

TEN RECOMMENDATIONS TO MAXIMIZE YOUR PERSONAL INJURY RECOVERY



ACCIDENT REPORT

CULTURAL CENTER _____

TIME OF ACCIDENT _____



By: Brett D. Baber, Esq. and Steven Blackwell, Esq.
Lanham Blackwell & Baber Attorneys

Welcome



I'm part of the professional and dedicated team of civil litigation attorneys and mediators at Lanham Blackwell & Baber. Our firm offers representation and mediation in personal injury cases, employment disputes, and pharmaceutical litigation. We know how daunting and complicated the legal process can be, especially when you are facing personal hardships, such as injuries or lost wages. That the entire team at Lanham Blackwell & Baber are dedicated to providing the best legal support possible.

We have a unique philosophy when it comes to working with clients. Whether you are concerned about the small details or you want to focus on the big picture, we cover it all. Our goal is to find innovative solutions in an efficient manner, so you save time, money, and frustration.

We are dedicated to representing all of our clients and we are committed to quality service. Our entire team makes you and your case a priority right from the outset. Not only will you have the representation of experienced attorneys like me, you will also enjoy the support of our paralegals and legal assistants. We have the technological resources to bring your case to life in a courtroom.

If you would like to discuss your circumstances, please give either Steve Blackwell or myself a call at 207-942-2898. Thank you for your consideration.

Brett D. Baber

Lanham Blackwell & Baber Attorneys
133 Broadway, Bangor, Maine 04401
Phone: 207.942.2898
Fax: 207.941.8818
bbaber@lanhamblackwell.com
www.lanhamblackwell.com



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Car crashes or other injurious events can be horrible. Your life gets turned upside down in an instant. One moment you are healthy. The next moment you are not. You may have injuries that may range from mild to life threatening including: soft tissue damage to your muscles, tendons and ligaments; broken bones; lacerations, contusions and other wounds; internal injuries to vital organs; headaches, concussions or traumatic brain injuries. You may face various degrees of psychological injury ranging from mild emotional distress, loss of sleep, anxiety or more severe conditions like depression or post traumatic stress disorder. There will be medical bills for essential medical care now and possibly into the future. You may face a loss of income on a short term or long term basis while you recover from your injuries.



Medical providers will strive to return you to a “normal” state of health. However, despite their best efforts, you may have residual pain or permanent disability.

The American system of justice seeks to fully and fairly compensate victims of the harm caused by the negligence of others through monetary compensation. Unfortunately, we cannot wave a magic wand and return you to your life as it was the moments before the crash. What we seek to accomplish in representing injured individuals is to obtain reasonable money settlements or jury awards that will fix the harms that can be fixed, to help you address the harms that can be helped and to make up for the harms that cannot be fixed or helped.

We have found that insurance companies rarely share with injured individuals what they need to know to maximize their personal injury recovery. So here are ten secrets that you should seriously consider if you or a loved one are injured in an accident.

1

Obtain the medical treatment you need.

From the moment you are hurt until the pain finally goes away, it is important to **accurately** describe to first responders and your medical providers how you are injured, what part(s) of your body are injured, the severity of the injury (if it is not obvious) and how your condition has changed over time.

Imagine what the attorney for the negligent driver will do with the following: At the scene of the collision, the injured person is asked by a police officer if she is hurt. Although the person feels some neck pain, she tells the officer that she is all right. The next day, the pain really sets in all

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over the injured person's body and she goes to the E.R. At trial, the other lawyer will make a big deal about the fact the injured person felt "fine" at the scene.

It is important not to exaggerate or minimize the severity of your injuries. Let's suppose you have tingling down your arm following the wreck, but you can still play golf later in summer. The opposing lawyer will challenge your candor if you testify that you cannot do any exercise at all, and you run the risk of losing all credibility if the other driver's insurance company has a video of you playing golf. Likewise, if you are having severe pain, say so – the opposing lawyer will note every time you told your doctor that you felt "ok", "better" or some other general indication of improvement.

Keep in mind that your doctor will record your statements about your condition in your medical chart. Help your doctor create an accurate record by being very precise in your description of how you are feeling. Don't overdo it, but don't under do it either!

You should also closely follow your doctor's instructions. If the doctor tells you to rest, you need to rest. If the doctor's treatment plan causes you some difficulty, for example you have some reaction to a medication or physical therapy treatment, please tell the doctor right away – do not simply discontinue the treatment without telling your doctor!

2

The Insurance Adjuster is NOT YOUR FRIEND.

You may get a call from the insurance adjuster for the negligent driver within a few days or weeks after the accident. They may start off by asking how you are doing. They are hopeful that you will describe your condition in a general way like, "I guess I am ok." (Guess what words you will hear later on).

3

Do Not Settle Your Claim Immediately or without Consulting a Qualified Personal Injury Lawyer

The adjuster may even offer to settle your case very promptly. That sounds like they are being nice. They aren't! They are really trying to get you to give up your personal injury claim for as little as they think they can get you to accept. You may not have even finished treating. Suppose for example, that you have been having a lot of headaches since the collision. You did not have any history of headaches before, but now you have a throbbing pain almost constantly during the day. Your doctor may order an MRI or other

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diagnostic test. Hopefully, the test will be negative. But should it reveal a serious brain injury, you will not be getting fully compensated if you settle with the insurance adjuster before the diagnosis when you thought you only were having minor headaches.

Adjusters want you to sign a release in exchange for the payment of money! A release is a contract: you get a certain amount of money and you give up your right to sue for any further money in the future even though your injuries get much worse.

Do Not Sign a Release until Your Doctor has Fully Cleared You and You Have Spoken with a Qualified Personal Injury Lawyer!

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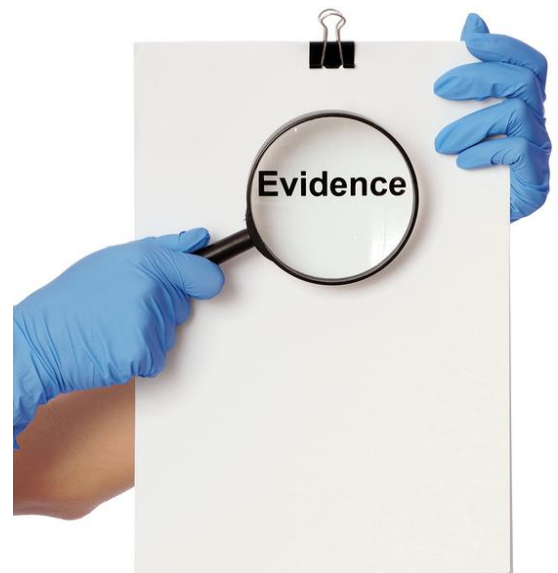
Preserve All Potential Evidence.

Contrary to what you might think, law enforcement officials do very little to preserve evidence at the scene of a crash unless there is a death or life-threatening injury. While you might not be in any condition to go back to the scene, please ask a friend or relative to visit the scene as soon as possible to take pictures of the area. They might also obtain photographs of the vehicles at the scene or at the auto repair shop before any repair work is done.

Speaking of the vehicles – they are evidence. Please do not authorize repairs to begin until you have spoken with a qualified personal injury lawyer about whether the automobile needs to be preserved in its existing condition. We may need to access to the “black box” data recorder, or an accident reconstructionist may need to review the crush damage to understand the dynamics of the crash.

Witnesses: Please try to write down the names of any witnesses at the accident scene, as the police may not list everyone who was there. This includes occupants in your car.

Injury photographs: Please have a family member take photographs of all of your injuries. Take additional photographs following surgeries or other procedures that may affect your appearance. Once you contact us, we can take photographs, or we may even want to take “day in the life” videos. After all, a picture is worth a thousand words!



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Notify Your Employer and Document Your Wage Losses.

If you are expected to need time off from work to recover from your injuries, you should let your employer know as soon as possible how long you may be out of work. You may be entitled to take leave under the Family and Medical Leave laws. If you were hurt during work, you may be entitled to benefits under the worker's compensation laws for some of your lost wages and payment of your medical bills. Your employer will probably record the amount of time you missed from work which can then be used to determine your wage losses that are potentially recoverable. Locating your tax returns will also provide useful information about your wage loss (do not attempt to recover "under the table income" that was not reported to the IRS or state tax authorities without amending your returns).

6

Learn About All Available Insurance Coverages.

The other driver or the property owner where your injuries occurred should have liability insurance. Liability insurance will pay an injured party if the insured person was negligent up to the policy limits. In Maine, every driver is legally required to have at least \$50,000 in liability insurance coverage but they may have much higher limits or none at all.

You probably have your own insurance coverages. If you own one or more vehicles, you may have "med pay" coverage through your own insurance which will pay your medical bills upon submission of your bills to your insurer. You will also have uninsured or underinsured motorist coverage which will compensate you if the other driver did not have liability insurance or your limits are higher than the limits of the other driver. You may also be covered under the policy of the car you were riding in if it was owned by someone else at the time of the collision. So it is important to determine all of the possible sources of insurance that may provide coverage for you.

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Contact a Qualified Personal Injury Lawyer.

At Lanham Blackwell & Baber, our attorneys have the skills to assist you in obtaining all of the information outlined so far. We also have the ability to communicate what you are going through to the other driver's insurance company or to a jury if trial is necessary. Since each of us have been doing these cases for over twenty-five years, we know how

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to hire the experts that may be necessary to prove the other driver was at fault or to maximize your damages. In addition to your treating doctors, there are times we need to consult with life care planners, vocational rehabilitation therapists, economists or other specialists to demonstrate the impact of your injuries to the insurance company or to a jury to provide fair and reasonable compensation. We have the technological background that is now necessary to effectively demonstrate your case at trial. So when you are seeking to hire an attorney to represent you, you should be confident that the attorney has the resources available to represent you effectively.

In addition to technical legal skill, our lawyers take the time to get to know you and your family. Our goal is to inspire your confidence that we are seeking to obtain a fair and just settlement for everything you have experienced. You deserve the attention! We often find that just by listening to you, we will learn about what is really important to you which we then can communicate to describe the real impact of the crash on your life.

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Make Sure Your Lawyer is Committed to Trying Your Case if Necessary, Secret:

Insurance companies know the track records of the lawyers they are dealing with. Insurance companies will not pay top dollar to a lawyer they know is not equipped to take a case to trial. Insurance companies will not negotiate favorably with a lawyer who cannot write an effective settlement demand that describes all of the impact that a crash has on a particular individual.

In reality, almost 90 to 95% of all injury cases settle before trial. However, to obtain the best recovery, it is sometimes necessary to file suit and to demonstrate that you and your attorney are prepared to put your case in the hands of a jury. There is nothing to be afraid of when you are seeking fair and reasonable compensation for the harm you have experienced at the hands of a negligent party. Ultimately, it is your decision whether to accept a settlement offer or to take a case to trial. We are fully prepared to support your decision through to a fair conclusion.



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Interview Prospective Lawyers.

Do not hire the first lawyer who pops up on an ad or who has the best actor spokesperson. Make sure the attorney is the “right fit” for you. Do they inspire a sense of confidence? Do they treat you like a person? Do they have the skills to try your case if necessary? Feel free to ask if the lawyer will negotiate their contingent fee rates.

We are confident that Lanham Blackwell & Baber can address all of your concerns. Please feel free to contact us to discuss your case before you sign on with any other lawyers.

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Continue To Live Your Life as Best You Can.

If you can work, do so. If you need to get on an airplane to attend your child’s wedding, and a doctor says it is ok, do so. You still have a life and you should live that life as best you can despite your limitations, pain and discomfort. Jurors and insurance adjusters are very suspicious of people who curl up on the couch and watch T.V. when their doctors say they could be far more active. That having been said, it is very persuasive when an injured person describes their experience when they do go to work each day, or try to enjoy their favorite past times, but pay for it with increased pain when they get home from their activities.

There is no guaranty that you will win, but if you are genuine and truthful, and you have competent counsel, you are likely to be treated justly and fairly by the other side’s insurance company or by the jury if a trial is required.

At Lanham Blackwell & Baber, we are committed to seeking the maximum recovery that we can obtain on your behalf. The amount of that recovery depends, of course, on the nature, duration and severity of your injury. We have the training, experience and resources necessary to make sure you obtain the compensation you deserve.

We look forward to being of service to you and your family as you work through one of the most difficult times a person may have to face.

Please contact us at:

Phone: 207.942.2898

Fax: 207.941.8818

Email: bbaber@lanhamblackwell.com



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