



**HOW TO WIN**  
— *your* —  
**INJURY CASE**

**BRIAN BECKCOM**

*How to Win Your Injury Case*

By Brian Beckcom

## **Table of Contents**

Disclaimer	1
What It Means to Win (or Lose) Your Case	2
How to Get the Most Out of This Book	5
The Ten Most-Asked Questions	6
Ten Questions People <i>Should</i> Ask	17
The Best and Worst Things To Do For Your Accident Case	25
Working with Our Law Firm	27



## Disclaimer

As soon as you start the lawsuit process you are in essence entering a war zone. You will be up against an insurance company that doesn't want to pay you, and their attorneys who will work hard to reduce the insurer's liability. *How to Win Your Injury Case* is a guide to understand what it means to win or lose your case. It is not legal advice. This book is meant to enlighten you on what goes into a successful case. I will show you the common factors I see in cases that are won. I will also answer the most common questions injured people and their families ask. What I describe in this book is based on what I have seen in my many years of handling injury cases.

If I decide to take your case, I pledge to be honest and straightforward with you and I expect you to do the same with me. Once we both agree in writing that I will represent you, then and only then will an attorney-client relationship be created.

## What It Means to Win (or Lose) Your Case

You may hear people, especially lawyers, talk about winning a case or losing a case, but what does that really mean? If you think about it, either of those phrases can be loosely defined. You may get a settlement offer from the insurance company, however, does that mean you *truly* won? What if the amount that was offered wasn't enough to cover your future medical bills? In that case, it was really the insurance company that won in the long run. Also, what if the case takes years and years to settle and you have lost a lot of money to medical bills and the inability to work. Is that winning or losing?

My definition of *winning a case* means you get the best settlement you can, based on the facts of your case, in the shortest amount of time possible. Many injured people will not get settlements that are enough money to cover their losses. They may accept what the insurance company offers them, without really understanding what their cases were worth.

There are some people who think that winning their case means to get a huge multi-million-dollar settlement. Yet, that may not be realistic based on the injuries and facts of the case.

On the other hand, there are a number of different ways you can lose a case. If you cannot get any money for your accident case, it is one obvious way that you can lose. However, there are some other, less obvious ways that you can lose your case. For instance, you could have a case that is worth \$500,000, but you could hire the wrong attorney and end up getting half of that amount. Even though you would be getting some significant money for the case, I would define that as a loss, because you're leaving money on the table.

There is another way that you can lose a case that you may not have thought about. Let's say that you are involved in an accident, you suffered some injuries and the insurance

company makes you an offer. You choose not to accept that offer and therefore you go to court. After hearing both sides of the case, the jury decides to give you less than that original offer from the insurance company. That would also be considered losing your case.

One of my jobs, as an attorney in an accident case, is to tell somebody when there is a settlement offer on the table and whether he or she should take it or not. Ultimately, it is the client's decision regarding the acceptance of the settlement offer. If I recommend taking a settlement, because I think it is a good, fair settlement based on my years of experience handling all different sorts of accident cases, and the client doesn't listen to me and gets less than the settlement offer, then that is another way to lose a case.

In a typical accident case, as the case progresses, the insurance company will at some point want to sit down and try to settle out of court. The settlement negotiation typically takes place in mediation. Let's say, for example, that you are in a truck wreck and you suffered a back injury. Based on all the facts of the case, your medical bills and your lost wages, a fair settlement for your case is \$500,000. Now, imagine we go to mediation to try to settle the case out of court with the insurance company and they offer you \$500,000. In that situation, I would strongly recommend that you accept the settlement offer. Now, if you said, "No, I want to go to court; I think my case is worth more money," then that is certainly your decision. Your case goes to court and you receive \$400,000. You've just lost \$100,000 that could have been in your pocket, because you turned down a good settlement offer and the jury ended up giving you less.

There is yet one more way to lose your case, which involves the time it takes to resolve. You may have a case that is worth a certain amount of money, but you hire the wrong attorney. That lawyer could end up taking 3 or 4 years to get your case resolved,

instead of the typical timeframe of 12 to 18 months, at the most. Think about it—if the case takes 3 years or 4 years, instead of 12 to 18 months, that is 2 years of not having that settlement money available to you. So, in a sense, you are losing money by hiring an attorney who takes way too long to settle your case.



## **How to Get the Most Out of This Book**

Did you wake up one day and think that today would be the day you are in an accident? Of course you did not. No one thinks that way. But here you are either dealing with an injury from an accident or helping your injured family member recover. Either way, it is important that you get an idea of how personal injury cases are won (and lost).

Accidents come in many different forms—from car crashes to injuries from defective products—and are often the result of someone else being negligent. It could be a reckless driver or an irresponsible employer that caused the accident. How you handle yourself and the steps you take over the next few days, weeks and even months will make a difference in whether you win or lose your case.

*How to Win Your Injury Case* is designed to answer many of the questions that you might have and to also warn you about the things that can hurt your chances of recovering money for your case.

There are two different ways that you can use this book. You might choose to read straight through, so that you get a full picture of what you are about to face with your accident case. Or you might choose to skip ahead to the chapter that answers your immediate questions. However you approach your reading of this book, it is important that you educate yourself on what it takes to win and also why so many people lose their cases.

I have been representing injured people and their families for years and I have seen many mistakes. That is why I wrote this book, to help people like you understand what it takes to have a successful accident claim and to avoid making those same kinds of mistakes.

## **The Ten Most-Asked Questions**

Many questions arise after a serious accident, but the same ones are asked the most. Below is a list of the top ten that I hear on a regular basis.

### *1. Should I sign forms provided to me by the insurance company?*

One of the most frequent things that happens after an accident is that the insurance company will immediately start contacting you and requesting information. The adjuster might ask you to call him or her or request that you sign authorizations, so that the insurance company can get all your private medical records and wage information. However, the adjuster won't come out and tell you that is why the authorizations are needed. Signing these authorizations, as you can guess, is a bad idea.

In most cases, the insurance company will have somebody call you and ask whether you will provide a recorded statement. This is another thing you should avoid. A recorded statement is dangerous because it is a one-way street. You are giving the insurance adjuster all of the information that he or she wants, but you are not getting any information in return.

Signing any papers, or providing any kind of information to the insurance company at least initially, is a bad idea. Basically, all you would be doing is giving the insurance company a bunch of ammunition to use against you later in the case.

There is a federal law that prevents people from getting access to your medical information. Therefore, if you are involved in an accident case, the insurance company is not entitled to have access to your medical information unless you sign official papers that give them permission. In every case, the insurance company is going to ask you to sign

authorizations, so they can get your medical information. One of the tricks with these authorizations is they will not only get information about the accident you were in, but also all of your medical records for decades and decades before the accident. They will then try to find something in your medical records that they can use against you. By signing these authorizations, you are putting your entire medical history out in the open. That is a terrible idea in the beginning. Once you start the lawsuit process, the insurance company is going to have access to that information, but at that point, hopefully, you will have a good attorney who can protect your information and make sure the insurance company doesn't have access to medical records they shouldn't. Your attorney should ensure that the insurance company is not getting information to which they are not entitled.

## *2. What happens in an accident case?*

A lot of people who are involved in an accident don't fully appreciate all of the steps that take place before the insurance company will offer a fair settlement. Maybe you were involved in an accident and you suffered some injuries or your loved one was hurt. The insurance company will immediately begin collecting information, interrogating witnesses, taking statements, hiring their own attorneys and trying to get information from you. Basically, they are taking steps to protect themselves, so they don't have to pay as much money as they probably should for your case.

Once your initial medical treatment is done and the insurance company has collected their information, then they will probably try to offer you some sort of settlement that is low. Most of the time, you should reject that offer, because it's not going to be enough money. You will need to start thinking about what to do next. Should you file a

lawsuit? Do you need to hire your own attorney? Those are the types of questions you need to start asking.

If you have not received a good settlement offer, then you should hire an attorney to actually file legal papers on your behalf. Once the legal papers are filed, there is a process called *discovery* where information is exchanged between the parties involved in the lawsuit. You have to provide information and the defense has to provide information. Discovery normally takes several months, depending on the seriousness of the case. After it is completed, the insurance company will typically try to settle out of court. If an agreement is reached out of court, then the case is over and you can go on your way with your settlement money. If it doesn't settle out of court, then you get ready to go to trial, and that takes a lot of time and preparation. You will be assigned a court date and the jury will eventually decide how much money you're going to receive.

### *3. Do I need an attorney?*

Not every case justifies hiring an attorney. If it is a small injury case and you're going to get better quickly, then it's probably best to just negotiate the case with the insurance company on your own. But if it's any sort of significant injury—if you're at risk of losing income, losing your job, or having future medical bills—then it's almost always a good idea to at least talk to a Board Certified attorney. That way, you don't make any mistakes and can position your case to get the best settlement possible.

### *4. How do I find the best attorney?*

There are a lot of ways to find attorneys—some good ways and some bad ways. Let me first explain a bad way of finding an attorney. It is a bad idea to hire an attorney based on a television commercial, billboard or other advertisement that says something like, “Hey, I’m great. I’m aggressive. I’m going to fight for you. I care about you. My firm has 29,000 years of combined experience. I’m going to get you a bunch of money.” The reality is that most of the lawyers who do that kind of advertising won’t handle your case. They will push your case off to some other attorney who actually knows how to handle cases in court. Therefore, if you rely on television commercials, the Yellow Pages, billboards or other advertisements, the chances are you’re not going to find a good attorney for your case. Now, there are some really good attorneys who advertise that way and I’m not saying that just because they do, they’re bad attorneys. What I’m saying is that you shouldn’t select an attorney based only on television commercials, the Yellow Pages or a billboard.

The other bad way to hire an attorney is to rely on a referral from your uncle’s criminal lawyer. You might hear statements like, “Oh, I was in a criminal situation and instead of going to jail, my lawyer got me probation. You should call him for your accident case.” Or, “Hey, I did my will five years ago, and my will attorney did a great job on my will, so she will probably do great with your injury case.” Getting recommendations from people who have had legal situations that have nothing to do with accident cases is a bad way to hire an attorney. A criminal defense lawyer, a family attorney, a divorce lawyer or an estate lawyer is going to know absolutely nothing about how to handle an accident case.

Now, you can get recommendations from friends—I’m not saying that is a bad idea. What I am trying to say is that a criminal lawyer is not going to know much about accident cases.

What are the best ways to find a really good lawyer? There are a few. One is to get recommendations for lawyers who handle accident cases from people whom you trust. If you have a friend who was in an accident and hired an attorney who did a great job for him or her, give that lawyer a call. You want someone who has firsthand experience with a case similar to yours. It doesn't get much better than getting a recommendation from somebody you really trust for a lawyer who handled a similar case.

Another good way is to spend your time researching and asking a lot of questions. Go on the Internet and type in the questions that you have about your case. See what Websites pop up, go to those sites and review the kind of information they provide. The Websites will give you an indication of what kind of expertise the lawyers have. Check if the lawyers are Board Certified and have track records in similar cases. Search the site for videos, so that you can actually watch the attorneys and get a sense of how they interact with people.

After you have done that kind of research, it is a good idea to interview two or three different attorneys. Sit down with them, face to face, and tell them your situation. Ask them questions and assess what kind of rapport you have with them. There is a limited number of really good injury attorneys. A lot of attorneys advertise for cases, but very few are actually at the top of the class. The only way to figure that out is to sit down and talk with them. You'll know once you have met the attorney face to face whether he or she is somebody you trust and whether the lawyer knows what he or she is talking about.

Once you have done that interview process, then you hire the attorney with whom you have the best rapport and trust. That is the most thorough and effective way to get the best lawyer for your case.

### *5. How much will an attorney cost me?*

Some attorneys charge by the hour with an hourly rate of \$200 to \$500. They will charge you that money whether they win or lose the case. In my opinion, that is a horrible way to charge clients in accident cases for a couple of reasons. Number one—if you're getting paid \$500 an hour, your economic incentive is to spend as much time as you can on that case, which means dragging it on as long as possible. It doesn't matter to the lawyer whether you win or lose, because the attorney is going to get paid no matter what. So, paying an attorney an hourly fee is a horrible idea. It is also terrible, because if you were in an accident, especially if you were in a serious one, it is going to be hard to pay an attorney \$400 an hour, when you may not have any source of income.

Other attorneys, including those at my law firm, charge a contingency fee, which essentially means you don't pay a penny unless your case is won. If we win your case, we charge a percentage of the money recovered, which is typically 40 percent. If it is a very complex case, the fee is 45 percent. If we don't have to file a lawsuit, the contingency fee drops to 33 percent. Keep in mind, though, that with any serious case, you are going to have to file a lawsuit. Therefore, the standard rate, depending on the complexity of the case is going to be 40 to 45 percent. That might sound like a lot of money, but the truth of the matter is it provides an incentive to get you the maximum amount of money possible for you, because the more money we get you, the higher the fee.

The other great aspect about the contingency fee is that you do not have to pay any of the case expenses up front. We pay all of the case expenses for you while your case is going on. If we win your case, you reimburse the case expenses out of your settlement. But again, you do not have to pay anything up front, which is a huge relief.

The final thing that I like about the contingency fee is it really encourages us not only to get you as much money as we can, but also to get it as quickly as we can. The quicker you get paid, the quicker we get paid. So, the contingency fee, unlike the hourly fee, basically aligns our interests 100% with yours. The hourly fee is the opposite.

#### *6. What is negligence?*

The law defines negligence as the failure to do what an ordinary person would do in the same or similar circumstances. That is a fancy way of saying somebody does something that a normal person wouldn't do. Here are some examples:

Running a red light is negligence; a careful person doesn't run a red light.

Driving an 18-wheeler that is overloaded with materials and causes an accident is negligence, because a careful truck driver wouldn't do it.

A company that manufactures tires that blow up after 5,000 miles is an example of negligence, because they are not designing tires to last a reasonable period of time.

Negligence is a legal term for not being reasonable, not doing what careful, everyday people would do. However, the definition of negligence can change based on the circumstance. Here are more illustrations:

Somebody drives a car at a rate of 65 miles per hour (MPH) even though the speed limit is 50 MPH and causes an accident. The driver is being reckless.

A truck driver, driving down that same road at a rate of 45 MPH, in a 50,000-pound 18-wheeler, might be negligent if it's raining or there is ice on the road. The reason is that if you are driving a 50,000-pound truck and the weather is bad, you have an obligation not only to drive the speed limit, but also to be extra cautious.



So negligence is the failure to do what is reasonable under the circumstances. And the circumstances are different for everybody. There might be negligence in one situation, but not another—if the trucker is driving 45 miles an hour, it's a sunny day, the weather conditions are fine and the street is in decent condition—then he is not being negligent. If he is driving the same exact speed on the same street, but the circumstances have changed, such as ice or water on the road, then he would be negligent.

*7. Can I trust the insurance company?*

No. When you're involved in an accident, your number-one priority should not be to file a lawsuit or even hire a lawyer. Instead it should be to get appropriate medical care and make sure that whatever injuries you have are taken care of. You are not thinking the same thing that the insurance company is thinking when you're in an accident. You are thinking about your health and your medical treatment, as well as how you are going to pay your bills. The insurance company has an immediate advantage, because they are thinking about how to pay as little money as possible. Now, once you have gotten the appropriate medical treatment and have started thinking about hiring an attorney, the insurance company may come to you and make you a settlement offer. Nine times out of ten that settlement offer won't be sufficient. It won't be nearly enough to cover the value of your case. The insurance company knows that if you are in an accident, cannot work and are having trouble paying your bills, you will likely be willing to take less money because you're in a desperate situation. Don't trust them.

*8. How do I get medical treatment?*

There are a number of different ways to get medical treatment after an accident. One of the ways you cannot get medical treatment is from the other person's insurance company. There may be some examples where you're in an accident and the other person's insurance company pays for your medical bills, but they are extremely rare. Insurance companies just don't do that most of the time. What you have to do is look to other sources to pay for your medical treatment. The obvious, number-one source is your own, personal insurance. If you use your own, personal insurance to pay for your medical treatment, then your insurer will go to the responsible party's insurance company and try to get paid back. The problem with using your own insurance carrier is that dealing with insurance, whether it's yours or anybody else's, is always a pain. Generally, your medical treatment is going to be slower and there are going to be restrictions regarding whom you can see and what kind of treatments you can get.

We have a list of Board Certified doctors whom our clients have had great experiences with and trust. We will set up medical appointments with one of these doctors and they will not charge you or your insurance company while your case is going on. When your case settles, then, and only then, they will get paid. The nice thing about this route is that you personally don't have to go through any of the insurance paperwork nonsense. Second of all, you are dealing with doctors who we know have good reputations in the community and are Board Certified, instead of some doctor who was picked by the insurance company based on how cheap he or she is. Another great quality about these doctors is that if your case has to go to court, they will testify on your behalf, which can be really important.

We actually offer a medical assistance plan at our firm. If you are one of our clients and you qualify, we make it very easy for you. We make sure you get good doctors, medical appointments scheduled and all the recommended treatment. All you have to do to apply for that program is ask. Once you are a client, you're automatically eligible for the program.

*9. What is my case worth?*

The way we calculate the value of a personal injury case is pretty straightforward. First of all, you have to determine who was at fault. If the other party was 100% at fault, it is pretty easy. However, sometimes there might be shared responsibility. There might be an accident where you bear some of the responsibility for the accident, but another party also bears some. If that is the situation, then you have to figure out your percentage of responsibility. For example, you may be 50 percent responsible. Once you figure out the percentage of responsibility, whether it is 100 percent, 75 percent or 50 percent, then you calculate the amount of your medical bills and lost wages. Then you add those figures up. Next, based on what your doctors and other experts are saying, you determine the estimated medical bills in the future. If you can't work, or if you have to take a job making less money, you determine what your lost wages in the future would be.

The final category of losses, or damages, includes such things as pain and suffering, mental anguish, loss of enjoyment of life and impairment—things that you cannot add up with a calculator. That is where a really good attorney can add value to your case. Frankly, it is not that hard to figure out the amount of your medical bills and lost wages. It is a little harder to calculate those amounts into the future; but it becomes important to hire a good attorney when placing a value on mental anguish, pain and suffering, and so forth. A good

attorney will look at other similar cases that he or she has handled, compare those to your case, figure out what kind of money juries give for the type of injuries you have and then put a dollar figure on it. The dollar figure on those injuries is really going to depend on the severity of your injury. For instance, if you are in a car wreck and you break your arm, that hurts and you'll probably have some mental anguish, but it's not that much because you're going to get better. Whereas if you are in an 18-wheeler accident, and you suffer severe burn injuries, or you lose a limb, it is going to affect you potentially for a lifetime. Consequently, the dollar value on those kinds of injuries is going to be a lot higher. The only way you can really calculate that amount is with the help of a good accident attorney.

*10. How long will it take to complete my case?*

There isn't a simple answer to this question, as each case has unique details that can make a difference in how long it takes to complete. Typically speaking, an accident case will take 12 to 18 months to resolve. As was mentioned earlier, if you don't have the right attorney that time can double.

This entire list has been based on the most commonly asked questions, but those aren't necessarily the questions you *should* ask. The next chapter will explain the types of things you need to consider.

## Ten Questions People *Should* Ask

Accidents aren't normal occurrences for people, so when you find yourself in a situation where you are hurt and have expenses as a result, you don't know exactly what to do. You might not even know what types of questions you *should* ask. While the prior section went over the common questions, there are additional areas in which you need to get answers. Below is a list of things to consider.

### *1. How do I maximize my case value?*

The number one way to maximize the value of your case is to listen to your attorney, assuming you have hired an attorney. A lot of people think that because they watch television shows about law firms, trials and legal investigations, that they know how the system works. They even believe they can figure out how much their case is worth. What you see on television is not necessarily how it is in the real legal world.

Some people think that if they hide certain information from their attorney, it will make their case better when the opposite is actually true. For example, they think, "Hey, I got hurt in this accident, so I'm just not going to go back to work until my case is over. That means my case will be worth more, because people think I can't go back to work." What a stupid idea. Unless you are catastrophically injured and it is absolutely clear that you can't go back to work, it makes sense to at least try to go back to work. If you are hurt pretty bad and you at least try to go back to work or find some other type of employment, the insurance company and/or jurors are going to have a better opinion of you. They are going to say, "At least this person is trying to do something." Even if you can't go and get a job, if you at least try, your case is probably going to be worth more money. People will look at

you and they will know that you are not a person who is trying to hit the lottery in a lawsuit. They will know that you are legitimately hurt, but you are still trying to work. They will recognize that you are not sitting around all day trying to make a lot of money from a lawsuit. You were in an unfortunate situation and you need to show that you are trying to make the best of it.

Don't follow the common misconception that you need to exaggerate your injuries. You don't need to sit at home all day long for a year while your case is going on. You do need to look for a job and you need to try to get better.

## *2. How can I get better quickly?*

You should be focusing on recovering from your injuries after your accident. That is one of your top priorities. To get better quickly, you need to do everything the doctors tell you to do. If you go to a good doctor after you suffer an injury, he or she will try to do the most conservative treatment first and see if that works before doing something drastic, like major surgery. For instance, if you got in an accident and you blew out your back, it would be considered a really bad injury. Most doctors will recommend some major back surgery to repair the damage. On the other hand, a good doctor might first recommend medication, and physical therapy. However, some injured people just don't want to do that, often out of laziness.

Again, the way to get better quickly is to listen to what your doctors say—even if you don't think it's going to work, you have to at least give it a shot. Some of the time people are surprised at the results of their treatment. They suffer really bad injuries and the doctor treats it with non-surgical medical treatment, or maybe non-traditional

treatment, such as acupuncture, physical therapy or chiropractic care. There are many alternative medicines and sometimes they actually work. People try them and they get better a lot quicker than they think they will.

The other thing is, if your doctor tells you to do something and you don't do it, then the insurance company is going to jump all over it. They are going to say, "This person doesn't want to get better, he/she is exaggerating injuries. We're not going to pay as much money as he/she wants." Therefore, not following the medical opinions of your doctors, assuming that they're good doctors, not only is potentially harmful to you from a physical standpoint, but also to your case.

### *3. What's the most important thing I can do?*

The most important thing you can do is to be honest about everything—whether you think it helps or hurts your case. You have to tell the truth no matter what. If you tell just one little, tiny, white lie, even if it doesn't have anything to do with your current situation, you could completely destroy your case. I could give you hundreds of examples of things I have seen. Here is one example. If you are injured and go to the doctor, he or she will ask what type of activities you are not able to do. Your response may be something to the effect that you can't mow the lawn or play with your children and you have to walk with a cane. The doctor will be writing this information in your medical chart. If you leave the doctor's office, go home and mow your lawn, play with your children and you put your cane away, the insurance company could catch all that on video. Your case is probably worth nothing now. Dishonesty destroys cases.

#### *4. How can I help my attorney win my case?*

The way you help your attorney win your case is by giving him or her all the information that he or she wants, whether you think it is relevant or not. You should be completely honest with your attorney and listen to what he or she tells you.

Here is a scenario that illustrates the importance of telling your attorney everything: you are involved in some kind of accident and have a really bad neck injury. A year before that incident you had another really bad neck injury. Well, if you tell your attorney about it, then there are ways your lawyer can demonstrate that the neck injury from a year ago improved and was a different medical situation. This approach could help you get a good settlement. Even if you had a similar injury recently, your lawyer can help you get a fair settlement, most of the time. However, if you don't tell your attorney about a prior injury or accident and it comes up as a surprise, then your case is dead in the water.

It is important and worth repeating: you have to be honest with your attorney about everything, whether you think it's relevant or not. You have to be completely upfront with your attorney and then listen to what he or she has to say. It can be very frustrating for an attorney when his or her client is not truthful and doesn't listen to the legal advice provided. I am a Board Certified attorney who made the 98th percentile on the law-school admissions exam. I have practiced law in some of the most prominent law firms in the country. My law partner and I have successfully obtained more than \$100 million worth of settlements and verdicts. I am not trying to brag; I am trying to make a point, which is that I know what I'm doing. It is so frustrating when I make a recommendation to a client, whatever it may be, and the client doesn't follow it. When I accept a case it is because I feel



completely confident that I can win it. But if clients don't listen to what I tell them to do, they make it very difficult to win their cases.

Let me tell you how to be the best client. My definition of the best client is somebody who was injured through no fault of his or her own, wants to get better as quickly as possible, and wants to listen to me and follow my advice. The worst client is someone who got hurt but is exaggerating his or her injuries. This person is milking his or her injuries and not trying to get better. The worst client thinks he or she knows more about the legal system than everybody, including me, so they don't listen. Every single one of those clients end up dissatisfied and often get the worst settlements.

Clients who are happy are the clients who try to get better, try to do the right thing and listen to what I say. Those are the clients who have a good experience and typically get the best settlements.

##### *5. How do I prove negligence?*

The way you prove negligence really depends on the case. There are a thousand ways to prove negligence. Let's say it's a truck wreck or car accident. You have to show that whoever was operating the car or the truck was not acting reasonably and there are many different ways to show it. Maybe they violated traffic laws and caused the accident. Or maybe they didn't violate traffic laws, but they caused an accident because they weren't paying attention, fell asleep, or didn't maintain their brakes properly. You can prove negligence by establishing those kinds of facts.

Let's say you work in an industrial setting and there is some sort of plant explosion. That is when it gets pretty complicated. You may have to hire engineers and experts to

examine the root cause of the explosion. They have to figure out what could have been done differently. Maybe you are involved in a situation where a product of some sort caused an injury. You might have been at fault for the accident, but had the product been safer or had some measure in place to reduce the risk of harm, the injury would never have happened. You might be able to prove negligence on the part of the manufacturer of the product. You would need a lot of experts to prove it, but that doesn't mean it would be impossible. Sometimes things are not what they appear and if you are seriously injured, it is worth looking into the root cause of the injury.

#### *6. How do I avoid insurance company tricks?*

The insurance company will use many tricks to either reduce the settlement offer made to you or to flat-out deny your injury claim. The list of tricks is very long, so I will focus on the most frequent tactics.

Number one: the insurance adjuster will try to get a recorded statement from you before you hire an attorney. That is one of the biggest tricks they use. The insurer is hoping you will say something that kills your case.

Today, insurance companies need signed authorizations to release your personal medical information, as mentioned previously. They trick you into giving up your medical history and other information, but give you nothing in return.

Another tactic used by the insurance company is what was touched on earlier—making it look like you are a big liar because of one little inconsistency in something you said.

One last trick you should be aware of is the insurance company talking you into a settlement before you are completely healed and recovered. You may have a lot of future medical bills. If you don't take those into account and the insurance company offers you a settlement and you take it, then your case is over. If you need future medical care, it's too late.

*7. How do I avoid hiring the wrong lawyer?*

You can avoid hiring the wrong lawyer by following all of the advice that was provided in the section, *Ten Most-Asked Questions*. The key is to avoid falling for the lawyer's advertising gimmicks and instead do your homework. You need to look into the lawyer's track record, what type of information he or she provides and the knowledge the attorney possesses about your kind of case. You should also look for an attorney who has successfully handled cases like yours before. If you do all of these things, you can avoid hiring the wrong lawyer. Remember, the wrong lawyer could cause you to leave money on the table by the time your case is through.

*8. Should I keep a diary?*

You should keep a diary after an accident, but there is a trick to it that will actually help you. If you just keep a general diary, the insurance company and their lawyers will be able to read it. However, if you keep a diary for your attorney, so your lawyer can know what's going on, then all that information is privileged and nobody can ever look at it (or shouldn't be able to). Keep a diary or a list of things that are going on, but just make sure

that you tell your attorney about it and that you write at the beginning of the diary, “This is for my attorney.”

Your diary should include anything related to the accident. For example, you might explain how you’re feeling and the kinds of things you are going through. This type of information can be really helpful to your attorney when he or she is trying to explain to an insurance company why it ought to pay you a certain amount of money. For instance, if you are a college student and because of your injuries or a certain medical treatment you can’t take a test, you need to note it in your diary. You may have to drop out for a semester. That’s going to cost more money and it is going to be a major inconvenience. Providing that sort of information to an attorney can be really useful, because a lot of the time, you can get compensated for it.

Medical treatment, lost wages, bills and expenses like that are all pretty obvious. Yet, there are other things that are not so obvious. How you’re dealing on a day-to-day basis with your injury, the problems you are having, what you can and cannot do and the kinds of hassles you have to go through are all things that can be really helpful to your attorney in building your case.

### *9. What can I do right after an accident?*

Right after an accident, you need to be focused on recovering from your injuries. You need to see a doctor and you need to follow through with the treatments that are recommended to you. Your immediate focus does not need to be on filing a lawsuit. You need to make sure you are taking care of your health.

At the same time, you have to remember that the insurance company is already working on protecting themselves. They are building their case and looking for ways to avoid liability. Don't sign anything they give you and definitely don't agree to a recorded statement until you can talk to a lawyer.

*10. How do I know my attorney is right for my case?*

Just like what was discussed in the previous section, the attorney you choose to represent you can make a big difference in how your case resolves. It is important that you feel like you can trust your lawyer and that he or she has the background and experience best suited for your case. By taking your time and asking questions, you will know if the attorney is right for you. Revisit the chapter, *The Ten Most-Asked Questions*, for additional insight into how to find the right attorney for you.

## The Best and Worst Things To Do For Your Accident Case

The best thing you can do for your case is to be honest. The worst thing you can do is to be dishonest. It is as simple as that.

In the previous section, I gave the example of going to your doctor and telling him that you can't mow your lawn or play with your kids, and you have to walk with a cane. What if you were being dishonest? You might not be telling the truth to your doctor. If you truly can't mow your lawn, or you truly can't play with your children or you truly can't walk without a cane, then you need to say that. Exaggerating, which is really a polite way of saying *lying*, means you're going to get caught and your case is not going to be worth anything; or it's going to be worth a lot less.

Here is another example. Imagine that the insurance company's lawyers ask you questions in your deposition, which means you are under oath. One of the lawyers says, "Have you ever had any back injuries before?" Pretend that you are 50 years old and when you were 18 years old, you hurt your back, like I did, playing basketball. You think to yourself, "Well, shoot, that was over 30 years ago. That has nothing to do with my case now and it hasn't bothered me since. I'm just not going to tell him about it." Well, that attorney is going to find your medical records from when you were 18 years old and had a back injury. He is going to attempt to make it look like you're trying to cover it up—that you're lying. It is a lot better to admit, "Yes, I hurt my back 30 years ago, but I got better in two weeks and it has never bothered me since." That is a more effective response because people will know you are honest. If you try to cover it up, they are going to think you are dishonest.

Here is another example—let’s say the attorney asks you, “Have you ever had any criminal issues?” You answer, “No.” However, 20 years ago, you were guilty of a DUI offense. It has absolutely nothing to do with your case, but if you don’t tell the lawyer about it when he asks you, then he can say you’re not being honest. He can make it seem like you’re an untrustworthy person.

The number-one thing in any case is to be completely and totally honest about *everything*. Do not cover anything up, don’t stretch the truth and don’t hide anything from your attorney. If you’re honest about everything, the chances are pretty good that your case will be won.

## **Working With Our Law Firm**

We have a very high success rate at Vujasinovic & Beckcom P.L.L.C.—we win more than 96% of the cases we accept. Our firm is selective on the cases we agree to accept, which means we won't take every potential client that walks in our door. We don't even take all of the cases that are referred to us by other people. We purposely choose to limit the number of cases we accept each year.

You might be wondering why we approach our caseload this way and it really is a simple concept. We want to be able to give our clients the best representation possible and we don't want to mislead them into thinking they have a strong case, if they don't. At our firm, we focus on more than just winning great jury verdicts or settlements for clients. We understand that this is a stressful time in our clients' lives; and we make sure they get our full attention. They deserve that and so do their families.

We don't practice all areas of law. Instead, we are dedicated solely to serious injury and death cases. Our firm also doesn't represent insurance companies or big businesses. We only represent individuals and families who have been harmed because of negligence by another person or a company. Our firm takes cases in Texas, the Gulf Coast, Louisiana, Mississippi, across the United States, and even across the world.

We are not the right law firm for every person. However, if you believe that our approach and philosophy would be a good fit for you and your situation, please don't hesitate to contact us. We will take the time to review your case, answer your questions, provide free resources and give our advice.



**Vujasinovic & Beckcom P.L.L.C.**

<http://www.vbattorneys.com>

1001 Texas Avenue, Suite 1020

Houston, TX 77002

Toll Free: 888.473.1258

*About the Author*

Brian Beckcom is the co-founder of Vujasinovic & Beckcom. He knew he wanted to pursue a career where he could help people, which is what led him to become a lawyer. Brian graduated from the University of Texas School of Law and was selected to the Texas Law Review, where he was awarded the role of Chief Notes Editor.

During law school, Brian published a law review article that has since been cited by many legal commentators and authorities, as well as the Attorney General of the United States in a brief to the U.S. Supreme Court.

When Brian first began his legal journey, he worked as a practicing trial attorney at one of the best firms in the country, Fulbright & Jaworski, L.L.P., in Houston, Texas. At Fulbright, he defended large corporations and insurance companies. After two years at Fulbright, he decided to switch sides, and started representing families and individuals with complex legal disputes.

Throughout Brian's career, his goal has remained the same—to provide families and individuals with the same level of legal representation that the largest corporations in the world enjoy.

Brian has been given the honored title by his peers as one of Houston's "Professionals on the Fast Track" by *H Texas Magazine*. He has also been selected five times by SuperLawyers as a Texas SuperLawyer "Rising Star."

Brian has written countless articles, blog posts and news stories relating to his practice. He has also published many helpful guides for injured individuals. Brian is the author of numerous books, including *The Insider's Guide to Winning Your Texas Motorcycle Accident Case*, *Insider's Guide to Winning Your Texas Car Accident Case*, *Insider's Guide to Winning Your Texas Truck Accident Case*, *BlackBalled: How to Protect Yourself If Your Maritime Employer is Retaliating Against You*, *Insider's Guide to Winning Your Maritime Injury Case*, *The Insider's Guide to Winning Your Railroad Injury Accident Case* and *The Insider's Guide to Winning Your Helicopter Crash Case*.

Brian is married and has two sons and one daughter. When he is not busy at work, he spends as much time with his family as possible. He enjoys golf, fly fishing, cooking, and photography.