



From Pavement To Payment

***Your Guide
Through The
Personal Injury
Claim Process***

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After A Vehicle Accident

What To Do, And What Not To Do

Being in a car accident, big or small, is a traumatic experience. It goes without saying that the severity of the car accident is parallel to the severity of the injuries sustained. However, sometimes even the smallest fender bender can lead to “hidden injuries” or injuries that appear several days later. When this occurs, it might be too late to receive compensation for your injuries because you didn’t take the proper steps after your accident. This is why we’ve created this guide on what to do (and what not to do) after you’ve been in a car accident.

What You Should Do

1

Stay At The Scene

Regardless of whether or not you caused the accident, stay at the scene of the accident.

Exception: Unless you've been in an accident in a remote location and feel unsafe. Your best course of action is to drive to a police station to report the accident.

2

Check The Status Of The Drivers and Passengers

Anyone who was involved in the car accident should be evaluated on whether or not they need medical attention. If someone is seriously injured call an ambulance immediately.

3

Call The Police

Once the police arrive, ask them to file a police report. For your records, write down the officer's name and badge numbers.

4

Exchange Information

Make sure you acquire the name, address, driver's license number, license plate number and basic insurance information with any other party involved in the auto accident.

5

Talk To Witnesses

Talk to as many people as you can who were a witness to the accident. Keep a list of their names, telephone numbers and address. Also ask them to give a summary of the accident and keep it for your records.

6

Take Pictures

If there was any damage to your vehicle, take photographs to document it before it gets repaired.

7

Call Your Insurance Company

Be as open and honest with your insurance company as possible about the circumstances of your accident. Make sure they receive a copy of the police report.

8

Keep Track Of Your Medical Treatment

Keep a record of which doctors that you have visited and what medical treatment you received.

9

Get Your Property Damage Assessed

You are entitled to bring your car to any mechanic that makes you the most comfortable. The insurance adjuster will meet you and assess the extent of damage to your vehicle.

10

Hire An Attorney

If you've been injured hiring a car accident attorney can help you get the proper compensation to help cover the expenses of your medical bills, lost wages from missed work and for pain and suffering.

What You Shouldn't Do

1

Leave

Regardless of whether or not you caused the accident, leaving the scene could result in criminal penalties for being a hit and run driver. In California, a hit and run can be labeled a misdemeanor or a felony depending if someone has been injured in the accident.

2

Move Injured or Unconscious Drivers

If anyone involved in the accident has neck pain or back pain or is unconscious do not move them until the emergency medical team arrives.

Exception: Unless they are in immediate danger, i.e. a car fire.

3

Say You're Sorry

As counterintuitive as this may seem, do not apologize for anything at the scene of the accident. This could hypothetically be taken as you admitting liability and taking fault for the accident. In California, drivers that cause car accidents must pay for any damages that are caused in the crash. If you suffered an injury you might be limiting the opportunity to file a personal injury claim.

4

Intimidate People For Information

If a witness doesn't wish to share their information, do not force them. Be polite as possible and try to get their phone number so your insurance company or attorney can contact them in the future.

5

Photoshop Images

Do not doctor the photos in any way, this could be a detriment to your case.

6

Lie To Your Insurance Company

If you are caught lying to your insurance company, you might be denied coverage for the accident which can cost you hundreds of thousands of dollars in medical bills.

7

Accept Settlement Offers

Before you accept any offer, make sure you have a doctor's full prognosis. Many injuries do not appear until weeks after the accident. If you take a settlement offer early on in the process you prevent yourself from being able to file a personal injury claim in the future if your injury turns out to be serious. If you are considering a settlement, make sure it is reviewed by a personal injury attorney.

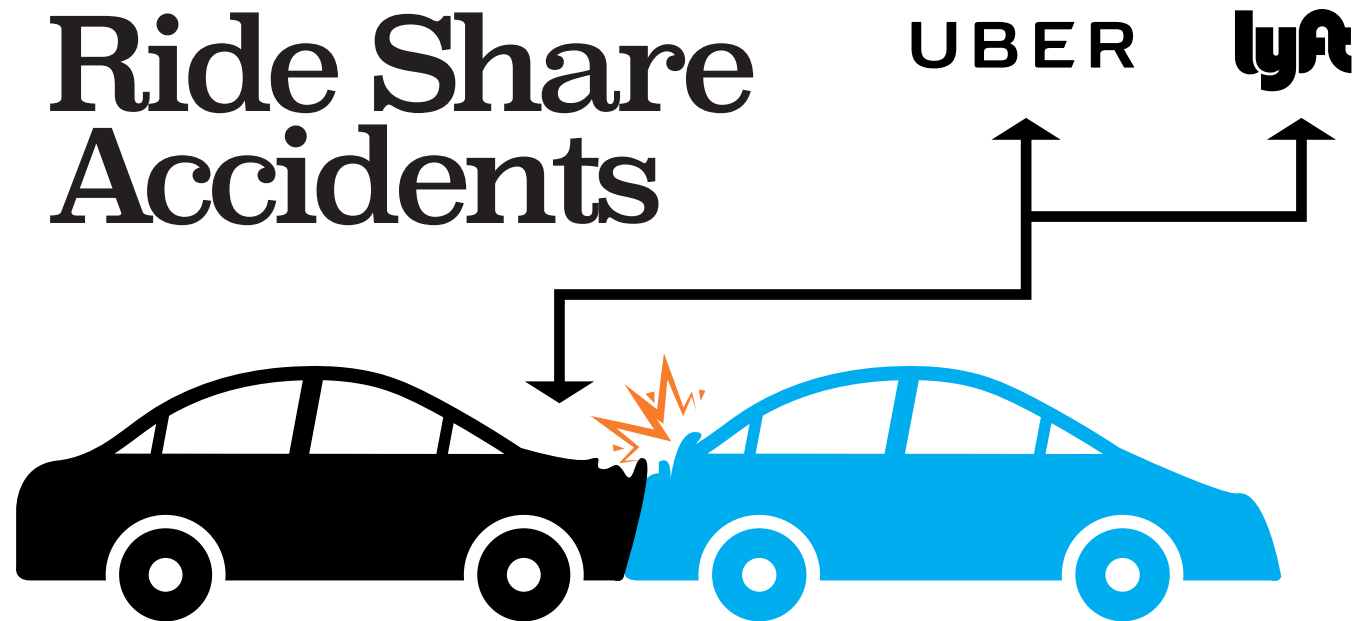
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Broadcast The Specifics

In the age of social media, we tend to overshare events that happen to us. This can be damaging to any future claims. Also, do not speak to the other driver's insurance company without your insurance company or lawyer present.



Ride Share Accidents

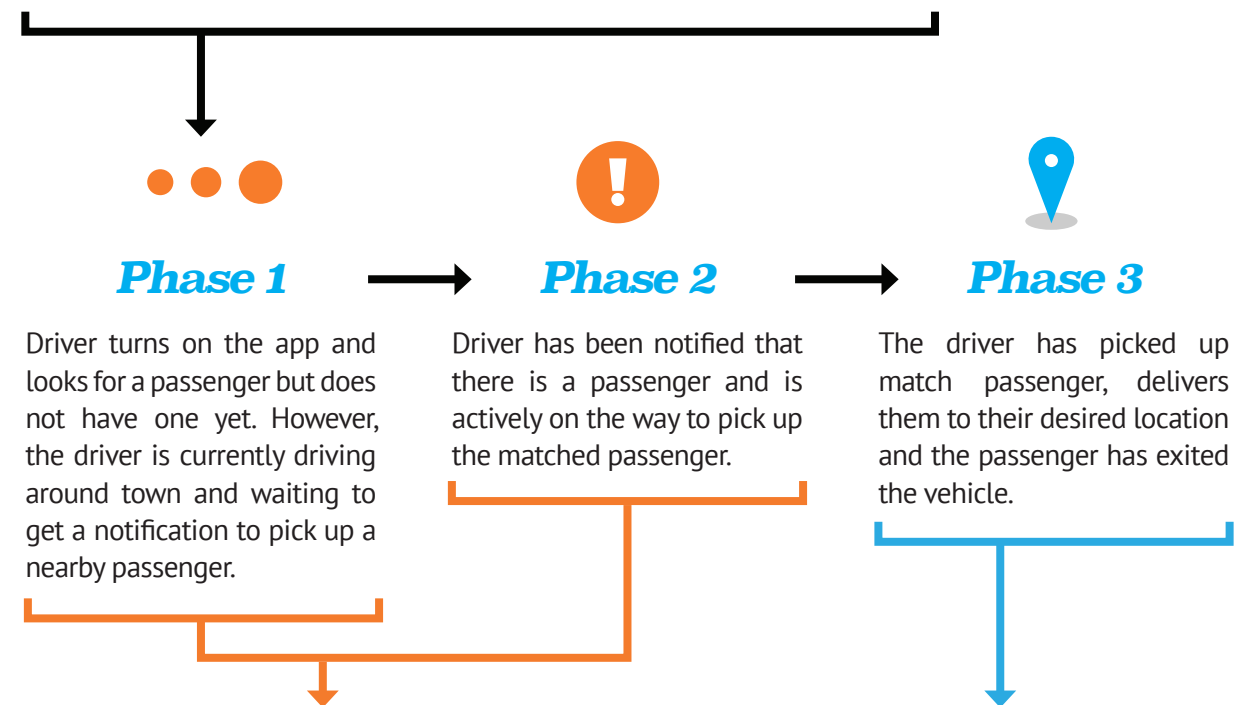


When Ride Sharing first hit the scene, there was a lot of confusion as to who was liable in the event of an accident. If someone was injured while using a ride sharing service the company (i.e. Uber, Lyft, etc) would claim that the driver's personal liability coverage should cover any claims. However, most insurance companies would deny claims and tell the driver that their company (Uber, Lyft etc) was responsible for covering claims. This left many drivers unprotected with no insurance company offering aid to help them settle any claims.

What should ride sharing drivers do if they are involved in an accident while they are 'on the job'?

- 1** Seek Medical Attention. If anyone is seriously injured on the scene, including yourself, then the first thing you should do is contact emergency medical services.
- 2** Call the police. If you are not seriously injured, stay at the scene of the accident and contact law enforcement. They can document what happened.
- 3** Collect the names and insurance information of everyone involved including the other driver and passengers.
- 4** Speak To Witnesses. It's important to get their contact information so they can be interviewed by your lawyer or police in the future.

There are three phases for any ride sharing driver.



If you are a ride sharing driver, and you get injured in an accident during phase 1 or 2, you will have to file a claim against the third party that caused the accident (i.e. the other car driver). After you seek compensation from the third party's insurance and your own insurance, you might be entitled to some of the very limited insurance that your ride sharing company provides.

If you have been hit by a ride sharing driver who is in Phase 1 or 2, then you will bring a claim against the driver's own personal insurance for coverage first. Then you will be able to bring a claim against the limited policy that Uber/Lyft has for their drivers.

If there is an accident during Phase 3, the liability coverage for the driver is the same as the other two phases but liability coverage for the passenger depends on who caused the accident:

If your ride sharing driver caused the accident and you are injured in the accident, you can bring a liability claim against the ride sharing company's liability coverage.

If a third party caused the accident and you are injured the accident, you would bring a liability claim against the third party's liability coverage. The ride sharing company would not be responsible in any way.

Product Liability:

What To Do

When we buy products from a store or retailer, we have the expectation that everything will be fine. When something goes haywire and we are damaged by a product unexpectedly, it is completely understandable that you will be frozen by confusion and shock. Because we are not all lawyers, some of us are unaware of the best course of action following your injury due to a defective product.



Document the injury.

Take photographs of your injury and then get medical treatment if necessary. If you seek medical attention make sure that you get your medical records related to the diagnosis and treatment of the injury sustained.



Do not throw out the product.

As counterintuitive as it might seem to keep a dangerous product, the product needs to be analyzed as to how it became defective. Take photographs of the product to show what it was like at the time of your injury.



Examine the packaging.

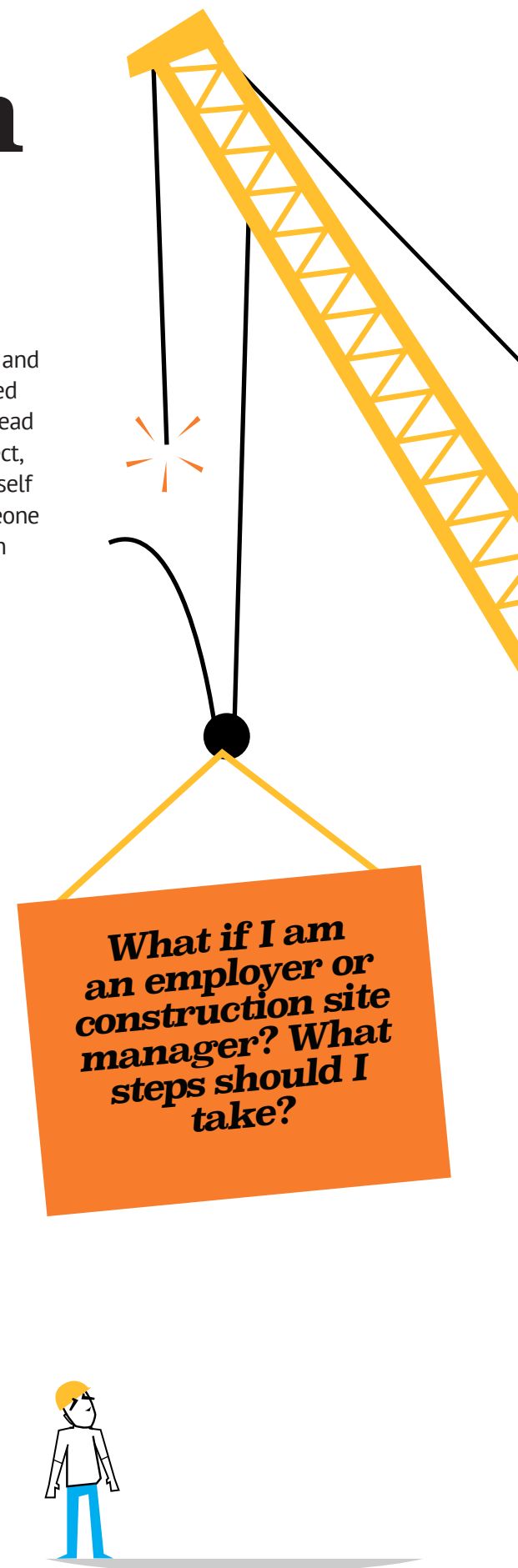
Are there warning labels on the packaging or insert that warn of potential hazards? If these warnings are missing or not clearly displayed, the manufacturer might be liable for your injuries.

Construction Accidents:

What To Do

In 2016, 5,190 construction workers were killed on the job and according to OSHA, 1 in 10 construction workers are injured every day. In the industry, the four types of accidents that lead to the most accidents and death are falls, being struck by an object, electrocution and being caught between objects. If you find yourself injured on the job, it's very important to know what to do. If someone else was liable for your injury, you might be entitled to more than just worker's compensation.

- 1** As with most accidents, if the injury is severe, seek immediate medical attention immediately. Take note of your doctor's names, any treatment you received and any medications you were prescribed.
- 2** Report the injury to your employer or site manager. In California, you have 30 days to report the injury to your supervisor. If you fail to report, you could lose your right to file a worker's compensation claim to help recover wages due to your injury. When reporting to your supervisor, document any name and position of the person you report to as well as the date.
- 3** If applicable, gather the contact information of any witnesses to the accident.
- 4** Take photos of the injury, location of where the accident occurred and retain any objects (equipment or tools) that are related to the injury. If also possible, take home any equipment or tools that may have caused your injury.
- 5** Create a journal. This journal should document all the above information as well as any upcoming medical procedures, diagnosis, etc. This way everything involving your injury is located in one place.



What To Do After A Slip & Fall Accident

1 Call for Medical Attention

If you are severely injured with something serious like a broken bone or head trauma, the first step is to call for medical attention. If you do not need an ambulance, you should still see a doctor after your fall to rule out any hidden injuries. It's important to have documentation regarding your injury after your fall.

2 Take observation of the conditions of the area in which you fell.

If you are not in need of serious medical attention, the next step is to look around your area. Slip and fall accidents usually occur because spills of foreign substances, uneven surfaces or bad weather conditions.

Common bad weather conditions include snow and ice. Property owners and municipalities are required to plow streets, shovel sidewalks and salt steps. In the event that they fail to do so and you fall, this means they might be legally responsible for your injury.

Common Uneven surfaces include loose carpet or floorboards, defective sidewalks and uneven concrete, parking lot potholes, torn carpeting, recently mopped or waxed floors, cluttered floors and poorly constructed staircases.

3 Write down all the events that led to your slip and fall.

What were you doing before you fell?
Here are some questions to ask yourself:

What were the circumstances that caused you to fall?

Were there any visible defects at the time, or were there any other objects nearby that may have contributed to the fall?

Was there a dangerous condition?

Were there any warning signs to alert people to potential danger?

4 Alert the property owner or manager immediately.

The business owner or property manager might ask you to fill out an accident report. Be compliant and complete any paperwork that they require. However, do not admit fault, accept any settlements or promises.

5 Interview Witnesses

Get the name, address and phone number of anyone that saw you fall or anyone who saw you after you fell. These witnesses will be able to confirm the conditions of the area in which you fell. Ask if they had also seen the conditions that caused your fall.

6 Take photos.

If there is something visible that caused your fall whether it be due to inclement weather or an uneven surface, having this documented will help prove the conditions that led to your fall were not your fault.



Wrongful Death Aftermath

The sudden and unexpected loss of a loved one is traumatic but when the death is caused by the hands of someone else's negligence, the situation is even more difficult.

A few questions that you need to ask yourself after the death of your loved one include but are not limited to the following:

What will your family do now?

How could this accident have been prevented?

How will you pay for the medical bills and other expenses while your loved was injured prior to dying?

How will you pay for funeral costs and other expenses?

How will you pay for future household bills and expenses with this loss of income?

Is there any way to hold a negligent party accountable for your loved one's death?

If you have answered yes to question 6 then you might be eligible to file a wrongful death claim on behalf of your loved one. You are eligible to file a wrongful death claim if you are the spouse of the deceased, a child of the deceased or financial dependent on the deceased.

What if my loved one dies while they are pursuing a personal injury claim?

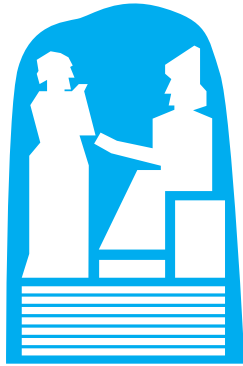
In California, this is called a survival action. For example, your loved one is injured in a car accident. They sue the third party responsible for their injury. Sadly, they die before the personal injury case is resolved from the injuries they sustained in the car accident. You are entitled to file for a wrongful death claim as well as continue the personal injury case on your loved one's behalf.



The Ins & Outs To **Personal Injury Law**

After following our guides on what to do after an accident in Chapter 1, the next step is to file a personal injury claim. Personal injury is a legal term that refers to any injury to the body, mind or emotions. When you are injured in an accident, you have the right as a plaintiff to bring a claim against those who have injured you. In California, there are several civil statutes that protect your rights if you are injured. But before we take a look at the specific California Laws regarding personal injury, let's examine how and why these laws came into being:

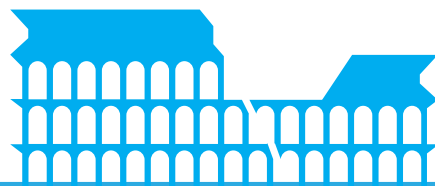
Personal Injury Law Through The Ages



1 1754 B.C. *The Code of Hammurabi*

This ancient text from Babylon is considered one of the first forms of law. The list of 282 laws are very similar to some of the laws that we currently have including innocent until proven guilty and that both parties are entitled to present evidence during a trial. The Code of Hammurabi has two early laws that cover liability and personal injury. The most famous is Law #196 that states: "If a man destroy the eye of another man, they shall destroy his eye. If one break a man's bone, they shall break his bone. If one destroy the eye of a freeman or break the bone of a freeman he shall pay

one gold mina. If one destroy the eye of a man's slave or break a bone of a man's slave he shall pay one-half his price." Modern interpretations of this law state that if someone was injured due to a person's negligence - the injured party has the right to injure them in the same way in which they were injured. Law #53 is one of the first instances of establishing liability for property damage. It states "If any one be too lazy to keep his dam in proper condition, and does not so keep it; if then the dam break and all the fields be flooded, then shall he in whose dam the break occurred be sold for money, and the money shall replace the corn which he has caused to be ruined." Although in today's modern world, we do not sell people for money, this law goes to show that other people can be responsible for misfortune to others.



2

449 B.C. *Laws of the Twelve Tables*

This ancient text hails from Ancient Rome. The tables were created because of the social tension between the commoners and the ruling class. The commoners thought writing down the laws would prevent the ruling class from being too harsh and that all Romans could understand and know the laws. Table VII deals with crimes and contains the clause "If a person has maimed another's limb, let there be retaliation in kind, unless he agrees to make compensation with him." This is the first instance where we see something other than direct retaliation as a form of resolution. We see that monetary compensations for causing their injury is a reasonable form of compensation in the eyes of the law. But it was up to the injured party to decide if they wanted to retaliate or wanted money.

3

286 B.C. *Lex Aquilia*

This is another ancient text from Rome. Technically this law doesn't cover personal injury law per se, but deals with "damage unlawfully inflicted" on property (which included slaves and animals). This law only applied when damage was unlawful. Unlawful means the act was committed due to negligence or the act was intentional. If the damaging of property could be proven to be justified (i.e. self defense) then damage that occurred was considered lawful. This law is important to mention because it is the foundation for our modern day tort law.

1100 - 1500 A.D.

4

Scots Law of Delict/ English Common Law

Over the next thousand years, Roman Law and other laws from other places began to merge. This is highly evident at the early part of the 12th century with Scots Law of Delict and the formation of English Common Law known as tort. The term delict stems from the Latin phrase *damnum injuria datum* which translates to "loss wrongfully caused". There are a few things that need to be proven under the concept of delict. First, it must be proven that the accused party owes a duty of care to the plaintiff. Secondly, the plaintiff has breached that a duty of care, and thirdly, is it fair and reasonable to apply duty of care under those specific circumstances. English Tort Law states that a person might owe duty of care to another person to help make sure that said person doesn't suffer any harm or loss. It also states that if this duty of care has been breached, then there is a legal liability for the person causing harm to compensate the victim for the losses they incurred.

1600 A.D.

5

English Common Law Res Ipsa Loquitur

This is a latin phrase that means "the thing speaks for itself". The first reference of this was used by Cicero in 52 BC. This tort law basically states that in the event that there's no evidence on how the injured party behaved, that the injury could only be sustained by negligence. In the most basic of terms, it means that there's just no other way the injury could have occurred other than by negligence. This tort consists of four elements:

- The injury does not typically happen without negligence
- The injury is caused by something that is within the defendants' control
- The accident was not caused by the plaintiff voluntarily
- The defendant's explanation does not fully explain the plaintiff's injury

These types of claims are used frequently in medical malpractice cases. This also has helped change the way the statute of limitations works rather than from date of occurrence to date of discovery.



6

1760 - 1920 A.D. *The Industrial Revolutions*

Within the United States there were two industrial revolutions. The first one took place between the period of 1760 and 1830. During this time, despite the fact that many workers were injured and even died on the job, there were no laws in place to help protect them. Although employees had the right to sue their employer for injuries, the proof was on them to prove that their employer was responsible for their injuries. The employers would defend themselves with the "unholy trinity of defenses":
Contributory Negligence - if the employee was directly responsible for his injury, despite how dangerous the machinery or work environment was, the employer could not be held responsible
Fellow Servant Rule - If an employee injured another employee - the employer could not be held liable
Assumption of Risk - This basically stated that employees knew the risk of working when they signed their contracts

therefore any injuries sustained while on the job could not be the fault of the employers. These contracts were nicknamed "death contracts".
The Second Industrial Revolution began in the 1860s. Work conditions were considered to be extremely dangerous. In other countries, several pieces of legislation were being passed protecting workers rights. However, in the United States, workers were still working in dangerous and hazard conditions. It wasn't until these conditions were highlighted by famous author Upton Sinclair in his novel *The Jungle* in 1906, that the first piece of Federal Legislation was passed. The Employer's Liability Acts of 1906 & 1908 were created to help protect railroad workers who were being injured on the job. Despite several attempts to revise this law to help protect all workers in all industries, it has not been successful. Workers' compensation laws then began to be created on the state level starting with Wisconsin in 1911.



7

1932 A.D.

Landmark Case: Donoghue vs Stevenson

This landmark case is what defines negligence in modern courts. It established a general guideline of when a person would owe a duty of care to another person. The facts of the case are as follows: Mrs. Donoghue was drinking a bottle of ginger beer in a cafe in Paisley, Renfrewshire. A dead snail was found in the bottle. She became ill and subsequently sued the manufacturer of the ginger beer, Mr. Stevenson. This ruling now made it the manufacturer's responsibility to make sure that their products are safe for consumers to use.

8

1997 A.D.

US. Federal Rule 11

This federal rule aims to prevent frivolous lawsuits. It states that call papers be signed by an attorney, be filed for the right purpose, legal arguments must be reasonable (meaning that it has the chance to hold up in court), and the facts have to be accurate or at least be able to be proved by evidence. It also reprimands those who file frivolous lawsuits by doling out sanctions such as paying a penalty to the court or paying for the opposing parties legal fees.



Personal Injury Laws Specific to The State of California

Now that we have a brief overview of how personal injury law came into being, as residents of California, it's important to know which laws provide protection and are applicable in a personal injury law case. This is not a complete list but are some of the most important ones:

Code of Civil Procedure Section 335.1

Within two years: An action for assault, battery, or injury to, or for the death of, an individual caused by the wrongful act or neglect of another.

This states that a person has the right to file a personal injury claim within two years. This is known as the statute of limitations. After the two year period, except for several very specific exceptions, a resident of California doesn't have the right to file a lawsuit for any injury sustained at the hands of someone else's negligence.

Civil Code Section 1714(a)

Everyone is responsible not only for the result of his will-ful acts, but also for an injury occasioned to another by want of ordinary care or skill in the management of his property or person, except so far as the latter has, willfully or by want of ordinary care, brought injury upon himself.

This civil code speaks directly about duty of care. It states that every California resident is responsible for his ac-tions and his property. If a person is injured on a person's property due to improper management, then that person will be held accountable for the injury.

Code of Civil Procedure Section 337.6

A cause of action for the death of a person caused by the wrongful act or neglect of another may be asserted by any of the following persons or by the decedent's personal representative on their behalf:

(a) The decedent's surviving spouse, domestic partner, children, and issue of deceased children, or, if there is no surviving issue of the decedent, the persons, including the surviving spouse or domestic partner, who would be entitled to the property of the decedent by intestate succession.

(b) Whether or not qualified under subdivision (a), if they were dependent on the decedent, the putative spouse, children of the putative spouse, stepchildren, or parents. As used in this subdivision, "putative spouse" means the surviving spouse of a void or voidable marriage who is found by the court to have believed in good faith that the marriage to the decedent was valid.

(c) A minor, whether or not qualified under subdivision (a) or (b), if, at the time of the decedent's death, the minor resided for the previous 180 days in the decedent's household and was dependent on the decedent for one-half or more of the minor's support.

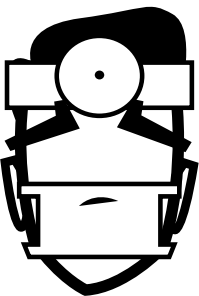
This code involves who is entitled to file a wrongful death claim in the event that someone has died due to someone else's negligence. In California, the surviving spouse, domestic partner and children are entitled to file a wrongful death claim. It also states that anyone who was financially dependent such as minors or step children is entitled to bring a lawful death claim.

Common Types of Breached Duty of Care

One of the central components of a successful personal injury claim is proving that there was a breach of duty of care. This is commonly referred to as proving negligence. There are several different iterations of negligence including negligence, gross negligence, reckless conduct, or intentional misconduct. In some cases, this occurs on the basis of strict liability.

Negligence

The legal definition of negligence is defined by the failure to exercise duty of care. Most of the time this type of negligence is not intentional. For example, negligence is a driver changing the radio station and causing an accident. The driver did not purposefully crash his car but was being negligent by not paying attention to the road.



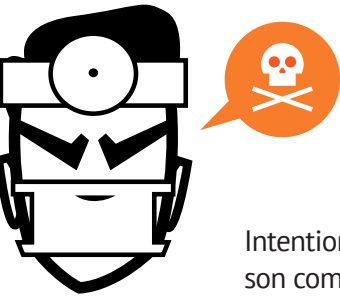
Gross Negligence

Gross negligence, on the other hand, is voluntary failure to exercise duty of care: the person responsible for the injury should have known the inherent danger in the conduct that they performed. The concept of gross negligence can be applied in medical malpractice cases, for example, when the surgeon amputates the wrong limb. It also applies to nursing home abuses cases such as when the attendant fails to take care of the elderly person for days.

Reckless Conduct



Reckless Conduct is slightly different than negligence because it has to do with intention. Someone who is reckless knowingly or should have known that their actions will endanger another person's health and safety. Reckless conduct is on display in many car accident cases, particularly in accidents where the driver is speeding.



Intentional Misconduct

Intentional Misconduct is often confused with gross negligence. A person committing gross negligence, in the simplest of terms, should have known better. It was a lapse of judgement perhaps that caused them to perform the negligent act. Whereas, intentional misconduct is performing a negligent act and knowing full well that it could lead to harm or injury. If we go back to the previous example of a doctor removing the wrong limb accidentally to show gross negligence, intentional misconduct would be the doctor removing the wrong limb purposefully.



Strict Liability

Strict Liability, sometimes referred to as absolute liability, is the legal responsibility to provide damages for a person injured, even if the person held liable wasn't at fault or negligent. In California, examples of strict liability can be found in dog bite accidents. The owner of the dog who injures another is strictly liable even if they were not negligent. The Strict Liability standard can also be found in defective product cases. In such instances, the manufacturers can be found to be liable if their product causes injury to a person, regardless of whether or not the individual uses the product for its intended use.

What You Are Entitled To

Once it has been successfully proven that the parties responsible for your injury have breached their duty of care, you are entitled to seek compensation for the monetary loss you have suffered from your injuries. Since the person responsible for the injury cannot actually fix the injury or provide the victim with psychological counseling, the responsible party is responsible to provide the victim with a monetary value to compensate for the injury. The monetary award is commonly referred to as damages and there are two different types: special and general.

Special Damages

Special damages or sometimes referred to as economic damages, are the immediate out of pocket expenses suffered by the victim due to the injury. Special damages are also considerably measurable, meaning they are easy to prove and more objective than subjective. Special damages may include but are not limited to:



Lost wages that resulted from taking time off due to the injury
Future lost wages and loss of earning capability (for example, if a drummer in a rock band broke his arm and can never play drums again, this would be taken into consideration when awarding economic damages)
Current and future medical expenses that accrued due to the injury
Property loss and the cost of repairs to fix any property that was damaged

General Damages

General damages are more subjective. These damages apply to the more intangible results of the accident including mental and emotional trauma due to the injury. In California, there is no set limit or standard value for general damages. Items that are considered under general damages may include but are not limited to:



Emotional distress ranging from embarrassment, public humiliation, anxiety, grief and anger
Pain and suffering
Disability and impairment that affects the quality of life of the injured person
Loss of consortium (this is usually factored in during a wrongful death lawsuit where a grieving widow seeks monetary value for their spouse's death to help recover loss of income)



Is Filing A Personal Injury Claim Worth It?

It's important to know that over 90% of all personal injury cases do not see the inside of a courtroom and are usually settled outside of court. Most personal injury lawyers work on a contingency basis which means that they do not get paid unless they win the case. Therefore there is no risk in filing a personal injury claim. The only risk is if you file a claim without the aid of a personal injury lawyer.



Now What?

If you have been injured in an accident, we hope that you followed the guide that we presented in Chapter 1. After brushing up on your personal injury history in Chapter 2, we hope that you now feel empowered about pursuing a lawsuit against the parties responsible for your injury.

So, now what should you do?

Speak to an attorney as soon as possible.

In March of 2018, the Transactional Records Access Clearinghouse (TRAC) reported that there were 24,199 civil lawsuits filed. Out of 24,199 civil lawsuits, 16.2% of them were personal injury lawsuits. You do not need to go through this process alone.

In order to recover the maximum amount of damages and to receive compensations for your injuries, having a personal injury lawyer as an advocate is absolutely necessary. However, it is important to note that not all law firms work the same. Choosing a personal injury attorney that you can trust is of the utmost importance. We've put together this infographic to help you through the process of selecting an attorney.



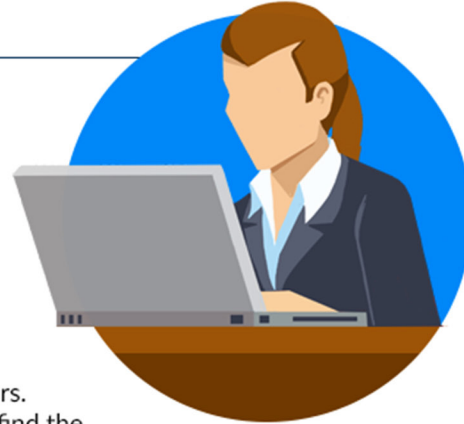
HOW TO CHOOSE A PERSONAL INJURY LAWYER

After an injury, it can be daunting to even think of hiring a personal injury lawyer. If you follow the steps below, you will be well on your way to financial recovery after your accident.

1 RESEARCH

Research lawyers who practice in the jurisdiction where you were injured. Once you find a few dedicated personal injury attorneys who have relevant experience to your case, then you can start doing some more specific research. Look at their websites, check out their reviews on sites like Yelp and Google My Business, and give them a call to see if they offer a free case consultation.

In addition to searching for lawyers on Google, try some of the specific attorney websites designed to aid people in finding lawyers. Websites like Justia, Avvo, and Nolo exist to help people like you find the perfect lawyer for their case by showing you reviews from clients & peers, the lawyer's case history, and a review of their educational background.



JUSTIA **Avvo** NOLO

Call bar associations and law firms. Talking to someone on the phone can help you get more specific information and a better sense of their demeanor. Even if your state's bar association can't help with your case, they can help point you to someone who can. Talking to law firms will get you personalized answers to your questions and a better understanding of who you would be working with if you were to hire their firm.

Make a comprehensive list of the top candidates you are considering. Keep the list short to reduce the time needed to follow up and research candidates further.

Factors to consider when narrowing down your list:

- Actual experience taking cases to trial
- Expertise with medical diagnoses & processes
- Expertise with negligence law and tort law
- Focus of practice relevant to your case
- Disciplinary record and history of case victories



2 PREPARE

Know the facts of your case and have as much documentation as possible. Attorneys will ask every question possible about your case to gauge its likelihood of success.

Your potential attorney would want you to prepare:

- Medical documents
- Police reports and other police related documents
- Professional opinions from experts in fields
- Pictures taken from the accident
- Written statements of witnesses

3 MEET

Sit down for a face-to-face consultation with your top choices. Be sure you ask about the lawyer's consultation fees and fee structure before agreeing to sit down. Hiring a personal injury lawyer is an important and potentially expensive commitment.

Ask your candidates about:

- The statute of limitations for your case
- The attorney's history with similar cases
- The potential length of the case
- How you will be updated on the case
- Specific concerns as to how the case will be handled



4 HIRE

Contact the attorney you want to hire and make sure you sign a written fee agreement. This agreement will spell out exactly what the lawyer will be doing for you and how much he or she is going to charge for those services. Read it over carefully before signing it.

With these steps, you will hopefully find a skilled, experienced and reputable attorney that will be perfect for your case. Good luck!

In the event that you decide to work with J&Y Law, here's what you can expect when we work with you and file your personal injury claim:

What You'll Need

1 ***Initiate your case** by speaking with our intake specialist or one of our trial attorneys about your case.*

Our intake specialists can be reached by filling out the form on the web-site, emailing them directly at info@jnylaw.com or giving them a call at 877-720-8813. They are fully equipped to listen to the details of your case.

2 ***Medical Treatment***
Immediately start treatment with all the medical providers necessary to get you healthy again.

3 ***Property Damage***
Immediately address your property damage needs. This means to either get your car fixed as soon as possible or, if your car is totaled, obtain the fair market value for your car. During the process, we will work on immediately obtaining a rental car for you while your car is being fixed or while we are obtaining a total loss check for your car.

4 ***Investigation***
If necessary, any and all investigation to be done on your matter will be commenced immediately including, but not limited to, obtaining video footage surveillance of the incident, securing any witness statements, and collecting any other tangible evidence to support your case.

5 ***Evidence***
After you are finished treating with all of the necessary medical providers you need, we will begin the process of collecting all of the pertinent evidence of your case (i.e. medical records and bills, loss of earnings documents, etc.)

How We'll Proceed

6 ***Demand Letter***
Once all of the needed evidence is collected for your case, we will begin to draft a settlement demand letter. Your demand letter is a summary of your case, which will detail all the facts of the incident, the acts of negligence committed by the defendants, the property damage you incurred, your loss of earnings, your future loss of earning capacity, your injuries, your medical treatment, the medical bills you incurred, any future medical treatment you may need, any future medical bills you may incur, the general damages (i.e. pain and suffering, emotional distress, interference with daily life activities, etc.) you have already experienced as a result of the incident, future general damages you will suffer from if you are still injured, and a detailed description of how else your incident has adversely impacted and affected your life. The completed demand letter will then be sent to the appropriate insurance companies on your case.

7 ***Negotiations***
Once your demand letter has been reviewed by the appropriate insurance companies, we will begin negotiating with the insurance companies' adjusters to obtain the absolute maximum offer possible from them.

8 ***Settlement Release***
Once you agree to the settlement, the insurance company will draft a Settlement Release which will be forwarded to you for your signature.

9 ***Settlement Check***
Once we send back the signed Settlement Release to the appropriate insurance companies, they will issue and send to our office your Settlement Check, which we will promptly deposit in the J&Y Law Client Trust Account.

10 ***Medical Liens***
Our office will then begin the process of negotiating all the medical liens on your case, including any liens with Medicare or Medi-Cal. We will settle your liens for the lowest amounts possible to ensure that we obtain for you the absolute highest net settlement.

11 ***Settlement Distribution***
After all liens have been satisfied, a Settlement Distribution sheet will be presented to you which will outline all the payments that are to be made from your settlement including all payees. Once this is reviewed and signed by you, this officially closes out your case.

Although we settle
98%
of our cases, we are
not afraid
to go to trial.



How Does The Trial Process Work?

In the event that you hire a personal injury lawyer and they are unable to settle your case outside of the courtroom, it's important to know what happens during the trial process.

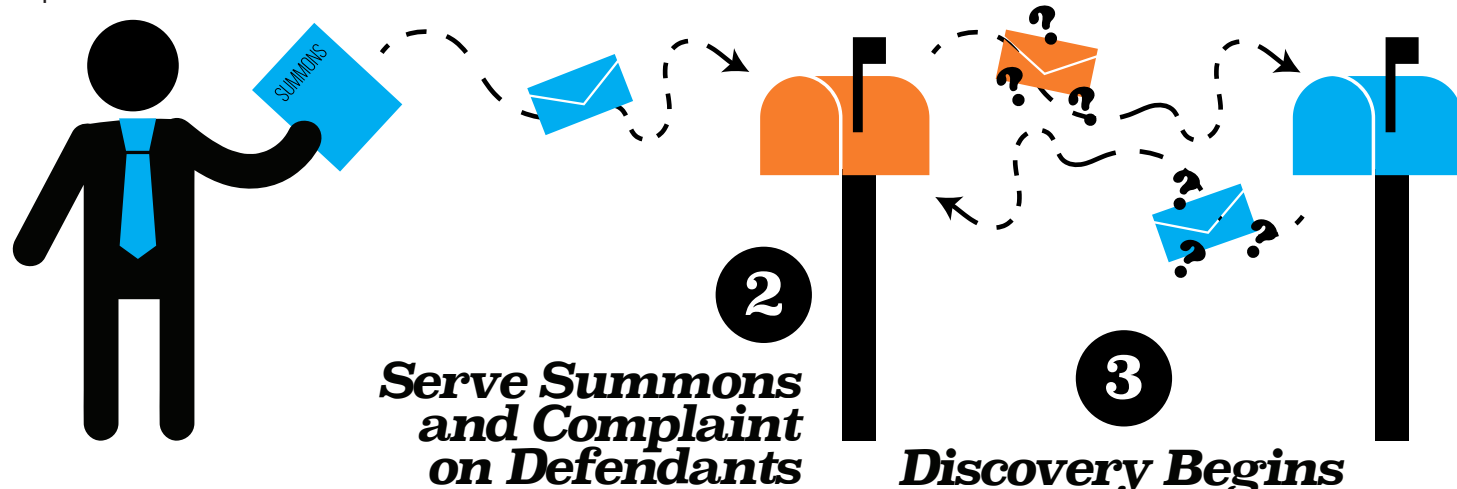


How Does The Trial Process Work?

1

File Summons and Complaint

Before the trial even begins, a personal injury lawyer will file a summons (a request to appear before a judge) along with the complaint (what you wish to gain) in the appropriate court in your jurisdiction. You are designated as the plaintiff.



Your summons and complaint must then be delivered to the defendants, the parties that you are bringing your lawsuit against. Usually in personal injury lawsuits, the defendants can be the person who is responsible for your injury, corporations (such as manufacturers and distributors) or government agencies.

Discovery is the formal process in which the plaintiff and defendants exchange information about which witnesses and what evidence will be presented in the event of a trial. First, the plaintiff will send a list of questions for the defendants to answer. Then the defendants will send the plaintiff a list of questions to answer.

4

Depositions

A deposition is defined as an out of court statement given under oath by any person that is involved in the case, including but not limited to the plaintiff, the defendant, witnesses, friends, family, co-workers, and healthcare professionals.



6

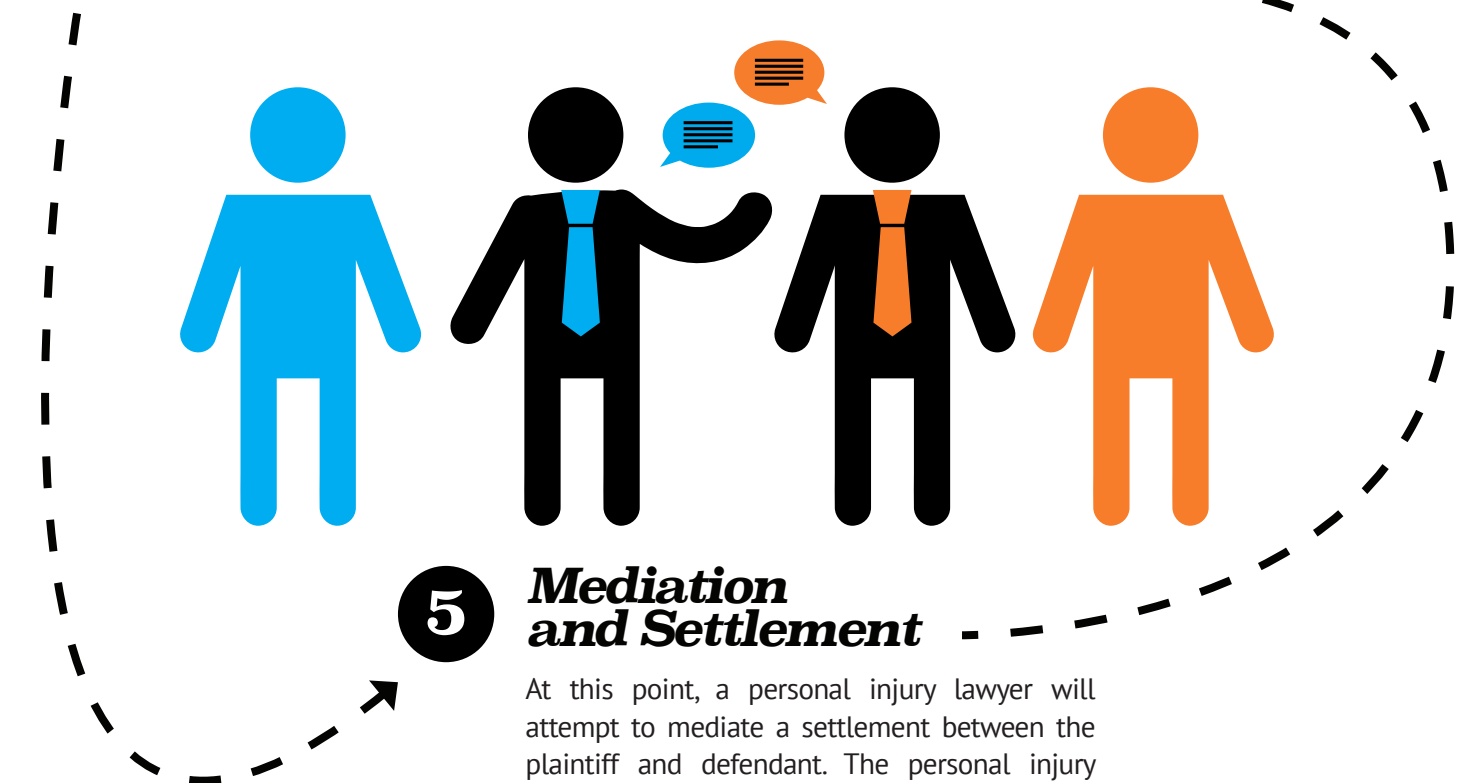
Final Depositions

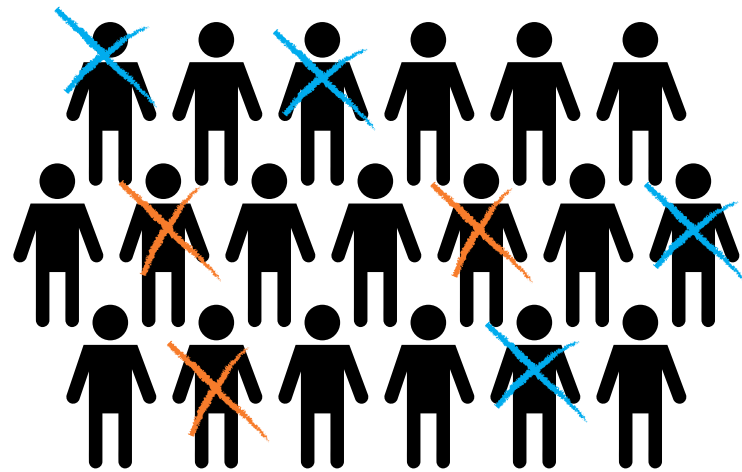
Once it has been determined that the lawsuit is going to trial, it is typical to enlist the help of expert testimony. Experts are usually third party industry specific professionals with a wealth of knowledge in a particular subject that are impartial to the case. In personal injury cases, expert witnesses usually include medical and mental health experts, accident reconstruction experts, economic experts, engineering experts, and manufacturing experts.

5

Mediation and Settlement

At this point, a personal injury lawyer will attempt to mediate a settlement between the plaintiff and defendant. The personal injury attorneys at J&Y Law Firm have a 98% settlement rate for their cases. However, if you are not happy with the settlement offer, we are prepared to go to trial and litigate your case. Keep in mind, a settlement can be reached at any point during the trial process.





7 *Voir Dire and Jury Selection*

During this process, the attorneys representing the plaintiff and the defendants will interview potential jury members. Potential jury members will be asked about their background and potential biases. Only 12 people will be selected and they must be approved by both attorneys. Voir Dire also refers to interviews with expert witnesses to ensure that they do qualify to be an expert and testify as such. It can also refer to a judge determining whether or not someone is fit to stand trial.



8 *Opening Statements*

Opening statements are one of the few times where attorneys can directly speak to the jury. A good opening statement will share the plaintiff's story in a captivating way presenting all the roles involved and distinguishing between the "good guys" (the plaintiff) and the "bad guys" (the defendant).

9

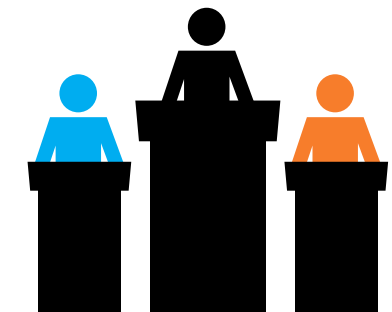
Plaintiff's Witnesses and Testimony

First, the plaintiff will present their case to the jury. The plaintiff's attorney will call witnesses to the stand to give their testimony. The defendant's attorney will then be able to cross-examine the witnesses. The plaintiff's attorney will then get a chance to ask their witnesses questions one more time through something that is called redirect examination. And in rare cases, the defendant's lawyers will also have the opportunity to recross if new evidence is presented during the redirect. The plaintiff's attorney will then "rest" meaning that they are done interviewing witnesses and presented all their evidence to the jury.

10

Defendant's Witnesses and Testimony

The defendant's attorney will then present their defense to the jury. The defense will call witnesses and the plaintiff's lawyer will have the opportunity to cross examine. Redirect examination and recross might occur. The defendant's attorney will then rest their case.



11 *Closing Arguments*

First, the plaintiff's attorneys will discuss the evidence that was presented during the trial and indicate how they proved their client was wronged. Then the defendant's attorney will make a statement indicating defects in the plaintiff's case. Sometimes, the plaintiff's attorney will have a rebuttal, a chance to respond to the defendant's closing remarks.

12 *Jury Deliberations, Verdict and Judgement*

After hearing the closing arguments, the jury deliberates weighing all the evidence and expert testimony that was presented during the trial. In order for the plaintiff to win the case, 9 out of 12 jury members must vote in their favor. If the jury favors the side of the plaintiff, the amount of damages to the plaintiff awarded will be disclosed. However, the judge is allowed to increase or decrease the damages of the jury by making an official judgment on the jury's decision.



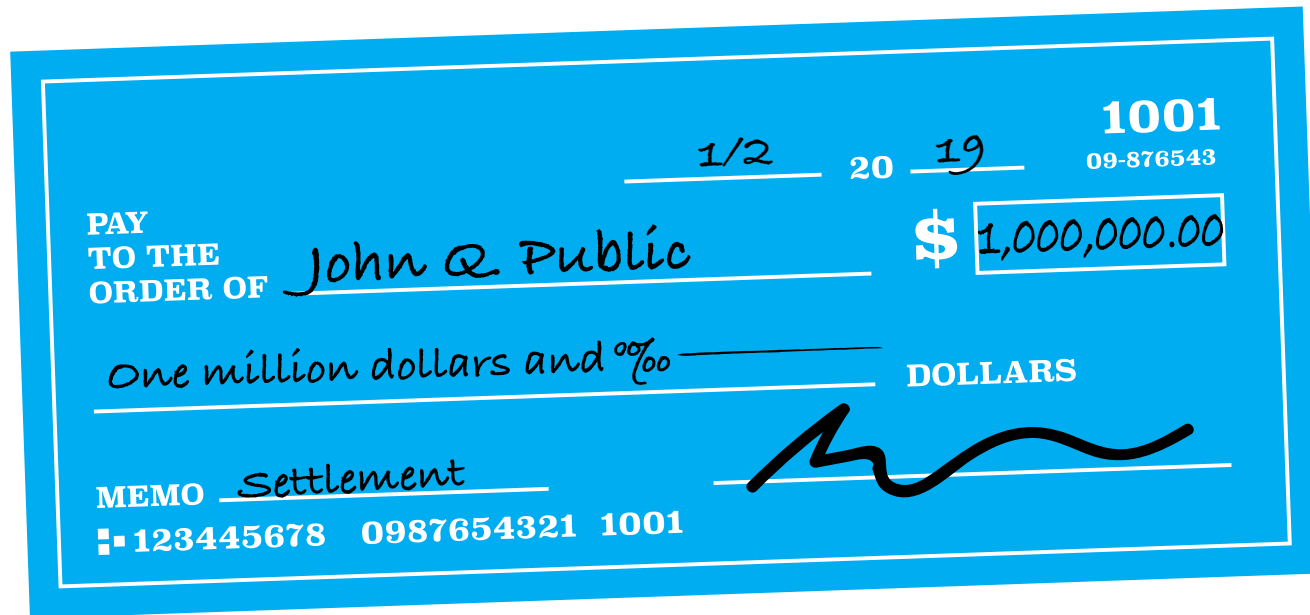
Now empowered with the knowledge of how to choose a personal injury attorney, the process of how our law firm works on your behalf, and the steps in the event that your lawsuit goes to trial, we hope you can take the steps to file your personal injury claim and get the compensation you deserve.



Collecting Your Personal Injury Settlement...

...and What To Do With It

Being involved in an accident that has left you injured can be a traumatic event. This is why our dedicated personal injury attorneys at J&Y Law fight on your behalf to receive a settlement from your insurance company for a large sum of money. In the event that we settle your case or receive a verdict in litigation, there are still a number of steps before you receive your money.



How J&Y Law Handles Your Personal Injury Settlement

1

Our personal injury lawyers negotiate with the appropriate insurance company or companies on your behalf fighting for you to receive compensations for things like lost wages, medical expenses, loss earning capacity and more.

2

The insurance company will then propose a settlement amount to us, which in turn we will recommend to you if we believe that the number is fair and just.

3

Once you sign the settlement release, we will send it back to the insurance company.

4

The insurance company then sends our office a Settlement Check which is deposited in the J&Y Law Client Trust Account.

5

Once the check is deposited into the J&Y Law Client Trust Account, we will negotiate on your behalf all the medical liens on your case including any liens with Medicare or Medi-Cal. Our goal is to settle these medical bills for the lowest amount possible so you walk away with the highest net settlement. This step is crucial as you are legally obligated to pay off all medical liens.

6

Once all the liens have been satisfied, we will provide you with a Settlement Distribution sheet that outlines all the payments that are proposed to be made with your settlement including the payee. It will also tell you the total amount that is left in your settlement. Once this is reviewed, approved and signed by you, this officially closes your case.

Do I need to claim my personal injury settlement as income?

The good news is that often, personal injury settlements are not considered income and therefore are not taxable. However, it is advised that you speak to a tax professional, as you may have to report what portion of the settlement was used for medical expenses that you might have deducted on previous tax statements. Also, if you awarded any punitive damages, that portion of the settlement might be taxable.

As a parent, if my child received a personal injury settlement, can I use that money?

Typically, if a minor's case settles for over \$5,000.00, a parent does not have access to their child's settlement money to prevent the parents from using the money on themselves instead of the child. The money is typically put into a trust until the child turns 18. In order to access this money, you will have to get permission from a judge and prove that the money is being used to benefit the child's well being.

What do I do with the money?

You are awarded a settlement because you have been suffering from an injury and emotional distress. To receive a large sum of money all at once can bring on a mix of emotions. The important part is to spend and/or save the settlement wisely. Some options include:



Paying off Debts



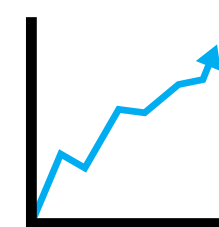
Investing in Education



Investing in Your Home



Donate to Charity



Speaking with a Financial Advisor and Wealth Manager



Treating Yourself Responsibly

The goal of the attorneys at J&Y Law is to get you healthy again and provide you with financial security while you recover from your injury. We are fierce advocates for all of our clients and aim to get the highest settlement possible so the lifestyle of which are you accustomed to doesn't change. For more information about our law firm, we encourage you to visit our website at <https://jnylaw.com/>

? ***Frequently Asked Questions***

Conclusion

Being in a car accident, big or small, is a traumatic experience. It goes without saying that the severity of the car accident is parallel to the severity of the injuries sustained. However, sometimes even the smallest fender bender can lead to “hidden injuries” or injuries that appear several days later. When this occurs, it might be too late to receive compensation for your injuries because you didn’t take the proper steps after your accident. This is why we’ve created this guide on what to do (and what not to do) after you’ve been in a car accident.



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