

10

KEYS TO MAKING YOUR BEST PERSONAL *INJURY* CASE



STEVEN B. HAY & ASSOCIATES

The Purpose Of This Special Report Is To Help You Make Sound Decisions.

It Is Not Intended To Be A Substitute For Professional Legal Advice nor does it explain how to file a claim in a personal injury case.

The following information is only general in nature and, while sound, should not be considered as legal advice. This information was gathered to help assist victims in personal injury cases to preserve the full value of their claims.

To receive a free consultation about your personal injury case, please contact the office of Steven B. Hay & Associates at: (425) 576-5599

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10 Keys to Making Your Best Personal Injury Case

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Introduction

If you or a loved one have suffered as the result of an accident, you may be entitled to substantial financial compensation under the law. Unfortunately, filing a personal injury claim is a complicated and time consuming process. Without the proper knowledge and expertise, many victims in personal injury cases never receive the compensation that they deserve.

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Before you decide to go it alone and negotiate a settlement in your personal injury case, keep in mind that you will be dealing with highly trained professionals from insurance companies whose job is to minimize losses by reducing your claim as much as possible, or having it dismissed altogether. Ultimately, they are looking out for their bottom line, not for your rights as a victim.

One mistake on your part may result in being stuck with devastating medical bills and little recourse. That is why it is absolutely essential that you have an expert personal injury attorney by your side throughout the entire process of making a personal injury claim for compensation. They will ensure that your case is presented in the best possible light in order to receive the maximum compensation that you deserve so that not only will justice be served, but you will also be able to begin the process of rebuilding your life.

To help you preserve the full value of your personal injury claim, keep the following tips in mind if you or a loved one is the victim of an accident.

Tip #1: Preserve the Evidence of Your Accident

When you are involved in an accident, it can be an extremely traumatic experience. This is especially true when there are injuries involved, either to you, friends or loved ones. Your natural instinct is to seek out medical help and ensure that everyone is okay. Unfortunately, while victims of personal injury accidents are coping with their traumatic experience, evidence of the accident may be damaged or removed.

In personal injury cases, the more evidence you have to back up your claims for compensation, the better. Therefore it is vital that you preserve as much evidence from the scene of the accident as possible. Ideally you want to take photographs of the scene of the accident and any damage that you can. You should also collect witness statements. If you cannot do this at the time of the accident, you should make it a priority to return to the scene of the accident as soon as possible to collect evidence.

Tip #2: Seek Medical Attention Immediately Following Any Accident

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When it comes to personal injury cases, health is always the number one priority. No matter what the extent of the injuries, you should always seek out medical attention immediately for you or your loved ones. Too many victims in personal injury cases underestimate their injuries and never seek treatment, which can lead to substantial medical complications in the future. Even apparently minor injuries should be checked out by qualified medical personnel immediately following an accident.

It's also important to remember that in personal injury cases, there are going to be insurance companies involved and ultimately their goal will be to minimize any financial compensation that they must pay out. If you decline medical attention for your injuries after an accident, then insurance companies will claim that you were not injured, which can result in a substantial reduction in any compensation you receive, if you qualify for any at all.

This can have a devastating impact on your finances down the road if your apparently minor injuries turn out to be more serious than you thought. You may be left paying for medical treatment out of your own pocket because you failed to have your injuries properly examined and documented immediately after the accident. Don't make this mistake!

Tip #3: Always Give Written Notice of Accidents and Injuries

When you are involved in an accident, giving written notice to the responsible party is vital to the success of your personal injury case. While your injuries may be genuine, if you fail to provide written notice to the responsible parties in a timely manner following the accident, you may find yourself facing accusations that your injuries did not occur at the time of the accident. This may lead to substantially reduced compensation, or result in your claim being denied altogether if you cannot prove otherwise.

If your accident occurred while at work, it's important that you give written notice according to your employer's policies in regards to workers compensation claims. If your employer does not have a written policy, you can simply contact your state's Department of Labor and they will assist you for free and provide the forms that you need. In either event, it's important that you follow through with your written notice to your employer, otherwise you risk losing your workers compensation benefits.

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Finally, make sure that you never give a recorded telephone statement to anyone about your personal injury case without first consulting with an experienced personal injury attorney. Insurance companies and adjusters are known for using these kinds of statements to try and minimize your claim if possible.

Tip #4: Follow Through With All Medical Appointments

To preserve the integrity of your personal injury case, it is important that you follow through with each and every medical appointment. Regardless of whether your injuries are minor or not, failure to keep your appointments can have a negative impact on your case. By constantly missing or rescheduling medical appointments, you put yourself at risk of being questioned by insurance companies and adjusters.

They will argue that because you are not keeping your appointments, your injuries must not be that severe, or they may not even be legitimate at all. This could very well lead to your personal injury case being dismissed, and any compensation for your injuries denied. That is why it is crucial to make any necessary arrangements for child care, transportation or any other issues that may prevent you from keeping all of your medical appointments.

Remember, insurance companies will look for any way to minimize or dismiss your claims, so don't make it easy for them by giving them an excuse!

Tip #5: Do Not Switch Medical Providers Unless Absolutely Necessary

When making a personal injury claim, it is important for you to remain consistent in seeking out and receiving medical treatment. It is understandable that you may become dissatisfied with your medical provider for one reason or another; however, before you switch to a different doctor, it's important to understand how this may affect your personal injury case.

Despite their best intentions, two doctors may have differing opinions on the nature or extent of your injuries and the appropriate treatment. These inconsistencies may have a negative impact on your personal injury case and result in significantly reducing the monetary compensation that you receive. For this reason you should always give thorough consideration before you

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change medical providers while you are undergoing a medical treatment plan as part of your personal injury case.

It is also important that you chose the right doctor. For example, you may need a physical rehabilitation doctor, one who specializes in helping people recover from injuries. These doctors are often called physiatrists, physical rehabilitation doctors, or sports medicine doctors.

Surprisingly, some doctors won't tell you that they do a great amount of work for either insurance companies or the Department of Labor and Industries, or both. If you see a doctor who works for one of these organizations, the doctor may trivialize the full extent of your injury and treatment needs. The insurance company will later use the testimony of this doctor, your own doctor, to minimize your injuries as a way to diminish how much they must pay to you.

If you have no way to find out about the loyalties of a particular doctor, an experienced personal injury attorney will have that knowledge and can help you find the best doctor for you.

Tip #6: Until Your Case Is Settled Do Not Discuss It with Anyone

When it comes to personal injury cases, one of the most important things you need to remember is that you should not discuss your case with anyone other than your own attorney. Remember, personal injury cases often involve substantial sums of money and insurance companies will do everything they can to avoid paying. This includes investigating your claim and interviewing your friends or family without identifying themselves in an effort to find any excuse not to pay your claim.

Any remarks made to friends or family may end up coming back to haunt you, especially if they cast any doubt on the severity of your injuries or otherwise bring your claim into question. If friends or family ask about the case, simply explain that it is not in your best interest to discuss your personal injury case until it is over.

Of course, this does not mean that you should avoid talking about your injuries and pain and limitations, which you can and should discuss with your family. Just avoid talking about the details of the collision, witness statements, or liability matters.

Tip #7: Keep Records of All Medical Treatments and Related Expenses

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Another key component to a successful personal injury case is the ability to prove what expenses were incurred as a result of your accident and injuries. These expenses will help to determine the amount of compensation that you receive for your personal injury claim. That is why each time you visit a doctor, a clinic, a therapist, a pharmacist or any other medical provider as part of your personal injury case; you should always request a copy of any invoices that detail your expenses. You should also keep copies of any other non-medical expenses such as property repairs or travel costs.

Your personal injury attorney may ask you for these invoices on a regular basis so that you can receive compensation immediately while your case is still pending. This can help you to avoid costly out of pocket expenses until a settlement is reached.

Tip #8: Always Assume You Are Under Investigation

It may surprise you to know that victims of personal injury cases may be put under surveillance by insurance companies in a bid to minimize or avoid paying any claims entirely. While this may seem unscrupulous, it is entirely legal and is something that you must be aware of. For this reason, you need to follow your doctor's advice when it comes to any restrictions on your lifestyle until your medical treatment is complete.

We often feel that we know better than doctors what we can and can't do following an injury, but this is one case where you absolutely must stick to your doctor's recommendations without fail. In fact, it is critical that you thoroughly explain to your doctor how your injuries have restricted your lifestyle, including your ability to work, engage in household chores, recreational activities, and/or any activity that you could perform before your injury. Be thorough, and report your limitations each time you see your doctor.

Any restrictions that your doctor places on your activities may be made available to insurance companies, and if they catch you breaking any of these restrictions, they may be able to claim that your injuries are the result of breaking your doctor's orders, not the accident. They may also claim that your injuries were not as severe as your case claims. In either event, the amount of compensation you receive may be substantially reduced, so listen carefully to your doctor and follow all of their directions to the letter.

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Tip #9: Don't Accept a Premature Settlement

Personal injury cases often involve settlements worth a substantial amount of money. Many victims in personal injury cases may be tempted to accept settlement offers before they have completed their medical treatment program for their injuries. This is a very bad idea. Even injuries that appear to be minor may lead to severe complications down the road, requiring expensive follow up treatments.

If you accept a settlement offer before your medical treatment is complete, you could be putting yourself at risk of paying out of pocket for those treatments which only become apparent after a time. These can have a profound effect on personal finances. Insurance companies know this and often attempt to settle before the full cost of medical treatment is known in order to minimize their losses.

To avoid being stuck with the bill, always wait until you have made a complete recovery from any injuries relating to your personal injury case before accepting a settlement. You should also ask your doctor to prepare a statement which details all of the treatments that you received, what injuries you suffered, what future medical costs you may face relating to your injuries and whether or not there is the possibility of permanent disability. This report will help to ensure that you receive the full compensation that you need to cover all of your current and future medical costs.

Tip #10: Patience Is the Key to Receiving a Fair Settlement

This tip follows along with the previous one: be patient when you are negotiating for a settlement. It's an unfortunate reality that insurance companies and claims adjusters will often intentionally offer a far lower settlement than you may be entitled to. They are even more likely to do this if you appear desperate for a settlement.

Always remember that insurance companies are looking out for their bottom line and as a result they will always try to minimize their losses as much as possible. They will often use tactics such as slow response times to demand letters to frustrate you into accepting a lower settlement, banking on the fact that you are ready to put the whole ordeal behind you and start rebuilding your life. Don't fall for it!

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Final Advice: Know Your Rights as a Victim

In personal injury cases, you will most likely have to deal with an insurance adjuster who represents the responsible party. As we've mentioned, the insurance adjuster's primary role is to reduce the insurance company's costs when it comes to paying settlements and they are very good at what they do. Unscrupulous insurance adjusters may intentionally misrepresent your rights as a victim, and record your statements in an attempt to compromise your personal injury claim.

Their hope is that you may make inconsistent statements about the accident or your injuries, or unintentionally minimize the extent of your own injuries. They can then use your own recorded words against you to lower your settlement or have your personal injury case dismissed altogether. For this reason, you should never consent to making a recorded statement for any insurance company or adjuster until you have consulted with an experienced personal injury attorney.

Steven B. Hay & Associates - We Fight for Your Rights

Steven Hay is an experienced and compassionate personal injury attorney who will stand by your side and fight for your rights from the moment you walk in the door until a fair recovery is reached. He has served as an arbitrator for the King County Court System, and is a student of the world famous Gerry Spence, an expert in methods that create a strong connection between jury members and injury victims. The connection he forges help jurors understand how the accident has affected you. This leads to a far more sympathetic jury than traditional methods. When the jury cares more, injured parties often receive more in the verdict.

Other law firms that specialize in personal injury cases are willing to settle for only 60 to 70% of what their client's cases are truly worth, because they are more interested in a quick settlement and a higher volume of cases.

Steven Hay is an effective personal injury attorney with an unwavering sense of justice that ensures you will have the best chance of receiving the full compensation that you deserve for your pain and suffering.

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If you or a loved one have questions about a personal injury claim, you need someone by your side who will stand up for your rights as a victim and help you to begin rebuilding your life.

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