

# THE **OHIO** **ACCIDENT BOOK**

*Don't Get Caught in Insurance Company Traps*



## **CHARLES E. BOYK LAW OFFICES, LLC**

We have 6 offices located in downtown Toledo, South Toledo,  
Findlay, Bowling Green, Swanton and West Unity

[www.charlesboyk-law.com](http://www.charlesboyk-law.com)

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COMPANY TRAPS  
5TH EDITION

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**A Word From the Author of  
*The Ohio Accident Book***

Thank you for ordering *The Ohio Accident Book*. For over 30 years, I have had the privilege of helping thousands of people just like you who face injuries from auto accidents that were not their fault.

We would be happy to discuss your case with you at no charge and we invite you to let us work for you. Our goal is to exceed expectations every day through constant, open communication about your story and your needs.

Call and tell us your story. We are always here to listen.

- *Chuck Boyk*

## QUICK HITS

**Seek treatment immediately** - The best thing you can do after an accident is to seek medical treatment immediately and follow your doctor's orders.

**Don't rush to settle your claim** - Don't settle your claim before you complete your medical treatment. A few thousand dollars may sound good until you realize it doesn't come close to compensating you for your injuries.

**Don't underestimate the insurance adjuster** - Insurance adjusters have a huge advantage over you because they settle claims every day. You need a lawyer to help deal with them.

**Don't provide a statement to the adjuster** - Make no statements about your case until you consult with a lawyer.

**Don't sign medical authorization forms** - Don't sign authorization forms that allow an insurance company access to your private medical

records. Only sign forms completed by your lawyer.

**Document everything** - Start a file for all police, medical, and insurance documents related to your case.

**Honesty is the best policy** - Be honest about your injuries. Nothing will kill your claim faster than being caught in a lie.

**Don't hide information from your lawyer** - Your lawyer must know the good, the bad, and the ugly about your case to properly represent you.

**Don't exaggerate your injuries** - Exaggerating the extent of your injuries could come back to haunt you if the insurance company films you participating in an activity you shouldn't be able to do.

**Hire a personal injury lawyer** - Insurance companies employ professionals who deal with personal injury cases every day. Shouldn't you?

## ACCIDENTS CAN BE DEVASTATING

### **Dustin Vogelsong:** *How a Hard-Working Father Fought to Survive*

August 29, 2012 is a date that Lindsey Beek will never forget and a day that Dustin Vogelsong will never remember.

Dustin and Lindsey had been dating for 13 years and relishing their new-found roles as parents to



*Dustin's truck after the accident*

a one-month old baby girl when an accident changed their lives forever. On that fateful August morning, Dustin was traveling westbound on Buckskin Road in rural Hicksville, Ohio when his truck was struck by the driver of another truck that failed to yield at a stop sign.

Dustin's vehicle was so heavily damaged that the jaws of life were needed to remove him from the wreckage before he was taken by ambulance to Parkview Regional Medical Center in Fort Wayne, Indiana.

### **The Injuries**

Upon arrival to the hospital, he was rushed to the intensive care unit and a breathing tube was inserted into his throat since severe swelling in his neck and larynx made it impossible for him to breathe on his own. He had extensive blood loss from the wounds on his face and scalp and it was clear by the deformity in his leg that Dustin had sustained severe fractures to his right ankle and tibia/fibula.

Dustin also suffered from a severe traumatic

brain injury as a result of the crash and had apparent brain bleeds. His jaw was fractured in multiple places, which required surgery and the need for his jaw to be wired shut.

“All I remember is waking up and going to work, then the next thing you know, I’m in the hospital,” Dustin said.

### **Getting the Right Help**

It was a week after the accident before everything sank in and the family and Lindsey rallied together and came up with a plan on what needed to be done. Part of that plan was to call Charles Boyk Law Offices.

“After it really sank in what happened, maybe that night or the next day, family members and people were saying, ‘You know, this is what you need to do,’” Lindsey said. “I think I waited a few days before we gathered the information of what happened, but I heard about Charles Boyk through Robert and Michelle Lucas, good friends of my parents. She said that she really loved you guys and had a great experience and she recom-

mended you. The only phone call I made was to you guys.”

From that point on, Boyk Law handled everything from making sure Dustin got top-notch medical care to dealing with the at-fault party’s insurance company.

“Everyone in the office took care of everything,” Lindsey said. “I didn’t have to do much of anything. If I had a question or something needed taken care of, they were there.”

### **The Recovery**

“It took about a week after the accident for everything to even sink in,” Lindsey said. “Dustin kept asking over and over and it took a while for it really to sink in what actually happened to him.”

During his 36-day hospital stay at Parkview, Dustin underwent a battery of on-going tests, x-rays, MRIs, and exams. After neurology had determined the extent of Dustin's traumatic brain injury and the severity of the brain bleeds, he was

seen by an orthopedic surgeon and immediately underwent a surgical operation to repair the deformed right tibia/fibula and right ankle fractures. After the fractures were repaired, Dustin was kept in traction for the remainder of his stay at Parkview to keep the leg and ankle stabilized. Following his hospital stay, Dustin was moved to an inpatient rehabilitation center, where he struggled to undergo difficult exercises that tested his ability to regain strength in his right leg and ankle, as well as to re-learn simple tasks like feeding himself. The inability to complete the tasks



*Dustin during in-patient rehabilitation.*

quickly led him to become very upset and irritated with his lack of progress.

The traumatic brain injury he suffered caused amnesia, preventing him from remembering the day of the accident and those days following. He didn't fully comprehend the severity of the accident or his injuries, which made his frustrations even worse.

He was hospitalized for another six weeks since he was struggling with cognition and balance, he was non-weight bearing on his right leg, and he still had the tracheotomy tube in place. Dustin was moved via air ambulance October 4, 2012 to the University of Toledo Medical Center to complete his rehab treatment and receive top-notch care from their orthopedic department.

Even after his discharge weeks later, he was unable to put weight on his leg for three months and he required the use of a wheelchair.

The next year brought numerous procedures, including steroid injections into the right knee and ankle and two subsequent surgeries in an attempt

to relieve the pain he was experiencing.

While Lindsey vigorously works to help Dustin return to the life that he once lived, his prognosis of doing so is slim to none. His cognitive problems from the brain injury and the major fractures of his right lower leg and ankle will prevent him from ever being able to work in roofing again.

Being that Dustin had been labeled as "totally unemployable," experts were able to calculate that Dustin would incur an economic loss of \$1,053,234.00 over his lifetime. This amount is pale in comparison to the emotional and mental loss that Dustin has sustained and will continue to deal with for the rest of his life.

Dustin's future and existing medical expenses totaled more than \$500,000. These numbers do not factor in the 50 days that Dustin spent in the hospital in a sedative state, missing out on some of the most precious moments of his young daughter's life. The numbers never even consider the psychological damage this has caused to his personal life.

## **The Outcome**

Although a lawsuit was filed in common pleas court, Boyk Law was successful in securing a confidential, out-of-court settlement without the need for a trial. Charles Boyk was the chief negotiator on Dustin's behalf and was successful in negotiating a confidential settlement which was more than pleasing to Dustin and his family, which now includes another baby girl.

In addition, Chuck was successful in negotiating with Dustin's medical providers to significantly reduce the lien that they had on Dustin's claim, thus significantly increasing the amount of money that the firm was able to put in Dustin's pocket.

Dustin and Lindsey were not only happy with the outcome of the case, but also at the service that they received from Boyk Law, from beginning to end.

"Everyone went above and beyond," Lindsey said. "They took care of some things that I didn't

even think that they could. I would strongly recommend Charles Boyk Law Offices.”



*Dustin four years after the accident.*

## ACCIDENTS CAN PUT A LIFE ON HOLD

### *Ann Mooney: How One Woman Endured Seven Surgeries to Walk Again*

No one ever anticipates that an accident is going to occur. And when Ann Mooney was driving down Smith Road in Ballville Township on November 10, 2012, she never expected that within a matter of minutes her life would be changed forever after a full-size Chevy Tahoe turned in front of her, causing a near-fatal collision.



*Ann's sedan after being struck by an SUV.*

After being extracted from her sedan, Ann was transported by helicopter to the University of Toledo Medical Center.

“I was in UTMC for I think 10 days and I had a lot of bones exposed that had broken through the skin,” Ann said. “After learning about the cause of the accident, several people recommended that I call the Boyk Law Firm.”

The woman who had orchestrated and oversaw all types of jobs and employees during her 37



*Scars remain after surgery to repair a fractured femur and injured knee*

years as a utility worker at the Michigan Sugar Company suddenly found herself not knowing what would come next.

“I never knew what to expect,” Ann said. “But Mike [Bruno] came down to the nursing home and introduced himself and told me all about what was going to happen and was very thorough. He just seemed like he was part of the family already.”

Our office took over the task of dealing with the at-fault party’s insurance company and securing medical payment coverage for her out-of-pocket expenses so that she could focus on her long road to recovery.

The accident left her with bleeding on the brain and multiple abrasions on her left forearm and left wrist from the glass of her car window. But the worst injuries were the open fractures to her right ankle and left femur, which required seven surgeries to repair. Ann spent over two months at an inpatient rehabilitation center before starting additional physical and water therapies in between her additional operations.

But through it all, Ann and her husband Larry stayed positive and leaned on the help that everyone in our office extended.

“I think any time we had a question or my husband had a question we would call up and everything was answered very nicely, very quickly,” Ann said. “They knew everything, even though the language would be a little difficult in some of the information, but they explained everything when we called and we felt very good.”



*Ann Mooney a year and a half after the accident.*

## ACCIDENT INJURIES MAY NOT SHOW UP IMMEDIATELY

### **Julie Bobash:** *How a Second Opinion Prevented Permanent Injury*

When Julie Bobash came to our office in search of legal advice after being injured in a motorcycle accident, she had no idea of the impact Charles Boyk Law Offices was about to have on her health.

Julie was going through a lot. Three months prior she had been tossed from a motorcycle like a rag doll while riding as a passenger and was still experiencing a lot of back pain.

“It was the best decision I ever made, coming to see Chuck,” Julie said. “He knew many doctors in town and he referred me to Dr. Ebraheim, an orthopaedic surgeon, for a second opinion.”

Dr. Ebraheim discovered why Julie’s back pain was so bad: despite having received previous medical attention, the other doctors missed the fact that she had a shattered vertebra.

When new clients come to our office, many of them are still in pain, which is why we then provide them with:

- A comprehensive analysis of the accident
- An explanation of how it could have caused the injuries and affected their health
- A review of the other medical opinions they have already been given
- A recommendation of physicians they can visit for a more detailed exam and explanation
- Regular follow-up calls to their home or cell to check up on their treatment, how they are feeling and to make sure all questions are answered.

The reason Chuck requires the staff at the office to constantly check up on his clients is two-fold. Not only does it remind the client that we are constantly working on their case, but it also helps us to recognize any health changes almost immediately.

“Communication is everything,” Chuck Boyk said. “The vast majority of our clients are repeat or word-of-mouth clients because they understand that we make the effort to help our people understand what they are going through and understand how we are going to fix their problem. Our goal is maximum recovery – both physically and financially.”

In Julie’s situation, we were able to notify the insurance company of the true seriousness of her



*The motorcycle Julie was a passenger on*

injuries, therefore obtaining for her the proper compensation that she was entitled to, which was much more than her initial offer.

The at-fault party's insurance company was only willing to pay \$7,500 for her injuries. After our office took the case to trial and we were able to prove just how badly she was hurt, the jury awarded Ms. Bobash \$109,500 plus she received another \$10,950 as pre-judgment interest.



*Julie Bobash*

Julie believes that had it not been for her decision to call a lawyer like Chuck Boyk, she would still be in extreme pain without the settlement money to cover her medical bills.

“It was like there was a platoon of soldiers standing there on the enemy lines,” Julie said. “[He] fought every bit of the way.”

## **ACCIDENTS HAPPEN EVERY DAY**

Statistics show accidents are a common occurrence on Ohio's roads. In the year 2015, there were 302,307 crashes in Ohio, according to the Ohio Department of Public Safety. During that same period, an average of 75,109 people were injured and 1,029 people were killed on Ohio roads. To crunch the numbers even further, on average, 208 people were injured or killed every day in traffic accidents in 2015, according to the State.

Those who haven't been involved in a serious car accident often expect that an insurance company will take care of their bills and compensate them for the pain and suffering they've endured. But for many the nightmare is just beginning. The pain caused by the wreck becomes almost secondary to the unfair treatment the victim receives from insurance companies that have one objective: closing the file for as little money as possible without fair compensation for the injured.

Dealing with the consequences of an accident is a new and unfamiliar experience for most people.

That is why we've written this book. It's intended to serve as a reference tool that can help you deal with insurance companies and the often inevitable and complicated litigation.

We think this book is necessary because you're at a natural disadvantage when you deal with insurance adjusters who handle claims for a living. They do it every day and all day. It's the way they feed their families and pay for their homes. In short, they are professionals and you are not. To use a baseball analogy, it would be like going to bat against a major-league pitcher. You might get lucky and foul off a pitch or two, but try hitting that big-league curve ball. You'd probably strike out.

The same concept applies to dealing with insurance companies. It has nothing to do with how smart or successful you are in other areas of your life.

Insurance adjusters have the advantage because they settle claims for a living. We wrote this book to help you level the playing field. If you have questions about an accident in which you, a

family member, or a friend have been injured, please call us at 419-241-1395 or 800-637-8170. You can also visit our website at [www.charlesboyklaw.com](http://www.charlesboyklaw.com).

## WE CAN HELP YOU

The authors of this book have over 65 years of combined legal experience. **Chuck Boyk** has been in private practice for over 33 years and heads Charles E. Boyk Law Offices, LLC. During his career, he has handled thousands of personal injury cases ranging from small whiplash injuries to wrongful death claims. He has conducted numerous seminars for other attorneys to help them understand the world of personal injury law and has received a 10.0 “Superb” rating from the Avvo lawyer ranking system. Besides his personal injury work, Chuck has represented thousands of criminal defendants, handling anything from routine traffic offenses to murder cases.

**Mike Bruno** also has been practicing law for over 33 years. Mike, who has been named an Ohio Super Lawyer, has a unique background that benefits our clients. As an assistant Lucas County prosecutor, he handled thousands of felony cases, including death penalty murder cases. As an insurance defense attorney, he handled serious personal injury cases representing insur-

ance companies. That experience has provided him with invaluable insight into how insurance companies will view our cases. Mike has handled over 100 jury trials, is Board Certified by the National Board of Trial Advocacy, and is AV rated by Martindale Hubbell, the highest rating an attorney can receive.

**THIS BOOK DOES NOT OFFER LEGAL  
ADVICE**

We are happy that you've taken time to read our book. You should note, however, that ordering or reading our book does not create an attorney client relationship. We also aren't offering a legal opinion in these pages because every case is different based on the facts of the situation. If you want our legal opinion, please contact us at 800-637-8170 or 419-241-1395. We'll be happy to set up a free meeting with you.

## **TEN TIPS TO MAXIMIZE YOUR RECOVERY**

If you've been injured in an accident, the initial steps you take can make a big difference to the outcome of your case. We've compiled ten tips to help you avoid insurance company traps and receive fair compensation for your injury.

### **1. Seek treatment immediately**

The best thing you can do for both your physical and financial health is to get the proper medical treatment for your injuries. This isn't a time to tough it out and hope that you'll miraculously heal. Returning to health should be your top priority. You need to go to your family physician or to the emergency room to make sure that you get the treatment you'll need to recover from the injuries you suffered in the accident.

Once you go to the doctor, follow his or her orders so you can make the best recovery possible. If your doctor tells you to go to a physical therapist, do it. If you visit a chiropractor, complete the recommended treatment plan.

This makes sense not only for your physical health, but for your financial health.

**An insurance adjuster will base any settlement offer to you on the medical care you've received because it provides a way to measure your injuries and resulting pain.**

Getting treatment demonstrates to the insurance company that you're not faking your injury and that you're taking the process seriously. Compensation for the pain and suffering you've endured because of your accident will be based to some degree on the amount of your medical bills.

Once you've started treatment, see it through to the end. Don't stop the second you start to feel better if your doctor has recommended that you complete a certain amount of rehabilitation. If you stop early, you may not be fully healed.

Resuming treatment months after you've stopped sends a message to the insurance company you may not have been hurt in the first place or that you're trying to take advantage of the process.

## **2. Don't rush to settle your claim quickly**

If you're reading this book because you were recently involved in an accident caused by another driver, you may already have received a call from an insurance adjuster trying to settle your claim.

Typically, an adjuster will wave a few thousand dollars under your nose to settle quickly. It sounds good until you realize you're hurt more seriously than you anticipated or your medical bills end up eating into that money.

If you're tempted to settle your case below its value just because you need money for your medical bills, hold off. If you hire an attorney, the attorney usually can work out an arrangement with your health-care provider for your provider to be paid out of the proceeds of your settlement. The doctor or chiropractor will continue to treat you without requiring payment after receiving what's called a "letter of protection" from your lawyer. This allows you to continue getting the treatment you need, while ensuring the doctor is paid at the end of your case.

Settling your case quickly doesn't allow you to be fully compensated for your medical bills, pain and suffering, and lost wages. It only benefits the insurance company because it won't have to pay-out the full value of your case.

### **3. Don't underestimate the insurance adjusters who contact you**

This tip goes back to what we discussed in the introduction. Insurance adjusters handle claims for a living. They're judged by their bosses by how they settle claims and by how much money they saved for the company. This doesn't make them bad people; they're just doing their jobs and looking out for the best interests of their employers. It's up to you and your lawyer to lookout for your interests.

It's no shock that insurance companies often own the tallest skyscrapers in a city. They have powerful lobbies throughout the country and, along with other business interests, have done their best to pass legislation that makes it hard for accident victims to be fairly compensated.

They've gotten rich by collecting as much money as possible from all of us while trying to avoid making fair settlements with people suffering from accidents they didn't cause.

So, when an adjuster representing the person who caused the accident calls you, remember where their loyalties lie. They'll likely be extremely pleasant, but they have one goal: to settle your claim as cheaply as possible.

They do this for a living, all day and every day. Because this is probably the first time you've been an accident victim, you are at an obvious disadvantage. Be smart when you're dealing with them – or better yet, hire a lawyer who deals with insurance companies daily. After all, the insurance companies have professionals working for them, so you should too.

#### **4. Don't provide a statement to the adjuster**

If an insurance adjuster contacts you, don't make any statements about the accident, your physical condition, and whether you're being treated by a doctor. The adjuster may record your conversa-

tion and will certainly be taking notes.

You can settle any claims dealing with the damage to your vehicle, but any statements you make about your injuries could come back to haunt you. Simply thank the adjuster for calling, tell her you don't want to make any statements, and that you don't want her to call back. Tell the adjuster you'll initiate a conversation when you're ready. Don't be rude, but you need to be firm. The adjuster can't make you talk.

It's a foreign concept to most people, but view your injury case with the idea it could go to trial. Most cases don't, but you don't want to hinder your negotiating strength by making a statement to an adjuster that can be misconstrued or twisted. The concern about making a statement is that you may not know the extent of your injuries right after an accident.

It's not uncommon for people to feel worse in the weeks or months following the accident than they do in the immediate aftermath.

One way to avoid awkward conversations with

an adjuster or making statements that could hurt your case is to contact a lawyer to represent you. Your lawyer will stop the adjuster from having any further contact with you.

**5. Don't sign any medical authorization forms at the request of an insurance company**

Insurance companies often try to get accident victims to sign and return authorization forms that allow them to obtain your medical records.

The forms usually are drafted so the insurer gains access to all of your medical information, not just information relating to your accident. It allows an insurance company to go on a fishing expedition for any other medical problems that might explain the pain you're experiencing.

If your injuries are serious, consult an attorney to deal with these issues. Your attorney will ask you to sign medical authorization forms used to obtain the information that's related to your accident. Only the information relevant to your accident or injury will be sent to the insurance company so your claim can be evaluated. This pro-

protects you from having personal information winding up in the wrong hands.

### **6. Start a file to document everything connected to your case**

Keep every bill, police report, and document connected to your claim. The insurance company has a right to see evidence of medical bills for which you're seeking reimbursement.

Keeping track of your bills also ensures that you won't settle your claim without making sure you've been compensated for all of your expenditures. This is true even if you have health insurance because you may have to repay your provider for any bills they've paid on your behalf if there's a settlement.

Besides documenting your treatment, keep track of any wages you've lost because you've been unable to work. Don't assume you'll automatically get reimbursed for your lost wages.

You must get a note from your doctor if you miss work because of the injuries from the accident

and you must get documentation from your employer about your rate of pay and how much money you lost because you weren't able to work.

### **7. Honesty is the best policy**

Be honest when it comes to dealing with your injury claim. Be honest with the insurance adjuster, be honest with your doctor, and be honest with your lawyer. Nothing will kill your claim faster than being caught in a lie. Your credibility will be crucial in resolving your case, particularly if you have to go to trial.

If you're not in pain, don't get unnecessary medical treatment to drive up your bills. That doesn't mean you shouldn't follow your doctor's orders, but don't exaggerate the extent of your injuries. The truth eventually will come out, and when it does your case might become worthless.

If your case goes to trial, your credibility with the jury carries tremendous value. If jurors feel you're not being honest, they won't give you the fair compensation you deserve.

You also have to be straight with your lawyer, who won't handle your case if he thinks you're lying. The attorney must know what's really happening with your case to represent you fairly and aggressively.

### **8. Don't hide information from your lawyer**

This tip goes hand-in-hand with our advice about being honest. You'll be making a big mistake if you hide information that is embarrassing or that you think will hurt your claim. You may get away with it, but usually the truth comes out. And if it comes out at the wrong time in a deposition or at trial, your case may be damaged beyond repair. Your lawyer can only help you if she has the complete picture. If there's something awkward to be dealt with, she'll handle it. But don't put your lawyer in a bad situation by hiding something.

### **9. Don't exaggerate the impact of your injury**

You're entering a world you likely didn't know existed. As we've said earlier in this book, insur-

ance companies prosper by paying accident victims as little as possible. To do that, they'll resort to what you may regard as underhanded behavior. They may hire a private investigator to spy on you, they may have someone engage you in conversation about your injuries, or they may videotape you as you go about your day.

We know of one case – fortunately not one of ours – where an insurance company investigator placed a video camera in a gym bag to record a supposedly injured accident victim teaching an aerobics class. Needless to say, the attorney handling that case dumped it immediately – and should have. People like that aerobics instructor give insurance companies reason to be skeptical. The problem is they seem skeptical of everyone, even people with legitimate claims.

So, if you exaggerate the extent of your injuries by doing something like hobbling around on crutches when you can walk just fine, and then you're filmed running a marathon, don't be surprised when your case tanks. Don't play games when it comes to dealing with your injury case.

## **10. Hire an attorney who devotes his practice to personal injury cases**

Earlier, we wrote about insurance adjusters who negotiate settlements every day. They're good at it because it's their profession. That's why you'll need a lawyer to handle your case. Your lawyer not only will deal with the insurance adjuster, but he'll navigate you through the complex world of personal injury litigation.

Armed with knowledge of the law and the ploys of adjusters, a lawyer can help you obtain a fair settlement for your case. Numerous studies have shown that you're far more likely to end up with more money at the end of a case if you hire a lawyer rather than trying to settle on your own. By handling injury cases every day, lawyers develop a sense of how much a case is worth.

You're not likely to have experience with the arguments you will hear from insurance adjusters. Hiring a lawyer lessens hassles you'll face and you'll almost certainly net more money, even after attorney fees and expenses are subtracted.

## **PERSONAL INJURY CASE STANDARDS**

Not everyone who has been injured can win a personal injury case. The person who causes the injury must be deemed negligent, or at fault, under the law. Someone is at fault when it is his responsibility to act or behave in a certain way, but fails to do so and causes some type of damage or injury. There's a lot of complexity built into that simple concept, but that's the rough idea.

A routine traffic accident is a good example.

Motorists have a responsibility to drive in a way that doesn't hurt others. When a driver speeds, fails to yield, or rear-ends another driver and causes an injury, then that driver is negligent.

Filing a negligence claim doesn't mean that you're accusing the other driver of being a bad person, and it doesn't mean you're being greedy. It's simply a claim that the other person's conduct has caused you some type of harm for which you deserve to be compensated. No one will go to jail because of your civil lawsuit. The civil system offers a way for you to be made

whole for the damages you've suffered as the result of another's wrongful conduct.

The insurance industry, along with state and national chamber of commerce organizations, have done a great job of casting doubt on legitimately injured people and the lawyers who represent them. While there are unethical lawyers and people who make fake claims, the vast majority of claimants and attorneys seek only fair compensation for the injury suffered. You shouldn't feel guilty for pursuing a legitimate claim for injuries caused by someone else.

When you seek a settlement from an insurance company, you're just trying to be made whole for the medical bills you've incurred and the pain you've endured. You have nothing to be ashamed of when you look out for your best interests.

### **YOUR LAWYER DOESN'T GET PAID UNLESS YOU DO**

People are understandably nervous about hiring a lawyer. Fear it will cost too much stops some

from consulting an attorney, especially when expenses may add up because of a recent accident. Accident victims, however, don't pay their lawyer anything unless a settlement is reached or they win in a trial.

Most attorneys who represent accident victims take what's called a contingent fee, so the lawyer's fee depends on his success in resolving the case. If you win your case or get a settlement, the lawyer takes a fee. If you lose at trial or the insurance company won't settle, you get nothing, but you typically won't owe the lawyer a fee.

Usually, the lawyer takes one-third of the gross award or settlement. The arrangement works for both parties. The lawyer takes a risk that he'll never get paid if the case bombs. The client gets to pursue his claim without having to come up with thousands of dollars in legal fees. Without this arrangement, some people could never bring a claim because they couldn't afford it.

Trying cases can be expensive because court reporters must be hired to take depositions that must be transcribed, medical records must be or-

dered, expert witnesses such as doctors must be consulted, exhibits must be compiled, and court costs must be paid.

The attorney will usually cover those expenses because most people couldn't come up with that much money. If the case settles or the client wins at trial, the lawyer is reimbursed for the expenses he incurred in handling the case. Again, this arrangement benefits the client. Our firm handled one case where the expenses alone were in the neighborhood of \$100,000. If we hadn't paid for those expenses, our client never could have pursued his claim even though he had an excellent case.

When you meet with a lawyer, you will have to sign an agreement that spells out how the attorney will be compensated and how the expenses will be paid. Make sure that the contingency fee arrangement – typically 33 1/3 percent of the gross settlement or award – is clearly spelled out in the contract. If you don't feel comfortable with the contract, don't sign it. You're in control. If you have questions, make sure the lawyer answers before you sign the document.

You can walk away after the case starts, but the lawyer will be entitled to get paid for the time and expenses he's incurred out of whatever settlement another lawyer obtains for you.

When the case is resolved, you will get a check that represents the award or settlement, minus the attorney's fee and expenses. In some situations, the attorney could be entitled under the contract to more money than the client ultimately receives after expenses and medical bills are paid off, but that shouldn't happen. The attorneys in our office often cut their fees so the client almost always ends up with more money.

### **ATTORNEYS KNOW HOW TO NAVIGATE THE LEGAL PROCESS**

In all but the most straightforward of traffic accidents, these cases can become very complicated even for attorneys who handle these issues every day. Dealing with insurance adjusters, health-care insurers, doctors, chiropractors, and attorneys representing the insurance company can make resolving a personal injury claim a long, frustrating journey. Hiring a lawyer to help you

obtain fair compensation makes sense unless you've been involved in a very minor accident.

If you hire a lawyer, he has a few options when trying to resolve your case. Some lawyers file a lawsuit immediately, which has the benefit of putting you quickly on a trial track. The other path the attorney might take is negotiating with the insurance adjuster to resolve the case without having to file a lawsuit. Most attorneys, including those in our office, prefer the second approach.

Lawsuits are time-consuming, expensive, and unpredictable. The benefit of settling a claim with the adjuster is that the client gets compensated sooner and has a certain outcome. We only file suits quickly if the adjuster makes an unfair offer that we know isn't going to get any better or if the statute of limitations is about to expire. For a routine traffic accident case, the injured person has two years after the accident to file a lawsuit. The statute of limitations for a minor's traffic accident case is two years after the minor turns 18.

Even with our approach, you shouldn't expect a

quick settlement. As we stated earlier, we think it's best for the client to follow a doctor's treatment plan – even if it takes more than a year – rather than settling the case prematurely. This benefits the client's health and her case. Ultimately, your settlement or verdict will be based to some degree on the cost and length of your treatment.

Sometimes going to trial becomes the only option. When you're looking for a lawyer, hire someone who is willing to try cases if necessary. It can take a long time to get to trial, but it may offer your best chance of getting fair compensation for your injury. If you have to go to trial, be prepared for a long wait because judges must juggle numerous criminal and civil cases. It's not unusual for a trial date to be set anywhere from six months to a year after the complaint is filed.

## **NOW WHAT? HOW A CAR ACCIDENT CASE WORKS**

1. After signing a contract with our office, you will be sent home with the contact information of all staff you will be working with, as well as other information on your case.
2. A paralegal will contact the insurance company on your behalf to determine coverage.
3. We will send the insurance company a letter of representation and set up your accident claim. We will also handle the property damage claim, where we will either make arrangements to get your car fixed or get you reimbursed for a total loss. We can also set up a car rental if allowed by the policy.
4. If you don't have a doctor, we can refer you to respected medical providers who can help you recover from your injuries.
5. Our four attorneys and multiple staff members – including experienced paralegals, legal assistants, and medical records analysts - will investi-

gate your case by obtaining police reports, interviewing witnesses, and gathering medical records.

**6.** All necessary costs to pursue your case will be advanced on your behalf. If no money is collected for you and you have followed our advice, you will not be asked to repay the costs advanced to you.

**7.** Our attorneys are always available to discuss the progress of your case. We provide clients with personal cell phone numbers and the attorneys are available after normal business hours and on weekends.

**8.** Our medical records specialist will contact you regularly to get an update on your medical treatment.

**9.** We will perform legal research to strengthen your case.

**10.** We will notify all insurance adjusters of your claim through letters of representation. This ensures that the at-fault party's insurance company

will not bother you anymore.

**11.** After compiling all medical bills and records, we will send a letter to the at-fault party's insurance company that details your injuries and demands fair compensation. The demand letter will include an impact statement on how the injury has affected your life.

**12.** Our best negotiators will negotiate your settlement with the insurance company to ensure maximum recovery.

**13.** Our office will negotiate with your medical providers to reduce the amount of money you have to pay for your medical bills.

**14.** Your attorney will keep you updated about any offers that are made to settle your case.

**15.** At the end of your case, you will be provided with a full explanation of all case expenses, medical expenses, and legal fees so you can see exactly how much money you'll receive from a settlement or jury verdict.

**16.** At your direction, we will use a portion of

your settlement or jury award to pay outstanding medical bills.

**17.** If a settlement cannot be reached, your attorney will consult with you about whether a lawsuit should be filed, and what it means to you.

**18.** If a lawsuit is filed, we will help you respond to interrogatories and discovery requests.

**19.** Your attorney will help you prepare you for your deposition.

**20.** Your attorney will conduct depositions of the defendant and key witnesses.

**21.** Your attorney will consult with you to prepare your case for trial.

**22.** Your attorney will be at your side during the trial, protecting your rights and fighting for fair compensation.

**23.** At the conclusion of your case, we will ask you to grade our performance and give us feedback regarding your experience with us.

**24.** After your case is completed, we would like to stay in touch by sending you our monthly newsletter and periodic legal information that may be of interest to you.

**25.** Free books, magazines, videos, and special reports will be available to you on subjects such as auto accident injuries, dog bites, trucking accidents, and worker's compensation claims.

**26.** Our toll-free 800 number may be called 24 hours a day to request our books and other information.

**27.** We will enroll you in our free key protection program, Toledo VIP. If you lose your keys, we'll pay a reward to anyone who returns them to our office. We also offer this service free to friends and family by visiting [www.ToledoVIP.com](http://www.ToledoVIP.com).

**28.** Our clients and past clients are encouraged to come to us with **any** legal question or concern they may have while they are a client and any time after they have been a client.

We do not charge for this service.

We will either help you, or find someone who can.

## **CONCLUSION**

We hope this book serves as a helpful reference tool for understanding personal injury cases.

Though the process can be long and complicated, an attorney can guide you through this journey.

When picking an attorney for your case, select someone who handles a lot of personal injury cases. Personal injury lawyers deal with the legal issues specific to this field of law daily.

If you think we can help you with your case, please call us at 419-241-1395 or 800-637-8170. An intake specialist will gather information and connect you with a lawyer. Calls that come into our office after hours are forwarded directly to a lawyer's cell phone.

To learn more about our firm, visit our website at

***www.BoykLaw.com.***

We'll schedule a free consultation with you and give you our professional opinion about whether we can help you. You can also order one of Chuck Boyk's books for people bitten by a dog, injured on the job, or involved in a truck accident. He has also written books on what to do if you have been injured on a motorcycle, lost a loved one due to the negligence of someone else, or if your child has been involved in an accident.

We have six offices in northwest Ohio where we can meet with you to discuss your situation. We'll work hard to get the best result for your case.