



WHAT YOU, AS A PERSONAL INJURY VICTIM, SHOULD KNOW

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By: The Firm

Unfortunately, many of us at one time or another, will be a victim of an automobile accident which was simply not our fault. If you are injured, the law provides that you may be entitled to recover monetary damages for hospital expenses, medical treatment, prescriptions, lost wages, and other damages for pain and suffering. The amount of such damages differs based upon your injuries.

This memorandum outlines certain issues you should be aware of.

- Insurance companies do not pay money willingly. The insurance company can be expected to thoroughly investigate the facts of the accident, the claim for medical treatment, and any past injuries or claims. The insurance company will obtain copies of all past medical records.
- The insurance company may hire a private investigator to take movies of any physical activity that you may engage in. The insurance company may even lay a trap for you, such as attempting to hire you to do physical activity, causing a flat tire or placing something in the yard that will need to be lifted, etc.
- The insurance company may hire a private investigator who may carry a concealed tape recorder in talking to you or to your friends. You should not discuss your case with anyone, including friends.
- It will help your case to tell your counsel about any PRIOR INJURY or PRIOR PAIN to any parts of your body. Many good cases are lost by the injured person concealing or forgetting a previous injury.
- You should be sure to furnish your attorney with the names and addresses of all doctors who have treated you. Particular attention should be given to all doctors in the local area, where it will be easy for the defense to obtain full copies of all



- medical records. No one can expect you to remember everything in your medical history; therefore, it is advisable to have copies made of all medical records of the family doctor, etc., so that you may review your own previous complaints to refresh your memory.
- Insurance companies keep a record of any and all claims against any insurance company. The insurance company is sure to find out if you have ever made a previous claim.
- Tell your local doctor all of your complaints. The doctor's records can only be as complete as what you have told the doctor.
- Keep track of all prescriptions and medicines taken, preferably saving all bottles or containers of medicine.
- Keep a diary of all of your complaints and progress. This can be very helpful when, a year later, you will be called upon to relate your pain and difficulties.
- Please keep an accurate record of all days lost from work because of your injuries.
- Obtain and keep duplicate copies of all medical, hospital and drug bills. You should send these bills to your attorney for their file. You should also keep records of any other expenses you may have in connection with your accident, such as the hiring of extra help. You should keep a list of all your medical bills and the costs incurred in going to your doctor.
- Do not have your automobile repaired until you are sure that your counsel has obtained pictures of it. After pictures are taken by your attorney, have your collision insurance carrier repair your car.
- Furnish to your attorney immediately the correct names, addresses and telephone numbers of any and all witnesses you may learn of.
- It may be necessary someday to have friends, neighbors or co-workers testify regarding your disabilities and pain and suffering; therefore, start thinking about the witnesses you may need in the future.
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- Send your attorney the negatives and prints of any photographs pertaining to your case which you or any of your friends have taken. If you are required to be in the hospital and are receiving any type of treatment like traction or physical therapy, please notify your attorney.
- Have your own auto insurance carrier pay as many hospital and doctor bills under the medical payment provisions of your policy as possible. You should also have your hospitalization insurance, such as Blue Cross and Blue Shield, pay as much of your costs as possible. You should not expect doctors and hospitals to wait until your case is tried or settled to receive payment. You should, therefore, pay any balance as soon as possible.
- Keep your attorney informed of anything that in any way might affect your case. Certainly, nothing should be signed without first consulting counsel. Applications for insurance benefits, reports to the State, any change in doctors, returning to work, any change in treatment, etc., should be reported to your attorney promptly. Disability or unemployment applications should first be checked with counsel.
- Keep your attorney advised of any vacation times when you may not be available. An emergency phone number and an alternative way of reaching you must be in your attorney's file at all times.
- Some of the necessary costs of your injury claim include expenses of police report, investigation service, filing fees, copying medical records and medical reports that the doctors submit, depositions, jury fees, transcripts (if required) and witness fees. You should expect your counsel to advance these costs, though you should also expect to reimburse your attorney for any such costs, win or lose.
- If you have other insurance and need help. Your counsel should be able to assist you in submitting your claims, particularly medical treatment claims.
- Be sure to keep your attorney advised of any change in your address or telephone number. Please do not come in expecting to see one of the attorneys without an appointment.
- It sometimes takes many months to settle a claim. In fact, it is dangerous to settle certain types of claims too soon because it often takes a long time for serious injuries to become evident.



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- It is important for you to keep your attorney informed of all significant developments. To see that a permanent record gets into your file, whenever possible, put these matters in writing and mail or drop them off at your counsel's office.

The above is meant only to highlight certain issues you should be aware of; it is not an exhaustive list of every issue that may arise in the event of any injury. We recommend that if you have any questions, you should speak with an attorney experienced in handling personal injury cases.

We at Coleman & Horowitz, LLP regularly provide representation to injured parties. We would be pleased to discuss any questions you may have regarding this memorandum. If any such questions should arise, please feel free to call either Darryl J. Horowitz or Lucille G. Dimmick at (559) 248-4820, or by e-mail at dhorowitz@ch-law.com or ldimmick@ch-law.com