

## Your Personal Guide To Your Personal Injury Lawsuit

*Know How To Do Things Right  
When You've Been Wronged*



**You have questions. And most likely, you have a lot of them. The good news is that this is completely normal. When you're injured due to someone else's negligence, it's normal to be uneasy and confused. What do you do now? You believe you have a right to compensation, but does the law believe that? And if so, how do you get it?**

The even better news is that Howard B. Segal and his diligent and compassionate staff of his personal injury firm have all the answers to your questions.

Howard understands that not every person reading this is ready to commit to working with an attorney, so he's compiled five common questions with five accessible answers that you can enjoy right here and right now – no need to commit to anything else!

### **How are personal injury claims resolved? And where does the personal injury lawyer fit into the process?**

When an injured person makes a claim against the insurance company of the party at fault, the injured person becomes the “claimant” and the party at fault becomes the “defendant.” The insurance company hires a staff of people who investigates claims – determining their value by assessing the defendant’s liability, consulting police and hospital records and interviewing the claimant and witnesses – the “claims adjustor.”

The main goal of the defendant’s insurance company is to settle the claim by offering the least amount of money possible. So if the injured person doesn’t have legal representation – and doesn’t have high-level knowledge of claim values, which is usually the case – the claims adjuster may try to take advantage of the victim. And once the claim has been settled, the defendant is legally released from any further responsibility, even if the injured person’s condition worsens or previously unknown, resulting injuries arise.

If the claimant does have legal representation, he or she benefits from an expert in injury law with years of experience and knowledge of what the claim is actually worth. The attorney does all the



necessary investigative and administrative work, collecting the evidence to support the claimant's case and keeping track of all essential paperwork. But the greatest value in teaming up with a personal injury lawyer is that the claimant has someone on his or her side to fight the insurance company or opposing lawyer. The attorney is both a professional strong-arm, showing the party at fault that the claimant is serious about his or her case, and a comforting advocate to safeguard the claimant from further offenses, frustration and anxiety.

A personal injury attorney represents the threat of a costly lawsuit if a fair settlement is not reached – and this is something that insurance companies want very much to avoid. This is why settlements are, on average, higher for claimants with legal representation than for those without it.

### **Do I absolutely need a personal injury lawyer to get fair compensation?**

The answer to this one isn't a straight "yes" or "no." No, you are not required to hire an attorney. However, if you work with an expert of the law, there's a very high chance that you'll experience a more favorable outcome and a significantly less burdensome and stressful legal process.

In fact, in a 2004 study, the Insurance Research Council found that the settlement figures for injured persons with lawyers were 3.5 times higher than for those without lawyers.

Also keep in mind that the insurance company representing the person or party at fault has its own team of professional investigators, claims adjusters and attorneys. Not many people are comfortable facing a team of experts alone, especially after having suffered emotional and/or physical trauma.







And if you're concerned that your injuries aren't serious enough to justify the services and cost of an attorney, all you have to do is find out! Consulting an attorney is free, and you may be pleasantly surprised at what he or she has to say.

### **How will I cover my medical expenses while my case is in progress?**

If you're facing a personal injury lawsuit, you're in a frustrating and complicated situation. So what are your options? The first is obviously your health insurance provider, if you have one. The quickness of coverage depends on your policy; unfortunately, some providers demand compensation once your claim is resolved. If you're covered by Medicare or Medicaid, lean on one of those options for financial support as well.

If your personal injury involves a motor vehicle accident and you have personal injury protection (P.I.P.) through your auto insurance, this protection will pay your medical bills up to the policy benefit and possibly loss of wages regardless of who is at fault.

If you're not covered by any type of health insurance or if your injury is due to a motor vehicle accident and you don't have P.I.P., you're going to have to pay for your medical expenses out of pocket. In this case, it's strongly advised to document each medical expense you incur, from emergency room visits and X-rays to doctors visits and therapy sessions, prescriptions and subsequent hospital stays. This information is crucial to maximize the value of your case.

If you find that your injury costs are too extensive to cover, ask your medical provider about the possibility of engaging in an "LOP" (Letter of Protection). In this case, your medical

provider does not notify collection agencies as long as you agree to pay your bills as soon as your claim is settled. It's important to note that most doctors only agree to this account hold if you have legal representation – your attorney will have to provide a letter protecting payment of the bill.

### **Is there a way to figure out how much my personal injury claim is worth?**

There is no proven formula to calculate the exact value of a claim. There are, however, basic factors that go into the evaluation of a personal injury claim. These include scope and severity of injury, extent of claimant's medical bills and out-of-pocket expenses, loss of wages, liability of the defendant and the claimant's prior medical issues or claims, if any.

It's important to note that these are not the only factors that play into claim calculation, but they are generally the most important ones.

### **How long will it take to resolve my case?**

This is another question without a straight, clear-cut answer. Each case is different. It goes without saying that if your case goes to trial, it's going to take longer – generally, most cases take six months to two years to resolve.

Negotiation of settlement commences after “maximum medical improvement,” which is when the doctor releases the injured patient. This is when your lawyer, if you have one, begins to negotiate. The negotiation process is an art, not a science, which is another reason to hire an experienced attorney to handle your claim. Hopefully, this guide has provided some peace of mind and clarity to combat anxiety and confusion. We know that you most likely have additional questions and concerns specific to your situation – if that's the case, set up a consultation with Howard. He'll set you on the right path and tell you what you need to know. And remember, the consultation is expense- and commitment-free!



To learn more about Howard B. Segal's unique approach to personal injury litigation – guiding you with clear instruction, professional expertise and compassionate support – visit him online at [www.howardbsegal.com](http://www.howardbsegal.com). To reach Howard directly or speak with a member of his firm, call 484.450.9660 or toll free at: 1.866.403.8483.