



Personal Injury Clients' *Most Frequently Asked* **Questions and Answers**



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#1 | How much is my case worth?



This is a difficult question to answer at the beginning of a case, but the **value of your claim** will become clearer once we have completed our investigation and gathered all your medical records, bills, and lost wages information. Generally, the value of your personal injury case will depend on the severity of your injuries, the facts of your case, the amount of insurance coverage available, and the strength of our claim that the other driver was at fault.

The value of your case comes down to what **“damages”** you have suffered as a result of the wreck.

DAMAGES INCLUDE:

- Past medical bills
- Future medical bills
- Lost wages
- Loss of earning capacity
- Pain and suffering
- Inconvenience
- Personal property damage in car (such as replacement of glasses, or injuries to a pet)
- Cost of prescriptions and medical devices



After we have completed our investigation of your case and collected all the necessary information, we will discuss our **estimate of the case value** with you, and begin negotiations with the defendant's insurance company.

#2 | How long will my personal injury case take?



Determining how long your personal injury case will take is difficult to predict. Most clients come to our office when they are still receiving medical treatment for their injuries from the accident. You should reach “**maximum medical improvement**” (MMI) before we can safely move forward with settlement negotiations with the insurance company.

MMI is the point when your treating physicians determine that you have **fully recovered** from your car wreck. MMI may not mean you have returned to the same level of health as before the accident, but it’s the doctor’s way of saying, “This is as good as it’s going to get,” as far as your recovery is concerned.

It is important to remain patient throughout the process if you want to maximize your recovery. Sure, the insurance company will settle today, but it will be for a **value far below what your case is worth**. The worst mistake you can make in your case is agreeing to settle your case too early and for too little money, and then having a major medical problem related to the accident arise. **Once your case settles, you have no ability to re-open your claim** and ask for more money.

It is our goal to obtain **the most compensation possible** for you in an efficient manner. If the insurance company is offering a fair settlement amount, and you have reached MMI, then it’s possible to settle your case early in our representation. However, your case could take one to two years, or even longer, if your treatment is ongoing, and it becomes necessary for us to file a lawsuit against the other driver because his insurance company will not offer a fair settlement amount.

#3 | What happens after I sign as a client with GibsonSingleton?



We create a **file for your case**, and send letters to the insurance companies letting them know that we represent you and that all **future communication** should come to our firm and not you. We also send a request for a copy of the accident report related to your case. Next, we begin gathering information about your case.



WE WILL REQUEST

- Medical records
- Bills
- Lost wages information

#4 | What should I do to help GibsonSingleton with my case?



Your first job is to get well. Focus on your **medical treatment**.

Make sure that you attend all your doctor's appointments and physical therapy sessions. If your treatment isn't documented in medical records, and you aren't **consistent** in attending your treatment, then as far as the insurance company is concerned, you weren't hurt.

It is also very important to **keep good records** of your treatment and provide us with any paperwork you receive about your case, such as medical records, bills, prescription receipts, and insurance explanation of benefits (EOB) forms. We love paper! It's our job to review and organize all the documents you provide and

use them to get you the best case result possible.

Keep us updated about your health, your medical treatment, upcoming surgeries, and any other important developments in your life.



See our **"Top 10 Keys to Success of Your Personal Injury Case"** in your orientation folder for more good advice on how to help us help you.

#5 | What's the best way to reach you?



Feel free to call our firm at **(804) 413-6777**, or email us with your questions and updates. **Kathy Wilmot** (John's assistant) and **Michelle Cain** (Ken's assistant) are here from 8:30 a.m. to 5:00 p.m. Monday through Friday, to help you with your case. Ken and John are often out of the office attending court or conducting case investigations, but we can be reached by email at **ken@gibbonsingleton.com** or **john@gibbonsingleton.com**. We will return your call or email as soon as possible. You may also email **Kathy** at **kathy@gibbonsingleton.com** and **Michelle** at **michelle@gibbonsingleton.com**.

#6 | How do I pay your legal fees?



In most (but not all) cases, our firm is paid on a **contingency-fee** basis, meaning that we are paid out of any recovery we obtain for you by settlement or by a verdict at trial. Generally, our contingency fee is **33.3 percent of the recovery** for auto, truck, motorcycle, and boat accident cases.

#7 | Do I pay for the costs of my case upfront?

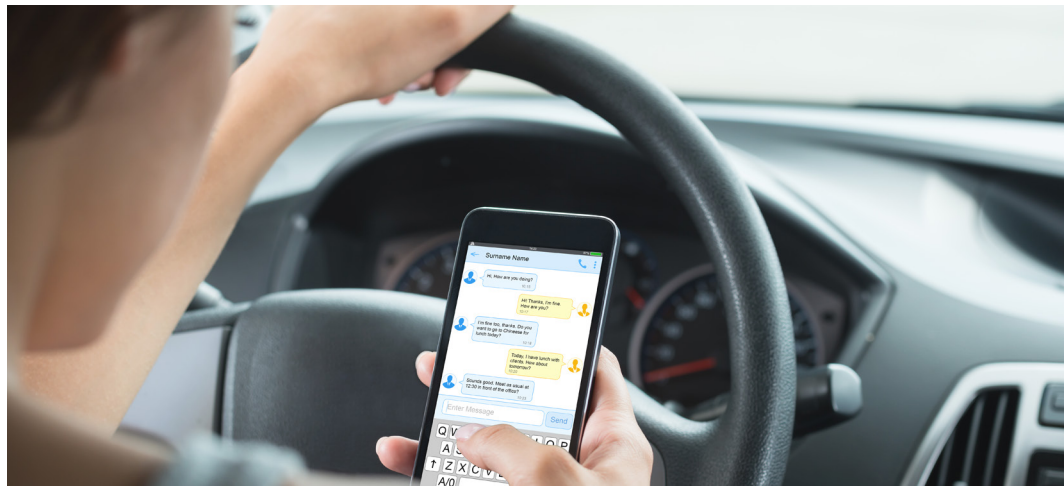


No, **our firm pays your case fees** and litigation costs upfront and is reimbursed through the recovery we obtain on your behalf.

#8 | What is negligence?



Negligence is the **failure to use reasonable care** to prevent harm to others. A person is negligent if he or she does something that a reasonably careful person would not do in the same situation, or fails to do something that a reasonably careful person would do in the same situation.



In an auto accident case, we must prove that the other driver's negligence caused the car wreck that injured you. Some **common examples** of negligent driving behavior include following too closely, failing to yield the right-of-way, driving drunk or under the influence of drugs, driving at an excessive speed, and failing to keep a proper lookout.

#9 | How do you negotiate a settlement with the insurance company?



The key to successfully negotiating a fair settlement with the insurance company is to **know your case** inside and out. That means we must thoroughly investigate your case and obtain as much information as possible about the facts of the accident and the injuries you have suffered. We must also be prepared to respond to any claims by the insurance company suggesting you were in any way at fault for the accident, or that your injuries and medical treatment were not serious or are unrelated to the car wreck.

Once we have gathered all the information we need and you have fully recovered or reached “**maximum medical improvement,**” then we are ready to begin negotiations with the insurance company.



The initial effort to settle your case begins with our detailed letter to the insurance company accompanied by supporting documents and photographs in what we refer to as a “**demand package.**” We “demand” a settlement amount on your behalf. The demand package outlines the negligence of the other driver, and provides an overview of your damages – your pain and suffering, inconvenience, past and future medical bills, impact on your daily life, and your lost wages. With our letter, we include all your

medical records and bills, the accident report, photographs of the accident, and photos of your injuries and treatment.

The insurance company reviews our demand package and responds with an **offer of settlement** usually within 30 to 60 days. The offer is generally very low, and we have to continue to negotiate until we reach a settlement that fairly compensates you for your injuries and other damages.



If the insurance company won't offer a fair settlement amount, the next step is a discussion with you about **filing a lawsuit** against the other driver.

#10 | If we file a lawsuit, where will the case be tried?



In most cases, we file lawsuits in the county or city **where the accident happened**. However, we are permitted to file a lawsuit in the county or city where the defendant lives. We evaluate the **best “venue,” or location**, to file the lawsuit for your case based on our experience concerning how typical judges and juries handle personal injury cases in those locations.

#11 | What's the difference between the General District Court and the Circuit Court?



Under **Virginia law**, we are permitted to file lawsuits in the General District Court for a **maximum recovery of \$25,000**. For personal injury cases involving less serious injuries and lower total medical expenses, filing in the General District Court is the best, most efficient option. Only a judge hears cases in the General District Court; there is no option for a jury. The benefits of filing in the General District Court are that the process is **streamlined**, and we can get into court much more quickly.



In cases where the injuries are serious and the total medical bills and lost wages are high, we file lawsuits in the Circuit Court, where the value of the case must be **higher than \$25,000**. In almost all the cases we handle, we will ask that a **jury decide your case** in the Circuit Court.

#12 | Do I still have a claim if my health insurance paid my medical bills?



Yes, you are entitled to **full reimbursement** of your medical treatment. In other words, we will ask that you be reimbursed for the full cost of your treatment, not just your out-of-pocket copays or deductible payments.

#13 | Do I have to reimburse my health insurer?



It depends on whether your insurance company has the **right to be** reimbursed. We will help you determine what you need to do.

#14 | Can my health insurer file a lien against my case?



Yes, your health insurance company may file a lien against your recovery in a process called “**subrogation**.” When your health insurance pays for the medical bills from your car accident, and we recover money from the liability insurance company (the auto insurance company for the person that caused the wreck, i.e., the defendant), then your health insurance company may be entitled to seek **reimbursement** of, or “subrogate,” the money they paid for your medical bills from the amount our firm receives from the defendant’s auto insurance company.



This is a complex process, and we will work with you and your health insurance company regarding any liens that may apply in your case.

#15 | Will the information I share with you be confidential?



Yes, all the information you share with our firm is protected under **attorney-client privilege**. Because the information you provide is protected, it is important that you be open and honest with us about all the facts concerning the accident, your medical treatment, your medical history, prior lawsuits, and any driving or criminal records. If we know about issues in your case, we will be **prepared** to deal with them during negotiations and at trial. However, if we are surprised by a fact that wasn't revealed to us, it will have serious consequences for your case.





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