be at fault for the accident or whether another party might be involved in the accident.
- Gather your medical bills.
- Monitor your medical treatment and help advise you about whether you should consider seeking outside medical care.
- Look at your health insurance to see if it might pay some of the bills and whether you have to pay it back.
- Look at whether there are any liens on the case requiring full payment at the time of the settlement to these doctors.
- Contact the insurance company and set up the claim to put them on notice.
- Attempt to negotiate the case with the insurance company.
- Advise you on whether litigation is appropriate for your case and what the risks and rewards of pursuing litigation are.
- Prepare and file a lawsuit.
- Talk to the clients, to you, to witnesses and to healthcare providers prior to a deposition.
- Take the deposition of the defendant if it is appropriate in the case, as well as other witnesses.

- Help you prepare responses to their questions.
- Go to court and he should do all the paperwork and preparation necessary to make a good presentation in court. This should include knowledge of the facts and ability to present that knowledge to the jury, having any documents or evidence necessary in the exhibits.

Lost Wages and Taxes

If you have a lost-wage claim, the insurance company is going to ask for the documentation to support that. This can be a letter signed by your employer indicating what your rate of pay is and how often you work. If you're self-employed, it becomes significantly more difficult to get your lost wages paid, for many reasons. One, self-employed folks normally don't have a salary; they get paid according to how much their companies make. To prove a loss in profits, you have to show a decline through either your quarterly tax returns or your profit and loss statements. Many times, self-employed folks go to treatment and just make up their time. This won't show a loss in income. If you take a salary in addition to a bonus, that might be an indicator of how much you work. This would support it. However, the insurance company is going to ask to see your tax returns. This is the documentation that you give the federal government showing how much you make. If your testimony and what you're saying conflicts with this, you will lose out. They will argue and be successful at saying that you ought to be paid based on what you tell the federal gov-

ernment; otherwise it's tax fraud. Just be aware of this and make sure any claim you make is supported by appropriate documentation: pay stubs, quarterly profit and loss statements, or tax returns.

**“BUT I NEVER SUED ANYBODY”
OR “I’M NOT THE SUING TYPE”**

I have clients come to me and say, “I never sued anybody, Shane, and I don't feel good about suing anybody.” Be aware that initially filing a claim is not suing anyone. You're asking that person's insurance company to pay you for your injuries and your lost wages and your pain and suffering. It doesn't have to be thought of as confrontational. It sort of like going over to your neighbor and saying, “hey, you busted out the window of my car, will you pay for it?” Now, there is inherently a little bit of confrontation, but it doesn't have to be that bad. Of course, I'm a little biased. I file claims and I sue people for a living. That's what I do. I'm a plaintiffs' personal injury lawyer. My job is to get insurance companies to pay people for their injuries. However, that does not mean that all I'm worried about is money, that I don't care about people and that I pursue frivolous claims.

I was raised with the idea that if you break something, you fix it. And that's what I try to make insurance companies do. I was raised to believe that if my kids are playing out in the cul-de-sac next to my house and they knock a baseball through my neighbor's window, the appropriate and responsible thing to do is to go over, tell my neighbor and offer to pay to fix the window. I may make my boys pay me; but, I don't go to the neighbor and say, hey, they'll work for you for 15 years

at 25 cents an hour to fix the window. I also don't think it is right to say, "you know, I don't want to pay for a new window because the window in your house was 5 years old so I'll give you half of whatever a new window costs." That wouldn't be fair because without my kids breaking the window, their old window would have worked just fine. Another issue is I don't think it's fair for me to go buy a window at Home Depot and drop it off at their front step. If the window was installed in the house, I ought to pay to get it installed. That is how you make somebody whole. You get the window repaired or you replace it, if that's what's necessary. That's the right thing to do, that's the Christian thing to do, and it's what my parents taught me to do.

Now, what if my neighbors were out of town when my kids busted that window and it rained that night and the rain ruined the carpet in my neighbor's house? If not for my kids, that carpet would have been perfectly fine. So, therefore, in order to put my neighbors back in the position they were in before that accident, I have to replace the window, get a new one installed and get the carpet fixed.

That is what we ask the insurance companies to do for you. We ask them to pay you for your medical care and treatment. We ask them to pay you for your lost wages in the time you missed away from work. We ask them to pay for the inconvenience and hassle of being in an accident. Surely you would have rather spent your money on something else rather than on gas to get to and from the doctor. You would rather have spent your time doing something else rather than going to and from the doctor. We cannot take your pain away, so we ask them to give you something financially for it because that's all we can do. That is what a personal injury case is, asking the other side to put you

back in the spot that you were in before the accident. Money is the only way we can do that; therefore, money is what we talk about. If everyone did what they ought to do, then there would be no need for lawsuits. There would be no need for plaintiffs' personal injury lawyers and you wouldn't even have to be confrontational. However, most folks don't have a huge wad of money in the bank to pay for their mistakes, so they purchase insurance. And most insurance companies don't play by the same rules you and I do. Instead of looking for a way to make you whole and put you back in the position you were in, they look for a way to pay you as little as possible. They train their adjusters to pay you as little as possible; they send them to classes on how to evaluate cases and convince you that your case is worth less than it is. The numbers are not as cut and dry as replacing a window. And to further complicate things, many times they'll argue that you should not have treated for as long as you did, that you weren't hurt as bad as you say you were, or that your doctors' bills are too high. A lawyer can help you to get fair treatment.

WILL THEY JUST PAY MY MEDICAL BILLS?

Many times people say, "You know, I just want my bills paid, Shane. I just want the insurance company to pay my medical bills. Why do I need a lawyer for that?" First off, insurance companies don't just pay medical bills. They look for ways to argue that those bills are too high. They'll tell you your chiropractor's bill is too high. They'll tell you the emergency room should not have ran those tests, that you didn't need those MRIs because they didn't show anything was wrong. They'll argue that since you went to the emergency room right after

the accident and your blood pressure was high and they admitted you, that it's not their fault; you had blood pressure problems before the accident. They're going to ignore the fact that the pain and the stress of the accident is what caused your blood pressure to be uncontrollable. They're going to argue that your chiropractor was charging too much money and that his fee is unreasonable, like that's your fault. They're going to argue that the chiropractor or the physical therapist or the orthopedist should not have treated you for as long as he or she did. They're going to argue that you weren't really in that much pain, that you just went to the doctor because you thought it was fun and enjoyable. Those aren't the exact words they'll use, but that's what they'll imply. They'll imply that you just ran up the bill because you thought you'd get more money. They'll imply that you just wanted to go to the doctor. They'll imply that the condition you had surgery for was not related to the accident, even if your back pain was controllable by medication prior to the accident and your medication had not changed in two years before the accident. They're going to argue that's not their fault.

If it were as easy as them just paying the medical bills maybe it would be okay. And they'll talk to you like it will be until after you've run up all those medical bills; then suddenly they start fighting you. Well, it's a little late once you've got the bills to be talking about whether they're going to pay them or not. They'll tell you, well, we'll pay for reasonable medical care. What is reasonable medical care? Well, they're the ones who are telling you what's reasonable or not; not you, not your doctor. Their computer system calculates what is "reasonable" based on the severity of your property damage and the medical

diagnosis. So, if you want the insurance company to determine what's reasonable, how much medical care is reasonable, how much a reasonable bill is and how much was a reasonable length of time for you to go to the doctor, then do so. But if you want to leave it up to your medical doctor and you, then you probably need to get a lawyer to help you.

DOCUMENTATION, DOCUMENTATION, DOCUMENTATION

To the insurance company and to a jury, if it's not on paper it didn't happen. I spent four years in the army prior to doing personal injury law. The army documents everything. If you're late to PT in the morning, they document it. If you go to sick call, they document it. Everything is documented. Your performance at work is documented. When you get out is documented. Everything is documented and written down. When you get out of the army they've got a huge file on you that covers everything. That's how a bodily injury claims process is handled. Everything needs to be documented. If it's not documented, it didn't happen.

If you go in front of a jury and say you were in pain for weeks and weeks and it's not documented in the medical records, it didn't happen. If you say your knee hurt for weeks after the accident, but the first time it's documented in the medical record is at six weeks after the accident, that's the first time you had pain. Everything has to be documented. When you go to your medical providers, tell them everything that hurts. Be specific, talk about the types of pain. Is it

throbbing pain? Is it constant? Does it run? How does it feel? Be specific; tell them everything that hurts. If you're seeing your back doctor and your knee hurts, tell him your knee hurts. He can at least document it. He may not be able to treat it, but he can document it. This will result in it being considered by the insurance company. You also need documentation that you could not go to work. We ask for clients to document their mileage to go to and from the doctor. We ask them to document their pain and suffering. I tell them go buy a cheap notebook at Wal-Mart. Every day after the accident, write about how you feel, write about what hurts, write about what you couldn't do and the impact it had on you. The first reason is we'll have something to talk about with specifics to the insurance company about your injuries and what you could and couldn't do. Two, if we have to file a lawsuit in your case, years down the road you'll be able to read it and remember the impact the accident had on you. Three, if you have specifics it's easier for us to get people who can testify about your injuries and the impact they had on you. If you talk about the fact that you missed your fishing trip with your Uncle Joe, we can call him as a witness and he can say, "Yeah, we had a trip planned. It was scheduled. We weren't able to go." The more documentation you have, the better able your attorney is to maximize your case. It's better to have too much documentation than too little. I can always take out but I can't make anything up. I can always tell you it's not something we need, but if you don't have it I can't look at it.

About the Author

I am R. Shane Smith. I grew up in a military family and have lived all over the Eastern United States. I moved to Georgia in 1991 and graduated from high school in Fayette County. I attended the University of Georgia for two years and then transferred to Georgia State in Atlanta, where I graduated magna cum laude in 1997. While at Georgia State, I was in Army ROTC, serving on the Color Guard, Ranger Challenge, and as the company commander of my ROTC Company.

After receiving my bachelor of science in criminal justice, I attended Georgia State's College of Law, where I graduated cum laude in 2000. While there, I was active in the Student Trial Lawyers Association. I also interned with several prosecutors' offices and worked with Richard Hobbs, a local attorney in Fayetteville, and with the Fulton and Rockdale County DA offices as an intern. I married my wife, Holly, during my last year of law school.

After being admitted to the Georgia Bar, I entered the United State's Army Judge Advocate General's Corps. I served at Fort Campbell,

Kentucky, with the 101st Airborne (Air Assault) Division. While at Ft. Campbell, I attended and graduated from the Army's Air Assault School, which qualified me to wear the Army Air Assault Wings on my uniform. I also served at Fort Benning, Georgia, where I once again served my country by defending its soldiers. While in the Army, I practiced criminal defense throughout the Southeast. I have defended those accused of a wide range of charges, although I primarily focused my representation on those accused of serious sexual assault crimes. I also acted as the lead attorney on the only military homicide in my multistate district during my tour.

After leaving the army, I moved back to Peachtree City, Georgia, and began practicing personal injury law at a major firm in Atlanta. During this time, I handled over 500 cases to completion, ranging from minor injuries to a serious tractor-trailer collision. I have represented people with injuries ranging from mild soft tissue injuries to their back and necks, severe broken bones requiring surgery, people who have undergone lumbar fusions and a client who had an amputation because of his injury. During this time, I represented numerous clients who were struck by drivers who were DUI or intoxicated, and have helped many people who were pedestrians when they were struck by an automobile.

After working downtown for several years, I formed my own law firm to better represent my clients. I focus my practice on helping those injured through no fault of their own. I particularly enjoy helping clients who have been struck by drunk drivers receive the compensation they deserve. I have worked hard to develop contacts and relationships with many specialist doctors in the Atlanta area, to help ensure that my clients can receive treatment no matter how seriously they are injured.

In addition to practicing law, I am married and have two small children. I attend and am a member of Holy Trinity Church with my family. I am a member of the Knights of Columbus, the Masons, and the Shriners. I am admitted to practice law in all courts in Georgia and the Military Court System. I am also admitted to practice in the Middle District of Georgia.

About My Firm

I run a plaintiffs' personal injury law firm. My firm is focused on getting the best results for our clients that we can, consistent with their wishes. Why do I say that? Some clients don't want to file a lawsuit. There can be many reasons for this. For example:

1. They don't want to go through the hassle and inconvenience of going to court.
2. They can't afford to wait for a jury trial verdict.
3. They're afraid of court.
4. They have a personal reason for avoiding a lawsuit. Maybe they have to work with the person who caused the accident and they'd rather not become confrontational enough to file a lawsuit. Maybe they're related to the person who caused the accident. You can have a brother who hit his own brother with the car accidentally, and they might be okay filing claims against the insurance companies but not want to mess up the family dynamics by filing an actual

lawsuit. Whatever your reason, if you tell me you don't want to file a lawsuit, we're not going to file a lawsuit. So, we're going to get the best results we can for you, consistent with your wishes.

We don't do everything. As a matter of fact, we do very little when it comes to types of law. All we do is personal injury work. The only type of clients we look to have hire us are plaintiffs with personal injury cases. We represent no insurance companies. I've never represented an insurance company. Why is that? Because it just doesn't fit with my ethical and personal beliefs. If you call me and tell me you're hurt, I'm going to believe that you're hurt. That's what I like to do. Until proven otherwise, I'm going to assume that you're hurt and try to get you the best results for your case. Insurance defense work isn't right for me. I don't want to tear apart a case and try to find a reason not to pay someone and to try to say that an accident is his or her fault. That's why I represent the parties who were injured.

Why don't I do other cases? Why don't I do criminal defense work? Why don't I do workers' comp cases? The bottom line is that personal injury work is complicated enough, the law changes enough and I'm busy enough that I don't have to do other types of law. Early on, when I opened up my own law firm, we reached a point where I could do different types of law but probably not do them as well, or I could limit my practice to one type of law. I chose to limit my practice to personal injury work. I feel that is the best way to get my clients the best value for their money. By limiting the type of area I need to learn about and know about and be familiar with, and the types of cases I handle, I can provide my clients with the best service. I feel I can provide them a much better service doing only personal injury

work than I could if I did all types of law.

My staff and paralegals are trained to know about personal injury cases and to help you resolve your property damage as quickly and efficiently as possible so that you can get back in your car and get back to living your life as normally as you can while going to the doctor. I teach them to monitor your treatment so that at certain deadlines my clients and I can talk specifically about how they're feeling and

We contact our clients every two weeks just to make sure that there's not some issue that's popped up that our clients need help with.

whether they are getting better. We do this so that an extended period of time does not go by without you getting better. We contact our clients every two weeks just to make sure that there's not some issue that's popped up that our clients need help

with. As silly as it sounds, my staff and I attempt to return all phone calls within a 24-hour time period. You wouldn't think that would need to be mentioned by a lawyer talking about his firm; however, one of the major complaints of clients is that lawyers don't return their phone calls. We try to send written updates to you when major things are happening in your case, such as your demand has been mailed off to the insurance company or we received a first offer. We

try to provide a lot of information to educate our clients on their personal injury cases, how to purchase insurance and what they should do in the future. If you're just looking for information, I would encourage you to go to my web site, www.shanesmithlaw.com or www.hurt999.com. On it there's a lot of free information regarding personal injury claims, property damage, how to get your car fixed, that sort of thing.

If you call me and we talk about your case, and you and I agree that my firm is the best one to handle your case for you, I normally offer my clients multiple options on how we can start the case. Option number one, my least favorite, is to overnight the paperwork to you. This includes contracts, a medical authorization and lost-wage form, accident report request and any other documents I think that you need to sign. I'll overnight it; you can overnight it back to me. I don't like this because I feel like it's very impersonal and it delays everything. Option number two is to get you into my office, you and I have a sit-down face-to-face meeting and go over your case in detail and then sign all the paperwork. This is the preferred method of starting a case. Option number three is for me to send my investigator out to meet you, go over the paperwork and get it signed. Why do we do this? Sometimes you can't make it to the office. Sometimes I might be in court for the next two days. Sometimes you might not have a vehicle that can get you here. Maybe you're too busy going to work and can't meet during normal business hours. All of these are the reasons why we have an investigator who goes out to meet you, get the paperwork signed and gets back to the office, so we can then contact the insurance company and start working on your case.

We strive to order medical records as the case progresses rather than at the very end. The reason we do this is timing. If you wait until the very end to order all the medical records, you're going to be done treating and several weeks or maybe months might go by while the attorney gathers the medical records. We attempt to avoid this by ordering your emergency room records and your family care doctor records as soon as you're no longer going there for treatment. Sometimes delays happen; we can't help that. However, we attempt to minimize delays. The main way to do it is by getting the records as the case progresses.

Once you're all done treating and we have all the records, our normal business practice is to get your demand mailed out within two weeks.

This way it goes to the insurance company quickly so that we can begin negotiating and fighting for you on your case. Once the demand is mailed, our normal procedure is to call in two weeks to make sure that they received it and inquire when they expect to be able to make an offer and then follow up every week until we get a first offer; and that's when we'll begin negotiating and counter with them. My job as a lawyer is to get them to the maximum value they're going to put on a case without us filing a lawsuit. Once we get to that amount, I will then contact my clients, we'll discuss settlement, we'll go over their options, and we'll break down the amount of the medical bills and what they would receive in their pocket if we settle the case. My clients then will make a decision on how they want to proceed.

Many lawyers have a list of jury verdicts they've had or a list of settlement verdicts they've had. Sometimes they have \$1,000,000 on there, sometimes they have several-hundred-thousand-dollar cases on there, sometimes they have more, a lot of times they have less. I would

caution anyone about just looking at settlement verdicts. Sometimes the lawyers only had one or two big cases but that's all they talk about. Sometimes the lawyer's gotten lucky. You know, it's easy to get a \$100,000-policy-limit case when that's all the insurance a person has and the person you represent lost their leg. That case is worth substantially more than that but because the person only had insurance of \$100,000, you're going to get a \$100,000 settlement offer, as long as the attorney doesn't screw the case up too much. And, you know, lawyers like to list their \$1,000,000 verdicts. Just keep in mind a great and easy way to get a \$1,000,000 case is to screw up a \$5,000,000 case. When evaluating any case you need to know how familiar the lawyer is with your type of case. You handle a \$1,000,000 case differently than you handle a back and neck strain case. Settlement numbers don't really have anything at all to do with your case. Look for client testimonials. If you go to our web site, we've got a whole lot of client testimonials. These are things our clients said about us and we've posted them on our web site.

I hope you've enjoyed reading this book. I hope it's provided you some valuable information. I hope that you feel better about how to handle your personal injury and bodily injury claim. If you need further information, please feel free to contact me at 770-487-8999. That's 770-HURT999. I'd be happy to talk to you about your case and give you some more advice or maybe even to see if your case is appropriate for my law firm. You can also go to my web site at www.shanesmithlaw.com or www.hurt999.com. Be sure to sample one of my other books. Please just order it on my web site and I'll be happy to send it to you. Good luck.

Conclusion

I hope that this book has addressed many of your questions regarding property damage and your recent motor vehicle collision. If you have any other questions, please feel free to call us and we would be happy to discuss them with you. My firm does not generally negotiate property damage claims. That being said, if you have a serious question please contact me and I will be happy to assist you in any way I can. We try to get the property damage portion of any claim resolved as quickly as possible so that you can get closer to your normal life. We know how difficult it is getting to and from a doctor or to and from work without a car. Just remember the law in Georgia requires the insurance company only to put you back into a similar vehicle. Rarely, if ever, is anyone happy from a property damage settlement. If lack of a vehicle makes it difficult to get to your doctor, please contact us and let us know. Also, please contact the doctor's office. Sometimes there is an alternative method of care that can be arranged.

We look forward to helping you with your personal injury case and will be glad to answer any questions you may have. Just remember; please do not talk to the insurance company about your injuries.

Sincerely,

R. SHANE SMITH

The Types of Cases We Handle

As I said, my office doesn't take every case. We operate solely on plaintiffs' personal injury work, meaning you have to be an injured party from an accident that wasn't your fault.

1. If you have minimal property damage to your vehicle, you and I need to discuss whether your case is appropriate for my law firm and whether we'll be able to support and document your injuries.
2. If you had a significant delay in seeking medical care, several weeks without going to the doctor, you and I need to discuss how we can best protect you and whether we can proceed with your case in an
3. Did the accident happen less than 18 months ago? Georgia has a two-year statute of limitations, meaning you have to file a lawsuit within two years. I am not able to drop everything to file a lawsuit if you come to me at the last couple of days before your claim expires.
4. Do you have a personal injury case where it's not your fault?

These are the types of cases we normally handle on a day-to-day basis in my office. If you have something else and you need a referral to another lawyer, call us. I maintain an extensive network of lawyers. I stay in contact with them. I'd be happy to refer you to someone who is qualified to help you.

Other Titles in the Series:

Property Damage Guide for Georgia

DUI Victims' Guide for Georgia (coming soon)

Coupons for Free Books

For a free copy of this book or *What You Need to Know about Property Damage in Georgia*, just photocopy the form below and send it to me.

You can fax it to (770) 631-7667 or mail it to:

The Law Offices of R. Shane Smith

P.O. Box 2474

Peachtree City, GA 30269

Or order directly off my website at www.shanesmithlaw.com

Name:
Address:
City:
State:
Zip:
Phone:
Email:
Title requested

WA