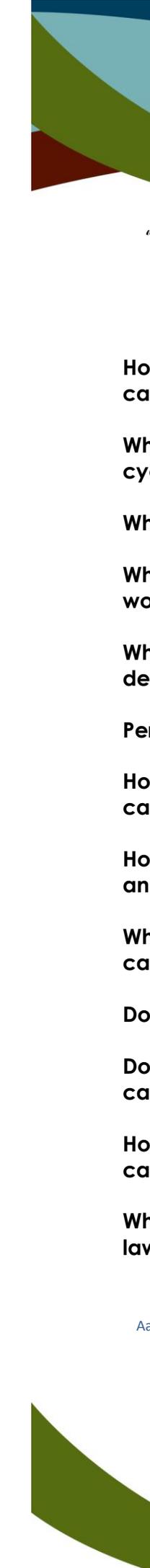


THE HOGG & GARTLAN LAW FIRM PERSONAL INJURY AND ACCIDENT REPORT

BY AARON GARTLAN



THE
HOGG & GARTLAN LAW FIRM, LLC
Personal Injury • Wrongful Death • Insurance Bad Faith • Trial Practice



“No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.”

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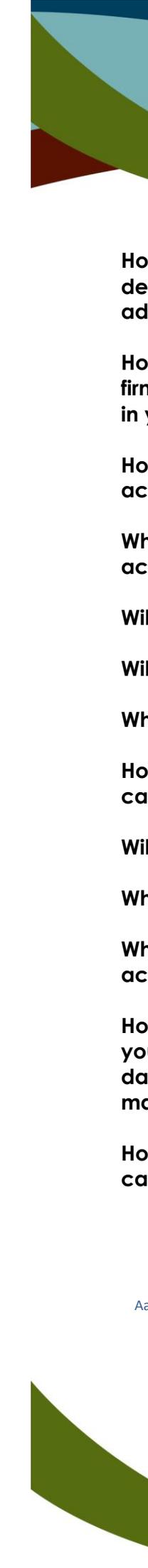
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How does David versus Goliath relate to your personal injury and accident case?

People who have personal injury and accident cases should not face the giant insurance company alone. David did not face the giant alone, and you should not either. As a young man, "David and Goliath" was, and still is, my favorite story in the Bible. It has provided inspiration to me in life and what I do day in and day out for injured people now. The way to survive and defeat the giants is through early and thorough trial preparation in each and every case in an effort to prove and



demonstrate liability, injuries and damages, overcome defenses, and add value to the case to maximize recovery. Sometimes retaining the services of the right medical, psychological, legal, financial, engineering, accident reconstruction, investigative, and other experts can help this mission. This puts the personal injury and accident

lawyer and law firm in the best position to prove and demonstrate that full compensation in the case serves to protect the public by sending a message that people and businesses that violate rules and expose the public to unnecessary danger will be required to pay in full measure. In this way, Goliath loses.

What should you do if you are injured or lose a loved one in an automobile or motor cycle wreck?

As a Dothan, Alabama accident lawyer, I'm often asked what to do in a car or motor cycle wreck, particularly when an injury is involved. Here are a few guidelines to follow: Report the automobile or motor cycle wreck immediately to and cooperate with the police, fire and rescue; generally by calling 911, or by calling On Star if you have it. Get medical care and treatment. Your mental and physical well being is important. You should seek the appropriate care and treatment immediately. Do not wait. If you do, the insurance company may argue that the treatment is for something unrelated to the car wreck. It's critical to follow up with Dothan, Alabama accident lawyers. David Hogg and Aaron Gartlan of The Hogg &

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Gartlan Law Firm represented a Dothan man in a related lawsuit. This case was filed in the Circuit Court of Dale County Alabama with a jury demand related to an automobile wreck that resulted in a brain injury, which was undetected by two previous trips to the emergency room, and was not diagnosed until David and Aaron arranged for this man to see a specialist. As a result, the case settled for the insurance policy limits available.

- 1) Help the injured. If you have medical or first aid training, you can try to help this way. However, for most of us, the best thing to do is inform the police, fire and emergency medical personnel.
- 2) Do what you can to safely warn oncoming traffic about the car wreck. Turn your emergency lights on and use other signals if you have them. Do not leave the scene until the police, fire, or rescue take you for treatment or the police tell you that you can leave. For certain types of automobile wrecks, the law requires you to stay at the scene or you will be subject to driver's license sanctions and possibly criminal charges.
- 3) Do not admit fault. Even if you are convinced that you caused the wreck, do not admit fault. There may be factors that caused the wreck of which you are not aware.
- 4) Take notes and pictures. Document the automobile wreck as much as you can safely by taking notes and pictures. If it is safe to do so, get the name, address, phone number, driver's license number, insurance information, and license plate number from the other driver and the name, address, and telephone number of any witnesses. Also, take pictures of the scene and the vehicle damage, as well as your physical injuries. Get the business card of the police officer or state trooper so you can get a copy of the accident report. Additionally, write down details such as the date, time, location, speed, road conditions, direction, and any other details of the wreck you can remember. You should also keep a journal and pictures of your injuries and medical treatment and notate your progress and how it impacts your everyday life. You will need to share your notes and pictures with your personal injury and accident lawyer and may be required to share this information with the other side of your case as well. Of course, in serious automobile wrecks, your accident lawyer will be required to take a more



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active role in this aspect of the case and conduct an independent investigation, with the assistance of investigators and accident experts to locate, document, and evaluate witnesses, evidence, and documents.

- 5) Report the automobile wreck and cooperate with your insurance company.
- 6) Contact an experienced Alabama accident lawyer to protect yourself. It's very important to get the right personal injury accident lawyer and law firm involved in the case as soon as possible. Trial preparation should begin immediately even if it's a case that's not going to go to trial or a lawsuit is not going to be filed. The case still needs to be prepared as if it's going to trial, which means that evidence must be gathered, witnesses located and interviewed, and the accident scene must be investigated, sometimes with the use of experts. Additionally, the liability, injuries and damages must be demonstrated and proven, and any defenses must be overcome. Therefore, it's important to get the right accident and personal injury lawyer and law firm involved immediately.



David Hogg and Aaron Gartlan of The Hogg & Gartlan Law Firm in Dothan, Alabama take great pride in representing people and families in automobile wrecks. We seek to prove and demonstrate liability and damages, as well as overcome defenses, in an effort to add value to the case and maximize recovery and certainly welcome emails, calls, and visits of this nature.

What should you do if you're injured or lose a loved one in a truck wreck?

Generally, a truck wreck should be handled in the same manner as an automobile wreck. However, there are some specific considerations.

Alabama Truck Accident Lawyer Aaron Gartlan outlines for you the **seven steps to increasing the chances of success in truck wreck** cases, in particular, as well as other accident cases in general. These seven steps are applied in an effort to prove and demonstrate liability, injuries, damages, overcome defenses, add value to your case and maximize recovery for you.

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Truck wreck and accident cases must be approached, prepared, and handled differently than most automobile wrecks and accident cases. Typically, in a truck wreck involving an eighteen-wheeler or commercial driver, you are dealing with a large powerful trucking company and their insurance company. Those companies will employ a team of attorneys, insurance adjusters, and other experts in an effort to minimize their financial responsibility - sometimes not paying anything to the injured person or the family of the deceased, if they can get away with it. In some cases, they will even appear at the scene of the wreck in an effort to negate or minimize their liability. This is true even if the injured person is rushed to the hospital.

There are also State and Federal laws that apply to make truck wreck and accident cases different, as related to the potential for substantial injuries and damages and even death. Therefore, it is important to have an experienced Alabama truck accident lawyer handling your case from the very beginning to prove and demonstrate liability, injuries and damages, add value to the case, and maximize recovery for the injured person. Each case is different and decisions must be made based on the unique facts, circumstances, and laws that apply to that case.



Alabama Truck Accident Lawyer Outlines Seven Steps to Success in Truck Wreck Cases

The following are seven steps used by an experienced Alabama truck accident lawyer to increase the chance of success in truck wrecks and accident cases in an effort to maximize recovery for you:

1. In many cases, an investigator and possibly an accident expert must be deployed to the scene to help the experienced Alabama truck accident lawyer locate, interview, and evaluate witnesses as well as to locate, preserve, collect, and evaluate evidence before the trucking company legally destroys evidence, it disappears, or memories fade. This is done in an effort to prove and demonstrate liability, injuries and damages, overcome defenses, and maximize recovery for the injured person, and in other cases the experienced truck wreck and accident lawyer will undertake this effort.

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2. Often, the truck wreck lawyer needs to file a lawsuit immediately to exercise the subpoena and discovery power of the Circuit Court, especially when dealing with a large powerful trucking company, insurance company, and extensive injuries or death. This allows an experienced truck wreck lawyer to demand the computer data from any on-board computer (black box), driver log, driving and criminal history, as well as other employment records such as hiring, training, safety, and disciplinary records in an effort to prove and demonstrate liability, injuries and damages, and overcome defenses in order to add value to the case and maximize recovery for you.
3. An experienced Alabama truck accident lawyer will hire and advance the payment of all necessary experts, including legal, medical, psychological, accident, economic, investigators, and all other experts. He will also guide medical and psychological treatment and care in an effort to prove and demonstrate liability, injuries and damages and overcome defenses, adding value to the case and maximizing recovery for you.
4. The experienced Alabama truck accident lawyer will evaluate liability, injuries and damages under Alabama Law which includes:
 - a. Compensatory damages, such as medical bills and any out of pocket expenses
 - b. Pain and suffering and mental anguish
 - c. Future medical bills
 - d. Lost wages
 - e. Loss of future income
 - f. Punitive damages
 - g. Loss of consortium of a spouse
 - h. Vehicle and other property damage in an effort to prove and demonstrate liability, injuries and damages, overcome defenses, as well as add value to the case and maximize recovery for you.
5. The above steps are just part of thorough trial preparation, which the experienced Alabama truck accident lawyer should begin as soon as possible in an effort to prove and demonstrate liability, injury and damages, overcome defenses, add value to your case and maximize recovery. Thorough trial preparation is important in cases that do not require the filing of a lawsuit or trial.
6. The experienced truck wreck attorney should only conduct settlement negotiations after the above steps have been completed. Corporations like



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insurance and trucking companies are not in the business of just writing checks to injured people out of the goodness of their heart. Again, liability, injuries and damages must be demonstrated and proven and defenses overcome. After the above steps have been completed, any settlement negotiations should be done in an effort to add value to the case and maximize recovery for you rather than just settling the case.

7. If necessary, the experienced Alabama truck accident lawyer must be prepared to go to trial in an effort to prove and demonstrate liability, injuries and damages and overcome defenses, adding value to the case and maximizing recovery for the injured person.

Experienced Alabama truck accident lawyers David Hogg and Aaron Gartlan of The Hogg & Gartlan Law Firm take great pride in using the above approach and seven steps in an effort to prove and demonstrate liability, injuries and damages and overcome defenses, in order to add value to cases and maximize recovery for you in truck wreck and accident cases.



What should you do if you are injured or lose a loved one in an industrial or workplace accident?

The answer to this question builds upon the same principles of the previous two questions. An industrial or workplace accident, death, or injury can create a unique set of circumstances. If you are injured on the job, you must notify your employer. Typically, that's done through a supervisor. The employer must be put on notice of the accident and any injury. These cases create a unique situation that reiterates why it's important to have the right personal injury and accident lawyer and law firm involved in the case immediately to investigate, locate, and gather evidence and interview witnesses as soon as possible. Everything must be documented. Liability, injuries and damages must be established, demonstrated, and proven and defenses overcome. Often, experts need to be brought in for these tasks.

These cases can fall into the category of workers' compensation, negligence, wantonness, product liability cases, and wrongful death cases. As a result, it is

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important to have the right personal injury and accident lawyer and law firm involved to develop the facts, legal theories, and arguments.

Dothan Personal Injury Attorney on Preserving Evidence

In serious automobile and truck wrecks, industrial and workplace accidents, and product liability cases, there are very serious and debilitating, life-altering injuries,



and even death. At the same time, there is insurance or corporate money at stake. Therefore, it is critical to get the proper resources involved in the case immediately before evidence disappears. This is in particular unique to workplace situations where a company may control the accident scene. Steps must be taken to preserve evidence, take the witness

statements and gather documents to be able to prove and demonstrate liability, injuries and damages and overcome defenses. This is all done in an effort to add value to the case and maximize recovery. If quick action is not taken, often by the filing of a lawsuit, evidence may be missed or lost, memories may fade or stories can change. Early filing of a lawsuit preserves the evidence so all aspects of the case are fully explored and developed to assure the family has a maximum recovery to get their lives back on track as best as possible under the circumstances. One can only imagine how tough this situation may be for a family.

Dothan, Alabama Personal Injury Attorney Gets Even More Expertise Involved and other experts are also brought in during the early stages of the case.

Many times, it is necessary to bring in engineers and various types of experts in industrial and workplace injuries and accidents to prove and demonstrate liability and damages. Dothan, Alabama personal injury and accident attorney David Hogg and Aaron Gartlan hire consulting engineers to conduct inspections of the scene and the services of an investigator to conduct interviews of witnesses and gather important documents. Although expensive, the use of experts and investigators is critical to ensure the preservation of evidence and that all of the aspects of the case are fully explored and developed to obtain the maximum recovery for those left behind. David and Aaron use experts and investigators in all serious injury and death cases.

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Should you have the misfortune to have a serious injury or wrongful death of a loved one, be sure to act fast in selecting an attorney. Be sure to ask about the resources they will bring to the investigation and how quickly they can bring them. Do not be afraid to ask about their courtroom experience since insurance companies know who goes to court and who does not go to court. You and your family deserve the best, so ask questions.

What should you do if you are injured or lose a loved due to an unsafe or defective product?

In general, a product liability case should be handled in the same manner as any other personal injury, accident or wrongful death case, as previously discussed.



A product liability case can often stem from a workplace accident. In a product liability case, you are actually bringing a case against the manufacturer of a product for putting an unsafe product into the stream of commerce, which can happen in an industrial setting or worksite. In a product liability case, if the defective product disappears or is disposed of, then you might not have a case. There would be nothing to have an expert come in and examine and to demonstrate that there was a defect. There is no way to prove and demonstrate the liability at that point. Again, that shows the importance of getting the right personal injury lawyer and law firm involved in the case immediately. In these cases, you do not want to go it alone or be in a position of dealing with a big powerful insurance company or corporation on your own. You want to find the right personal injury and accident lawyer and law firm that has experience and resources to handle a personal injury, accident, or wrongful death case.

Personal Injury Lawyer in Alabama Answers: “How much is my case worth?”

As a personal injury lawyer in Alabama, I am often asked “How much is my case worth?” In this article, I will attempt to answer this question generally, based on my years of training and experience in representing people in personal injury cases. However, keep in mind that each case is different and therefore must stand on the

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facts, circumstances, and Alabama personal injury law that applies to each individual situation. Having stated that, I will discuss several factors that greatly impact the value of a case.

- I. The extent of injuries and damages can greatly impact the value of a case. A person can recover the following damages under Alabama personal injury law depending on the facts and circumstances:
 1. Compensatory damages for economic loss and out of pocket expenses such as medical bills and/or future medical bills
 2. Pain and suffering
 3. Mental anguish
 4. Lost wages, including future wages
 5. Punitive damages
 6. Loss of consortium of a spouse
 7. Property damages



These damages and injuries must be proven and demonstrated. Therefore, it is vital and important to have an experienced Alabama injury attorney to properly prepare and evaluate your case. The greater the injuries and damages (neck, back, and head injuries, multiple surgeries, rehabilitation, hospital stays, medical bills, and lost wages), the more the case is potentially worth. However, just because you are treated at the emergency room and released does not always mean that the damages are not great. As personal injury lawyers in Alabama, David and I represented a young man who was treated at the emergency room twice because of a head-on collision. When he came to see us, it was apparent that something was wrong, so we had him evaluated by a psychiatrist and neuropsychologist, who revealed a serious head injury through extensive and on-going testing. As a result, the case settled for the available insurance policy limits. This demonstrates the importance of receiving the proper medical treatment and being represented by an experienced Alabama personal injury lawyer.

- I. Liability or fault and the conduct of the party who causes the injury of the injured person can impact the value of your case under Alabama personal injury law. Generally, if liability or fault is clear, the case is worth more. If liability or fault is an issue, the value of the case could diminish. If the conduct of the party causing

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the injury and damages was reckless or wanton, then the case has a potential to have more value than if the party who caused the injury and damages is found to have caused them accidentally or through an act of negligence. Also, if the conduct of the injured person contributes to their injury and damages, it could diminish the value or even preclude recovery in the case.

II. Medical treatment will affect the value of your case under Alabama personal injury law. For instance, if the injured person has extensive treatment, surgeries, rehabilitation, hospital stays, and outstanding medical bills, the case will generally have more value. If the bills were paid by a source of insurance, the value of the case may be affected and if a person has little or no medical treatment or outstanding bills, then the case generally has less value. Gaps in treatment, such as three to six months without treatment, not following up or receiving any treatment, or not following physician's advice and orders can impact the value of the case. The value of receiving the proper medical treatment for health, healing and recovery, and for the value of the case, cannot be understated. Therefore, it is important for an experienced Alabama personal injury lawyer to help monitor and shepherd the medical treatment.



III. Pre-existing injuries or medical treatment can impact the value of a case under Alabama personal injury law. If the injured person has pre-existing injuries or ongoing medical treatment unrelated to the injuries sustained in the automobile accident, this fact could diminish the value of the case. As a personal injury lawyers in Alabama, David and I have represented injured people in car and trucking accident cases where they might have a neck or back injury as a result and a review of their medical records revealed that they had past neck and back injuries and some were even currently being treated for those injuries. This demonstrates even further the importance of an experienced Alabama personal injury lawyer who knows how to deal with the issues of this nature and to determine if the current injury aggravated or worsened a previous injury. This process is sometimes done with expert testimony.

IV. The witnesses and evidence available, as well as the jury appeal can impact the value of a case under Alabama personal injury law. If the case winds up in court,

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witnesses and evidence must prove the liability, injuries and damages, as well as overcome defenses. One example of this is that if the injured person's vehicle suffers greater damage, it demonstrates the potential injuries and damages better than a vehicle that has little or no damage. It is often helpful to have an investigator and accident reconstruction expert to assist the Alabama personal injury lawyer in locating evidence and witnesses and evaluating the credibility and importance of the witnesses and evidence. Again, this demonstrates the value of allowing an experienced personal injury lawyer in Alabama to handle the case.



- V. When the injury occurred, where the lawsuit can be filed under Alabama personal injury law and which judge is assigned to the case can all impact the value of your case. Where the injury occurred, where the parties are from, and where the parties do business all affect where a lawsuit can be filed and which judge will be assigned to the case. There are some venues that are more favorable to injured people and will render higher awards as a result. Further, great consideration should be taken on the timing of filing a lawsuit. In some cases, it is best to immediately file a lawsuit, such as cases where there are extensive injuries and damages and an abundance of insurance coverage. This allows the experienced Alabama personal injury lawyer to exercise the subpoena and discovery power of the Circuit Court in an effort to maximize the recovery for the injured person. In other cases, it is best to work up, properly prepare and evaluate the case in an effort to resolve the case and maximize recovery for the injured person, without filing a lawsuit.
- VI. Trial preparation and settlement negotiations can impact the value of a case under Alabama personal injury law. A case should be worked up and properly prepared from the beginning, as if it is going to trial. This should be done, even if a lawsuit is never filed. In a personal injury case, liability, injuries and damages must be proven and demonstrated and defenses have to be overcome. In some cases, this means utilizing the services of an investigator, accident expert, as well as medical, economic, and other experts. Further, it is important to have an experienced Alabama personal injury lawyer with the time and resources to

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properly and thoroughly work up and evaluate your case before any settlement negotiations. If a lawsuit is filed and the case winds up in litigation and trial, it should be with the goal of maximizing recovery.

VII. The available insurance can impact the value of your case. This is a harsh reality,



but the value of the case can be greatly affected by the amount of insurance coverage available. In some cases, a person might have extensive injuries and damages, but there is little or no insurance coverage available, such as a car wreck with extensive treatment but low available policy limits or no insurance or no uninsured or underinsured motorist coverage.

Cases where there are extensive injuries and damages and adequate insurance coverage, are generally worth more. It is important to have an experienced Alabama personal injury lawyer available to make sure all avenues of insurance coverage are explored, in an effort to maximize recovery for the injured person for their injuries and damages.

VIII. Honesty with your Alabama personal injury lawyer can impact the value of a personal injury case. It is best for an injured person to be honest with their Alabama personal injury lawyer regarding the above issues as well as any other facts and circumstances and issues that might relate to the case. Dishonesty can greatly diminish the value of the personal injury case and undermine the creditability of everyone involved in the case.

IX. It is also best for an injured person to follow the advice of their experienced Alabama personal injury lawyer. Generally speaking, if an injured person fails to follow the advice in this situation the value of the case is jeopardized.

This is an overview of several factors that can greatly impact the value of a personal injury case. Each case is different and must be evaluated and stand on the unique facts and circumstances and laws that pertain. Experienced Alabama personal injury lawyers David Hogg and Aaron Gartlan of The Hogg & Gartlan Law Firm take great pride in properly evaluating, preparing, and working up personal injury cases in an effort to maximize recovery under Alabama personal injury law.

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How can insurance coverage impact the value of your personal injury and accident case?

It is very important in a personal injury and accident case, especially in a case where there is a serious injury or death, to make sure to identify all of the insurance coverage that is available.

Over the years, we have handled a number of automobile wreck cases where, in our opinion, the other driver did not have enough insurance coverage. We then looked at the underinsured motorist coverage and made a claim. We have settled cases where we obtained the insurance policy limits from the other driver and then turned it over to our client's insurance company, made a demand and ultimately got a successful settlement from the underinsured motorist coverage carried by our client. Alabama has something called stacking where you can basically tap into the insurance coverage for multiple vehicles. So we also like to look at that. This is all done in an effort to add value to the case and maximize recovery.



How can having all of the parties involved impact the value of your personal injury and accident case?

Not only are we going to want to look at all of the available insurance coverage, we are going to want to make sure that we have all the parties that are responsible to be held liable for the injuries and damages in an effort to maximize recovery. To give an example of this, in a case that we have filed in the Circuit Court of Houston County with a jury demand against a large lumber company, we filed lawsuits against the employer for workers' compensation benefits and against the lumber company for wrongful death related to the inadequate supervision, policies and procedures that either were or were not in place which would have prevented this tragic result.

What are the damages that I can recover for in my personal injury and accident case?

Damages under Alabama Law include:

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- a. Compensatory damages such as medical bills and any out of pocket expenses
- b. Pain and suffering and mental anguish
- c. Future medical bills
- d. Lost wages
- e. Loss of future income
- f. Punitive damages
- g. Loss of consortium of a spouse
- h. Property damage



Do I have an open and shut personal injury and accident case?



One often hears, "Do you have an open and shut case?" or "I have an open and shut case."

In the realm of personal injury, accident, and wrongful death cases, there is really no such thing as an open and shut case. The civil justice system is full of legal and procedural requirements that have to be met, and there are defenses that often times have to be overcome. So in reality, if you have a case where you have a significant injury and damages, then it is not an open and shut case.

Do you need a lawyer and law firm for your personal injury and accident case?

If the lawyer and law firm can add value to the case, then you need a lawyer and law firm for your personal injury and accident case.

In general, any time a person suffers a serious injury that results in damages, they are going to need the right personal injury and accident lawyer and law firm to handle their case. In such cases, liability, injuries and damages have to be demonstrated and proven and defenses overcome. Further, the insurance company and powerful

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corporations typically have a team of defense attorneys devoted to minimizing their liability and mounting a defense.

How do you pick the right lawyer and law firm for your personal injury and accident case?

In the realm of personal injury, accident, and wrongful death cases, it is vital to find the right lawyer and law firm that has experience and the resources to handle your case. The decision should be made in the context of a meeting with the lawyer and law firm. This meeting will determine if the lawyer and law firm have the time and resources available to devise a plan and a course of action to prove and demonstrate liability, injuries and damages, and overcome any defenses in an effort to add value to your case and maximize recovery. Make sure you are comfortable with the lawyer and law firm, to ensure that your questions are being answered.

What should you expect in your first meeting with your personal injury and accident lawyer and law firm for your personal injury and accident case?

In your first meeting with the personal injury and accident lawyer and law firm, you should expect to walk away knowing that there is a plan in place to prove and demonstrate the liability, injuries and damages, and overcome defenses, all in an effort to add value to the case and maximize recovery. Also, in that meeting you should expect to have your questions answered with regard to liability, injuries and damages, and whether or not you have a case in which the lawyer and law firm feel they can add value. In that meeting you should bring any documents and information that you have relating to the accident, injury and damages. Each case is different, so you may not always walk away from that meeting with all of your questions answered completely, but there should at least be a plan in place. The personal injury and accident lawyer and law firm needs more time to investigate, obtain records, locate and interview witnesses and begin the process of trial preparation to completely answer the questions.

How can the right personal injury and accident lawyer and law firm prove and demonstrate liability, injuries and damages and overcome



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defenses in an effort to add value to the case and maximize recovery?

Early and thorough trial preparation, working the case up for trial and evaluating the case from the very beginning as if it is going to trial, getting the right experts, even if a lawsuit is never filed, in an effort to add value to the case and maximize recovery puts the personal injury and accident lawyer and law firm in the best position to prove and demonstrate that full compensation in the case serves to make the community safer by sending a message that people and businesses that violate rules and expose the public to unnecessary danger will be required to pay in full measure. That is our philosophy and guiding principle. That is how we view every case. That is the driving force behind the cases that we handle. A question that we ask before every accident and injury case we accept is: "Can we add value to the case?" If we are not able to add value, then it is not a case that we need to accept.

How can the use of experts help your personal injury and accident lawyer and law firm prove and demonstrate liability, injuries, damages and overcome defenses in your personal injury and accident case?

An expert is someone that we bring in for a specific purpose. Experts cost money. Everything that we do in a personal injury and accident case is driven toward adding value to the case and maximizing recovery.

In the serious commercial truck wreck, automobile wreck, motorcycle wreck, workplace and industrial injuries, accidents and death and product liability cases, it is going to be routine practice to retain the services of the right medical, psychological, legal, financial, engineering, accident reconstruction, investigative



and sometimes other experts, even if a lawsuit is never filed. In industrial and workplace accidents, engineers may be brought in. In these cases, you are dealing with OSHA reports, equipment, as well as safety policies and procedures, which is why experts are brought in. They are equipped to evaluate the policies and procedures and whether or not they were implemented. They can also potentially examine a piece of equipment for product

defects in a potential product liability case. Accident reconstruction experts and investigators help you locate witnesses and determine exactly how a wreck or an

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accident occurred. The 18-wheelers now have black box devices in them so you are going to bring in experts to help you read those and understand what happened. In fact, we used this type of expert in a case that I was involved in. We were able to determine that the truck driver defendant who drives for a national corporation was actually speeding. Then, through a deposition and discovery, we determined that the trucker had some health problems and was actually told that if he was late on a delivery that he would be fired. This particular case initially just looked like a routine rear-end collision. However, with the use of experts we were able to prove and demonstrate liability and conduct, and that a corporate mandate to speed and needlessly endanger the public and truck driver or he would be fired. Unfortunately, big powerful corporations sometimes place more value on money than community safety.

Our client in this case was shepherded to one of the renowned neurologists in the state that is always willing to get involved if it requires litigation, which helped medically and legally and further proved and demonstrated the injuries and damages. The case resolved in a successful mediation.

In a serious motorcycle wreck that we settled at mediation, we used an accident investigator and reconstruction expert to investigate the scene, locate the witnesses, to help make sure we tied up and dealt with any potential defenses in order to effectively prove and demonstrate liability. We also used a life care planner to give a report and who was available to testify with regard to the future medical needs of our client. Additionally, we used an economist to report and be prepared to give



testimony regarding the economic impact. So again, the experts are retained and utilized in an effort to prove and demonstrate liability, injuries and damages and overcome defenses in order to add value to the case and maximize recovery. This puts the personal injury and accident lawyer and law firm in the best position to prove and demonstrate that full compensation in the case serves to protect the public by sending a message that people and

businesses that violate rules and expose the public to unnecessary danger will be required to pay in full measure.

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How do you insure that you will receive the best medical treatment for your personal injury and accident case?

First, your personal injury and accident lawyer and law firm should talk with you about your injuries and make certain that you take the advice of the medical professionals. We are not in the business of giving medical advice or practicing medicine. However, over the years, I have learned how important it is that you receive the right treatment. I call it shepherding the medical treatment. Basically what that means is, as early as possible, in the first meeting, we are going to do our best to become actively involved in your medical treatment. We are going to be following up with you on a routine basis regarding your treatment, diagnosis, and prognosis, and if necessary and appropriate, guide you to other treatment providers. This is in your best interest, medically and legally, especially in the cases where there are severe and permanent injuries.

Under Alabama law, injuries correlate and equal damages which have to be demonstrated and proven. I have had cases over the years where clients did not followed up with their treatment and it hurt their health and the value of their case. For instance, years ago I had a client that had a leg injury. I reviewed her medical records and the treatment that she received up to that point and helped her understand why she had been referred to a physical therapy clinic. I instructed her to start the physical therapy and to keep me posted. Not long after that, I scheduled her for a follow up meeting after being unable to reach her. I met with her in the office and learned that she had not been going to her physical therapy.



After our meeting, she realized the importance of this therapy, both medically and legally, so she began physical therapy which helped her both medically and legally. It did create a gap in treatment, which is a period of time between treatments. In this instance, the insurance company is going to look at that and say that your lack of treatment must have been due to the fact you were not hurting and that you were not that severely injured. Even a small gap in treatment gives them the potential defense that

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something else may have caused or contributed to your injury or that you were not really hurt.

David and I want to take as active role as possible in the treatment. David and I have had clients over the years with neck and back injuries that followed up with their treatment and their care and they continued to have problems. In those cases, I helped them to make contact with the right neurosurgeon and chiropractor for evaluation and treatment, which helped them medically and legally. If they had not followed up and gotten that care immediately, it would have cost them money. It is also a good practice to have a group of medical providers from neurosurgeons,



neurologists, psychiatrists, counselors, chiropractors, orthopedists, and massage therapists that can help you in these circumstances. Often times, just like in any other medical situation, it makes sense to go out and get a second opinion with the help of a specialist. Also, there are many great doctors in this area. However, an

emergency room doctor, an orthopedic doctor, or a general practice family doctor may not be in a position to diagnose and treat a traumatic brain injury. We had a client that was in the emergency room on two different occasions as a result of a head-on automobile collision. When I met with him, I just had a gut feeling that there was something not right with this young man. We made arrangements to have him evaluated by a psychiatrist who ultimately diagnosed him with a very serious brain injury. There are a lot of fine doctors and medical providers and when you have a choice, we want to make sure that you go to someone who is going to look out for your best interests, medically and legally. Once some doctors find out it is a potential personal injury accident type case which may result in litigation and depositions, they may not go above and beyond to help, especially in dealing with the insurance company and in litigation.

In order to claim medical treatment as damage in a personal injury and accident type of case, the medical providers and doctors have to be able to testify that the injury was related to the accident. In other words, they must testify that the treatment that the patient received from the doctor or medical provider was the result of the accident. In a car wreck case with a neck surgery, in order to be able to get that in front of the judge or the jury to consider the surgery as part of your damages, ideally

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the doctor that performed the neck surgery has to testify to a reasonable degree of medical certainty that the wreck caused the injury which resulted in the medical necessity of the surgery. If you have ever had a neck problem, a neck injury, or you are getting up in age, doctors will often times say that it is degeneration, hereditary, the result of getting older, or that it is possibly a result of a pre-existing condition or injury. The doctor may not be willing to step out and testify that it was as a result of the wreck. We are not in collusion with medical providers and do not have some kind of special relationship with physicians where they would make something up, exaggerate, or lie in a report or during their testimony, and nor would we want that. It would not be in your best interest, medically or legally. If the medical provider believes that the car wreck, as in the last example, caused the injury which resulted in the medical necessity of a neck surgery, then he should be willing to raise his right hand and testify to that. We simply want to know that the person who treats our client is willing to stick their neck out and take the time to get involved for their patients in dealing with the insurance company and in litigation. We have made a conscious effort to seek out and find doctors and medical providers who fit into this category.



What can you do if you aren't happy with your lawyer in your personal injury and accident case?

Each case is different and must be determined on facts and circumstances related to that particular case. Generally speaking, if you are not happy with your lawyer, then you have to make a decision regarding why and what are you going to do about it. To be fair, there are certain cases that just have facts and circumstances that are going to make them difficult, if not impossible cases for any attorney. However, if you are not happy with your lawyer, you need to be honest about whether your lawyer has the time and the resources available, as well as the experience and willingness to handle your particular case. If the answer is yes, then the question has to be asked if they are applying all of their efforts and resources to the case. If the answer is yes to those questions, then it may very well be that the lawyer and law firm are doing everything that can reasonably be done under the facts and circumstances in that particular case. However, if the answer to those

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questions or any of those questions is no, then it may be time to look at the possibility of retaining another personal injury and accident lawyer and law firm and sever the current legal relationship. Again, each case is different and a decision must be made on a case-by-case basis. The important thing is to enlist the services of an experienced personal injury and accident lawyer and law firm who routinely handle personal injury and accident cases with the time and resources to devote to the case as soon as possible.

Will you have to go to court for your personal injury and accident case?

In most personal injury and accident cases, is not necessary to go to court. Still, you have to be prepared to prove and demonstrate liability, injuries and damages and overcome any defenses. If you go to court, preparation is required in an effort to add value to the case and maximize recovery.



Will you have to file a lawsuit for your personal injury and accident case?

It all depends on the facts and circumstances of the case. Throughout this report, I talk about the process of proving and demonstrating liability, injuries and damages in an effort to add value to the case and maximize recovery. This is true even if you don't have to go to court or file a lawsuit. I do not want to give the impression that a lawsuit is filed in every case or that there is a trial in every case. In order to maximize the recovery, you have to look at the case and be prepared to file a lawsuit and go through the litigation process and trial. This is especially true in the cases where there are very serious injuries and damages, possibly death, and when there is potentially a lot of money at stake.

Often, a lawsuit is filed in the more serious cases immediately to invoke the discovery and subpoena power of the court and go ahead and get the expert witnesses in place and conduct a thorough investigation and preserve and document evidence and witness testimony. The reason this is important is in the serious cases where there is a lot of money at stake. The insurance company or the company is just not going to write a check out of the goodness of their heart. Again, the liability, injuries and damages have to be demonstrated and proven and any potential defenses have

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to be cut off in an effort to add value to your case and to maximize recovery. In some cases, specifically in big truck wreck cases, industrial or workplace accidents or product liability cases, it is usually going to be necessary to file a lawsuit.

However, in the vast majority of cases, like the average car wreck case, it is not going to be necessary to file a lawsuit when the liability is clear and there is not as much money and injuries or damages involved in the case. This should be addressed in the very first meeting with the right personal injury and accident lawyer and law firm because in many cases you are going to have a good idea as to what the potential defenses are, where liability stands, and potentially the injuries and damages. Each case is different, but in most situations it is something that is going to need to be addressed in a meeting with your personal injury and accident lawyer and law firm.

For example, in a wrongful death case against one of the largest lumber companies



in the nation, I told the family in the very first meeting that a lawsuit needs to be filed as soon as possible to invoke the subpoena and discovery power of the courts. This would help to preserve the evidence and to be able to get the experts involved in order to prove and demonstrate liability, injuries and damages, while being able to overcome defenses in an effort to add value to the case and maximize recovery.

We had a case that resulted in a confidential settlement at mediation which involved a young man that was in a very serious motorcycle wreck. I told the family, as well as my client out at the hospital, in the first meeting that "I have a plan as to how the case needs to be handled. I know right now we need to have experts lined up. We need to file a lawsuit immediately so we can prove and demonstrate liability, injuries and damages and overcome any defenses that the insurance company for the other driver is going to mount and raise in the case. I am doing this in an effort to add value to the case and maximize recovery." We were able to do that. It started with the first step of filing a lawsuit immediately. However, most of the personal injury and accident cases that I have been fortunate to be a part of in my career have been settled without filing a lawsuit.

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The same is true in a commercial truck wreck case. We typically know that we are going to need to file a lawsuit in order to do a proper and thorough investigation in an effort to prove and demonstrate liability, injuries and damages and overcome defenses, while adding value to the case and maximizing recovery.

Further, in serious automobile wrecks, we often file a lawsuit in an effort to prove and demonstrate liability, injuries and damages and overcome defenses, adding value to the case and maximizing recovery.

When should you file a lawsuit in your personal injury and accident case?

Each case should be evaluated from the very beginning. Some cases you are not going to file a lawsuit, such as the average automobile wreck. Other cases require filing a lawsuit, like commercial trucking cases, serious automobile and motorcycle wrecks, industrial injury and accident cases, and product liability cases where there is potentially a lot of money involved because the injury and damages are substantial and significant. For instance, in a wrongful death or automobile wreck case where there are serious injuries which require multiple surgeries, a prolonged time out of work and an abundance of lost income and wages, there is potentially a large sum of money at stake. Those are cases in which you are typically going to file a lawsuit in the very beginning to invoke the subpoena and discovery power of the court.



I will now give some examples of cases where lawsuits are not filed initially. I have handled many cases over the years where the liability is clear. In other words, there is no dispute over who is at fault in the wreck. The insurance company accepts liability from the very beginning and the only question is the amount of the damages. In most of these cases, you are dealing with emergency room bills, radiology bills, physician bills, doctor visits, physical therapy, chiropractic treatment, counseling and lost wages. Most of the time, we are able to gather everything, demonstrate to the insurance company the liability, injuries and damages, and overcome defenses and settle without filing a lawsuit in these cases. However, there are times in those cases when, for whatever reason, the insurance company will not offer the right amount to settle the case until a lawsuit is filed. There are also times when even after that process, they will not

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offer the right amount and you actually have to take the case to trial. Before making that decision, the facts need to be evaluated and discussed and a decision to be made under the advisement of your personal injury and accident lawyer and law firm.

How can where your lawsuit is filed impact your personal injury and accident case?

If you have a jury trial, there are certain counties in this state that are historically



more willing to award money than others. Some counties are historically more conservative in that regard and seem to be more reluctant to award money. So, if you can, you want to get your case filed in the place that you feel is going to be most favorable to you. Also, the value of your case can be impacted depending on if it is heard by a judge or jury. The judge is going to make critical decisions about evidentiary rulings and which evidence a jury gets to

hear. Often, judges make critical decisions as to whether or not the case will go forward to trial or whether or not the case will be dismissed. If you can get your case filed and heard before a judge who you think is going to be more favorable, that can certainly make a huge difference. Therefore, your personal injury and accident lawyer and law firm must choose the most favorable venue for your case.

Will you have to go to trial for your personal injury and accident case?

The vast majority of cases are going to be settled without a trial. However, your case needs to be looked at, evaluated and prepared from the very beginning, as though it is going to trial. That is the best way to prove and demonstrate liability, injuries and damages and overcome defenses in an effort to add value to the case and maximize recovery.

When should you take your personal injury and accident case to trial?

The answer to that question goes back to proving and demonstrating liability as well as injuries and damages through early and thorough trial preparation, from the very beginning, in an effort to add value to the case and maximize recovery. You go to trial when the necessary witnesses are located and interviewed, depositions are taken, documents are gathered, paper discovery is completed, necessary experts

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are retained, and the case is worked up and prepared for trial. This puts the personal injury and accident lawyer and law firm in the best position. They can then prove and demonstrate full compensation in the case. In addition, this serves to protect the public by sending a message that people and businesses that violate rules and expose the public to unnecessary danger will be required to pay in full measure.

At the point which your case is set for trial, you have to make a decision regarding any amount offered for settlement. Does that amount serve to maximize recovery? Have you gotten every penny you can out of the case? If the answers are no, then you must answer the question: Do you stand to gain money by taking the case to trial? Trials can be expensive, risky and time consuming for both sides. Therefore, you have to believe that time and money will add value to the case and maximize recovery. No one can guarantee that, but once the case is worked up and prepared for trial, the lawyers and law firm should have an opinion as to whether or not value can be added to the case by going to trial. A further consideration is whether a verdict larger than the settlement offered will stand on appeal.

The easiest decision to make is when the company offers a very low amount nowhere in the ballpark of the case evaluation. The more difficult decision is when the offer is pretty close to what you feel the case is worth monetarily.



Why is early and thorough trial preparation important to your personal injury and accident case?

Early and thorough trial preparation is the foundation for success in personal injury and accident cases from the very beginning. Evidence disappears; people lose things and forget details, so it's important from the very beginning to be prepared. I know the natural tendency when an accident, injury, or death occurs, is for a family to take the position that they are not going to think about legal matters right now. They need to get through the funeral or give the injuries time to heal and then they will find out if the insurance company is going to do the right thing. Healing is

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certainly the most important thing. However, the insurance company wants you to have that attitude because it saves them money. Having the right personal injury and accident lawyer and law firm involved from the very beginning makes all the difference. You need a legal team on your side in order to handle and take care of the legal aspect, while allowing the client and their family to take care of all the things that need to be done to heal.

How can the right personal injury and accident lawyer use the discovery process in my personal injury and accident case to prove and demonstrate liability, injuries and damages and overcome defenses in an effort to add value to my case and maximize recovery in my personal injury and accident case?

The discovery process is a very important aspect of early and thorough trial preparation. Through discovery, we are able to subpoena documents and records, depose witnesses and parties related to the case, document written questions, and request for admission of parties to the case.



How should you prepare for your deposition in your personal injury and accident case?

As a Dothan, Alabama injury lawyer, I know the importance of early and thorough trial preparation and it cannot be underscored. This is true in cases that are settled before trial and even in cases that are settled before the filing of a lawsuit. Once a decision has been made that the filing of a lawsuit is the best course of action in an effort to maximize recovery, those injuries and damages have to be demonstrated and proven and defenses must be overcome. One of the most crucial aspects of this is the client or plaintiff deposition which can literally make or break a case. This was clearly demonstrated to me recently during the weeklong depositions of our fourteen clients in lawsuits we have filed in the Circuit Court of Houston and Henry County, Alabama with jury demands against Chicago Title and Title Pro, LLC. In the opinion of this Dothan, Alabama injury lawyer, our clients did great in their depositions because they are good, hard-working people who were injured and damaged through no fault of their own, as a result of the alleged negligent and wanton conduct of these companies. The preparation of the client for their deposition is crucial. As I write this, I am preparing for the deposition of a hard-

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working Dale County nurse who was injured because of a car wreck. We were able to settle the case against the driver of the vehicle that caused her injuries and damages for the policy limits and have filed a lawsuit against her insurance company, ALFA, for underinsured motorist coverage in the Circuit Court of Dale County, Alabama. I also included a jury demand after ALFA did not offer to pay the policy limit to compensate her for injuries and damages, including past and future medical bills, lost wages and earnings, pain and suffering and mental anguish.

I must admit that early in my career as a lawyer, I may have thought that my client had done nothing wrong, so what did we have to hide? Thus the deposition preparation consists of meeting with the client prior to the deposition and reminding them to be truthful, polite, dress appropriate, and only answer the questions asked, unless I instruct them otherwise. However, after more than eleven years of being a lawyer, I realize that a client deposition preparation needs to be more thorough and extensive than that. I understand that we must go in to the client deposition with a focus on demonstrating liability and damages and to address any potential defenses, pre-existing injuries and gaps in treatment, as well as any other critical issues since there is potentially a lot to lose. While being truthful is still a priority, I know very well that the insurance defense attorney comes to this deposition with a fixed agenda of fishing for defenses and issues to escape or reduce liability - and not necessarily to find the truth. The client must be protected with thorough preparation or the value of the case will be jeopardized.



The client does not necessarily need to be burdened with the concern of every detail and possible scenario or potential issue that might arise in the case. In fact, in most instances, it is better for the client to just rely on their Dothan, Alabama injury lawyers to deal with those things. That said, the client must be prepared to talk about, at least in general, the theories of liability in which they have sued under, while leaving all of the ramifications to their lawyers. This can easily be explained. The last thing you want is for a client to go into their deposition and testify that they do not think the person or company has done anything wrong or that they have no idea why a lawsuit was filed. Again, it is perfectly acceptable for

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a client to testify that they are relying on the advice of their lawyers, but I want my clients to be able to have a basic understanding of liability and to be able to explain the theories of liability. This takes preparation. As a Dothan, Alabama injury lawyer preparing a client for a deposition, I want the client to be able to thoroughly and in detail describe their damages which include compensatory damages, such as out of pocket expenses like medical bills, future medical bills, lost wages and loss of earning potential, pain and suffering and mental anguish, loss of consortium of a spouse, and punitive damages. This should be genuine and not exaggerated nor minimized. I have witnessed people who greatly exaggerated their injuries and damages and people who acted like they were not really injured when they were clearly not able to do what they once could. Both can negatively impact the value of the case. Thus the client must be prepared.

The client must also be prepared to deal with traps that the insurance defense attorneys will set to try to get the client to fall into a defense, such as assumption of the risk or contributory negligence. Further, if the client has gaps in treatment of a significant time period after the injury or pre-existing injuries, the client must be prepared to address those. Additionally, the client should be prepared to deal with any other potentially negative aspects of their case, as well as areas that might be sensitive or confidential in nature. This is why the client should be reminded to listen to the question, as well as for any objection that their lawyer makes or for their lawyer's instructions or direction. I also remind my clients that it is their deposition and that we are in charge. Every member of our legal team is there for them. I will not tolerate a client being bullied or being taken advantage of and we will take a break and talk any time they want.

Of course, the clients should be encouraged not to lie, elaborate unnecessarily, volunteer information, speculate, or answer something of which they are not sure. If that is necessary, then the client should qualify their answer by saying that "I am not sure" or "I am speculating." The client needs to be somewhat familiar with the complaint filed on their behalf and their answers to [interrogatories](#) and responses to [requests for production](#) from the insurance defense attorney. Again, most of the



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time, it is best for the client to rely primarily on their lawyer for most of this and not be obligated to get into great detail, but the client does need to be prepared to articulate the basic factual contentions of their case as they know them to be. The client should be prepared to be cordial and respectful of all of the parties involved and to respect the process. Generally as a Dothan, Alabama injury lawyer, I have found anger or heightened emotion can be detrimental to the deposition, especially if the emotion is not genuine or is exaggerated. With that in mind, the client must be able to be who they are. Sometimes emotion is just natural. At those times, it is good to take a break. If a client is tired or has been testifying for more than an hour or so, a break is warranted. Like anything else in life, mistakes are more prone when we are tired or have lost our focus. Appearance is also vital. The insurance company is going to evaluate that. I advise clients to dress comfortably. While it is not necessary to wear a suit or a nice dress unless that is what you are most comfortable in, it is important to dress like you take the deposition seriously. Sunglasses, hats, visors, t-shirts, shorts, tank tops, and short skirts should not be worn. Sometimes, clients must give their depositions in a work uniform, and often delivery people wear shorts. This is a generalization and an overview of client deposition preparation. The most important thing is to be prepared and for the client to represent who they really are in real life.

It is likely you now have a better idea of what the deposition process is and how our firm helps clients prepare for a deposition. It could be you have more questions since sometimes learning more leads to more questions. Don't be afraid to ask our legal team for more information.



Dothan injury lawyers David Hogg and Aaron Gartlan of The Hogg & Gartlan Law Firm take great pride in helping people and families stand up to big powerful corporations like insurance companies and welcome calls and visits from people who think their insurance company might be attempting to take advantage of them. When you feel like you have been taken advantage of, especially by a big powerful corporation, naturally, it can seem intimidating and overwhelming and like you do not have a chance to be treated fairly. Our American court system and the right to a trial by

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jury was created by the people for the people and was designed to give the people a level playing field against big powerful companies like insurance companies.

How should you prepare for your mediation in your personal injury and accident case?

First, it should be clear that the goal of mediation is not settlement; it is maximum recovery. Next, it begins with being prepared to go to trial on the case.

Trial preparation is the foundation of maximizing the recovery in any personal injury case. The successful confidential settlement is reached through extensive trial preparation. That holds true even in cases that are settled without the filing of a lawsuit.

I'll give you an example of a successful mediation of a serious motor cycle wreck case that David and I handled. In this case, trial preparation started when the man was in the hospital recovering from injuries and recuperating from subsequent surgeries. A lawsuit was filed in the Circuit Court of Dale County with a jury demand in an effort to exercise the discovery and subpoena power of the circuit court and to get the case ready for trial. While many cases are settled without the filing of a lawsuit, a calculated decision was made in this case to file suit early on. An investigator was deployed to locate and gather documents and evidence, to interview witnesses, to assist in demonstrating the wreck and to identify any potential defenses.

Insurance

The meaning of insurance is risk management. It is a compensation for potential loss or a safeguard against loss. It is any measure taken to

“Get Started Right Away,” Says Dothan Personal Injury Lawyer It is vital to start working a case as soon as possible. This is why it is important to engage the right lawyer quickly. The other side has insurance adjusters, investigators,

and attorneys working from the start to minimize the claim, and in some cases not pay the claim if they can get away with it. This is true if the injured person is still in the hospital or even if a family is busy making funeral arrangements. Therefore, work should begin immediately to ensure the best possible chance at a successful recovery.

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The Next Steps in the Process

Depositions were later taken of all of the eyewitnesses to preserve their testimony since it was favorable to our case and to push the case closer to a trial date. Our client's deposition was taken after being thoroughly prepared by us. The importance of preparing for and being prepared for depositions cannot be underscored. This includes, but is certainly not limited to, consulting with the client about the relevant facts and circumstances and law related to the case.

All important records, bills, documents, evidence, and witnesses were located and marshaled, while the witnesses were interviewed and experts were retained in order to prove and demonstrate the liability, injuries and damages and overcome the defenses of the case. A life care planner was hired to review the medical records, bills, and documents and to meet with this man to evaluate and assess his future medical needs and the impact of his injuries and damages. An economist was also retained to render an opinion as to his loss of earnings. An agent from an insurance company was brought in to address the potential to invest any potential recovery to ensure it is available in the future. An open line of communication was established with the medical providers to ease the flow of information and to facilitate a reduction in the outstanding medical bills as part of the settlement.

The Other Side Asks for Mediation

This was all completed before we received the invitation to mediate the case from the insurance company's attorney. Careful consideration was taken in the selection of a mediator when the other side asked us to go to mediation. You must choose a mediator that has a reputation of being fair to both sides.



Getting Ready For the Mediation

This man and his family were then thoroughly prepared by us for the mediation process. This can be very similar to the type of preparation that goes into a deposition. Everyone must know what to expect, how to conduct him or herself and

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how the process works. Mediation is a process where an attorney acts as a mediator between both sides in an attempt to coach a settlement.

Before the mediation, all of the important records, bills, and documents were sent to the insurance adjuster, the insurance attorney and the mediator summarizing our case and highlighting the injuries and damages with the assistance of our expert's findings. A message was sent and reiterated at mediation that we were not interested in mediating the case to get a settlement. We were mediating in an effort to maximize recovery for this man and were fully prepared to push the case to trial. We believe that this conditioned the defendant, the insurance adjuster, the insurance company, and their attorney to agree to our final offer of settlement at the mediation, resulting in a successful mediation.



Dothan Personal Injury Lawyer Says Mediation is NOT the Destination

Mediation should always be viewed as a step in the process as opposed to the final destination. Many people, including attorneys, see it as the final destination. When people view mediation as the final destination, the client loses money because the goal becomes settlement

as opposed to maximizing recovery.

We were also able to settle the case that was filed in the Circuit Court of Dale County with a jury demand against the automobile insurance company of the family for underinsured motorist coverage and are honored to represent people in personal injury and wrongful death cases.

When Should You Settle Your Personal Injury and Accident Case?

The short answer and a summary of when to settle your personal injury and accident case is when you know and believe that you have gotten every penny that you can out of the case and are reasonably satisfied with the outcome.

How do you know when you're ready to settle? It all goes back to trial preparation. Once the case has been investigated and worked up properly and evaluated as if it were going to trial, then you're in the best position at that point to evaluate the

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case. This can include bringing in medical, psychological, legal, financial, engineering, accident reconstruction, investigative, and sometimes other experts. Even if a lawsuit is never filed and the case does not see the courtroom, personal injury and accident cases should be prepared for trial. When this is done, then you are in a position to be able to make an assessment of the value of the case, taking the following into account: conduct of the parties, the available insurance coverage, potential defenses, liability, injuries and damages, and where the case would be heard if a lawsuit were filed as well as the time involved, in addition to the cost of litigation.

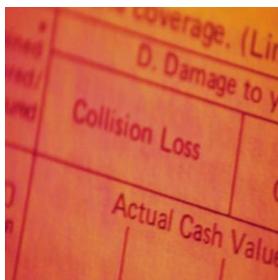
Sometimes, this can be accomplished without filing a lawsuit. In other cases, filing a lawsuit and working the case up through the discovery and court process are required to get it to reach that point. This should be discussed with your personal injury lawyer and law firm.



What should you do if you receive a large settlement or award from your personal injury and accident case?

We advise our clients to deal with and form a relationship with some type of financial planner and professional, CPA, and tax attorney to help make some decisions and get advice for the short and long term. There are cases where the recovery is going to need to take care of future medical treatment, as well as lost wages and lost earnings. It is very important that these clients are smart with the money. There are several reputable people locally and around the state, as well as nationally, that can help. We are happy to steer our clients toward them.

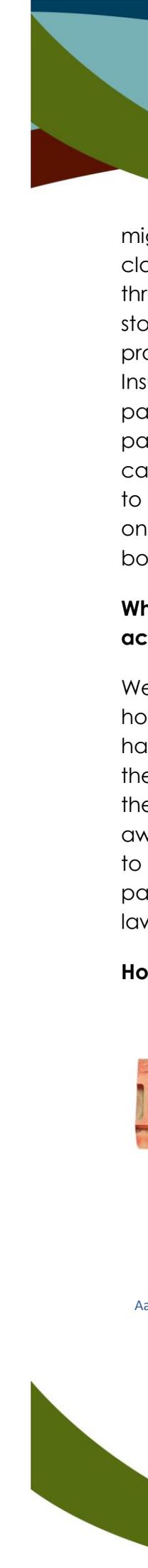
How do Insurance Companies Work Against You in Your Personal Injury and Accident Case?



As you know, insurance companies take in premiums and pay claims with a goal of receiving more premiums than claims paid in order to make a profit. You might not know that many insurance companies have historically issued some risky policies and invested a portion of the premiums in an effort to increase their profits. Therefore, if the investments are going well, claims

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might be easier to pay, but if their investments are not faring well, that will make the claims harder to pay. Insurance companies are in the business of making money through making investments and collecting premiums, and must answer to their stockholders and officers. One of the ways that insurance companies increase profits to pay large salaries and bonuses is to minimize the payout on claims. Insurance companies also take all the steps they can get away with to minimize the payout on their claims and in some cases, doing everything they can do to avoid paying a claim. What this means is that if you have a personal injury and accident case, then the corporation or insurance company that you are dealing with wants to protect their bottom line. They are not there for you or to help you. They are not on your side. They are going to take every legal step they can to protect their bottom line.

What is the insurance company going to do if you have a personal injury and accident case?

We have been involved in cases where the insurance company shows up at the hospital to obtain information from a family regarding liability. Other cases, they have been known to show up at the scene and take the black box device out of the cab of the 18-wheeler in order to manipulate the accident investigation. Again their motive is to do what they can to minimize the payment, and if they can get away with it, not pay anything at all. I have some information from what I consider to be a very credible source that one of the insurance company tactics today is to pay a funeral bill because if they pay for a funeral, the family is less likely to hire a lawyer or law firm.

How can the myth of tort reform impact your personal injury and accident case?



To some extent, this myth goes back to how insurance companies work and what their agenda may be. In my opinion, tort reform is a myth and a propaganda campaign that was created by the big powerful corporate agenda to vilify lawyers. This seems to create a public perception that lawsuits are out of control, insurance premiums and the cost of products and services are rising as a result, and something must be done

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about it. This can impact the value of your case.

How can the right personal injury and accident lawyer and law firm defeat the myth of tort reform?

The right personal injury and accident lawyer and law firm can defeat the myth of tort reform by early and through trial preparation. This puts the personal injury and accident lawyer and law firm in the best position to prove and demonstrate that full compensation in the case serves to protect the public by sending a message that people and businesses that violate rules and expose the public to unnecessary danger will be required to pay in full measure.



“No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.”

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