

Indiana **CRASH** Book

4th Edition, 2011

**FOR AUTO, MOTORCYCLE,
TRUCK CRASHES & MORE...**

**EDUCATING YOU ON WHAT TO DO
BEFORE OR AFTER A CRASH,
STEP BY STEP.**

by Randall Sevenish, Esq.

The **INSIDER**'s guide for Indiana drivers and passengers



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Welcome to
the helpful
handbook for
Indiana crash
claims:

Learn how to
recover from
your loss.

*Save this valuable
family resource!*

The Indiana Accident Book is intended to be a valuable family resource that contains practical tips and insider information about Indiana accidents, their legal aftermath and how you are affected as a result. This information is being provided to you as a courtesy after much thought, time, energy and expense, and is offered not only to Indiana residents but also to out-of-state visitors who are hurt while in Indiana. If you have been injured in an auto, truck, motorcycle or other accident, you need to know this information to protect your legal rights and your financial future.

If you have not been injured in an accident, keep this guide close at hand in case of a future accident. As you probably know, about 6 million traffic accidents occur each year in the U.S.. Someone is injured in an auto accident every 14 seconds. More than 40,000 people die from automobile collisions every year. Even if you are a safe, responsible driver, many people are not. The roads are becoming more hazardous due to increased traffic, cell phone usage and drunk driving, among other dangers. Be alert, and be prepared with the information contained in this Accident Book.

This guide will arm you with the information you need to protect your legal rights, avoid costly mistakes, and receive the compensation for your injuries and losses to which you are entitled. After reading this helpful manual, you will be able to determine whether you have a valid injury claim, and if it is the type of claim you can file on your own or if you need the help of an experienced attorney. That's right; in some cases, it does not make sense to hire a lawyer. The Indiana Accident Book will help you know the type of claim you have and what to watch out for.

An auto
crash injury
occurs every
14 seconds.

*More than
40,000 people
die from auto
crashes*



INTRODUCTION

The purpose of this guide.



AUTO ACCIDENTS

Auto accidents are unfortunately very common in Indiana, because our state is located at the center and crossroads of the nation. Several interstate highways which travel through the heart of Indiana are major thoroughfares for trucks and commercial vehicles, motorcyclists on cross-country rides, and cars on business trips or vacations not to mention local traffic. Add to that the over one-million people who live and work in Central Indiana, and it is no wonder that the roads are crowded, dangerous, and accident-prone. If you have been involved in an accident anywhere in Indiana, the information contained in this guide will educate you about your legal rights, how to protect them and how to best proceed with your accident claim. Indiana drivers only have a certain amount of

time to file a claim. The statute of limitations for a motor vehicle accident in Indiana is normally two years. This means that if you are involved in an accident that is not your fault, you have two years from the date of the accident to either settle your claim with the insurance companies or to bring a lawsuit against the person who caused the accident. If you do not settle or file suit within this period of time, you cannot receive compensation for your medical expenses or numerous other allowable losses arising from the accident. To make sure you are not losing your opportunity, seek a free consultation with an injury lawyer as soon as is practical. When a government entity is involved in your accident, compliance with the Indiana Tort Claims Act is required well before the statute



MOTORCYCLE ACCIDENTS

A motorcycle accident is often more intense than an auto accident; and, they often involve more serious injuries and have more devastating financial results, since many motorcyclists do not carry enough UIM (underinsurance) coverages even if the wrongdoer is insured. Although bikers are often stereotyped as fast, reckless drivers, it is actually negligent automobile drivers who cause most motorcycle accidents. 70,000 motorcyclists were injured in traffic accidents in 2003, and over 3,600 of those injuries were fatal, according to the Na-

tional Highway Traffic Safety Administration. Because of the increased dangers associated with riding a motorcycle, and because of a common prejudice against bikers, victims of motorcycle accidents may have a difficult time getting compensated for their injuries and losses. The insurance company may be less cooperative in making offers of settlement. Some unethical insurance companies may even take advantage of a victim's severe injuries and the confusion surrounding the accident to get him or her to sign their documents or give a state-



TRUCK ACCIDENTS

Sharing the road with trucks and commercial vehicles is often dangerous and sometimes devastating. The number of semi-trailers, postal and package delivery trucks, and heavy cargo vans on the roadways is increasing. This is a positive sign of a healthy nationwide economy, but it brings with it the increased risk of collision with a truck or other large vehicle. In addition, many trucks travel the highways overloaded, with trailers larger than the legal limits. Many truck drivers are illegally required by their employers to drive too many hours without sleeping, resulting in fatigue and

increased risk to other vehicles. Accidents involving trucks can cause catastrophic or fatal injuries because of their size and weight.

If you have been involved in a truck accident in Indiana, you may require the help of an experienced truck accident and injury lawyer, not only because of the seriousness of injuries, but also because of the complex, confusing liability issues associated with truck accidents. For example, the driver of a semi truck may be employed by one company, while the cab is owned or leased by a different company,



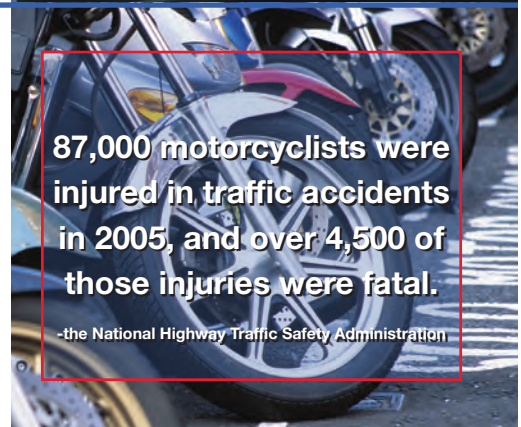
of limitations runs. If this is the case in your accident, you should call an injury lawyer for help immediately! It is also very important that you contact an injury lawyer soon after your accident so that he or she can initiate a case against the wrongdoers (or even your own insurance company) and set things in motion. If you wait too long, the evidence begins to disappear, and your case may have less value. If you decide to handle your claim yourself, you may still want to talk with an attorney to get specific help or advice on your claim. However, if you try to handle your case without experienced help, you take a serious risk of being quite under compensated because of errors you might make. You should not merely rely upon advice from claims adjusters who do not represent you or your interests.



It is important that you contact an injury lawyer soon after your accident. Your time is limited!



ment about the accident. If you have been involved in a motorcycle accident, you should talk with a motorcycle injury lawyer as soon as possible to make sure your rights are protected and all evidence is considered. Even better, you should find an injury lawyer who rides, who understands motorcycles and motorcycle injury law, who understands your specific situation and who will fight for you as a friend and fellow biker.

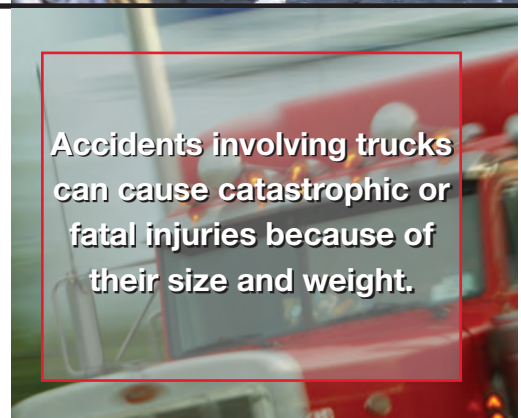


87,000 motorcyclists were injured in traffic accidents in 2005, and over 4,500 of those injuries were fatal.

-the National Highway Traffic Safety Administration



the trailer is owned by yet another separate corporation, and the cargo belongs to someone else altogether. A good truck accident lawyer will use his or her expertise to find all related parties and investigate how many of them can be legally held liable for the accident.



Accidents involving trucks can cause catastrophic or fatal injuries because of their size and weight.

WHAT TO DO IF YOU ARE INVOLVED IN A CRASH



1 Check on all drivers and passengers ✓

First, stop your car and call for emergency help. Before assessing property damage, make sure that everyone else involved in the accident is okay. Get medical attention for anyone who may need it. If victims are unconscious, or they complain of neck or back pain, it is best not to move them until qualified medical personnel arrive. In some situations where there is danger of further injury or death, you may have no choice but to move them. If you are in that type of situation, try to move the person as steadily and slowly as possible while supporting his/her neck and back.

2 Call the police ✓

If the accident involves any property damage, physical injury, or death, you need to call the police. Do not move vehicles until the police arrive so that the accident scene can be accurately assessed and reflected in the police report. Ask that a police report be filed in situations where law enforcement officers do arrive at the scene, and obtain the names and badge numbers of any responding officers.

3 Exchange information ✓

Talk to the drivers of any other vehicles involved in the accident. Get their names, phone numbers, addresses, drivers' license numbers, license plate numbers, and basic insurance information. If there are passengers in any of the vehicles, obtain their names, telephone numbers, and addresses as well. In talking to drivers of other vehicles, you should try to be cordial and cooperative in determining that everyone is okay and in exchanging basic information.

4 Do not admit fault ✓

However, do not apologize for anything at the scene. If you jump out of your car and blurt out an apology, you may back yourself into a corner in terms of legal liability for what happened. Immediately after an accident, the situation is chaotic, and it might not be evident who was at fault, or who was more at fault, in causing the accident. Therefore, try to keep from commenting on the cause of the accident, at least until things get sorted out, so that you don't admit guilt unintentionally or unnecessarily.

5 Talk to witnesses ✓

Ask every witness what he or she saw. Get their names, telephone numbers or addresses, if possible. Whether the witnesses are residents of the area, businesspeople that work nearby, or passersby who were in the vicinity, try to talk to as many people as you can. Ask them, in particular, if they have ever witnessed other accidents in the same place. If a witness is hesitant to talk to you, don't beg or threaten them. Forcing information from someone will get you nowhere. Write down what they tell you and, if they agree, simply get their name and phone number so that you, your attorney, the insurance company, or the court can contact them again.

6 Inform your insurance company ✓

As soon as possible, tell your insurance company that you have been involved in an accident. Indiana law requires you to report an accident within 24 hours to your insurance. Cooperate with representatives of your insurance company, and tell them the truth about what happened and the extent of your injuries. If the insurance company finds out that you have lied to them about anything, you can get into serious trouble, not the least of which may be the denial of any coverage for the accident. Be able to explain to them the facts of the case in a clear manner. Obtain and review a copy of any police report, so that you can point out to the insurance company who broke what traffic laws or who was at fault for the accident. Such information will often be provided in the report. Although the insurance company may already know the facts of your case, taking an active interest in protecting your rights will cause them to take you seriously.

7 Contact an injury lawyer

7

If the insurance companies are giving you the runaround on your property damage, your injury claim, or both, you may need to talk with a personal injury lawyer to get expert legal advice at no cost to you. Most lawyers offer free initial consultations without obligating you to hire them. This handbook contains a wealth of free information, but it cannot be construed as legal advice; if you have specific questions, you should consult a personal injury attorney.

8 Keep track of your medical treatment

Note any doctors, physical therapists, chiropractors, or other medical professionals that you receive treatment from, and each medical provider that referred you to other caregivers. A written diary of this information will help you itemize your medical expenses and treatment for your insurer, your attorney, and the court.

9 Take pictures

Take photographs of any damage to your vehicle as well as your visible bodily injuries as soon as possible after the accident. Having visual proof will help your insurance adjuster determine how much you should be compensated for the damages to your car, and may also assist your case in court, if needed. If you have pictures of your car from before the accident, you can compare and contrast them with the accident photos to powerfully demonstrate the true extent of the damage to your vehicle.

10 Get a property damage valuation

Obtain a valuation for damages to your car from your insurance company. If you are not satisfied with the manner in which your insurance company has valued your vehicle, do not give up. Get two estimates for the repair of your car on your own, or have two dealers provide a quote for the cost of replacing your vehicle if there was a total loss. Communicate to the adjuster your concerns and position, and be assertive. If you cannot agree on the value of your car, consider alternative dispute resolution or consult an attorney.

11 Use caution in discussing the incident

Do not talk to anyone about the accident other than your attorney, your insurance company, and the police. Do not talk to a representative of another insurance company under any circumstances, especially not before you have sought advice from an attorney. If representatives from other insurance companies should call you, be polite, but ask them to call your attorney or insurance company to arrange for an interview. They have no business contacting you directly; they should be dealing with your own insurance company or your lawyer. Also, get the representative's name and number, and tell your insurance company or attorney that someone seeking information about your accident contacted you.

12 Be wary of early settlement offers

Be careful if you are offered a settlement from an insurance company. Make sure that any physical injuries you may have suffered have been treated, and that you have a doctor's prognosis. Some injuries may not show up or reach their greatest level of discomfort until many days, weeks, or months after the accident. Don't settle a claim until you know you will be compensated for all of your injuries, and consult an attorney before signing any documents pertaining to settlement. **Call 1-800-278-9200 if you would like to speak with an injury lawyer immediately.**

Note any doctors, physical therapists, chiropractors, or other medical professionals that you receive treatment from.

CRASH INFORMATION

If you have been involved in an accident, you should fill in the following form with the necessary information about the accident. If you need more space, there is a page for accident notes on page 11.

THE OTHER DRIVER

Name: _____ Age: _____
Address: _____ City: _____ State/Zip: _____
Home Phone: _____ Work Phone: _____
Drivers License #: _____ Expiration Date: _____

THE OTHER VEHICLE INFORMATION

Automobile (Year, Make and Model): _____
Color: _____ License Plate #: _____ Registration #: _____

THE OTHER DRIVER'S INSURANCE INFORMATION

Insurance Policy #: _____ Expiration Date: _____
Company Name: _____ Agent: _____ Phone: _____

THE OTHER DRIVER'S PASSENGERS

Passenger Name: _____ Passenger Name: _____
Address: _____ Address: _____
State/Zip: _____ State/Zip: _____
Phone: _____ Phone: _____

YOUR PASSENGERS

Passenger Name: _____ Passenger Name: _____
Address: _____ Address: _____
State/Zip: _____ State/Zip: _____
Phone: _____ Phone: _____

WITNESS 1

Name: _____

Address: _____

City/State: _____

Zip: _____ Phone: _____

Location during accident: _____

Comments: _____

WITNESS 2

Name: _____

Address: _____

City/State: _____

Zip: _____ Phone: _____

Location during accident: _____

Comments: _____

TOWING COMPANY INFORMATION

Name: _____ Address: _____

City/State: _____ Zip: _____ Phone: _____

What to do in case of a crash

- 1 Check on all drivers and passengers.
- 2 Call the police.
- 3 Exchange information.
- 4 Do not admit fault.
- 5 Talk to witnesses.
- 6 Inform your insurance company.
- 7 Contact an injury lawyer.
- 8 Take pictures.
- 9 Keep track of your medical treatment.
- 10 Get a property damage valuation.
- 11 Use caution in discussing the incident.
- 12 Be wary of early settlement offers.



CRASH DIAGRAM

If you have been involved in an accident, you should fill in the following form with the necessary information about the accident.

ACCIDENT DIAGRAM NOTES

[illegible]

CRASH NOTES

11

NOTES ABOUT YOUR ACCIDENT

This image shows a single page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Obtain quality medical care

Your recovery and healing is the first priority after your accident. Make sure you have competent medical care, providers who will listen to you, take your concerns seriously, and whom you can trust and depend on throughout the entire time you are recovering from your injuries. Sometimes a problem can arise when you do not have funds to pay now for your medical treatment; doctors and hospitals usually do not want to wait for payment until your claim is settled. In these situations, an experienced attorney can help you make arrangements with medical providers so that you can receive the treatment you need when you need it. In certain cases it may be appropriate for you to receive a cash advance on your settlement from a third-party organization, although that is generally not recommended.



Gather evidence

After photographs have been taken of the accident scene, the damage to your vehicle, and your bodily injuries, you or your attorney will also need to start gathering other evidence. If there are witnesses to the accident, they should be contacted and affidavits or statements should be taken. When appropriate, expert witness testimonies should be acquired and all other data needed to establish fault should be collected. In certain cases, a detailed investigation into the facts of the accident is necessary to prove liability. It is extremely important to begin gathering this evidence and investigating your accident immediately after it happens.

However, when you are injured, it is tough to accomplish a thorough investigation. You may be in the hospital or stranded at home without a vehicle. You may have other things in your life to take care of. This is one reason why it makes sense to have an injury lawyer working for you - lawyers can take this responsibility off your hands and probably do a better, more efficient job investigating than you could have, because of the resources they have at their fingertips. A good lawyer employs experienced investigators, photographers and videographers to gather the evidence that is important to presenting your case most effectively and powerfully.

Document your medical care

The amount you recover in your accident case depends to a high degree on your ability to prove the severity of your injuries through medical documents. You must have copies of medical documents that show in detail what type of injuries you have, how long the effects of your injuries last, and how they are affecting your life. These documents will prove to the insurance claims adjuster or a jury that your injuries are serious enough to warrant a certain amount of compensation. Therefore, make sure that your healthcare providers make good quality notes, reports and records when you are being treated. Make sure that if your injuries are related to your accident, your medical documents reflect that important fact. A good lawyer will help you keep track of your medical documents, records and expenses by obtaining copies of these items for you from all your healthcare providers.

Know how to deal with the insurance company

Never talk to them about the accident

If you have an injury claim, there are important things you need to know about the insurance companies. The most important is: do not trust any insurance company - not even your own. Typically, a representative from the insurance company of the person who caused your accident will call you or visit you soon after your accident. He or she will offer you money to fix your vehicle and pay for your medical bills. No matter how friendly or helpful they may seem, do not be tricked into thinking they are on your side. Their major goal is to save money for their company by paying you less than your claim is truly worth. Never talk to them about the accident or your injuries. You are never legally obligated to talk to any insurance representative about your claim, even if they insist on it. Also, do not sign any of their documents without talking to your attorney or your own insurance company first.

Insurance wants to pay you as little as possible

Remember that insurance companies, like any other business, have a primary purpose, which is to earn a profit. If they can manage to pay out less in claims than they receive in paid premiums, they make a profit. Therefore it is in their best interest to pay you as little as possible. Their officers and employees do not ultimately care about you, your injuries, or justly and fairly compensating you, but about making money and keeping their jobs.

Insurance adjusters may tell you not to hire a lawyer

Because they want to pay you as little as possible, many insurance representatives will tell you that you do not need a lawyer and that you would be better off handling it on your own. If they can convince you not to hire a lawyer, their profit almost always increases. Their hidden motive is this: they know that with the help of an injury lawyer, you will probably receive much more net settlement money (money you receive after attorney fees are paid) than you would if you try to handle your case alone in order to “save” attorney fees. The Insurance Research Council (IRC) has reported that on average, an injured person is likely to net out roughly 3½ times more money with the help of a lawyer than without one. However, each case is unique and results vary.

How can your lawyer make them pay more?

A good injury lawyer will use his or her skills and experience to negotiate with insurance claims adjusters to recover the maximum compensation to which you are entitled. If necessary, an injury lawyer will take your case to trial in court, but only with your approval. Lawyers with reputations for fighting hard - and winning - their battles are a powerful force against insurance company schemes.

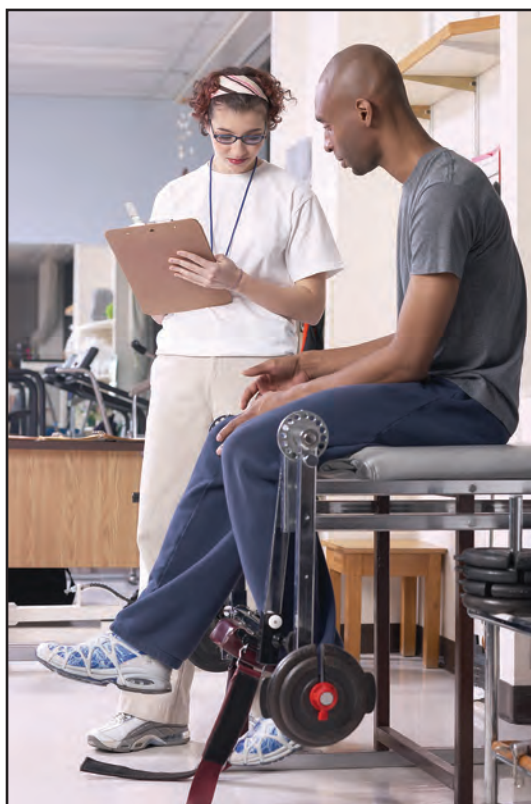
What about your own insurance company?

If you carry an auto insurance policy, you may have something called medical payments coverage. If so, this coverage will cover your medical expenses related to your accident up to a certain amount, such as \$5,000 or \$10,000 for example. If you have this coverage, you will need to talk with your own insurance company and make sure they get copies of all your medical bills.

However, do not make the mistake of thinking you can handle your accident claim through your own insurance company. There are a few cases in which this is true, as discussed in detail later in this guide, but that is the exception to the rule. Note: if the wrongdoer is uninsured and you have UM coverage, you have in essence purchased insurance for that wrongdoer. This scenario, believe it or not, **puts you at odds with your own insurer.** Even if you do not need to hire an attorney, it would be helpful to have your claim reviewed by an injury lawyer to determine how much your claim is worth.

In general, your own insurance company is probably on your side to some extent: if you have paid your premiums, they will do as much as they are required to do on your behalf in dealing with the other insurance companies. But do not expect them to go out of their way to fight for you or to get you your due compensation. That is something only an experienced injury lawyer will do, because you are paying for it and because a good, honest attorney cares about justice for all people.

If the insurance companies have been dealing unfairly or dishonestly with you, **call 1-800-278-9200 to consult an injury lawyer for free advice.**



YOUR INSURANCE COVERAGE

Insurance

Company 'Bad Behavior'

Buying the right auto insurance policy can seem like a jungle: finding the best value, obtaining the best coverage, and avoiding loopholes or extreme deductibles. But since auto insurance is mandatory in Indiana, an unfair policy is better than no insurance at all. When it comes to filing claims and collecting, an experienced injury lawyer can help you maximize the benefits of even the worst insurance policy.

Unfortunately for consumers, many insurance companies not only offer bad policies, but they also act in bad faith in denying claims. Bad faith is equivalent to fraudulent behavior. When insurance companies wrongly deny a claim which they have contractually agreed to pay on your behalf when you signed your policy and paid your premiums, they are committing fraud and acting in bad faith. If you have an experienced injury lawyer representing you, he or she will be much better equipped to combat bad faith on the part of insurance companies and will ensure that you are given a fair and equitable settlement. **Visit www.BadFaithInsurance.org to see how your insurance company has been rated.** You may be very surprised.

Types of coverage's 'minimum' coverage suggestions

First of all, do **not** believe the TV commercials' hype! Minimum coverage is almost always inadequate to protect you. For pennies more, you could have much better coverage and better protection of your family's assets. There are several different types of auto insurance for you to consider purchasing. The amount of coverage in each category is dependent on:

- The year, make, and model of your car
- The net worth of your personal assets - if you are at fault in an accident
- How much of your budget you want to allocate for insurance
- How secure you want to feel

Bodily Injury and Property Damage Liability Coverage. This is the coverage that protects you when YOU are at fault but only protects you up to your policy limits. Make sure it is high enough because YOU are responsible to pay for the excess damages over those limits. If you seriously injure someone else, even by accident, just having the "state required minimum" will not help you much unfortunately. We suggest \$250K per person/\$500K per accident.

Excess/Umbrella Liability Coverage. Usually this goes along with a homeowner's (or sometimes rental) policies. The coverage protects you when YOU are at fault and your underlying Liability is insufficient. You should carry at least \$1M with this coverage. However, most insurers will require you to have at least \$250K in Bodily Injury Liability in order to qualify.

Uninsured Motorists (UM) Coverage. UM coverage protects YOU if the wrongdoer is at fault has no insurance and no assets or means to compensate you. In this case, your own insurance company literally "steps into the shoes" of the wrongdoer since you have, in essence, purchased insurance coverage in advance for the UM driver. Make sure you have plenty of UM coverage to protect yourself from financial ruin. We suggest \$250K per person/\$500K per accident for UM and UIM below.

Underinsured Motorists (UIM) Coverage. UIM coverage protects you when the wrongdoer is at fault and has insurance but not enough insurance to fairly compensate you. Like UM coverage, your own insurance company "steps into the shoes" of the wrongdoer when it comes to claim valuation. Again, you should always assume a wrongdoer will not have enough insurance coverage to protect you. There are too many crashes that include this scenario: the wrongdoer does not nearly have enough insurance coverage or assets to compensate you; and due to misjudgment, you chose to save money and not purchase sufficient UIM coverage. In result, you and your family could financially suffer significantly for the worse. Don't forget this very important coverage!

Excess Coverage with UM/UIM Coverage's. This coverage protects you when someone else is at fault and your UM/UIM coverage's are insufficient to compensate you. You'll want \$1M or more and it will just cost a few dollars and is well worth it.

Collision, Comprehensive & Medpay. Collision coverage pays for your vehicle damage resulting from an impact with another object (e.g. other motor vehicle, tree, road – such as driving through a pothole) and when parked even if you were not driving it at the time. Comprehensive coverage pays for most losses other than Collision, such as wind, fire, theft, etc. Usually Comprehensive would cover you in a collision with an animal, vandalism, broken windshields, dent/scratches caused from road debris, etc. Medpay coverage pays for reasonable medical expenses for each person in your car regardless of fault. If you have no health insurance, you must have this coverage. We suggest \$25K or higher. Note: we suggest you take these suggestions to a licensed insurance agent to discuss your individual situation.

The

Do's and Dont's
of Personal Injury

- 1.** Purchase adequate UM/UIM and med-pay insurance.
- 2.** Take photographs of the accident scene.
- 3.** Get names and addresses of drivers, passengers and witnesses at the accident scene.
- 4.** Take photos of your injuries.
- 5.** Take photos of the damage to your vehicle.
- 6.** Obtain a copy of the estimate to repair your vehicle.
- 7.** Seek immediate medical help.
- 8.** Follow your doctor's orders.
- 9.** Obtain a second opinion if needed.
- 10.** Take time off work if your doctor tells you to do so.
- 11.** Keep a journal of your injuries and daily pain and suffering.
- 12.** Have your health/auto insurance pay your medical bills.
- 13.** Submit your medical bills to your medical payments insurance, if applicable.
- 14.** Have your employer document your lost income related to the accident.
- 15.** Keep a listing of medical providers' names, phone numbers, addresses and dates of your appointments.
- 16.** Keep track of your out-of-pocket expenses related to the accident - pharmacy prescriptions, co-pays, lawn mowing service, etc.
- 17.** Consult with an experienced personal injury lawyer to represent you.



- 1.** Talk to or negotiate with the insurance claims adjuster about the accident.
- 2.** Attempt to handle your injury claim on your own without the help of an injury lawyer.
- 3.** Give a recorded statement to a representative of the insurance company.
- 4.** Forget to buy adequate insurance coverage.
- 5.** Fail to take any photos or provide visual evidence for your claim.
- 6.** Hide important facts from your attorney.
- 7.** Discuss accident with the other driver(s).
- 8.** Disregard your doctor's instructions.
- 9.** Turn in a handwritten note with incomplete information as proof of your wage loss.
- 10.** Boast about your ongoing lawsuit when you are in your doctor's office.
- 11.** Fail to show up for doctor's appointments or physical therapy or have gaps in treatment.
- 12.** Go to a chiropractor or other doctor on the basis of your lawyer's referral (there are some exceptions to this).
- 13.** Pretend you did not have pre-existing injuries or medical conditions.
- 14.** Miss your statute of limitations and lose your right to recover compensation.



7 DEADLY ERRORS THAT CAN WRECK YOUR CLAIM

Make no mistake...a personal injury case is a fight! The value of your injury claim is subject to argument and depends much on the ability of the negotiator. Avoid these common errors and you have a chance at winning the money you deserve – if you place your claim in the hands of a capable injury lawyer.

1. Falsely assuming the insurance adjuster is on your side.

The adjuster's job is actually not to fairly compensate you for your loss, but rather to settle your claim quickly and for the smallest amount possible. One of the claims adjusters' favorite tricks is to tell you they are on your side and will take care of you; later they betray your trust by making a ridiculously low offer.

The adjuster has a clear conflict of interest between you, the injured person, and his or her employer, the insurance corporation. Our advice to you is this: avoid this deadly error by refusing to talk to the insurance company, period. Then talk to an injury lawyer for advice.

2. Thinking you will save money if you handle your claim yourself.

This is a "do-it-yourself" world. Unfortunately, too many good people have attempted to handle their own injury claims, thinking they will save money, only to be dramatically "shorted" at an eventual settlement. In most cases you should net out more money even when you pay an injury lawyer than if you handle the claim yourself. Many adjusters will tell you that you don't need to hire an attorney, or that you will end up with more money if you handle your claim by yourself. The truth they don't want you to know is this: statistics reveal that most people who hire injury attorneys will have **more** take-home money than people with the same injuries and damages who choose to handle their claims themselves. And not just a little bit more - victims represented by a lawyer receive up to 3½ times more settlement money, as reported by the Insurance Research Council (IRC), although all cases are different and results vary.

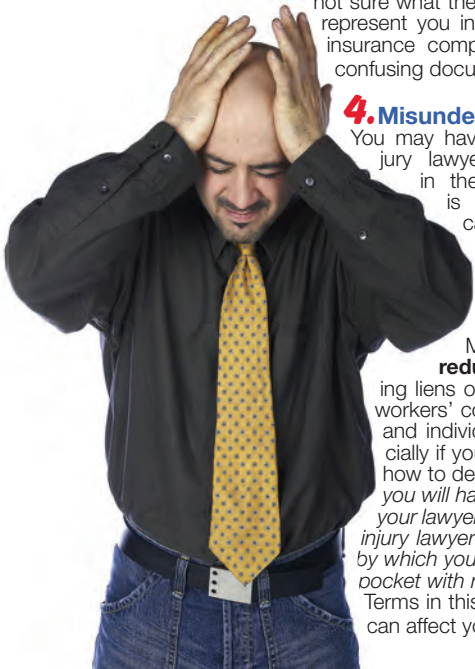
3. Signing insurance company documents or giving a recorded statement.

The insurance adjuster may ask for your recorded statement immediately after the accident, when you are most vulnerable, only to use it against you later in the course of your claim! Beware of signing **any** documents from the insurance company soon after the accident, especially if they are confusing or if you are not sure what they are asking. If you choose to have an injury law firm represent you in your claim, they will take over all dealings with the insurance company for you, and they can clarify the meaning of confusing documents.

4. Misunderstanding liens and other legal issues.

You may have never handled an injury claim in your life, but injury lawyers have handled hundreds of claims like yours in their career. It makes sense that an injury lawyer is best qualified to handle your claim, because it can be a lot more complicated than you think. A lawyer knows how to maximize your claim by identifying **all** insurance coverages of **all** vehicles and persons involved in the accident, and by conducting asset checks.

More importantly, a lawyer is also able to identify and **reduce your payback obligations** at settlement, including liens of your health insurance, med-pay, UM/UII coverage, workers' compensation, disability insurance, Medicare/Medicaid, and individual healthcare providers who may have liens, especially if yours is an ERISA plan. Some lawyers don't even know how to deal with ERISA liens, so how can you? *This means that you will have less money that you must pay back at settlement if your lawyer is experienced in negotiating down your liens. A good injury lawyer will find a way to reduce your liens, and every dollar by which your liens are successfully reduced goes directly into your pocket with no attorney fees taken out!* See the Glossary of Legal Terms in this guide for more information about liens and how they can affect your claim.



5. Letting evidence disappear.

It is very important to gather evidence and investigate your accident immediately after it happens; otherwise the evidence begins to disappear. When you are injured, it is tough to accomplish a thorough investigation by yourself. A good injury lawyer employs experienced investigators to gather the evidence needed to present your case most effectively and powerfully. If there are witnesses to the accident, your attorney will contact them and obtain affidavits from them to help your case. When appropriate, your lawyer will acquire expert witness testimonies from our extensive network that includes medical experts, rehabilitation personnel, traffic experts, product engineers, insurance companies, other attorneys and court personnel.



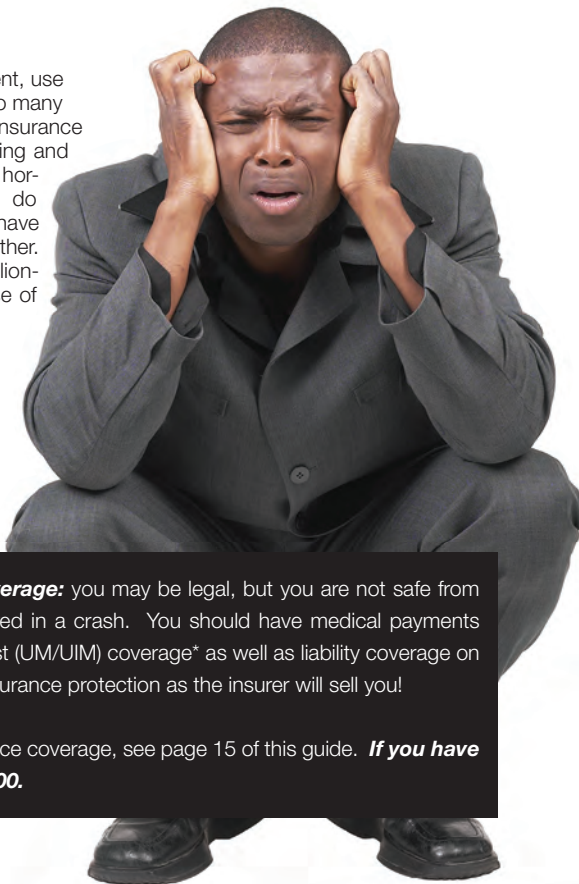
6. Not properly documenting your medical treatment.

Many accident victims do not understand the importance of getting medical treatment for their injuries immediately after the accident - they think it's okay to wait and see for a few weeks to determine how serious their injuries are. But the truth is that if you wait longer than one week after the accident to visit the ER or your doctor, it is called a **gap in treatment**. Insurance companies will consider your injuries to be less serious because of this, and they will use it to try to settle your claim for less money. Avoid this deadly error: go see your doctor right away!

You must also ensure that your medical treatment is properly documented. This means telling your doctor about all of your symptoms on each visit and following all your doctor's orders. It means making appointments with specialists or physical therapists if you are referred to them by your doctor. Your focus should be on recovering your health after the accident; we can help with the rest.

7. Not buying adequate insurance before the accident.

(If you have already been the victim of an accident, use this helpful hint to prepare you for next time.) So many people do not understand that having the right insurance can make or break your case. It is heartbreaking and frustrating for us to see so many people with horrible, life-changing injuries for whom we can do **little, if anything** – because they didn't have insurance, and the person who hit them didn't either. It is also disappointing to see people with million-dollar cases end up with only \$25,000, because of minimum coverage.



It is a huge mistake to buy minimum coverage: you may be legal, but you are not safe from life-changing financial disaster if you are injured in a crash. You should have medical payments coverage and uninsured/underinsured motorist (UM/UIM) coverage* as well as liability coverage on your auto policy. You should buy as much insurance protection as the insurer will sell you!

*To find out more about these types of insurance coverage, see page 15 of this guide. ***If you have questions, call our office at 1-800-278-9200.***

UNINSURED/ UNDERINSURED MOTORIST COVERAGE

Uninsured/Underinsured motorist coverage (UM/UIM)

is one of the most overlooked and undervalued types of insurance coverage. Many consumers don't know about it because insurance sales reps don't talk about it much.

But this coverage is a powerful protection, and it could make a world of difference to your claim.

But this coverage is a powerful protection, and it could make a world of difference to your claim, your family and your finances if you cannot work.

19% of Indiana drivers are uninsured

The Insurance Research Council estimates that up to 19% of drivers in Indiana drive without any insurance coverage at all. That equals almost one fifth of all drivers in the state. If you are injured in accident caused by someone without insurance, the only way you can recover money for your injuries is if you have UM/UIM coverage on your own policy.

How does UM/UIM work?

If the driver at fault has no insurance, and you have UM coverage, you can make a claim with your own insurance company seeking money for your injuries. You should almost never handle a UM claim without an injury lawyer – no matter what your insurer says.

If the driver at fault does not have enough insurance, and you have UIM coverage, you can make two separate claims: you first settle your claim with the defendant's insurance company for the maximum limits, and then you make a claim with your own insurance company to cover any losses that remain unpaid. For example, if you were hit by someone with liability insurance limits of \$25,000, but your medical expenses exceed \$40,000, you will only receive \$25,000 from the other person's insurance company. You will need to make a UIM claim to recover the rest of the money, if you have more than \$25,000 on your UIM policy. If you do not make the proper notifications to the UIM insurer of the liability offer, you may be waiving your rights to file a UIM claim. Never do this alone.

If the driver at fault has no insurance, and you have UM coverage, you can make a claim with your own insurance company seeking money for your injuries.

Be aware that making a UM/UIM claim may put you at odds with your own insurance company, especially if you disagree about fault for the accident or the extent of your injuries. **These claims can sometimes become very complicated and require more experienced legal help** than normal injury claims. Talk with an injury lawyer who has experience in UM/UIM cases and let him or her handle your claim for you, because if you fail to follow the law, you may jeopardize any UIM compensation you would otherwise have access to.

UM/UM coverage for motorcyclists

If you ride, this coverage is a must!


Even though UM/UM coverage is imperative for all drivers in any motor vehicle accident, this type of coverage is an especially vital issue for motorcyclists. Since injuries from motorcycle accidents are usually much more severe than from car crashes, the normal, average amount of money available from the defendant's insurance company is often not enough. For example, if a negligent driver collides with another car and has liability insurance of \$50,000, that may be enough to pay for the victim's injuries, depending on the circumstances of the crash and injured person's condition. But if that same negligent driver collides with a motorcycle, the limits of \$50,000 may not even come close to paying the injured biker's medical expenses because of the severity of his or her injuries. Often, injured bikers have severe road rash burns, fractured bones, and they may even have lost a limb or worse. They often have multiple surgeries, expensive diagnostic studies, and lengthy hospital stays during the period of time after their accident not to mention rehabilitation in many cases for months once released from the hospital.

Sufficient UM/UM limits can save you from financial loss

In spite of knowing how severe their injuries may be if they are involved in an accident, many motorcyclists fail to put this fact together when thinking about insurance coverage. They do not realize that having their own UM/UM coverage may save them from extreme financial loss or bankruptcy if they are injured in a motorcycle accident. They know riding can be dangerous, and that accidents happen, but they think it won't happen to them. Unfortunately, it can and does happen to many bikers, with tragic results.

Motorcycle injury lawyer agrees

Randall Sevenish, a motorcycle injury lawyer, testifies that he has witnessed many heartbreaking cases of injured bikers without enough insurance coverage - cases in which the victims could have received millions of dollars for their horrific injuries, but they only get a small amount of money. They are left with huge unpaid medical bills because the defendant did not have enough insurance and the biker did not have high enough UM coverage. Randy Sevenish himself rides a motorcycle and realizes the dangers, but also understands how to be prepared. He firmly believes you should protect yourself by having the maximum UM/UM insurance coverage that the insurance company will sell you - literally! "Cut corners somewhere else, but not when buying UM coverage," Randy says.



For more information, please contact us at 1-800-278-9200 for a more thorough and detailed insurance coverage check-up. The only thing worse than having minimum coverage is having none. You may save money up front, but you jeopardize your assets and wages.

FREQUENTLY ASKED QUESTIONS

Do I have a personal injury case?

Although many personal injury cases involve only minor injuries, you may still be entitled to a substantial monetary settlement. The best way to find out whether or not you have a viable injury claim is to talk with a personal injury lawyer. In general, you and your attorney will have to prove three things in order to recover money: that you suffered injuries, that the defendant was negligent, and that the defendant's negligence caused your injuries. Even if you have a valid claim, however, your attorney will have to investigate whether or not you could collect on

your claim, depending on whether the defendant has insurance or whether there are other assets available to recover compensation for your injuries.

If you suspect you may have a valid injury claim, contact an injury lawyer right away to discuss and evaluate the circumstances of your claim. An experienced lawyer will be able to tell you pretty accurately whether your claim would be likely to succeed, and if not, you will not need to waste time and money pursuing an unpromising claim. If you do have a case, the best way to help it succeed is to find an experienced injury lawyer to handle it for you and lead you through the maze of legal hoops and paperwork necessary to resolve your claim.

How much is my case worth?

Determining the monetary value of a particular injury claim is a complex matter which requires a thorough, professional evaluation of several different factors by a personal injury attorney. Each case is unique; it is difficult to generalize or typify a settlement amount. The proper value of a claim is established when your lawyer reviews and interprets the important information about your case, including the following factors:

- Past, present and future medical expenses
- Lost income related to the accident, if you are unable to work because of your injuries or you miss time because of physical therapy or other treatment
- Permanent physical disability or limitations
- Impact on future earning capacity
- Loss of family, social or educational experiences - missed vacations, school, or special events
- Emotional damage, such as stress, depression or strains on family relationships
- Property damage
- Loss of ability to do certain activities, or loss of enjoyment of activities you do
- Permanent disfigurement or visible scarring

In addition, the following conditions increase the value of potential damages you may recover:

- The more painful your injury and the length of time in pain (pain & suffering)
- The more obvious or clear the medical evidence of your injuries (i.e. fracture vs. stiff neck)
- The longer your recovery period
- The more serious and visible permanent the effects of your injuries

Again, a proper analysis of the value of your claim can only be done by an experienced injury lawyer. **To receive a free case evaluation, call 1-800-278-9200 or visit SevenishLaw.com.**

How long will my case take?

Personal injury cases can vary in length from a few months to a few years in some situations. The length of your case will depend to a large extent on the nature of your injuries and medical treatment. It is in your best interest to wait until you have fully healed from your injuries and have been released from treatment by your doctors.

Many injured victims are understandably in a hurry to get their money and move on with their lives; however, a good injury lawyer will advise you to be patient. You will usually get more money at settlement if you wait long enough for the dust to settle, until you are either recovered or your doctor determines that you have reached MMI (maximum medical improvement). While you are undergoing medical treatment, your attorney will be gathering valuable information and working to prepare your case for favorable presentation to the insurance adjuster.

Will I have to go to court?

The vast majority of personal injury cases are actually settled in negotiations with the insurance company without a lawsuit being filed. A good injury lawyer who does excellent research will be able to prepare and present cases powerfully enough that the insurance company agrees to pay the amount your attorney believes the case is worth. If you are satisfied with the amount and wish to settle your claim at that point, your case will not have to be filed as a lawsuit with the court system.

However, there are some cases that must be filed and enter the litigation process. About 95 percent of all injury lawsuits filed actually settle prior to trial by jury. Therefore, it is extremely unlikely that your case will have to be tried in court by a judge and jury.

What evidence do I need to prove the facts of my case?

Make sure you keep notes about your injuries. Six months from now, you might forget how much it hurt just doing simple things like getting dressed or climbing the stairs. Write down all your pain medications and other prescriptions. These written documents can be very valuable, in addition to your official medical records, in helping present your case to the insurance adjuster or to a jury. Depending upon your case, a videographer may be employed to capture the effects of your injuries on DVD.

Keep track of **all your expenses related to the accident**, not just your medical expenses. Keep your prescription receipts as well as other things you pay for because of your injuries, including household services such as cleaning or lawn mowing, car rentals, and even gas expenses if you have to drive long distances to see a medical specialist in another city.

Your attorney and his or her staff will work hard to prepare and **present your medical records** in the best way possible. If appropriate, they will obtain affidavits or medical narratives from your doctor to validate the records of your injuries. If you have a pre-existing medical condition which was aggravated by the accident, they will request the appropriate prior records and thoroughly research how your condition has been affected by your accident-related injuries. They will also keep your past medical history that is unrelated to your accident completely confidential; the insurance company does not need to know intimate details of your past unless your case actually goes to trial.

Your lawyer and staff will also gather as much visual evidence as is available, taking photographs of your injuries and property damage and collecting any video or photos taken by witnesses. If you contact an injury lawyer early enough after your accident, he or she can have an investigator videotape your injuries and the extent of their interruption of your everyday activities, creating a powerful tool to be used later to present your case to the adjuster or a jury.

What is attorney-client privilege?

The law obligates attorneys and their staffs to not divulge any details of your case without your written consent. This means that any legal information or matter that you discuss with your lawyer is strictly confidential and cannot be discussed with anyone else.

How & When are Attorney Fees Paid?

In the area of personal injury law, most attorneys are paid at the time of settlement. You do not pay anything up front, and if for some reason your lawyer does not recover money for you, you do not pay him or her. Many injury lawyers have simple contingent fee structures. This means that lawyers are paid an agreed-upon percentage of the settlement, only if they are successful for you. This fee compensates them for their time and effort and the costs of acquiring your medical records, getting photos and video evidence from investigators, etc. If you have a particular question about an attorney's fee, make sure to ask him or her about it during your initial consultation. **Some attorneys will Guarantee your "take home" check will be larger than any attorney fee.**

How do I hire a law firm or a lawyer?

Don't rely just on TV commercials or fancy advertising. Word of mouth from satisfied clients or family and friends is usually your best option to find a lawyer. If that is not available, please consider our firm. Randall Sevenish, an experienced injury lawyer, is available to meet personally (in his office, your home or at the hospital) with any potential clients who think that they may have a valid Indiana injury case. This meeting usually follows a short phone call to Sevenish Law Firm to discuss the general facts of your potential case. If you decide to hire Randall Sevenish and he accepts your case, you will be asked to read and sign a written fee agreement and medical releases, which allow the law firm to gather your relevant medical records. This allows the staff of Sevenish Law Firm to begin investigating and putting together the evidence for your personal injury claim.

If you have questions about other legal matters or another area of the law, Randall Sevenish can also refer you to qualified attorneys in your area. Call 1-800-278-9200 to reach Sevenish Law Firm now. If you would like further information about choosing a good injury lawyer and details about Sevenish Law Firm, see pages 28-30 and visit SevenishLaw.com.

Do not sign any release until you are sure that the insurance company will cover the cost of all repairs to your satisfaction.

The aftermath of a motor vehicle accident can be a very traumatic experience, and you may be feeling confused and disoriented. However, adequate insurance coverage and competent legal representation can help turn a seemingly devastating accident into a mere inconvenience.

If your car or motorcycle has been disabled, it may be impounded and towed away immediately; it may even be taken to a storage facility and held until you designate where it should be taken for repairs. The involved insurance companies are responsible for the payment of towing and storage fees.

You may choose whatever mechanic or repair facility you wish to fix your vehicle. You are not required to get more than one estimate, nor are you required to use any particular mechanic designated by the insurance company. It is your vehicle, and it is up to you where and how it will be repaired.

Since insurance companies are paying to repair your car or bike, they obviously favor lower estimates; however, this may overlook details such as proper alignment, headlight adjustment, correct matching of paint colors, etc. You are not obligated to compromise quality in order to repair your vehicle cheaply, like the insurance company wants you to do. You also do not have to be involved in the haggling between the insurance company and the repair facility.

Do not sign any release until you are sure that the insurance company will cover the cost of all repairs to your satisfaction. Also, make sure that they give a check to the repair shop in a timely manner so that you can get your car back as soon as possible. It is in your best interest to have a experienced injury lawyer review any releases before you sign them.

NO-HASSLE PROPERTY DAMAGE

How to get
your vehicle
fixed or
replaced

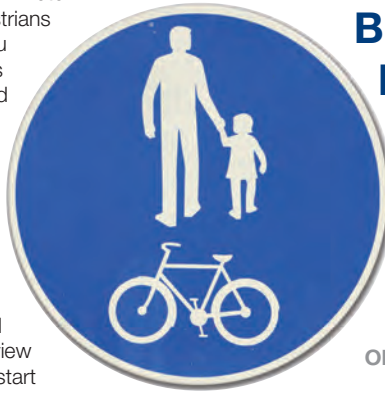
If you were injured in the accident and you hire a personal injury lawyer, he or she may also be able to help you with your property damage claim. Even if you do not have any significant injuries, you may call Sevenish Law Firm and talk with experienced staff to get free helpful tips and advice on how to deal with insurance companies to get your car fixed. You can also visit www.kbb.com and www.nada.com for property damage valuations.

You may choose whatever mechanic or repair facility you wish to fix your vehicle.



Accidents involving bicycles and pedestrians often result in very serious injuries. Statistics show that over 10% of persons killed in motor vehicle accidents are pedestrians or bicyclists. Make sure you follow important safety rules while walking or cycling, and always act based on the assumption that it may be hard for cars or other vehicles to see you.

If you have been injured as a bicyclist or pedestrian in an accident, make sure you contact an experienced personal injury lawyer to review your potential claim and to start working towards recovering compensation for you. Call 1-800-278-9200 if you wish to speak with a bicycle & pedestrian injury lawyer now.



BICYCLE AND PEDESTRIAN ACCIDENTS

Over 10% of persons killed in motor vehicle accidents are pedestrians or bicyclists.

OTHER TYPES OF PERSONAL INJURY CLAIMS

Premises liability

Also called "slip and fall," this type of personal injury case involves injuries received while on someone else's property due to the owner's negligence. It also could include being assaulted, among other things. Businesses and property owners have a legal duty to maintain the safety of their property for customers, visitors and pedestrians.

Owners are responsible to effectively warn guests of possible dangers: for example, if someone has spilled a slippery substance on the floor in a retail store, the manager must immediately put up clearly visible signs that warn people of the floor condition and deter people from walking on that section of the floor, as soon as the problem is reported. If someone falls and is injured, and the manager knew about it but did not take any action, the company is liable to pay for the injury.

Other examples of premises liability:

- Slip-and-fall caused by slippery floors or standing water, ice or snow
- Trip-and-fall caused by damaged or uneven walkways or slippery stairs
- Construction site injuries
- Pool drownings
- Falling trees
- Inadequate security (lights and surveillance) resulting in a preventable assault by a third party
- Products falling off improperly stocked shelves



Proving the property owner's negligence is the key in any premises liability case, but it can be difficult. If you have been injured and you think you may have a valid premises liability claim, talk with an experienced injury lawyer as soon as possible so that he or she can obtain physical and visual evidence of the owner's negligence while it still exists.

Dog bites

Did you know that you can also seek compensation for injuries received from a dog bite? You can file a claim with the homeowner's insurance of the person who owns the dog. Dog bites can actually result in very serious injuries. If you or someone you know has been the victim of a dog bite, you should know that you can receive compensation for these injuries. Dog bite liability is covered under homeowner's, renter's or general liability insurance. **To find out more about dog bite injury law or how to establish liability in these cases, call 1-800-278-9200.**

Plaintiff

You, the person making the claim and seeking money to compensate you for your losses, are the plaintiff or claimant.

Liability

Liability is the legal term for obligation or responsibility to pay. In a motor vehicle accident, the driver who caused the accident by negligence, disregarding traffic laws, or reckless driving is the person who by law is held responsible, or liable. However, in most accident cases the individual person is actually not the one who pays, but rather his or her insurance company. This is why Indiana state law requires every driver to carry liability insurance; if someone collides with your vehicle, his or her liability insurance pays for your property damage (fixing your vehicle) and your injuries. Often, their liability insurance is unwilling to pay you enough, and then you need a lawyer. Never wait until the insurer makes an offer before contacting an injury lawyer.



GLOSSARY OF LEGAL TERMS

Damages

Damages in general are the money awarded at settlement or in court to the plaintiff. There are two types of damages:

- **Compensatory damages:** Money awarded to compensate you for your losses, physical, emotional and financial. The goal of these damages is to restore you, the injured person, to the condition you were in before the accident. This includes your past, present and future medical expenses and lost earnings, in addition to your pain and suffering and loss of enjoyment of life.
- **Punitive damages:** The extra money awarded by a jury under special circumstances to punish especially bad, malicious or willful conduct involved in causing your injury. For example, punitive damages have been awarded in some cases where drunk driving was a factor.

Defendant

The defendant is the person or entity you are making the claim against, whom you believe is at fault and therefore responsible to pay you for your losses.

Negligence

Negligence is the lack of due care or the failure to act reasonably on the part of a person or corporation. For example, if a driver runs a red light, that driver has been negligent and has failed to drive in a reasonable manner.

Comparative fault

Indiana has a comparative negligence law. This means that if two people involved in an accident were each negligent in some way, they are each some percentage at fault for the accident. For example, one driver may be 70% at fault and the other driver 30% at fault. In Indiana, you may collect from the other party's insurance company as long as you are 50% or less at fault for the accident. If you are 10% or 45% at fault, you can receive some amount of money, although the higher the percentage of fault, the less money you will get. But if you are 51% or more at fault for the accident, then you cannot receive any compensation for your losses.

Statute of limitations

This is the period of time after the date of your accident in which you must file a lawsuit against the insurance company if you intend to pursue your claim. The amount of time varies from state to state; Indiana's statute is two years in most cases, but there are some cases you should be aware of in which the time limits are much shorter than two years. If you have not yet settled your claim outside of court by the time your statute runs, your attorney must file suit in order to protect your case and allow for more time.

Lien

A lien is a claim held by a company or other entity against your settlement for reimbursement of medical bills, wage loss and other damages they have paid on your behalf as a result of your accident. A lien is similar to a loan and must be eventually paid back out of your settlement; it is a legal obligation you must deal with. Lienholders in accident and injury cases are typically med-pay insurance, health insurance and healthcare providers (doctors, hospitals, physical therapy etc.). If you hire an experienced injury lawyer to represent you, he or she will be able to negotiate with the lienholders to get their liens reduced – giving you more take-home money in your settlement. This reason alone more than justifies paying an injury lawyer, especially if the lien amount is large. Your lawyer should not charge you for his or her efforts in negotiating your liens down, other than the agreed-upon contingency fee. For every dollar by which your lien is reduced through negotiation, a dollar goes directly into your pocket.

How do you know if you need a lawyer?

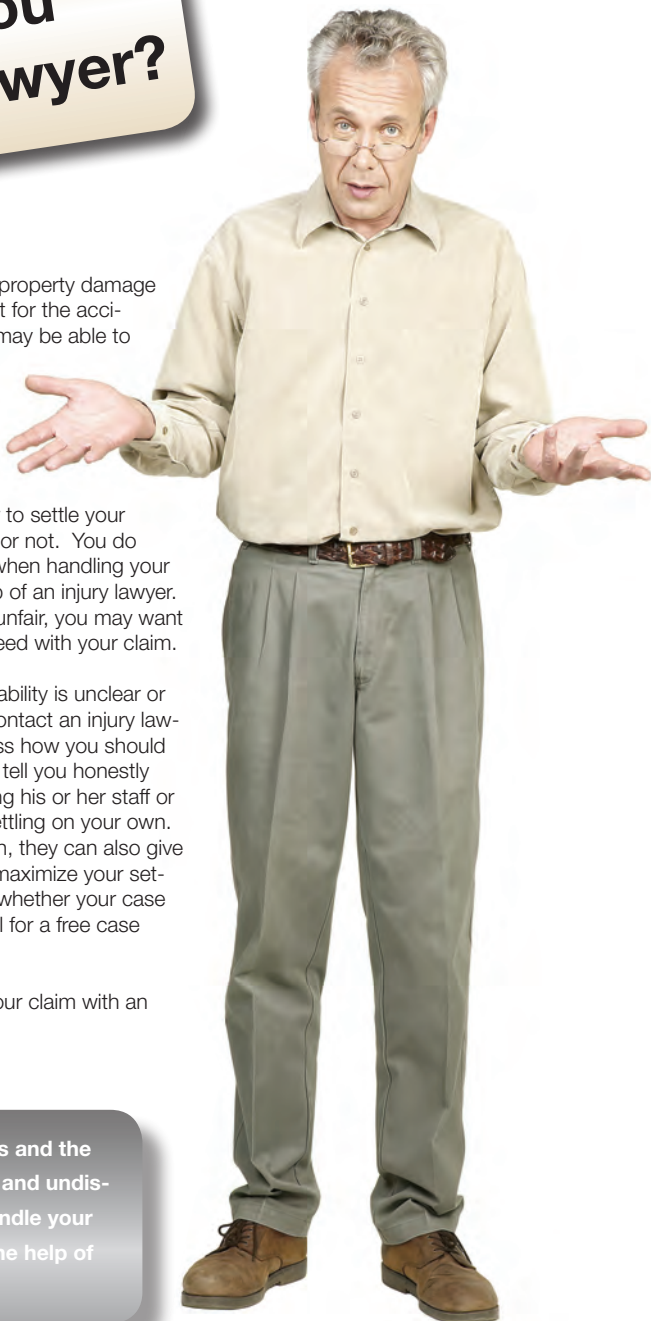
If you have very minor injuries, the property damage to the vehicle is minor, and the fault for the accident is clear and undisputed, you may be able to handle your claim on your own, without the help of a lawyer. In those situations, you can try to work directly with the adjusters from the insurance companies to quickly resolve your claim.

The adjuster will make you an offer to settle your claim which you can either accept or not. You do not have much bargaining power when handling your claim on your own without the help of an injury lawyer. If you reject the adjuster's offer as unfair, you may want to contact an injury lawyer to proceed with your claim.

If your injury is more serious, or if liability is unclear or in dispute, you definitely need to contact an injury lawyer to review your claim and discuss how you should handle it. A good injury lawyer will tell you honestly whether your case is worth involving his or her staff or whether you would be better off settling on your own. If they tell you to settle on your own, they can also give you recommendations on how to maximize your settlement. The best way to find out whether your case needs the help of a lawyer is to call for a free case evaluation.

Call 1-800-278-9200 to discuss your claim with an injury lawyer now.

If you have very minor injuries and the fault for the accident is clear and undisputed, you may be able to handle your claim on your own, without the help of a lawyer.



WHAT CAN AN INJURY LAWYER DO FOR YOU?

If you are still unconvinced of your need for an attorney, you might want to know exactly what an injury lawyer can do for you, or help you do, that you can't do on your own.

Create a powerful demand portfolio with exhibits

A demand letter or portfolio is a very organized and thorough letter with many exhibits, which are collections of documents that prove your injuries and losses. A demand letter states the facts of your case and "demands" a certain amount of money as compensation for your injuries and losses. Demand letters resolve one third of all potential small claims disputes, demonstrating the power of the written word. Many people who know they owe you money (such as the insurance adjuster) will expect or at least hope you won't pursue them. But things often change if you write a firm demand letter, clearly showing the reasons why the other party owes you money and stating that if you are not paid to your satisfaction, you

plan to take the matter to court. If your position has some merit, the chances of the other party paying you dramatically increase with a demand letter.

It is very important how the demand letter is written. Injury lawyers are often skilled wordsmiths and have many years of experience crafting powerful demand letters. The demand letter is a carefully sharpened tool in building your case and seeking compensation for you, and you don't want to mess it up or have it somehow work against you. Trust your experienced injury attorney to write a masterful demand letter, and relax and wait for your settlement.

Negotiate to reduce liens

If you have significant medical bills or loss of income from your injuries, you will most likely have liens, or money you will have to pay back out of your settlement. By law these liens must be paid back before you as the plaintiff can receive your part of the compensation. These can include med-pay insurance, health insurance, disability, worker's comp, Medicare/Medicaid, hospital liens, and/or other unpaid medical bills. Therefore, liens can make a huge difference in how much take-home money you will have from your settlement. A good personal injury lawyer has experience in negotiating to reduce liens in order to give a larger percentage of the settlement money directly to the client. You do not have any bargaining power with the lienholder by yourself, but an experienced lawyer is a mighty advocate for you. **In a recent case, injury lawyer Randall Sevenish was able to negotiate the reduction of an injured motorcycle client's hospital lien from the original \$92,000 down to \$8,000** (and there are numerous other such examples). Needless to say, the client benefited by receiving much more take-home settlement money than he otherwise could have. Again, literally every dollar saved in negotiations should go directly into the client's hands.

Unfortunately, many lawyers do not fully understand how to get liens reduced. Even many lawyers lack knowledge of how to deal with liens from ERISA health insurance plans, which are unique and complex. If you have an ERISA plan and you are involved in an accident, watch out for the complications in paying back your health insurance lien. Even if ERISA failed to put you on notice of their lien and you settle your case, you will still have to pay them back later upon demand. As a result, you should call an experienced injury lawyer like Randall Sevenish to help you through these precarious situations. Call 1-800-278-9200 to talk with Randall about his experience negotiating liens and discuss how to deal with the possible liens in your case.

Negotiate a higher settlement from the insurance adjuster

A good injury lawyer will use his or her skills and experience to negotiate with insurance claims adjusters to recover the maximum compensation to which you are entitled. The Insurance Research Council (www.IRCweb.org) has reported that with the help of a lawyer, the average injured victim receives about 3½ times as much settlement money as he or she would without an attorney. It is true that a percentage of that money goes to the attorney for his or her efforts, but if you do the math, you are left in most cases with significantly more take-home money from your settlement with the help of an injury lawyer, although each case is unique and results vary. **However, no Lawyer can ethically guarantee results.**

If necessary, an injury lawyer will take your case to trial in court. Lawyers with reputations for honesty, integrity, fighting hard – and winning – their battles are a powerful force against insurance company schemes, and against defense attorneys who are either employed or hired by the insurance company.

Efficiently gather evidence, medical and wage loss documentation

Time is of the essence

It is extremely important to begin gathering the evidence and investigating your accident immediately after it happens. Otherwise, the evidence begins to disappear during the days, weeks and months after your accident. When you are injured, it is nearly impossible to accomplish a thorough investigation. You may be in the hospital or stranded at home without a vehicle. You may have other things in your life to take care of. This is one reason why it makes sense to have an injury lawyer working for you – attorneys and their staff can take this responsibility off your hands and do a better, more efficient job investigating than you could have, because of the resources they have at their fingertips.

Acquire visual evidence and expert evaluations

A good injury lawyer employs experienced investigators, photographers and videographers to gather the evidence that is important to presenting your case most effectively and powerfully. Attorneys have access to state-of-the-art technology when it comes to creating stunning presentations of your case with photos, video documentaries, Internet resources, physical evidence, PowerPoint and many other tools. If there are witnesses to the accident, your attorney will take care of contacting them and obtaining affidavits or statements from them early on to help your case and before they disappear. When appropriate, your lawyer will acquire expert witness reports/depositions from our extensive expert network that includes medical experts, rehabilitation personnel, traffic experts, product engineers, insurance companies, other attorneys and court personnel.

Maximize the potential of medical bills and records

Your attorney will also obtain copies of all your relevant medical records and bills and organize them within your file to create a clear, thorough demonstration of the nature and severity of your injuries. This includes past and future medicals in some cases. An experienced injury lawyer knows how to maximize the potential of your medical records, and this is a major benefit for you as the client.

WHAT CAN AN INJURY LAWYER DO FOR YOU?

A good injury lawyer will use his or her skills and experience to negotiate with insurance claims adjusters to recover the maximum compensation to which you are entitled.

HOW TO CHOOSE A GOOD INJURY LAWYER

When you have been injured due to someone else's negligence, trying to get a fair settlement is not only difficult, but also exhausting. A qualified personal injury lawyer can take much of the burden off of you and get you adequate compensation for your injuries. With so many of them out there, however, how do you know whom to choose? Although word of mouth referrals are usually the best way to find a lawyer, here's a quick guide to know what to look for when you are meeting with a lawyer for a free consultation.

- Does he respect you personally and as a client? When you explained your case, did he actually pay attention? Has he truly listened to your concerns when you've sat down with him in his office? Does he return phone calls promptly? Does he keep you informed of developments in your case?
- Does he limit his practice to personal injury claims? Do not go with a general practice lawyer, no matter how good he may be in other legal areas. Laws change all the time, and a general attorney may not be able to keep up with the most recent developments in the area of personal injury law. The more experience in personal injury your attorney has, the quicker he can close the case, and the more money he can get for you in settlement.
- What is his success rate? Ask how many cases he has won and the average award amount. Ask for past client references and actually contact them.
- Is he effective at dealing with insurance companies? Because most personal injury claims are settled outside of court, a competent lawyer should know how to deal with insurance companies and their corporate lawyers. Can he show you proof of successful past negotiations? Is he respected by his peers and the insurance giants? Would he volunteer this information or does he seem reluctant (excluding prior client file confidentiality)?
- Is he prepared to file a lawsuit and take it to trial if necessary? While most cases never see the inside of a courtroom, you should still be prepared.
- Is he an honest and trustworthy person? Can you respect or admire him? The truth is that you cannot separate a person's character and integrity from his or her professional life. You need to be able to trust your lawyer, mentally and emotionally, to help get you through the confusing and disruptive time in your life caused by the accident. If someone does not make a good impression on you, it is okay to go with your gut instinct and look for a lawyer you can really trust.



How to report an unethical lawyer:

Many injury lawyers inform potential clients of their law practices by TV, radio, Yellow Pages advertising or by direct mail. Advertising and direct mail are proper and ethical avenues for attorneys to contact the public.

However, it has come to our attention that **some select Indiana attorneys may be engaging in the unethical practice of calling potential clients at their home telephone numbers, or even going door-to-door to solicit clients.** This is prohibited by Rule 7.3 of the Indiana Rules for Professional Conduct, which all attorneys swear to abide by, and you should report such activity to the Indiana Supreme Court Disciplinary Commission.

Make sure to obtain the lawyer's name and address when a staff member calls you. To file a complaint, visit the website of the Disciplinary Commission, www.in.gov/judiciary/discipline/complaining.html, and print out the Request for Investigation form. Please fill out the one-page form and mail it in so that the Disciplinary Commission will investigate the lawyer's misconduct, put an end to it, and note it on his or her disciplinary record, which is available to the public. You can call the Disciplinary Commission at (317) 232-1807.

ABOUT SEVENISH LAW FIRM

"Official Law Firm of Freedom 95.9 WFDM Talk Radio"

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What makes us different?

At this point, you may be wondering why you are being handed all this detailed information and asked nothing in return. It is because at Sevenish Law Firm, we desire above all to educate and inform the public about the legal process of a personal injury claim, in order to help stop insurance companies from blatantly taking advantage of unaware accident victims (See www.BadFaithInsurance.org). We want to uphold the principles of justice, fairness and honesty in the public arena, just as we do in our private lives.



Furthermore, we also want you to know a little bit about Sevenish Law Firm and what makes us different. What sets us apart from other plaintiff personal injury law practices, even though Indiana is blessed with many capable injury lawyers? It is first and foremost our integrity of character and experience in handling injury claims. The sad truth is that many people injured in an accident are victims not once, but two or three times: once when they are injured, then later when they are taken advantage of not only by the insurance company, but sometimes also by their own attorneys, especially inexperienced ones. Unfortunately some lawyers, true to their bad reputation, could care less about justice and honesty and are just out to make money any way they can. Their clients end up suffering for it in the end.



The Law Firm with the ClientsFirst® Bill of Rights

As an injury lawyer and as a man of integrity, Randall Sevenish has been fighting an uphill battle for over 20 years against the negative reputation of lawyers. As a result, he developed his unique ClientsFirst® policy. One of the principles of this policy is that whatever the client wants to do takes first priority. We respect our clients and treat them as the valuable human beings they are, instead of seeing them only as opportunities for potential income. If the client does not want to file suit, then we settle the claim outside of court. If the client wishes to initiate litigation, then we go ahead and do so. Another principle is that Randall will never make more money from the settlement than the client does. He will reduce his fee first - guaranteed! The dedicated staff at Sevenish Law Firm also keeps in touch with our clients on a monthly basis to make sure they are informed of the status of their case, and return phone calls within 24 hours.

In addition, our firm does not rely on a high volume of cases. We do not handle every type of law under the sun. Each year we accept a limited number of cases from injured persons requesting our help, so that we can provide our clients with the very best service from our outstanding staff. Our paralegals and legal assistants play an important role in your case, but they do not negotiate your case with the insurance companies; only the attorney himself does that. Fewer cases mean more time for you and better overall results for your case.



Randall and Regina Sevenish

If we do accept your case, you can be assured it will receive Randall's personal attention. He will aggressively represent you and involve you every step of the way when preparing a settlement demand, negotiating with the insurance company or considering the pro's and con's of litigation (filing a lawsuit and possibly taking the case to trial).

We invite you to take advantage of this unique **ClientsFirst®** policy and experience for yourself the difference in the way our firm operates. Please visit our website, www.SevenishLaw.com, to view testimonials from past clients and other resources. While you are there, you can also subscribe to our legal newsletters or submit information for a free no-hassle, no-obligation case analysis.

If you or a family member have been involved in an accident, please call our toll-free number, 1-800-278-9200 or our local number, 317-636-7777. Again, our free case evaluations and consultations are without obligation or pressure. It is your case, and you decide if we meet your expectations (or if you even need a lawyer at all in your particular situation).

Call 1-800-278-9200 to consult an injury lawyer for free advice, or visit IndianaCrashBook.com.



PROGRAM?



WHAT IS THE JUSTICE ON WHEELS® PROGRAM?

Randall and Regina Sevenish co-founded the *Justice on Wheels*® program in 2001 as a division of Sevenish Law Firm. The program was originally for motorcyclists and is now dedicated to educating all Indiana motorists, passengers, bikers and pedestrians regarding safety issues. The *Justice on Wheels*® program maintains its own blog and offers a series of free publications, and special reports such as:

- *Indiana Crash Book, 4th Ed, 2011*
 - *'Hidden Secrets' Insurance Companies DON'T Want You To Know If You Have a Motorcycle Injury Claim*
 - *Indiana Accident Book, 2d Ed*
 - *How to Buy Automobile/Truck Insurance in Indiana*
 - *How to Buy Motorcycle Insurance in Indiana*
 - *'Hidden Secrets' Insurance Companies DON'T Want You To Know If You Have a Motorcycle Injury Claim*
 - *Rules of the Road for Indiana Bicyclists When Injured in an Accident*
 - *Police/Fire Officer's Rights: A Guide When Injured in an On or Off-duty Crash in Indiana*
 - *Indiana Consumer's Guide: 'Non-Injury' Guide to Handling your own Auto/Truck, & Motorcycle Property Damage Claim*
 - *Special Report: The 10 Deadly Errors that can Wreck your Accident Claim in Indiana*
 - *Special Report: Exposes 'Hidden Secrets' Big Rig Trucking Insurance Companies DON'T Want You to Know*
 - *Special Report: Insurance Coverage Primer 101, Minimum Recommendations for Indiana & Other 'Secrets' Revealed*
 - *Even Christians Have Rights: An Indiana Consumer's Guide to Balancing Faith & The Law When Injured in an Accident*
 - *and others in production*
- (call or email for your Free copy or visit us online at www.SevenishLaw.com or www.SteelJustice.com)

In their free time, they enjoy riding motorcycles as much as possible and often ride to work. Randy participates in an intense martial arts training regimen which includes Isshinryu Karate, in which he holds a 6th-degree Black Belt (Master Level), as well as a daily practice of Chinese Qigong. He and Regina, also a Black Belt, formerly owned two martial arts schools and trained thousands of police officers and civilians throughout Indiana in self-defense and karate. He has been designated one of the top 100 martial arts instructors in the U.S., is a member of the Karate Union Hall of Fame and served as Karate Commissioner when Indianapolis hosted the World Police & Fire Games in 2001.

They are continually developing educational programs for Indiana consumers in general, for Christians, for the police and other groups in the areas of motor vehicle, and especially motorcycle safety issues. Many of their programs are either in print, on video and are provided during speaking engagements on these subjects. If you or your group is interested, please call (800) 278-9200 or visit us online at www.SevenishLaw.com or www.JusticeOnWheels.com.

This guide is dedicated to the many hundreds of injury clients we have had the privilege of representing since 1985. Their collective tragedies inspired us to create the Indiana Accident Book for others to benefit from.

Special acknowledgement and sincere gratitude is offered to Regina Sevenish for copyrighting contributions, to Dan Laughlin and Ashleigh Brown for graphic design and to Red Line Graphics for production. This publication would not have been possible without your collective efforts.

This publication is intended to educate the general public about personal injury-related issues. It is not intended and should not be construed to be legal advice. Every case is different. The information contained in this publication is copyrighted and may not be used, copied or distributed in any manner whatsoever without the express written consent of Sevenish Law Firm, PC. © Copyright 2007, 2011 revised Sevenish Law Firm, PC • All rights reserved under United States Code.



The Law Firm Known for Integrity & ClientsFirst® Bill of Rights

As a Client of Sevenish Law, *"The Law Firm Known for Integrity & ClientsFirst® Bill of Rights", we GUARANTEE you have a RIGHT to:*

Know that this is a "Clients First" and not a "Lawyers First" office.

Talk to your attorney the same day or within 24 hours.

Be updated regularly in a timely manner as to the progress of your case; to expect prompt attention and outstanding client service.

Be treated as we would like to be treated by you - including our deepest respect for you as a person and client.

Expect competence from our firm and from all who work here.

Know the truth about your case and for us to always be straight and up front with you.

Have your legal rights and options explained in plain English without legal mumbo jumbo while insuring your right to make the ultimate decisions on your case.

A fair written fee agreement with our firm for the work we do for you.

Get a larger "take-home" check than the attorneys fee - no matter what - **GUARANTEED!**

*Our Personal 30-day Free-Trial "Happiness" GUARANTEE. Please note: No lawyer can ethically promise or guarantee results of the outcome of your case and neither can we. However, our firm is so committed to quality work, personal attention and in client satisfaction that we will give you our *Personal Guarantee*.*

If you are not 100% completely satisfied with the way we treat you and your claim, during the first 30 days after hiring our firm, you may take back your file, no attorney fees, no costs, no questions, no hassles - GUARANTEED!

Even if you don't like us, we will help you find another lawyer in your area to help you if you want us to. Or we will give you a list of names of other highly skilled and capable injury lawyers with integrity if you prefer. We make these offers because *"it is the right thing to do."* Integrity, Honesty, Fairness, Experience, Toughness, all for the Client. *Clients First! You have my word...*

A handwritten signature in black ink, appearing to be 'R. H. D.' or similar.



About the Author

Randall Sevenish, Esq.

*Educator, Author, Injury Lawyer
& Martial Arts Expert*

Because of his background as a former SWAT Commander, police drill instructor and martial arts expert, Randall Sevenish is referred to by many who know him as the “SWAT Lawyer.” This title is due not only to his aggressive representation and intense commitment to his clients, but also his ability to

demand respect from opponents, because of his collective experiences both in as well as outside of the legal arena. See www.SWATLawyer.com for more details. Although Randy is no longer kicking in doors when chasing the bad guys or training students and Black Belts to compete in intense karate competitions, make no mistake about it – a personal injury case is a fight! But this time he takes the fight to an even more formidable and dangerous opponent – the insurance company giants.

For over two decades, since 1985, Randall has limited his law practice to accident and injury cases. He is an experienced and respected negotiator when dealing with the giant insurance corporations. He and his firm are know statewide and have handled thousands of auto, truck and motorcycle claims. In addition, he is an avid biker and motorcycle injury lawyer known throughout Indiana. Bikers trust him because he rides. He knows and understands bikers, motorcycles and motorcycle injury law.

Moreover, Randall has a reputation and is known not only for his aggressive representation and intense commitment to his clients, but also because of his reputation for honor, integrity and keeping his word. He proudly lives his life with honor and integrity which has been influenced by a lifetime of dedicated, genuine service not only in law enforcement, martial arts, family, and the church but in injury law as well. In keeping with devotion to family and deep spiritual faith as his top priorities, he always places the needs of his family, clients and others before his own. Honesty, ethics, integrity and character mean everything to him and his outstanding staff.

As indicated, his background includes a successful and highly decorated career as Captain in the Marion County Sheriff's Department. He was Assistant Director of Training, Assistant Legal Counsel, Drill Instructor, SWAT Team Founder and Commander, and taught hand-to-hand combat and law at the police academy and Indiana Law Enforcement Academy. He also co-founded the Marion County Sheriff's Academy, was recognized by the City of Indianapolis as Officer of the Year for his efforts in the training of police officers, among other honors, and he holds a 6th-degree Black Belt in Karate. Randy is a graduate of the Indiana Law Enforcement Academy, FBI Law Institute, University of Indianapolis, and Indiana University School of Law.

In the ocean of lawyers to choose from, this unique background may very well assist you in at least considering Randall's firm if you or someone you know should become an injury victim and need help or advice from someone not only highly experienced in handling injury cases but with a reputation for looking out for his client's interests.

Call us: 800-278-9200

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