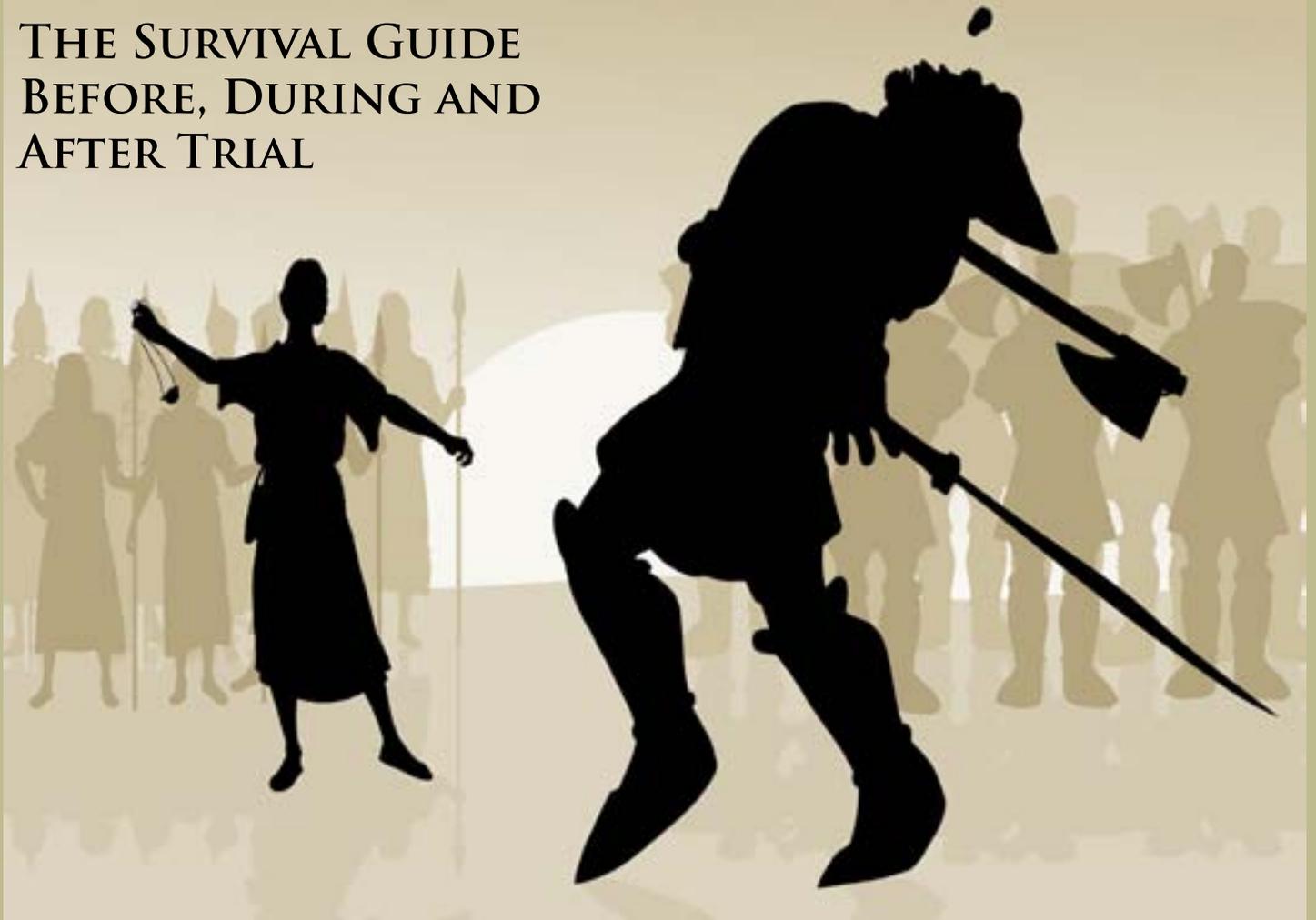


David Vs. Goliath

THE SURVIVAL GUIDE
BEFORE, DURING AND
AFTER TRIAL



BY PERSONAL INJURY AND ACCIDENT LAWYERS
DAVID HOGG, AARON GARTLAN AND MATT GLOVER

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THE
HOGG & GARTLAN LAW FIRM, LLC



This survival guide is an addendum to the book, David Vs. Goliath: The Slingshot, Shepherd's Bag, Five Smooth Stones and Invisible Armor you Need for Justice. For additional copies of either of these publications or to download, contact:

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INTRODUCTION

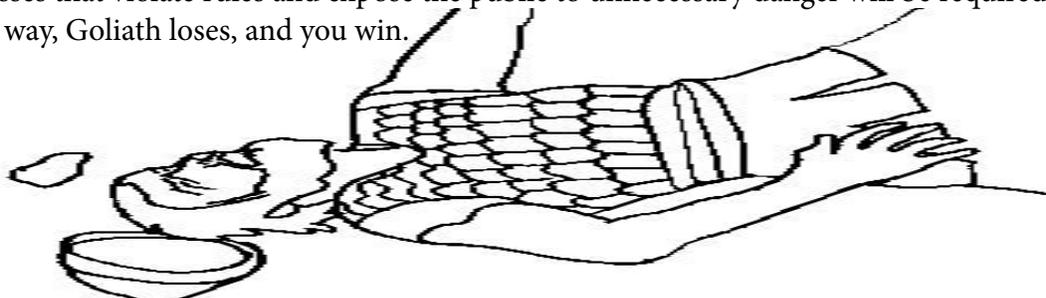
David and Goliath: The Premise and the Metaphor

As Alabama accident lawyers, we're often asked what to do in a car or motor cycle wreck, particularly when an injury is involved. In our book titled David Vs. Goliath: The Slingshot, Shepherd's Bag, Five Smooth

Stones and Invisible Armor You Need for Justice, we go behind the scenes of personal injury and accident cases to expose the often mean and corrupt wiles of Goliath – big insurance companies that would rather suck the life out of their injured challengers than offer fair and equal justice. David Vs. Goliath: The Survival Guide Needed for an Injury Trial hits the high points on what you need to know about your case and the “David” you need fighting for you to win.

This handy reference guide targets crucial information relating to more specific personal injury and accident cases, and some of the information may appear redundant to the first book's text. The information is based on experiences in real-life cases in which large, Goliath-like tactics have sought to cover the insurance companies' opponents into surrendering the compensation they are owed. As you see in the main book, we've likened this struggle to the biblical struggle of David and Goliath in 1 Samuel 17. The miracle of David's victory has resonated strongly through the ages. It celebrates the capacity of the underdog to pull off upsets that defy conventional wisdom. This story has provided inspiration to us in life and what we do day in and day out for injured people now.

In personal injury and accident law, the metaphorical David puts you 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, and you win.



Section 1



When to Fight and Who to Take with You

Chapter 1

Basic Steps at Accident and Injury Sites

Whether you were hurt in an auto accident, truck accident, workplace or industrial accident or injured by a defective product, your life has been suddenly thrown off track and out of balance. There are basic steps you must absolutely take (or deputize someone else to do for you) in order to maximize your chances of recovery, medically and legally. The first step is to report the automobile wreck to authorities, and then to your insurance company.

If there are other injuries on the scene before medical personnel arrive, you may want to help the injured on the scene if you believe you are well and have had some medical or first aid training. However, for most of us, the best thing to do is inform the police, fire and emergency medical personnel. In any instance, you want to get medical assistance for yourself as soon as possible in order to determine any short term or long term injuries you may have.

You may also want 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.

Additionally, take pictures and 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 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.

► No matter how friendly the other involved party or parties may be, **DO NOT ADMIT FAULT OR ENGAGE IN ANY OPINIONATED DISCUSSION ABOUT THE INCIDENT.**

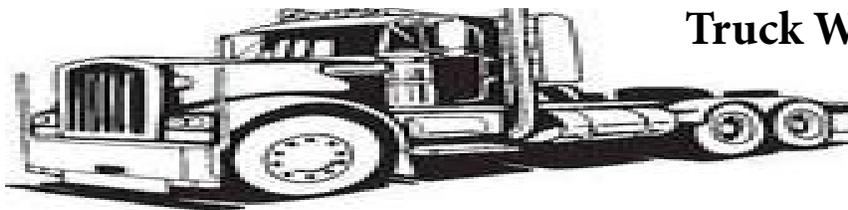
Even if you are convinced that you caused the wreck, do not admit fault. There may be factors that caused the wreck of which you are not aware. Also (and possibly most importantly), take notes and pictures. Document the automobile wreck as much as you can safely by taking notes and pictures.

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. 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.

Finally, you want to contact an experienced Alabama accident lawyer after the wreck in order 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. There is no downside to connecting with a lawyer to discuss what happened. But can be a huge downside to failing to get legal advice as soon as possible. As we have discussed elsewhere in this book, the longer you wait to begin to prepare your case, the more Goliath's advantage over you grows.

Now, while there are general rules that apply in successful preparation for any accident or injury case, there are also some specific laws that relate to different cases that require a different type of preparation. Each case is different and decisions must be made based on the unique facts, circumstances, and laws that apply to that case. Therefore, it is important to have an experienced Alabama 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 and address unsafe conditions.



Truck Wreck Cases

1. Get your attorney on the scene.

In a truck wreck involving an 18-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 officer or state trooper so you can get a copy of the accident report.

Finally, you want to contact an experienced Alabama accident lawyer after the wreck in order 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. There is no downside to connecting with a lawyer to discuss what happened. But can be a huge downside to failing to get legal advice as soon as possible. As we have discussed elsewhere in this book, the longer you wait to begin to prepare your case, the more Goliath's advantage over you grows.

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2. Get with your attorney immediately to file a lawsuit.

This needs to be done in order 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 and address unsafe conditions.

3. Don't offer immediate payment to an attorney.

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 or she 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. The experienced truck wreck attorney should only conduct settlement negotiations after the above steps have been completed.

Corporations like insurance and trucking companies are not in the business of just writing checks to injured people out of the goodness of their heart. Liability, injuries and damages must be demonstrated and proven and defenses overcome and unsafe conditions addressed. 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.

Industrial or Workplace Accidents

1. Notify your employer.

Typically, that's done through a supervisor. The employer must be put on notice of the accident and any injury.

2. Involve your attorney.

The right attorney needs to be on the case immediately in order to investigate, locate, and gather evidence and interview witnesses as soon as possible. This is in particular unique to workplace situations where a company may control the accident scene. Everything must be documented. Liability, injuries and damages must be established, demonstrated, and proven and defenses overcome.

Unsafe or Defective Product Accidents

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.

Chapter 2

Getting The Right Attorney

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. 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. If a 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 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 on whether or not to choose a particular attorney 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 and address unsafe conditions. Make sure you are comfortable with the lawyer and law firm, to ensure that your questions are being answered.

If we are not able to add value, then it is not a case that we need to accept.



The First Meeting

In your first meeting with the personal injury and accident lawyer and law firm, you should expect to walk away having some idea of the plan the lawyer intends to follow in order to maximize recovery for you and your family. 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. 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.

► You must remember that **NOT ALL INJURY LAWYERS ARE CREATED EQUAL**. There is a process that good lawyers go through to get results. Not every injury lawyer is equally competent at the needed skills.

For that initial meeting, you should bring any documents and information that you have relating to the accident, injury and damages. 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.

Generally speaking, if you are not happy with your lawyer after the meeting, 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 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.

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. If you feel mistreated, not listened to, or frustrated, it may serve you to investigate those feelings. As we've mentioned, different lawsuits merit different kinds of responses. Likewise, different law firms are ideally positioned to help with different types of cases.

► Personal Injury attorneys get even more expertise involved and other experts are also brought in during the early stages of the case. 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. Alabama personal injury and accident attorneys Matt Glover, David Hogg and Aaron Gartlan use experts and investigators in all serious injury and death cases.

Mediation

Mediation is a process where an attorney acts as a mediator between both sides in an attempt to coach a settlement. 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. You must choose a mediator that has a reputation of being fair to both sides.

Before the mediation, all of the important records, bills, and documents are typically 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. In one of our cases, we submitted this information to reiterate that we were not interested in mediating 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 success.



Other Meetings with your Attorney



Deposition

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 we instruct them otherwise. However, we realize that a client deposition preparation needs to be more thorough and extensive than that. We 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, We 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 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 a client to testify that they are relying on the advice of their lawyers, but we want our 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 Alabama injury lawyers preparing clients for a deposition, we 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. We 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. We also remind our clients that it is their deposition and that we are in charge. Every member of our legal team is there for them. We 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 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 Alabama injury lawyers, we 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. We 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.

Estimating Costs

While personal injury attorneys are compensated for our work in Alabama, we accept cases on what is commonly referred to as a "contingency-fee basis." This means that an attorney's payment is contingent upon you

getting a recovery. The percentage a lawyer receives is different based upon the nature, complexity and riskiness of the case, and is agreed to by the attorney and client at the outset of the litigation. In other words, the attorney almost always fronts the entire costs of the case.

Cases can be very expensive and attorneys that properly develop and present a case can spend in excess of \$25,000 per case, while some cases even exceed \$100,000. If a case is lost, the attorney does not seek reimbursement from the client. In essence, an attorney that loses a case must absorb the cost. If the client wins a recovery, the attorney is reimbursed the expenses and obtains compensation based upon the contingency fee arrangement.

Section 2



Case Value

Chapter 3

Settlement or Trial?

The short answer to whether or not 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. 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 make your decision. 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 litigated.



In most personal injury and accident cases - like the average car wreck case - it is not going to be necessary file a lawsuit because the liability is clear and there is not as much money and injuries or damages involved in the case, as compared to certain truck wreck cases. Still, you have to be prepared to prove and demonstrate liability, injuries and damages and overcome any defenses. 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.

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. If you go to court, preparation is required in an effort to add value to the case and maximize recovery. Often, a lawsuit is filed in the more serious cases immediately to invoke the discovery and subpoena power of the court. That way, an attorney can go ahead and get the expert witnesses in place and conduct a thorough investigation, along with preserving and documenting evidence and witness testimony. The insurance company is just not going to write a check out of the goodness of their heart.

When to File

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.

These are reasons among others that a lawsuit – if necessary – needs to be filed as soon as possible. First of all, depending on what happened, who hurt whom, and how long it has been since the event or accident, the statute of limitations for action could elapse. This means that, even if you have a bulletproof case, once you cross this “ticking clock” threshold, you run out of legal options to get compensation.

Secondly, relevant material from your case can get lost, destroyed, or forgotten. For instance, say a coworker saw you get injured on a machine on a factory floor. If that worker’s testimony is not written down or recorded in some way, he may forget exactly what he saw. The value of his testimony thus degrades.

Evidence from the scene can also be destroyed, lost, or rendered irrelevant or useless. For instance, consider the case of an auto accident. If you took a picture of the crash scene right after the crash, that picture could be extremely useful for your case. If you wait several hours -- until after the debris is cleared -- and then you take a picture, that picture could still be somewhat useful... just not as much. Now imagine if you wait several weeks or even months before documenting the damage to your car. Eventually, this evidence becomes essentially useless, legally speaking.

Lastly, Goliath loves when you delay. Goliath is smart enough to be on the ball, particularly when his financial interests are significantly at stake. Indeed, it’s not uncommon for Goliath to come right into your hospital room to begin the process of trying to get your claim stunted or dismissed. Although a lawsuit is not exactly a race, you certainly don’t want to be a position where Goliath has a several week headstart to prepare for your action.

Although your lawyer will advise you, ultimately the decision to act (or not) is yours to make.

There are 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 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.

When to Settle

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

Variables that can influence your willingness to settle and your flexibility include:

- Your financial and medical needs, both short-term and long-term.
- The difference between your ideal offer and the proposed settlement offer. If there is a big gulf between your desire and the offer, you may want to press on with the fight.
- Your need for closure. In some cases, victims just want to conclude negotiations fast and “get their lives back to normal.” In other cases, the need for justice is higher.
- The strength of your case. How compelling is the case that you can potentially build? Are there holes the defense can exploit? What’s the likelihood that you will win at trial?
- The opinion of your seasoned Alabama personal injury lawyer.
- Your state of mind. Are you capable of dealing with the stress and uncertainty of a trial?

money will add value to the case and maximize recovery and address unsafe conditions. 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.

A seasoned lawyer who has handled your type of case before can evaluate any settlement offer or other compromise to determine whether you'll get a fair deal. Insurance companies know which lawyers mean business and which lawyers will settle quickly. 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 maximize recovery.

► 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. During this process you should be armed with the information and advice that you need to ensure your rights are protected. Further, you should be prepared for trial in a similar manner as your deposition and mediation. Sometimes trial are necessary in the pursuit of justice.

Unfortunately, Goliath knows his tactics for convincing people that personal injury and accident lawyers are dishonest and even more disturbingly knows that victims who accept a quick, low settlement are barred forever from getting the compensation they deserve. If Goliath wears you down to the point that you feel desperate and gets you to accept a nominal settlement when he knows your claim is worth much more, Goliath wins. Most of the time when you settle your claim, Goliath gets you to sign a release that prohibits you from coming back later to make a claim for additional damages. This usually happens when Goliath has internally concluded he does not have a defense to justify denying your claim, but instead has opted to minimize his financial exposure or payout. When Goliath decides on this option, he often pursues a quick settlement in hopes that you will not appreciate the long-term and costly consequences of your injury. If you quickly resolve your claim for a neck injury believing Goliath's claim that your injury is nothing more than a sprain, but later finding out the pain is being caused by a herniated disc, then who will pay the costs associated with that surgery? Who will compensate you for lost wages? Not Goliath, for he has returned to his army camp with a signed release.

Yes, it can be scary to contemplate the idea of calling a lawyer or going to trial. Sure, you are probably overwhelmed, tired, confused and potentially in pain from the accident – or from taking care of someone hurt in an accident. The last thing that you want to do is to add more commitments -- and more "stuff to do" to your plate.

But you need to be thinking about the bigger picture: about your long-term finances, about your well-being, and about the well-being of your family and others who depend on you.

Our attorneys may or may not be able to help you, depending on your circumstances and need. But we would certainly be happy to discuss what you are going through and provide a free and confidential consultation. At the very least, you'll come away from speaking with us more informed about your rights and about what you might be able to do to get the outcome you want.

Chapter 4

Types of Compensation

Victims and their families often want a simple, clear numerical answer to the question of how much a case is “worth.” In reality, there’s no general answer to this question that will (or should) satisfy you. There’s sometimes the possibility that the case may be compromised, and you may get very little or nothing at all. On the other hand, you may have a simple, “not that big a deal” case – a minor neck injury, for instance – that ends up becoming a case in which you recover hundreds of thousands of dollars. As a personal injury lawyer in Alabama, we’re often asked “How much is my case worth?” We will attempt to answer this question generally, based on our 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 facts, circumstances, and Alabama personal injury law that applies to each individual situation. There are several factors, including the extent of injuries and damages, which greatly impact the value of a case. 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, we

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.

We will delve deeper in this section into the types of factors that can contribute to compensation in an accident or injury case.

Damages you can recover under Alabama Law:

- 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

10 Factors Contributing to Compensation



1. 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 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.

2. 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.

3. 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, we 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.

4. 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, 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.

5. 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.

6. 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 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.

7. 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.

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.

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.

8. The parties involved can 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.

9. 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.

10. 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.

Managing Your Compensation

Winning a case or a settlement can be an enormous relief. But if you don't have effective financial plans in place, your victory – and peace of mind – may be short lived.

It's generally a good idea for Alabama personal injury clients to work with CPAs, tax attorneys, and financial professionals to plan for the near and far term. Your recovery may need to be used to pay for a long-term rehab, therapy and ongoing medical treatment – as well as to supplement you for lost earnings and income potential. It can get confusing and complicated, tax wise and otherwise. A well connected personal injury lawyer can help you find reputable people to deal with your award or settlement.

Section 3



Secrets and Myths

Chapter 5

Eight Must Dos to Maximize your Case

Every accident is unique and critical to the victims involved. What is not as unique are the manipulating tactics used to try to make victims and their families give in. To stand against Goliath, there are “rules of thumb” that apply to almost every car, truck, motorcycle crash and industrial workplace accident that involves damages and injuries. You must absolutely know these eight secrets in order to maximize recovery in your case, as doing so is both an art and a science. Some of this information is repetitive, but all the more essential for you to keep in mind.

Secret #1: Failure to investigate, talk to witnesses and collect/preserve evidence quickly can be a MASSIVE MISTAKE.

The immediate aftermath of an accident will likely distract you from getting to the bottom of what just occurred. But with your life or your family’s livelihood at risk on a scene, you do not ever want to be nonchalant.

It’s absolutely essential that you document - even “over collect” - potentially relevant evidence while you are. Record or write down witness statements and phone numbers. Take photos with a camera

or your cell phone. Journal your own experience. Collect drivers’ license and telephone numbers, insurance information, email addresses, names, license plate numbers, and anything else you can think of from all parties and witnesses involved. If you drove or were transported to a local medical facility, write down exactly what the doctor said and when he or she said it, and make sure to save all of the relevant paperwork from that visit. If you are too hurt or discombobulated, designate someone you trust to start on this process.

You need to diagram, demonstrate, and prove the damages that you suffered – the injuries and the liability. Without this documentation, you may have a harder time proving the value of your claim, establishing liability, etc.



Secret #2: In some cases, particularly commercial truck accident cases and serious industrial and work place injuries and deaths, you may need to strike an IMMEDIATE BLOW to Goliath.

Particularly in cases involving fatal or serious injuries, your attorney will need to use what we call “discovery power” as soon as possible in order to protect to your rights. This process allows us to subpoena records and documents and interview witnesses as soon as possible. If the case involves

TOP SECRET

a truck crash, the subpoena generally allows the lawyer to see the truck driver's criminal history, driving record, driving log, onboard computer, training records, disciplinary records, safety records, surveillance videos and other key information to prove liability and preserve your chance to obtain recovery.

In one industrial accident case, we filed a lawsuit as soon as possible in order to preserve evidence and exercise the discovery and subpoena after rumors that the high-profile lumber company had been cited for the same violations before that led to the death of our client's family member. We deployed an investigator to gather documents and interview key witnesses. We also went to the company with an engineering expert and viewed the plant and machinery.

While at the plant, one of the corporate attorneys tried to convince us that the deceased worker was at fault,

saying that two safety chains would have held the gate and prevented the death had the man used them. However, our early discovery determined that the incident was the result of an employee of the lumber

company – an inadequately trained and unsupervised person who was also a convicted felon – turning the

machine off, which resulted in a gate falling on the man and crushing our client's family member to death. Our investigation and trial preparation also revealed that there were two weak chains

on the machine and only one chain was equipped with a latch. These chains were not designed for and would most certainly not have stopped the gate from crushing him.

More evidence revealed the lack of adequate training, supervision, policies, procedures and manpower of the company. So you see, when used effectively and in a timely manner, discovery can add significant value to your case and build the structures that you need to get the most recovery.



Secret #3: You may be able to get compensation for more “stuff” than you realize.

Under Alabama law, the victims of car, truck, motorcycle accidents can collect compensation for the following: medical bills (including out-of-pocket expenses); mental anguish; pain and suffering; lost current and future wages; vehicle and property damage; and in some cases; punitive damages. If you lost a spouse, you may be entitled to loss of consortium benefits; in other words, there may be abundant avenues for compensation.

On top of this compensation, the universe of potentially liable parties might be larger and more diverse than you realize. For instance, you might be focused on the “wrongdoing” of the negligent truck driver when in fact, the driver's company and/or the company's insurer ultimately may pay the largest share of your compensation.



Secret #4: It's crucial to prepare for trial... even if you don't plan on going to trial!

Goliath may be a blowhard, but he is also a rational creature. If a big insurance company senses that you are disorganized - that you lack the will, intention, or preparation to go to trial - Goliath will have little incentive to compromise with you. If, on other hand, you and your team immediately erect the necessary legal scaffolding to show that you are serious about taking your matter to court (if need be), Goliath will be far more likely to sit down with you and “be fair.”

A good attorney will pay to get the council of experts to evaluate how much care you might need, to get concrete estimates of total damages, and to make sure that you get fair treatment. Your lawyer may work with economic advisors, accident scene investigators, psychologists, medical professionals, and even other lawyers to build a logically and legally taught case.

Experts have specific knowledge in their chosen field and provide direction, guidance and consultation in

cases to help find answers. In some cases, they are available to perform tests – such as crash worthiness tests – and communicate, explain and teach the lawyers as well as the judge and jury what happened, why it happened, how it happened and how it could have been prevented.

Many of the best experts are industry insiders that decided they could no longer live with themselves while working for Goliath. These experts know how and where to find the smoking gun documents that expose the legal

violations committed by Goliath. These hidden documents often expose the public to unnecessary danger.



Secret #5: Goliath (almost) never acts purely out of altruism or out of a pure desire to “do the right thing” by David.

As we discuss in the main book, truck companies, insurers, big auto manufacturers, and other potentially liable parties are very unlikely to offer you a complete and fair settlement amount right out of the gate. You need to diagram, demonstrate, and prove the damages that you suffered, the injuries, and the liability. You also want to try to add value to your case. If you have a serious medical condition, for instance, that requires ongoing rehab, drug therapy, and regular surgeries and checkups; you want to make sure that Goliath pays his fair share of these costs.

Plainly put, the insurance adjuster that calls you to discuss your injuries IS NOT your friend. Don't reveal your opinions until your opinions on the accident or any other questions they ask you until you connect with an attorney. This is because until you do a complete and thorough investigation, you can't know with certainty what caused the accident. For instance, a hypothetical example we used in the main book was if you sailed through a red light and hit a car in the intersection. Your intuition may be to blame yourself because you may not have been paying attention to the road, but it might turn out that your brakes had been worn down or had failed at a key movement! If that's the case, then the situation changes completely. The accident wasn't your fault. It was the fault of the brake's designer/manufacturer or a clumsy repairperson. However, if you say something to an adjuster or a police officer or another driver to the effect of “I'm so sorry” or “I saw the red, but I sailed through the light for some reason,” your case could be compromised, perhaps fatally so. You could lose out on a chance to recover hundreds of thousands of dollars. You could also wind up on the business end of someone else's personal injury lawsuit.

Tell the adjuster that your lawyers will deal with the situation and ask the adjuster to call them, not you.

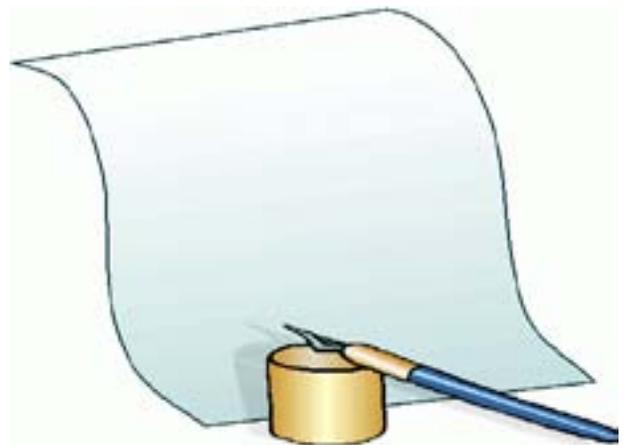
Secret #6: Your insurance company is not allowed to cancel your auto coverage or hike up your rates for filing a claim in an accident that you did not cause.

Do not worry about your insurance rates, if the accident was not your fault.

Secret #7: Releasing your medical records to the other insurance company could jeopardize your case.

Do not sign over your medical records to Goliath. If you release your medical records to the other driver's insurance company, you put yourself at a disadvantage for no real reason. Again, refer Goliath to your attorney. Don't try to handle him by yourself. An insurance adjuster is an employee of a company that potentially owes you hundreds of thousands of

dollars. That company has an explicit financial interest to protect itself from paying out that money to you. Bear that in



mind, no matter how “nice” the insurance adjuster appears or how “fair” any offer he presents seems. An adjuster can use any of your words and turn them against you (See Appendix A).

Secret #8: Whether it’s written into the policy or not, each and every contract that Goliath signs has an implicit covenant that holds him to fair dealing and good faith.

Restrictions hidden in the bottom of your policy aside, big insurance companies have a duty to behave fairly and good faith. Even if those precise words or clauses are not contained in Goliath’s contracts, a judge would (or at least should) hold the insurer to that standard.

Of course, as we discovered, getting Goliath to play fair is often easier said than done.

Chapter 6

Goliath's Plan for you to Give in

As we've stated multiple times, Goliath wins if you give in. Knowing these age-old strategies and tactics Goliath uses should help you win this battle, no matter what law firm you work with and no matter how your battle with the Goliath ultimately turns out.

Goliath hopes you believe the hype that personal injury lawyers are greedy.

Goliath taunts attorneys in all sorts of ways. He called them lazy, unnecessary, greedy, and a variety of other adjectives, none of them pleasant. Goliath will try to convince you of his position, in the hope of diminishing your resistance to fight back.

Goliath will try to "refute" your suffering.

The would-be liable insurer may tell you that you aren't entitled to compensation because of a medical problem you suffered prior to (or long after) the accident. They may tell you that you aren't entitled to claim pain and suffering or obtain a recovery for certain types of medical bills. If you suffered a "major" injury, they will try to diminish your claim. And if you suffered a "minor" injury, they may try to deny the claim altogether. It goes on and on like this. Goliath has a nearly endless number of tools to use in his war of attrition against you.

Goliath is a legal scholar.

Insurance companies and their lawyers often have an extremely deep and broad understanding of all applicable laws. They know the common tactics that most personal injury attorneys use. They also understand how to negotiate, how to use psychological tricks, and how to leverage all sorts of subtle influence techniques to undermine your position and compel you to accept a bad deal.

Here are five strategies Goliath and his allies use:

Strategy #1: Limit claims to make more money.

The less money Goliath and his allies must pay for your claim, the more money they get to keep as profit. This is simple, irrefutable fact. Many of Goliath's strategies – especially how he leverages his relationships with his allies – flow from this fact.

Strategy #2: Goliath and his allies trumpet myths about Tort Reform.

In the main book, we went over (and exploded) eight of Goliath's favorite Tort Reform myths. Like a vampire or a zombie, however, these myths just won't die, no matter how many facts are hurled through their hearts. Healthcare providers, businesses, lobbying groups, and politicians and judges allied with Goliath all have an interest in maintaining the status quo – that is, blaming attorneys and victims to deflect attention from their own faults. To that end, they join in the Amen chorus about Tort Reform. Unfortunately, Goliath and his allies have enormous microphones – incredible power to shape the conventional wisdom. So the myths they create become entrenched in our culture and extremely difficult to dislodge.

"Tort reform" is simply Goliath's marketing campaign to smear David and get more profits.

Watch closely how Goliath does this masterful slide of hand. Insurance companies, manufacturers of dangerous products and chemicals, the tobacco industry and other major corporations have waged a nationwide assault on the civil justice system. “Tort reform” advocates have set up dozens of tax-exempt groups to plant their “lawsuit abuse” message in the media and the public consciousness, to influence legislation, judicial elections and even jurors. These groups claim to speak for average American citizens determined to protect consumer interests. But their tax filings and funding sources indicate they actually represent major corporations and industries seeking to escape liability for the harm they cause consumers. These organizations hide their pro-business agenda behind consumer-friendly names like Citizens Against Lawsuit Abuse, Stop Lawsuit Abuse and Lawsuit Abuse Watch.

To some extent, this myth goes back to how insurance companies work and what their agenda may be. In our 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 about it. This can impact the value of your case

Even when you add up the lawsuit payouts, insurance costs, legal fees, and other costs, that total accounts for just \$1 out of every \$200 of healthcare spending. If you want to reform our healthcare system, there are far more important things we should be talking about. The actual reality is that Goliath wants to shift his own liability to others. If a tractor-trailer or

a defective product causes injuries to you that require extensive medical treatment, who should bear the burden of paying the medical costs? To listen to Goliath, he thinks you should. Goliath would prefer for you to pay the costs or for your health care provider to absorb the costs instead of the guilty party paying the costs. Goliath has been very successful in his efforts. When Goliath gets his way, health care costs do go up. David, on the other hand, seeks to have the guilty party pay the costs, thus holding the right party responsible and keeping the innocent party from bearing the costs. All responsible lawsuits do, the, is seek to have the responsible party pay for injuries he creates.

Strategy #3: They buy judges and legislators.

This claim may sound absurd -- a bridge too far. After all, we’ve grown up believing – or at least hoping – that our elected officials and the judges who preside over legal system act ethically and objectively. Indeed, many judges and legislators are fine civil servants. But do not underestimate the political power that Goliath wields...

Strategy #4: They pillory trial lawyers as “greedy” and personal injury victims as “shrill”.

Goliath often acts like the bully who shoots spitballs at you, goading you to hit him back. And when you do,

Goliath will hold on to every red cent for as long as possible to maximize interest.

When insurance companies can keep money – or delay paying claims as long as possible – they make more money. It’s simple laws of compounding interest.

Since Goliath has so much money - and since so many claimants are currently clamoring for a share - by delaying payouts, he can enjoy significant benefits. The economics work out for him. But what about you? When your claim is delayed, you are left to languish in limbo. This is bad because you lose the opportunity to earn interest. It’s bad because it leaves you without critical funds to pay creditors and medical bills. It’s bad because it creates uncertainty in your life, which creates stress, which in turn creates more mental and physical health problems. To break out of limbo, you need to compel Goliath to cooperate... or to break his will to resist.

Goliath has quite a poker face.

The insurance company might actually believe that you have a strong case. But don’t bet on Goliath’s admitting this to you! And unless you are a real student of Goliath and his methods, you will have a very difficult time calling his bluff. Insurance companies may pretend that they don’t care whether you take them to court or not. In some cases, they actually don’t, because they believe they have the upper hand. In other cases, they are secretly terrified that you will push forward with the help of a trusted David (i.e. a qualified Alabama personal injury lawyer) by your side with his trusted slingshot, five smooth stones and invisible armor.



As a deep-pocketed individual, Goliath has friends in high places. His natural allies include healthcare providers, politicians, judges, lobbying groups, and big businesses.

Goliath boasts cozy relationships with politicians, lobbyists, and businesses - and even institutions designed to protect consumers and victims. Some (true to life) examples of Goliath's flouting of his power are so extravagant that they sound like they are pulled from comic books.

Goliath will negotiate like a pro.

Goliath will try to smooth talk you, with statements like:

- "You won't get a better offer than this"
- "Feel free to reject our offer - we'll see you at arbitration or court"
- "Yeah, sure, you can go to an Alabama personal injury law firm. But after your lawyer takes his commission, you'll wish you had taken what we're offering you now."
- "We've conducted a thorough analysis of your surgical bills and other medical costs, and we're willing to give you a little less than 50%."

Look: insurance companies have played this game hundreds, thousands, tens of thousands times before. You are playing for the first time. It's not a fair fight. Goliath's skills at this kind of poker are superlatively good. He can practically see your hand, while you can't see any of his cards.

Who would you bet on?

he melodramatically falls to the floor and begins sobbing just as the teacher arrives - trying to get you in trouble. Goliath and his allies love to pick on trial lawyers because trial lawyers provide a convenient foil.

You've probably heard the term "ambulance chaser" to describe a personal injury lawyer. But truth be told, the insurance companies deserve that name way more. Insurance companies show up at the wreck scenes, hospitals, and workplace injury sites. They manipulate investigators and use other tricks to minimize or deny claims, even in the face of somebody being harmed.

Goliath thus violates our society's fundamental moral code, which tells us: when you make a mistake, step up, accept responsibility and make an effort to make the situation right.

In an injury case, this means making sure that the injured party gets compensation. The whole reason we buy insurance is to preserve our capacity to make amends after a bad situation.

So think about it. Why would the insurance industry want you to have a negative opinion of attorneys? Because Goliath does not want you to notice the lack of fairness -- to "clue in" to the reality that his behavior is actually dangerous to the community.

Indeed, when we allow insurance companies to tar and feather personal injury lawyers as "ambulance chasers," we are in effect saying that it's okay for big businesses to value profits over safety. Instead of doing what they had said they would do - provide fair compensation - they throw up smokescreens about "tort reform" and "frivolous lawsuits." This fosters an environment of no consequences and leads to danger -

not just for the victims of accidents but also for the community as a whole.

Strategy #5: They distract attention/downplay the real problems (e.g. unsafe work place).

Goliath and company seek to distract victims (and Americans in general) from the real causes of their problems. It's a classic "bread and circuses" gambit. Don't pay attention to the real reasons why premiums have spiked - i.e. because insurance companies gambled away our money on crazy investments. Instead, blame the issue on "too many lawsuits," conveniently leaving out the fact that the number of lawsuits has declined while rates have spiked.

It's not fair to pick on Goliath and his cronies just for their size, power, and influence. We live in a capitalist society. It's great that businesses exist; in their pursuit of profit, they do a lot of good for our society. The problem is when the parties in power, like Goliath, shirk their responsibility to the community. Safety starts at the top.

In one of our cases, a worker at an industrial facility died when a co-worker turned on a machine while the first worker was inside it. The company didn't do the right thing. Instead of admitting that the safety process had gone awry and offering to make amends, the company takes every legal avenue to minimize their responsibility and forces the family into litigation. In reality, the higher-ups were not looking at their safety systems effectively enough or this man would still be alive.

Think about it this way. Imagine if that company had kept \$1 million of its money inside that machine. Do you think that "safety glitch" would have occurred? Or would the company have been so concerned about their money

that they would have engineered a failsafe system to prevent the machine from accidentally shredding the big bag of money? Those questions may sound cynical. But the reality is that Goliath and his allies have a really nasty habit of trying to divert attention from their own issues.

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 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.

While we don't claim to offer any legal services greater than the quality of legal services to be performed by other lawyers, we do take great pride in helping people and families stand up to big powerful corporations like insurance companies, and we welcome calls and visits from people who think their insurance company might be attempting to take advantage of them.



ABOUT THE AUTHORS

DAVID HOGG is a Dothan, Alabama attorney with over 15 years of experience. He earned a Bachelor's degree in political science at the University of Alabama and earned his Juris Doctor degree at the Jones School of Law at Faulkner University in Montgomery. After graduating, he practiced with Merrill, Harrison and Adams for two years before leaving to form David K. Hogg, LLC, a general practice law firm, which he has owned and operated since 1998. He is admitted to practice at the Supreme Court of the United States and the United States District Court, Middle District of Alabama.

AARON GARTLAN has been a practicing attorney in Alabama for more than a decade. During this time, he has devoted his life's work to helping people that have been injured win against big, powerful corporations like insurance companies. He knows from experience that companies do not just write checks to pay injured people out of the goodness of their heart. Liability, injuries and damages have to be demonstrated and proven and defenses must be overcome. A south Alabama native, Aaron is a 1991 graduate of Dothan High School and holds honors degrees from both Troy University and the Thomas Goode Jones Law School in Montgomery, Alabama. His specialized training includes study at the National Criminal Defense College and the National College for DUI Defense, as well as many other continuing legal education seminars related to personal injury and accident law. In 2002, Aaron was awarded the Alabama State Bar Continuing Legal Education Award. Aaron's affiliations have included the National College for DUI Defense; the National and Alabama Criminal Defense Lawyers Association; the National Trial Lawyers; the American and Alabama Association for Justice; and the American Bar Association. Aaron is married to his soul mate, Suzanne. She has four wonderful children, Carlton, Ashton, Alexa Grace and Anthony. In addition to the time committed to his beautiful family, Aaron has been highly involved in the education at his alma maters by serving as an adjunct instructor for Business Law at the Troy University Sorrell College of Business, a Jones School of Law Mentor, a Jones School of Law Moot Court Competition Judge, and locally as a guest speaker at Kelley Springs Elementary School in Dothan.

MATT GLOVER is originally from Charleston, West Virginia. He is proud to come from a long line of West Virginia coal miners. He graduated from Marshall University in 1998 with a degree in Accounting. Matt graduated from the University of Alabama School of Law in 2002. Since 2002, Matt has worked as a personal injury attorney at the Prince, Glover and Hayes firm in Tuscaloosa, Alabama. Matt is married to Hollie Elswick. Hollie is also from West Virginia. Hollie is an elementary school teacher and also a graduate of Marshall University. Matt and Hollie have two boys named Chase Matthew and Cole Nicholas. The Glovers worship at First Baptist Church in Tuscaloosa, where Matt and Hollie teach Sunday School. Matt primarily handles personal injury cases all over the State of Alabama. Since 2002, he has obtained in excess of \$75,000,000 through trial or settlement on behalf of injured people. Matt handles cases involving product failures, industrial accidents and injuries resulting from collisions with commercial vehicles. Matt has also proudly represented Alabama farmers and small business owners against out of state insurance companies. In 2012, he was selected for national membership into The National Trial Lawyers: Top 40 under 40 (one of only 40 trial lawyers in the state of Alabama chosen "based on performance as an exceptional young trial lawyer.") Matt has been recognized in SuperLawyers magazine. Matt believes in the importance of giving back to his community. He is the Treasurer of the Tuscaloosa Soup Bowl. He is on the Board of Directors for Capstone Bank. Matt has been appointed to serve on the Board of Trustees for the Holy Spirit Catholic School in Tuscaloosa. He also enjoys coaching youth basketball.

