

FIVE COSTLY MISTAKES TO AVOID IN YOUR SERIOUS INJURY OR DEATH CASE

Each year, more than 40,000 Americans are killed and thousands more seriously injured at the hands of negligent drivers. Since 1954, Murphy & Pressentin has been representing the seriously injured and bereaved survivors of motor vehicle crashes - negotiating and litigating their cases with liable insurance companies.

In our experience, the following are the most common and costly mistakes made by people dealing with injury and wrongful death claims:

1. Giving the insurance company a recorded statement without first consulting with a bodily injury attorney.

Insurance adjusters are likely to contact you shortly after the accident and will ask that you provide a recorded statement (if they haven't already done so). Insurance adjusters are highly trained, skilled professionals whose job description is to reduce the amount of money their employer has to pay to settle or resolve bodily injury claims.

Be forewarned, even the most straightforward liability accident may contain "hidden" legal nuances upon which your ability to receive compensation may rise or fall, including the *value* to be assigned to your losses. If you do not know these nuances, a simple recorded phone conversation (which may be used as evidence at trial) may significantly reduce your compensation, or defeat it outright.

2. Trusting the insurance company will treat you fairly since their insured was responsible for and caused your injury.

Highly skilled insurance adjusters do not want you to hire an injury lawyer. In fact, if you ask them - "Do I need a lawyer?" they will tell you "No". They will tell you the lawyer will simply take money from your pocket at settlement and that the lawyer will greatly delay the settlement process.

It is in the adjuster's (and the insurance company's) best interests that you not hire a lawyer, as they know settlements with bodily injury attorneys are two to three times as much as settlements with unrepresented injured people.

3. Pursuing early settlement before an investigation into applicable insurance coverage has been completed.

A wrongful death claim is not ripe for settlement until you have located and identified all available liability (or other) insurance and have calculated the monetary value of each category of recoverable damages: loss of society & companionship; loss of financial support; conscious pain and suffering; medical and funeral expenses, etcetera. Pursuing settlement discussions before this time, tips off the insurance company that you may be financially challenged and are a potential candidate for a "*bargain*" settlement.

In fact, part of the insurance company's strategy is to get you to accept an early settlement at a discounted amount, for less than the total dollar amount which may be available to compensate you for your injuries and losses.

Should you fail to have a thorough investigation completed, you may end up leaving hundreds of thousands (\$100,000 +) of dollars of insurance proceeds uncollected.

4. Failing to consult and hire an injury attorney to conduct an investigation into applicable insurance coverage.

An experienced injury attorney should be willing to work with you on a negotiated (and fair) fee basis, to make certain your interests are protected by completing a thorough and complete insurance investigation. This investigation will consider all potential avenues for your family's compensation and recovery and may include, among other things, eyewitness interviews and searches for liability insurance policies, which may provide coverage for your claim.

Your fee for an attorney's insurance investigation should be for an established amount (i.e. \$5,000). By working with a lawyer in this fashion you will protect your family's initial liability insurance recovery from a contingency fee, while obtaining the peace of mind that you are recovering *"everything that is available."* Under this type of a fee arrangement, you will pay an attorney's contingency fee *only if added insurance coverage is identified*, thereby protecting your family's monetary interests while maximizing your recovery.

At Murphy & Presentin we always have your best interests at heart and we have developed this unique fee arrangement as a way to protect families who are dealing with devastating physical and emotional losses. We believe you should have full disclosure of *"all available proceeds"* **before** you sign off on your case.

5. Failing to seek psychological counseling for help in adjusting to one of life's most traumatic events.

Losing a loved one unexpectedly and traumatically in an accident is devastating. Psychologists are trained to assist people in adjusting, as best as we may, to grief and the loss of an immediate family member. If your health insurance covers counseling, we strongly suggest that all family members meet privately with a psychologist. If you do not have insurance coverage, we will assist you in locating a counselor willing to provide services now, while waiting until your case settles before receiving payment.

If you are able to avoid making these common mistakes, you will be well on your way to resolving the legal issues surrounding your wrongful death loss in a most logical, reasoned and healthy way.

TOLL FREE 866-230-2282
MURPHY & PRESENTIN
Copyright 2008
All rights reserved.