

THE TRUTH ABOUT TEXAS
car
truck and
motorcycle
ACCIDENT CASES

Brian Beckcom

Attorney at Law

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Read this book to get information about the following topics:

1. The claims and lawsuit process;
2. Secrets the insurance companies don't want you to know;
3. Suggestions on how to hire the best attorney for your case;
4. What a personal injury attorney can do for you on your case;
5. Myths and truths about Car, Truck, and Motorcycle Accident cases;

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Introduction

My wife and I are lucky to have a lot of friends and family. We are very close to our friends and family and spend a lot of time with them whenever we can.

Most of them know that I am a personal injury trial attorney and represent only people who have been hurt or killed due to the negligence of others. Most of my friends and family also know that I make my living battling the insurance companies.

One small downside to being known as a talented personal injury attorney is that I get a lot of questions at parties, family gatherings, and other events. People walk up to me all the time and ask me questions about the lawsuit process, dealing with the insurance companies, and how to get the best possible settlement for their case, their brother's case, their friend's case, etc.

I end up spending a lot of time answering the same questions again and again. I love to help people, but at some point, I decided that answering the same questions again and again was not a very effective way to get the information I know to the people I care about.

At that point, I decided to write a book on the subject.



This book is the result. This book is not for lawyers or judges. This book is definitely not for the insurance companies or people who negligently injure or kill innocent people. I've tried to get rid of all the complicated legal jargon lawyers use and just speak directly to consumers.

So this book is exclusively for consumers. The idea behind this book is that it should be easy to read, helpful, direct, not filled with complicated legal jargon, and that it reveal the truth about Texas car, truck and motorcycle accident cases.

What I've tried to do in this book is answer the questions that I get the most. I'm also trying to warn people about the tricks the insurance companies use to defeat legitimate claims.

Most people assume that if they are hurt by someone else's negligence, that the insurance company will do the right thing and pay their claim. Nothing could be further from the truth. I see time and again innocent people injured by the careless acts of others get cheated, pressured, and abused by the insurance companies. And these are people with clear, legitimate, and serious personal injury cases.

Frankly, the other reason I wrote this book is because I believe there are too many average or below average lawyers who claim to be good personal injury lawyers.

You see, lawyers can advertise for any kind of case they want to handle. Nobody regulates whether they actually have experience handling the kind of cases that they advertise for.



For instance, an attorney could advertise for motorcycle accident cases even if that attorney has never handled a motorcycle accident case in their entire career!

And, sadly, what happens sometimes is that lawyers who in my opinion are not very good at what they do end up convincing injured people who are vulnerable to hire that law firm because the person doesn't know any better.

So the other thing I'm trying to do in this book is help injured consumers determine how to hire the best attorney for their case. This book will give some very specific suggestions about how to hire an attorney for your case.



Important Disclaimer

This book is not legal advice.

When you file a lawsuit, you are basically entering a war zone. The insurance companies will do everything they can to fight tooth and nail to save every penny. If I accept your case we will enter this war together. This book, hopefully, will educate you for that process.

But keep in mind, every case is different and I am not allowed nor am I giving legal advice in this book.

What I can do is suggest things and identify traps that will hurt your case. I can reveal the tricks and traps the insurance companies use again and again to cheat injured people out of their legal rights. I can talk about what I've seen in my many years of handling these cases. But what I won't do is offer anyone legal advice until I've decided I want to represent them and they've decided that they want me to be their attorney.

If I agree to accept your case and you decide to hire my law firm to represent you, and we both agree in writing that I will be your attorney, you will get my honest, straightforward, and independent legal advice. But if we don't agree in writing that we will have an attorney client relationship, then I will not give you legal advice.



One more thing. I cannot guarantee that your case will be successful. No one can. But I can almost guarantee you that you will not waste your time reading this book.

And I can almost guarantee you that you will know much more about the lawsuit process, insurance companies, and how to hire a good attorney after you read this book than you knew before you read the book.



How Will This Book Help You?

Thank you for obtaining a copy of this book. You will be glad you did.

The information in this book will help you avoid mistakes that too many people make when they are injured as a result of negligence.

This book will also give you some secrets into the way the lawsuit process really works—secrets that the insurance companies don't want you to know.

Look, here's the simple truth. The insurance industry has billions of dollars and armies of lawyers to help with claims. You don't. As a result, the deck is stacked in their favor.

Also, the insurance companies have developed tricks and traps that can hurt or completely ruin your case before you even know what happened.

By publishing this book, I hope to level the playing field between consumers and insurance companies. I want you to have as much information as possible so you can handle your case and make decisions intelligently.

I also want to make sure you don't hire the wrong attorney for your case. Frankly, in my opinion, there are too many average or below average lawyers practicing law, and too many of



them claim to know how to competently handle a serious personal injury case.

So I'm going to try to give you my thoughts on how to hire a good attorney for your case.



Who Are You, and Why Should I Listen To You?

The first question that may be going through your mind is “Who are you and why should I listen to what you have to say?”

Good question. And here’s my answer.

My name is Brian Beckcom. I am a Board-Certified Personal Injury Trial attorney. I don’t represent insurance companies. In fact, I have dedicated my law practice to fighting the insurance companies and corporations.

The lawyers at my firm have obtained more than \$100,000,000.00 in settlements and verdicts. Yes, you read that right. That’s ONE HUNDRED MILLION DOLLARS.

I focus my practice on accident, injury and wrongful death cases. I fight the insurance companies and negligent corporations on behalf of injured Texans and their families every single day.

You can find out more about my law firm by visiting these websites:

www.vbattorneys.com

www.themaritimelawyer.com

www.maritimeaccidentattorney.com



Our law firm represents people in Texas, the Gulf Coast, Louisiana, Mississippi, Alabama, Florida, across the United States, and around the world.

My firm's track record speaks for itself. You can read more about some of our cases on our firm websites.

Our main office is in downtown Houston, Texas. However, we handle cases across Texas and the United States. We have even handled cases that occurred outside the United States.

The Texas Bar allows me to tell clients that I am a specialist in Personal Injury Trial law because I have passed a special written test, handled enough personal injury and wrongful death cases, and have had other lawyers vouch for my experience and abilities.



Quick Tips

Here are 15 Quick Tips that are explained in more detail later in the book.

1. **The insurance company is not your friend.** The insurance adjusters are trained to save the insurance companies money. They take special classes, attend seminars, and learn how to trick you into hurting your case. The insurance adjusters are also trained to be very nice to you to make you believe that they are your friends. They are not your friend.

2. **Even if you think your case is clear cut, the insurance company doesn't think so.** I have seen way too many cases where it seemed absolutely crystal clear that the other driver was at fault. Cases where there were witnesses that blame the other driver. But the insurance company still claimed that their driver was not responsible for the accident. Or they claimed that my client was either completely responsible or partially responsible for the accident.

3. **Get medical care as soon as you can.** Sometimes, people are involved a car, truck, or motorcycle accident and don't immediately have significant pain or problems. So they don't go to the doctor immediately. They wait a few days. Well, after a few days the pain gets severe and the person needs medical treatment and finally goes to see a doctor. The insurance companies use this delay against you, and try to make it seem like you weren't hurt in the accident.



4. **Evidence and memories fade with time.** What I mean by this is that the longer you wait to make a claim, the more likely it is that the evidence that will support your claim will be gone. Witnesses will forget, the cars will be repaired, and the insurance company will surely have begun trying to twist the claim around to help them and not you.

5. **Honesty is the most important part of any case.** I cannot emphasize this enough. You must be honest and tell the truth all the time. Not only because it's the right thing to do, but if you don't, you will seriously affect your case. You need to tell the truth to your attorney, to your doctors, and if you give a deposition, in your deposition. The bottom line here, and this may be the most important advice in this entire book, is to tell the truth.

6. **All lawyers are not equal.** In my opinion, there are some bad lawyers practicing law. There are some very average lawyers practicing law. There are lawyers who say they handle personal injury cases who really don't. There are lawyers who claim to have decades of experience, but what they don't tell you is that experience is in small cases, not in big cases.

7. **You don't always need an attorney.** There are lawyers who tell you you need an attorney in every case. I don't personally believe that. I think in a small straightforward case, you might be better off not hiring an attorney. If we don't think your case is big enough for us to handle, or if we believe you would get a better settlement handling it yourself, we will tell you that.



8. Just because you are in an accident does not mean you are going to get a million dollar settlement. In fact, unless the case is very, very serious, it is unlikely that you will get a million dollar settlement. Unfortunately, there are people out there who believe that if they are in an accident, they've won the lottery. That's not true. And we won't represent you if you believe that you have won the lottery by getting in an accident.

9. Be careful relying on TV or yellow page advertisements when you hire an attorney. There are some fantastic lawyers who advertise on TV and in the Yellow Page.

But there are some lawyers who, in my opinion, are just not as good or as experienced. There is no bar association that regulates what practice areas an attorney can advertise for. Lawyers cannot lie about their experience or expertise. However, they can advertise for cases that they don't handle themselves. So just because an attorney says "I am aggressive" or "40 years of combined experience" doesn't mean they know what they're doing or that they are the best attorney for your case.

10. You do not and should not give a statement to the insurance company. The insurance company will try to convince you to give a recorded statement after your accident. Don't do it. It will hurt your case. I've seen it hundreds of times. The insurance adjuster is trying their best to convince you they are on your side. They are not. They want you to lose your case or pay less in settlement. Nothing requires you to give them a recorded statement and you should not give them a recorded statement.



CHAPTER 1

THE INSURANCE COMPANIES WANT YOU TO LOSE YOUR CASE

Far too often, I see injured people mistreated by negligent corporations and by the insurance industry.

It's really amazing what happens. The insurance companies step in after people are hurt and take advantage of them, giving them bad advice and cheap settlements and basically lying about the value of their cases.

It is a simple fact of life and one that our law firm has seen too many times.

Someone is injured through no fault of his own, or a family member or loved one is killed because of the recklessness of another person. It is clear that the other person is at fault. At first, it seems like the insurance company or negligent individual will not fight the case and will pay a quick settlement.

The insurance adjuster will ask the injured person to "sign a few forms" or give a "recorded statement." The insurance person acts nice and promises that the proper party will accept fault.

Then, after a while, the insurance company keeps asking for a bunch of information, forms, and paper. The adjuster stops calling back. The accident victim can't reach anyone or get any information from the company.



Sometimes, they will try to make the injured person sign something before receiving medical attention, a totally improper (and probably unethical) way of doing business.

I have even seen cases in which insurance company employees go to the hospital after someone is injured and try to get the injured person to sign papers giving away important legal rights while that person is laying in his hospital bed.

Even if the injured person can convince the insurance company to provide medical care, often it will just be a quick exam by a insurance doctor who will say the injury is a bruise or blister or some other minor issue.

The insurance doctor will then give the injured person some over-the-counter medication and say that the injured person will be fine.

In more serious cases, some insurance companies will offer to provide immediate medical care.

But they will provide the care through an insurance company medical facility using company doctors.

It's really amazing.

There are medical facilities that basically do nothing but provide services for insurance companies and big corporations. They make hundreds of thousands or even millions of dollars off these companies.



Question: If the medical facility is making hundreds of thousands of dollars or even millions of dollars off the insurance companies, whose best interest are they going to put first: yours, or that of the insurance companies?

This does not mean these medical facilities are dishonest or that the doctors are lying. However, medicine can be an art as well as a science, which means there are gray areas in medicine.

If your case is a close call and the choice is between saving the company money or providing a complete and full medical workup and follow-up care to you, many of these facilities are going to lean towards saving the company money.

Once the insurance company gets this report from the doctor, even if you're not ready to be released from medical treatment, the company will pester you and bug you and bother you and call you and write you and demand that you stop getting medical care or go back to work.

When you are still hurting, if your medical care is terminated, you may not have the money or resources to get additional care, which may cause your injury to get worse or prevent you from healing quickly.

That's why you want to make sure you are completely healed and better—for your own health and the safety of anyone whom you may be working with.



But if you don't return to work, you may get fired from your job.

The company may say you "quit" by not coming back to work. Or the company may say you "walked off the job" because you didn't come back.

That's why the insurance companies will delay your case and come up with various excuses not to pay a reasonable settlement. The insurance company knows that the longer it delays the case, the more pressure it puts on you and your family.



CHAPTER 2

DEBUNKING THE MYTHS ABOUT INJURY & ACCIDENT CLAIMS

Myths about Injury & Accident Claims

There are a number of common “myths” about injury and accident cases, including the following:

- All lawyers can handle a Car, Truck, or Motorcycle Accident Case
- The Bar Association determines whether an attorney can advertise as an Accident or Injury attorney
- All lawyers have the experience and resources to win injury and accident cases
- All lawyers have basically the same experience
- an attorney who is good at divorce cases or DWI cases will be good at injury and accident cases
- an attorney who advertises for injury or accident cases must know how to handle injury and accident cases
- If you are injured, you are required to give a statement to the insurance company



- If you are hurt, you must go to insurance company doctors if you want to be paid a fair settlement
- It really doesn't matter who you hire as your attorney if you have a good case
- You should take the insurance company's first settlement offer
- You don't need an experienced attorney to negotiate with the insurance company and get a fair settlement



The Truth about Injury & Accident Claims

- Not all lawyers have the same training or experience. In fact, most lawyers do not work on Car, Truck, or Motorcycle Accident cases, and only a tiny percentage of those attorneys are Board Certified in Personal Injury Law.
- The bar association does not determine whether an attorney can advertise for injury or accident or wrongful death cases. While bar associations will not let lawyers blatantly lie about their experience or qualifications, attorneys can advertise for injury or accident cases whether they have worked on thousands of these cases or none of them.
- It matters who you hire as your attorney. Many attorneys do not have the experience and resources to obtain the best settlement in significant injury or accident cases. It takes money, sometimes a lot of money, to fight the insurance company and get a good settlement. It also takes experience and dedication.
- You may know the best divorce attorney or DWI attorney or criminal attorney in the country, yet that attorney may know nothing at all about injury cases. You need to find the right attorney for your case. You would not hire a brain surgeon if you had a broken arm. Why would you hire a criminal attorney for a personal injury or wrongful death case?
- Just because an attorney can handle a DWI case or a di-



orce case does not mean she knows anything at all about car, truck, or motorcycle accident cases. In fact, an attorney who is really good at DWI or divorce cases (or some other type of case) *may not have a lot of experience handling injury or accident cases.*

- an attorney can advertise for whatever type of case he or she wants. However, just because an attorney advertises for a specific type of case does not mean he or she knows how to handle that type of case.
- You do not have to give a recorded statement. **YOU SHOULD NOT GIVE A RECORDED STATEMENT WITHOUT TALKING TO an attorney FIRST.** Anyone who says you are required to give a statement does not know what he is talking about. Either they don't know what they are talking about or they are trying to trick you.
- You are not required to go to insurance doctors. You can go to a doctor of your choosing. Anyone who says you are required to get medical treatment from company doctors does not know what she is talking about or is trying to trick you.
- Especially in big or important cases, it matters who you hire as your attorney.
- You should almost NEVER take the insurance com-



pany's first settlement offer. You are being really dumb if you jump at the first settlement offer because the insurance company almost NEVER makes its best offer first.

- If you choose to hire an attorney, for an accident case, you need to hire one who knows what he or she is doing, not the attorney who wrote got your buddy out of jail or who shoutest the loudest on TV commercials. If you have an injury or accident case, you should consider hiring a Board Certified Personal Injury Trial Attorney.



CHAPTER 3

ARM YOURSELF WITH INFORMATION

If You Are injured, The Insurance Company Has All the Power

When you are injured due to someone else's negligence or recklessness, you are in a position of weakness.

Think about it. You've got medical bills to pay. You've got to figure out what to do with your job, how to make ends meet, how to take care of your family.

The negligent person doesn't have these concerns. And the negligent person probably has an insurance company working for him to help defend him against you!

The insurance company will see hundreds of injury claims each year, maybe even thousands of injury claims. The insurance company will have "adjusters" whose only job is to save the insurance company money and defeat claims by injured people.

These adjusters are very good at what they do. Most experienced adjusters will have handled hundreds or thousands of claims. They will know how to trick the injured person into doing something that hurts his or her case. They will know how to make it seem like they are your best friends or have your best interest at heart.



The adjusters are not your best friend and do not have your best interest at heart. That's why they work for insurance companies—they have the companies' best interests at heart.

The insurance company may also hire outside lawyers. Those lawyers will probably have some expertise or experience handling and defeating claims by injured people. Otherwise, the company wouldn't hire the lawyers to begin with.

So you will be up against the negligent person or company, the insurance company and all its resources, and a team of defense attorneys who specialize in beating claims by injured people.

Kind of a Tough Situation, Isn't It??

Compare all this with your situation. If you are hurt by someone else's negligence, this is probably the first time you've ever been in such a situation. You won't have the experience or resources that the insurance company or its lawyers have in such cases.

So you start off your injury case with what amounts to an entire "army" working against you.

Add to all this the fact that you may have difficulty making ends meet because of your injury, and you may have lots of bills to pay, and the end result is the following:



The deck is stacked against you when you are injured by someone's negligence.

So what do you do? Is there any way to level the playing field? Or is all lost and you should just take what they offer the first time they offer it?

Are you guaranteed to lose your case???

(go to the next page to find the answer)



No!



You Can Win Your Case—But You Must Level the Playing Field by Arming Yourself with Information

The bad news is that when you are hurt in a Car, Truck, or Motorcycle accident, you face an army of insurance people, lawyers, and investigators who have one goal and one goal only—to make sure that you don't recover a dime or that whatever you recover is tiny and insignificant.

The good news is that you can level the playing field by arming yourself with information.

Have You Ever Heard the Phrase, “Information is Power?”

Well, it's true. Information really is power. Especially if you are injured, it's critically important that you obtain as much information as you can about the following:

Your injury

How to get better

Which doctors to see

Whether to see a specialist

What your rights are under Texas Law

Whether you need an attorney

How to find an attorney

How to make sure to hire the right attorney

How much your case is really worth

Tricks the companies use against you

And many other issues too numerous to list here.



So, How Do You Find This Information, Level The Playing Field, And Win Your Case?

At this point, you are probably asking, “that’s great, getting information and all, but how do I arm myself with information, and where do I get the information I need?”

If you’re asking that question, then this next section is for you.

WHAT TO DO FIRST: BEGIN GATHERING INFORMATION

Once upon a time, the only way you could get any information about your legal rights was by talking to an attorney, and that meant paying money, sometimes a lot of money.

Well, that’s not true anymore.

Now, you can find a lot of information about your legal rights without leaving your house!

The internet has made it possible for everyone with a computer (or access to a computer) and an internet connection (or access to an Internet connection) to get basic information about legal rights.

On the internet, you can find websites devoted exclusively to Injury & Accident Law. For example, you can go to our firm website, www.vbattorneys.com, and get a lot of useful information about the legal process.



You can find websites that will answer “Frequently Asked Questions” about injury and accident cases, or legal cases in general, and there is a chance your question may be answered.

You can visit other legal sites too.

Remember, it is important not to trust everything you read on the internet, just like you wouldn’t believe everything you read or see on TV. In fact, some of the information may be wrong or false.

But the internet can be a very valuable source for gathering basic information about your case.

You can also visit law libraries, *most of the time FOR FREE*. If there is a law school in your area, chances are really good that there will be a law library available for public use, particularly if the law library is attached to a public law school.

And if you have a courthouse where you live or close by, you will probably have access to the courthouse library, which, again, will provide free legal information for you along with librarians to help you with your legal search.

WHAT TO DO NEXT: FIND ATTORNEYS TO INTERVIEW

After you’ve done some basic research on your legal problem, start interviewing attorneys.



Why should you interview an attorney if you haven't even decided whether you want to *hire* an attorney?

Simple—because it's free. Most attorneys will listen to you and meet with you either in person or on the telephone for an initial free consultation.

Since talking to an attorney is free, why wouldn't you take advantage of this service? After all, the company has its own attorneys and insurance adjusters—shouldn't you??

How do you find attorneys?

There are a lot of different places where you can find attorneys who specialize or have a lot of experience in car, truck, or motorcycle accident cases. The following are just a few suggestions:

1. The internet (but remember just because the attorney says he or she does Texas Car, Truck, or Motorcycle Accident cases doesn't mean it's true.
2. The Yellow Pages (but the same thing applies—the attorney may be advertising for these types of cases but not know anything at all about them)
3. Do you know any lawyers in your area? If so, ask them. They may not know much about car or truck or motorcycle accident cases, but they may be able to refer you to an attorney who does.



5. Friends & Family. Your friends may be able to recommend really good experienced lawyers, especially if they have had similar problems or, even more importantly, they may be able to tell you which **lawyers NOT TO HIRE!**

THE NEXT STEP: INTERVIEW THE ATTORNEYS, AND DON'T BE AFRAID TO ASK THEM QUESTIONS

Probably one of the worst mistakes you can make is to hire the first attorney you interview, unless you are positive that they are the attorney for you.

This would be like working for the first company that ever offered you a job or marrying the first person you ever dated. While it may work out, you may be better off talking to more than one attorney before deciding which one you want to hire—after all, if you only talk to one attorney or law firm, you won't know what other attorneys have to offer you.

The best and most experienced attorneys who handle Car, Truck, and Motorcycle Accident cases will have people lining up at their door to hire them. These lawyers will be very selective about the cases they accept and the people they represent.

If it's too easy to get an immediate appointment with the attorney you are thinking about hiring, ask yourself, "Why?" Maybe that attorney doesn't have much else to do?



Once you get an appointment with an attorney, you should ask questions. Lots of them.

Good lawyers will not be insulted by questions. They will most likely encourage you to ask as many questions as you want. Most of the best lawyers will want you to educate yourself during the hiring process.

Any attorney who seems to discourage your questions or doesn't answer them in a straightforward, no-nonsense way should raise red flags.

After all, the good lawyers consider it their job to keep you informed and educated and comfortable during the entire process.

Here are some questions to ask an attorney you are thinking about hiring for an injury case:

1. How long have you been in practice?
2. Do you have any experience handling a case like mine?
3. Can you give me a list of your past results or past cases?
4. Have you ever published any articles about cases like mine?
5. Have you ever had a case against the same company that was negligent in my case?



6. Will you actually work on my case?
7. How much experience does your support staff have in these types of cases?
8. Have you ever won a large verdict or settlement?
9. Are you board-certified in any field?
10. Do you carry malpractice insurance?
11. Have you ever been disciplined or reprimanded by a bar association?
12. What is my case worth?
13. Have you ever represented large corporations or insurance companies?
14. Can I have a copy of my attorney-client contract to take home and study?
15. Why do you believe you should handle my case and not some other attorney?

This list does not include every possible good question. The necessary questions may depend on your case. But this list will certainly cover a lot of important areas and get you started down the right road.



Any good attorney will be glad to answer all these questions and any other questions you have. And he or she will be glad to answer them in a straightforward, honest, no-nonsense way.

If the attorney is evasive or says he won't answer your questions until you hire him as your attorney by signing papers, then you should probably just leave the appointment.

STEP FOUR – DETERMINE THE MOST IMPORTANT QUALITIES YOUR ATTORNEY SHOULD HAVE FOR YOUR CASE

You should make a list of what you consider the most important factors in deciding which attorney to hire.

People disagree on what factors are “most important.” However, generally speaking, the following factors seem to be very important for most clients:

1. Experience with your specific type of case. This is probably the factor that we hear about most and get the most questions about. Note that this factor includes the phrase, “with your specific type of case.”

That's important because you don't want to hire an attorney with 45 years of experience just because that attorney has a lot of “experience.” The attorney may have no experience at all in handling a case like yours. So you not only want an experienced attorney, but an attorney with experience in cases like yours.



2. Results. This is pretty commonsense. Basically, you want an attorney who gets results. Attorneys have different approaches. Some are mean and nasty. Some are nice and agreeable. Some are personable. Some are business-like. But you want an attorney who gets results in cases like yours.

DON'T BE AFRAID TO ASK ABOUT PAST RESULTS. You should ask the attorney specific questions about past results in cases like yours. You should ask for a list of results.

3. Board Certification. Board Certification means the attorney has been “certified” by an independent entity (either a State Bar or the National Board of Trial Advocacy) in a particular area of the law. Generally, board certified attorneys will have more experience in their area of specialty, but not always.
4. Financial resources. The insurance company has a lot of money and resources to fight your case. You need an attorney and a law firm that can meet the company toe-to-toe and not be intimidated by the company’s financial resources.
5. Trials. You need to ask your attorney whether he or she actually goes to trial and when the last time he or she went to trial was. If your attorney or his firm do not go to trial on a consistent basis, it is likely that the insurance company lawyers will know that and, as a result, they may pay less money in settlement.



6. Personality. Yes, personality. You will be working hand-in-hand with your attorney (and his or her staff) during the entire course of your case. Therefore, it's important that you have a good working relationship with your attorney.

STEP FIVE: FOLLOW YOUR ATTORNEY'S ADVICE AND YOUR DOCTOR'S ADVICE

This may sound like an obvious suggestion. And it is.

But many times clients do not want to follow their attorney's or doctor's advice for reasons that are too numerous to name.

You need to listen to your attorney and follow his or her advice unless it is absolutely clear that the advice is not good advice.

If you've taken the time to research and interview and hire the right attorney for your case, your attorney will most likely give you good advice and will be giving you advice that will help you win your case and get the best settlement possible.

You need to listen to your doctor, be honest, and take the doctor's advice.

If you don't, the insurance company will use that against you and make it seem like you are not really hurt or are a troublemaker or should not get the fair and reasonable amount of money you would get if you followed your doctor's advice.



STEP SIX: BE HONEST!

BEING HONEST MAY BE THE MOST IMPORTANT STEP TO WINNING YOUR CASE.

What do I mean by “being honest?”

Well, it means telling the truth about your case.

1. It means telling the truth about what happened to cause you to get hurt.
2. It means telling the truth about what parts of your body were hurt.
3. It means telling the truth about who witnessed your accident.
4. It means telling the truth about who is RESPONSIBLE for your accident.
5. It means telling the truth to YOUR ATTORNEY about your case.
6. It means telling the truth to YOUR DOCTORS about your injuries.
7. It means telling the truth in your deposition if you have to give one.
8. It means telling the truth about whether you have been in any accidents before.



9. It means telling the truth about whether you have had any lawsuits before.
10. It means telling the truth about whether you have injured the same body part before.
11. It means telling the truth about what you can and cannot do as a result of your injury.
12. BASICALLY, IT MEANS TELLING THE TRUTH ABOUT EVERYTHING THAT HAS ANYTHING AT ALL TO DO WITH YOUR CASE.

Nothing will sink your case faster than lying about anything related to your case or your background. Nothing will help your case more than being completely, totally, 100% honest and upfront about your case and your background.

Even if there are things that you think will hurt your case, being honest about them will help you more than you realize, and being dishonest about them will magnify the bad things about your case or your background.



So....if you remember only one bit of advice in this book,
please remember this:

**BE
HONEST!!!**



CHAPTER 6

DO I EVEN NEED AN ATTORNEY FOR MY CASE?

You definitely do not need an attorney for every case. In fact, you might be better off not hiring an attorney for your case if it is a smaller case.

This advice is very controversial. Some attorneys will practically beg you to hire them immediately so they can “get working on your case now.” But the truth of the matter is that in a very small case the attorney is going to take a percentage of your settlement, and that percentage may end up resulting in you getting less than you would have if you had handled the case on your own.

You may not need an attorney for a case where there is little or no property damage, minor injuries, and the medical bills are less than a few thousand dollars. My experience is that in these types of cases the injured person may have a good chance of getting a settlement near or equal to what an attorney could get without having to pay attorney fees.

There is an important exception to what I have just written above. Sometimes, the injury appears to be minor initially but turns out to be much more serious. For example, there was a famous actress, Natasha Richardson, who was involved in what at first appeared to be a minor ski accident where she bumped her head on a tree. She was walking around after the accident and felt fine. Two days later, she was dead.



I have also had clients who have been involved in car, truck, or motorcycle accident cases where they didn't believe they needed medical treatment the first few days, only to find out later that the injuries were very severe and potentially career-ending.

In any sort of case where the injuries are serious, or a death is involved, you should hire an attorney. There are almost no exceptions.

Why is this true? Well, for one thing, there have been studies showing that insurance companies pay higher settlements to injured people who use an attorney than those who do not use an attorney. In 1999, for example, the insurance industry studied accident claims to find out if people who had these claims got more money with an attorney than without an attorney. The insurance companies used their own non-profit organization to conduct the study. Their foundation found that people who use an attorney received on average 3½ times more money in settlements than those who did not.

Be very careful about what the insurance company tells you about hiring an attorney. Insurance companies sometimes will tell you that you will receive less money if you hire an attorney. But the studies show that this is an absolute lie according to their own study. It is simply not true in serious cases.

If your case involves serious injuries or a death, not only should you hire an attorney, but you need to get a good attorney. Don't hire the first attorney you see on TV or read about



in the Yellow Pages. While there are some lawyers who do a lot of advertising who in my opinion are very good lawyers, not all of them in my opinion are the best attorney for your case.

Also, you shouldn't necessarily hire the attorney that handled your brother's DWI case or your mom's will. Do some research. Talk to various lawyers. Talk to friends and family. You can find the best attorney for your case if you just take a little time to research different lawyers.



CHAPTER 7

WHAT DOES A PERSONAL INJURY ATTORNEY ACTUALLY DO?

What exactly does a personal injury attorney do for you on your case? I'm not sure exactly what other lawyers do, but I can tell you in general what we do for you in a personal injury case.

Some people think when they hire an attorney that they just go to court and argue in front of the jury like you see on TV. There is much more to handling a serious personal injury or wrongful death case than walking down to the courthouse and arguing for five minutes in front of the judge or jury.

The list below is a list of things that my law firm does when we handle a car, truck, or motorcycle accident case. Every case is unique, and we don't do all of these things in every case, and in fact we may do more than this in some cases. But this will give you a good general overview of a lot of the things that may be involved in a serious personal injury or wrongful death case:

- Interview the client.
- Educate the client about their case.
- Begin gathering evidence from the accident to support the claim.



- Help the client obtain medical treatment.
- Get all the medical records.
- Investigate the claim, by gathering witness statements, photographs, diagrams, and other evidence.
- Perform research into the legal issues to determine the best approach for the case legally.
- Review the medical records once they are obtained and have them analyzed by a nurse professional if necessary.
- Hire expert witnesses to support the client's claim.
- Have the expert witnesses write reports.
- Prepare lawsuit papers and discovery and file them at the courthouse.
- Serve the defendant with the lawsuit papers.
- Determine whether there are any liens in the case.
- Contact the insurance company to let them know that we are representing the client and all communication should come through my law firm.
- Negotiate with the insurance company if appropriate.



- Prepare and draft written questions for information for the defendant to answer under oath.
- Get the client ready for deposition.
- Present the client for deposition.
- Take depositions of the defendant and any other witnesses that are important.
- Prepare the client's doctor for deposition testimony.
- Take the doctor's deposition (or get him prepared for trial testimony).
- Take the depositions of any experts hired by the defendant.
- Have the client examined by the defense medical examiner and get them ready for that examination.
- Produce all records to the defendant, such as medical bills, medical records, tax returns, photographs, etc.
- File any necessary documents in court as required by the judge, including witness lists, trial preparation orders, motions, deposition excerpt list,
- Prepare client and all witnesses for trial.



- Create all exhibits for trial.
- Organize records and other documents necessary for trial.
- Prepare for a mediation of the case by getting all the file together and reviewing it for hours.
- Write any briefs and file any motions necessary in the case.
- In certain cases, conduct mock trials or focus groups to prepare for trial.
- Go to trial and spend several days or longer in front of the judge or jury.
- Determine whether the verdict was reasonable and followed the law.
- If it didn't write briefs or motions to appeal the case.
- If the case was settled before trial, gather all the bills and records together, analyze the liens, and try to negotiate reductions with the medical providers.
- If the case was settled or the trial was successful, the last step is to give the client their settlement check, and hopefully it is a happy client!



CHAPTER IV

WHAT KIND OF CASES DO YOU HANDLE?

Potential clients ask this question a lot.

Our law firm handles any type of serious personal injury case in which someone else's negligence caused or contributed to the injury.

We handle Car, Truck, & Motorcycle Accident Cases. We also handle railroad worker claims and offshore injury claims.

For a better idea of what type of cases we handle, go to our main website, *www.vbattorneys.com*, and review the information on the website.



CHAPTER V

WRONGFUL DEATH CASES IN TEXAS

Another type of case we focus on at our practice is wrongful death. When a car, truck, or motorcycle accident case results in death, Texas law provides a “cause of action,” or a legal claim, against the people or companies whose negligence or carelessness caused the death of the other person.

Under Texas law, only the direct relatives (spouses, parents, and kids) of the person who has died are eligible to make wrongful death claims.

Wrongful death claims can be very complex, time-consuming, and expensive. That’s why you should probably consult with an attorney who specializes in personal injury and wrongful death cases if you are considering filing a claim for wrongful death.

an attorney who doesn’t specialize in personal injury or wrongful death cases may not have the experience or resources to handle the case properly.



CHAPTER VI

HOW MUCH IS A WRONGFUL DEATH OR INJURY CASE WORTH?

Probably the most common question from our clients is this: “What is my case worth?” The question makes sense and is a perfectly reasonable thing to ask. After all, if you are injured by someone’s negligence, it may have a negative impact on your finances. If the injury is serious, the impact may be devastating.

How is the Value of a Case Determined?

In order to understand how much your injury or wrongful death case is worth, however, you must understand two things: it is almost impossible to determine the amount of compensation you will receive in a case until you review all the details and factors in the case, and you must become familiar with the way lawyers and insurance companies determine settlement values for injury and wrongful death cases in Texas.

Among the details and factors that affect settlement values of a case are the type of case (car accident, offshore injury, wrongful death, helicopter accident, etc.), type and extent of injuries, which employers and insurance companies are involved in the case, where the incident occurred, and where the case would go to trial.



The following information will help you understand the factors that lawyers and insurance companies use to determine settlement amounts in the state of Texas, but it is not a comprehensive list, and it is important to note that every case is different. No perfect formula is used to determine the amount awarded for damages.

In a car, truck, or motorcycle accident case, if the defendant is liable to you for an injury or for wrongful death, then a Texas jury (or judge) may give you a broad category of damages, including the following:

1. Medical bills (past and future);
2. Lost wages;
3. Money for loss of future earning capacity;
4. Pain and Suffering (past and future);
5. Mental Anguish (past and future);
6. Loss of enjoyment of life (past and future);
7. Impairment (past and future);
8. Disfigurement (past and future);
9. Loss of inheritance (only in some wrongful death cases in Texas).



Categories 1 - 3 are relatively easy to calculate. A good attorney will be able to determine your medical bills, past and future, and your lost wages, past and future, using appropriate and well-respected experts.

The defendants almost always fight these damages, however, claiming that the medical bills are too high or that the wage loss calculations are erroneous, speculative, etc. That's why you should make sure that you find an attorney who knows what he or she is doing—otherwise, you may lose these monetary damages (or have them severely diminished or reduced).

Categories 4 - 8 are more difficult to calculate, and normally the jury (or judge) gets to figure out an appropriate figure. The figures here normally depend on how severe the injury has been, how it has affected your daily life, and what kind of future problems may arise or continue as a result of your injury.

Keep in mind, however, that even if things seem clear and calculable at the beginning of a case, no matter how many factors are already determined, it is nearly impossible to calculate the value of a case when it first begins.

So How Do I Figure Out What My Case is Worth?

Any attorney who tells you at the beginning of your case what it is worth probably should not be trusted. It is simply not possible in most cases to determine the value of a case until most or all of the facts come in and the proper experts review the



case.

However, an experienced personal injury attorney may be able to give you a general range for settlement value early on or let you know what other similar cases are settling for.

To do so, an attorney will need to meet with you and figure out all the different aspects of your case, who is at fault, what the total damages are, and compare that information with other similar cases to come to a good, reasoned evaluation of your case.

Again, if you hire a good attorney, he or she will be familiar with techniques to get you the best settlement possible.

If you have been injured, please feel free to give us a call to discuss your case and the value of similar cases we have handled in the past.

Remember: any attorney who does not want to talk about his or her past results in cases may not have the kind of track record you want in an important case.

Because we have handled so many injury and wrongful death cases, the chances are good that we will have handled a case similar to yours, or a case with similar facts, to a successful conclusion in the past.

We represent a lot of people who get hurt and cannot work anymore as a result of their injuries. In cases in which the injured accident victims can work, they often cannot go back to



the same job making the same money.

In such cases, there is a devastating financial loss that must be accounted for and paid back, assuming the other party is truly responsible.

In Texas wrongful death cases, the death of a loved one may mean that in addition to mental and emotional loss, the financial contributions of that person are lost forever. Again, this can be a devastating situation.

A good personal injury attorney will know how to evaluate all your losses properly and present your case to the insurance company. Or, if the case goes to trial, the attorney will know how to present the evidence to the jury.



How Quickly Should I Expect to Get a Settlement??

There are a lot of other things to consider when determining when and if you will get a settlement:

- How good is your attorney? How experienced? Can your attorney actually win at trial? Does your attorney have the resources to take on insurance companies?
- How good is the defense attorney? How experienced? Can the defense attorney actually try a case?
- How clear is the “liability,” or, to put it another way, how clear is it about who was at fault?
- Were any safety regulations violated? By whom? How serious were the violations?
- Has any employee been injured in the same way, or by the same equipment, before?
- Were there pre-accident warnings?
- Was the other driver drunk or on drugs? That will probably increase the value of your case.

The list goes on and on. This is just a sample of the many things that an experienced attorney can help you evaluate.



When Will I Get My Settlement or My Court Date?

The answer completely depends on the court you are in, how hard your attorney fights for you, and how hard the company's attorney tries to delay the case.

Generally, we try to settle cases or try them to a jury or judge within one year from the first interview with you. We do not try to "negotiate" before filing suit because it is almost always a waste of time.

We file your lawsuit immediately and get a trial date as quickly as we can and, in our experience, that's really the only way to force a reasonable and fair settlement.

You must have your case evaluated by an experienced injury attorney to determine a fair and reasonable settlement or jury verdict range. You also need to make sure your attorney will be willing to push your case to trial without unnecessary delay and spend the time and money to win the case as quickly as possible.

After all, in many cases, it is your future, as well as your family's, on the line.

There is one last thing to consider regarding how to determine the amount of compensation you may receive in your particular case: you should NEVER listen to the insurance company or negligent party when trying to determine the value of your case. The insurance company will "lowball" you.



It would be like allowing a used car salesman to set the price for a car you want to buy—just not a smart idea at all.



Our Track Record

The following list is a partial list of the settlements we have obtained for our clients in past cases. This list represents the total settlement before attorney fees, case expenses, or medical liens and bills are taken out of the settlement proceeds. “TMVA” means it was a case involving a “Truck Motor Vehicle Accident.”

Remember that each case is different. The results in your case will depend almost entirely on the individual facts of your particular case. While past results are no guarantee of future success, and an attorney who guarantees a particular result in your case is probably not being honest with you, we do believe that an attorney’s track record in cases can give you an idea about that lawyers experience handling personal injury and wrongful death cases.

Case Type	Settlement Amount
TMVA	\$7,000,000.00
Motorcycle Accident	4,500,000.00
Workplace Injury	4,000,000.00
Workplace Wrongful Death	3,000,000.00
Medical Negligence	2,500,000.00
TMVA	2,500,000.00
Defective Product (Vehicle)	2,500,000.00
Amusement Park Injury	1,700,000.00
Nursing Home Negligence	1,600,000.00
Jones Act	1,550,106.00



Medical Negligence	1,500,000.00
Jones Act	1,495,000.00
Trucking Accident	1,375,000.00
Medical Negligence	1,350,000.00
Defective Product (Lamp)	1,250,000.00
TMVA	1,210,000.00
TMVA	1,000,010.00
Workplace Injury	985,000.00
TMVA	975,000.00
Offshore Rig Accident	950,000.00
Defective Tire	945,000.00
Jones Act	900,000.00
TMVA	900,000.00
Auto Accident	900,000.00
TMVA	850,000.00
TMVA	750,000.00
Trucking Accident	750,000.00
Offshore Rig Accident	745,000.00
Offshore Rig Accident	738,000.00
Maritime	700,000.00
Workplace Injury	700,000.00
Carbon Monoxide Leak	675,000.00
TMVA	662,109.00
Jones Act	660,000.00
Offshore Rig Accident	650,000.00
Construction Accident	650,000.00
Jones Act	650,000.00
Land Rig Accident	650,000.00
TMVA	600,000.00
Construction Accident	600,000.00



TMVA	575,000.00
Jones Act	500,000.00
Auto Accident	500,000.00
Trucking Accident	500,000.00
Trucking Accident	500,000.00
TMVA	550,000.00
TMVA	500,000.00
TMVA	500,000.00
TMVA	500,000.00
Workplace Injury	500,000.00
TMVA	500,000.00
MVA	500,000.00
Jones Act	485,000.00
Workplace Injury	475,000.00
Defective Seatbelt	470,000.00
TMVA	437,500.00
Trucking Accident	437,000.00
Jones Act	415,000.00
Defective Product	400,000.00
TMVA	400,000.00
Jones Act	400,000.00
Crane Accident	400,000.00
Jones Act	400,000.00
TMVA	395,000.00
Product Liability	395,000.00
Workplace Injury	390,000.00
Jones Act	385,000.00
Defective Tire	387,500.00
Workplace Back Injury	378,050.00
TMVA	375,000.00



Product Liability	375,000.00
Workplace Foot Injury	350,000.00
Product Liability	350,000.00
TMVA	325,000.00
Defective Bus Window	325,000.00
Jones Act	325,000.00
Nursing Home Negligence	325,000.00
TMVA	320,000.00
Auto Accident	305,000.00
Jones Act	300,000.00
Jones Act	300,000.00
Defective Product (Vehicle)	300,000.00
Auto Accident	300,000.00
Jones Act	300,000.00
Workplace Injury	300,000.00
Injury at Walmart	300,000.00
Auto Accident	300,000.00
Construction Accident	300,000.00
Workplace Injury	300,000.00
Offshore Injury	300,000.00
Workplace Injury	295,000.00
TMVA	295,000.00
TMVA	283,000.00
Trucking Accident	280,000.00
Jones Act	275,000.00
TMVA	275,000.00
Apartment Complex Injury	275,000.00
TMVA	275,000.00
Workplace Injury	275,000.00
Breach of Contract	273,894.18



Nursing Home Negligence	270,000.00
Trucking Accident	260,000.00
Jones Act	250,000.00
Auto Accident	250,000.00
TMVA	250,000.00
TMVA	250,000.00
On The Job Injury	250,000.00
Trucking Accident	238,000.00
TMVA	225,000.00
Workplace Injury	225,000.00
Workplace Injury	225,000.00
Jones Act	225,000.00
Motorcycle Accident	225,000.00
TMVA	225,000.00
Workplace Accident	225,000.00
Jones Act	215,000.00
Product Liability	210,000.00
Jones Act	210,000.00
Workplace Injury	210,000.00
TMVA	205,000.00
TMVA	200,000.00
Attorney Fee Dispute	200,000.00
TMVA	200,000.00
TMVA	200,000.00
Employment Dispute	200,000.00
TMVA	200,000.00
MVA	200,000.00
Medical Negligence	200,000.00
TMVA	195,000.00
Workplace Negligence	185,000.00



Offshore Injury	185,000.00
Trucking Accident	182,500.00
Product Liability	180,000.00
TMVA	178,000.00
TMVA	175,000.00
Trucking Accident	175,000.00
TMVA	170,000.00
Apartment Complex Injury	165,000.00
Burn Injuries	160,000.00
Home Injury	150,000.00
Construction Accident	150,000.00
Offshore Rig Accident	150,000.00
Construction Accident	150,000.00
Auto Accident	150,000.00
Premises Liability	150,000.00
Trucking Accident	150,000.00
TMVA	143,000.00
Auto Accident	142,500.00
Auto Accident	135,000.00
Auto Accident	135,000.00
MVA	133,896.66
MVA	132,363.73
Auto Accident	130,000.00
Trucking Accident	130,000.00
Store Shooting	126,000.00
Workplace Injury	125,000.00
TMVA	125,000.00
TMVA	125,000.00
Offshore Rig	125,000.00
Workplace Injury	120,000.00



Workplace Injury	120,000.00
MVA	115,000.00
Product Liability	112,000.00
MVA	112,500.00
Chemical Explosion	110,000.00
TMVA	103,095.00
TMVA	100,115.00
Jones Act	100,000.00
Product Liability	100,000.00
MVA	100,000.00
TMVA	100,000.00
Jones Act	100,000.00
Auto Accident	100,000.00
Auto Accident	100,000.00

OUR FIRM APPROACH IS UNIQUE

We don't handle a lot of small car wreck cases. We don't handle every case that is referred to us. We don't want to, and we don't need to.

We accept a limited number of the cases we are asked to review each year.

The reason we accept only a limited number of cases each year is so we can focus on the cases and clients we do accept and give them the best possible personalized service.

We believe that this results in much better settlements and verdicts for our clients.



We have dedicated 100% of our practice to handling serious injury and death cases.

This is all we do.

We don't represent insurance companies or big businesses.

We represent people who are hurt or the families of people who are killed.

We don't try to be all things to all people. We stand firmly on the side of the people and not big business or big insurance companies.

We have handled cases in Texas, the Gulf Coast, Louisiana, Mississippi, across the United States, and across the world.

We have been writing and publishing articles on legal cases since the very beginning of our law practice.

In fact, other lawyers often call and ask for help with their injury cases and ask for our advice on how to handle them properly.

The insurance companies know this, and so do their lawyers.

As a result, when we take a case, the insurance company knows we mean business.



If you believe that our approach is one that would best fit your needs, feel free to contact our firm for answers to questions, free resources, other books or information, or a free consultation.

If you are injured, we hope that you recover quickly and fully, and we would welcome the opportunity to help you throughout the healing process. We hope that the information in this book has assisted you in becoming informed about your rights following an injury, and we would be glad to assist you further if you would like more information about making a claim for compensation in an injury or wrongful death case.

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About the Author

Brian Beckcom is an attorney who has devoted his career to representing individuals and families against the insurance companies and negligent corporations.



Mr. Beckcom is a graduate of Texas A&M University, where he was a varsity letterman on the basketball team as well as one of the highest ranking members of the Corps of Cadets.

Mr. Beckcom graduated from the University of Texas School of Law with honors. In law school, Mr. Beckcom was an editor for the Texas Law Review, a member of the Legal Eagles, and a law clerk for the late Charles Alan Wright.

Mr. Beckcom is Board Certified in Personal Injury Trial Law. He has written numerous articles on legal matters and has spoken to conferences on various legal topics. He is a recognized expert in maritime injury law, the Jones Act, and personal injury and wrongful death cases.

Mr. Beckcom and his firm have recovered more than \$75,000,000.00 for their clients in settlements and verdicts.

**For more information about the firm, please visit:
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