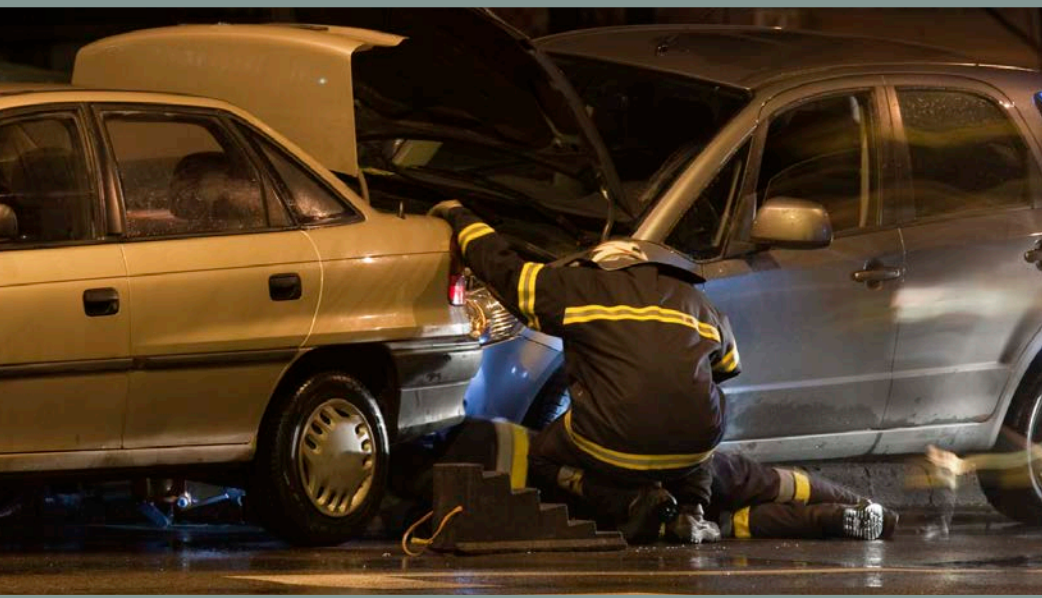


CRASH COURSE!

*7 Strategies for a Successful
Nebraska Motor Vehicle Injury Claim*



WILLIAM "BILL" STEFFENS

STEFFENS LAW OFFICE, P.C.
BROKEN BOW, NEBRASKA
WWW.STEFFENSINJURYLAW.COM

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FOREWORD

I grew up in Kearney, Nebraska, back when it was still a small town. As a child, I was able to ride my bike anywhere, attend movie matinees and walk to the public swimming pool – all in complete safety. My wife, Cory, and I wanted our children to experience that same lifestyle growing up. So, we moved to Broken Bow, Nebraska. With two years of litigation experience as a deputy county attorney in Hastings, Nebraska, I was ready to jump into a civil practice.

After trying several different areas of law, I found myself magnetically drawn to helping injured people. People who found themselves pitted against a big insurance company bully – a bully who refused to treat them fairly.

I come from a long line of people who were passionate about helping others. My father was a doctor back in the days when physicians made house calls. My mother was a school counselor. While she retired years ago, she still receives numerous phone calls and letters from her former students.

I believe I bring a similar passion to my work. While challenging, it is also the kind of work that allows me to really get to know

and understand clients. In the process, I have formed many wonderful relationships. We continue to stay in touch with many of the injured clients I have helped.

After handling many cases, I've learned the unwritten rules. What works, and what doesn't. This experience is what levels the playing field for us. A large insurance company has vast resources and they can give people the runaround for a very long time. That's where I come in. That's why I wrote this book. To help people systematically work through the issues that an injury victim faces following a serious car accident. The seven most common problems injury victims confront and the strategies needed to be successful are all addressed in this book.


DISCLAIMER

Nothing in this book may be construed as legal advice.

You will find a wealth of information about handling a personal injury claim in this book. I have condensed many years of experience in the area of personal injury law between the covers. However, every injury case is different and the general information found in this book may not specifically apply to your particular case.

So, I am not allowed to give “legal advice” in this book. I can only offer suggestions and identify some of the pitfalls. Please do not consider anything in this book to be legal advice until you have agreed to hire me and I have agreed, in writing, after reviewing the facts of your case, to represent you.

STRATEGY #1:



SEEK MEDICAL TREATMENT IMMEDIATELY AND CONTINUE TO TREAT AS LONG AS NEEDED

- (1) You should seek medical treatment immediately following an accident for your own well-being as well as that of your injury case.

1st Get to an emergency room.

If the ambulance doesn't take you, have someone drive you. You may be hurt worse than you know. But you won't know if you don't go.

In the emergency room, tell the doctor about the accident and where you hurt. This is not the time to suffer in silence or try to "cowboy up." Describe your pain in as much detail as possible so that it later appears in the emergency room medical record.

If you wait too long after the accident before seeing a doctor, the insurance company may well argue that

your injuries happened later and did not result from this accident.

2nd Follow the emergency room physician's advice regarding pain medication and therapy. One of your most precious assets is at stake – your health. Truth be known, no injury award is large enough to replace your good health. What you do in the first few days and weeks following your wreck can impact you for the rest of your life. Be smart about this and follow the doctor's advice.

3rd See your own family doctor about your injuries.

The emergency room physician may not suggest this, but you need to do it. Your family doctor knows you best and can refer you to any specialist you may need.

Be sure to tell your doctor about the accident, where you hurt and what your pain level is.

Follow your family doctor's recommendations as if recovering from this accident is your new job – it is, really. You want to recover as much as possible from your injuries. Proper medical treatment early on is the key.

Continue treating regularly with your family doctor until they release you or refer you to a specialist. You should visit your doctor at least once a week for a while, at least until they determine the extent of your injuries.

Remember that some accident victims initially hurt all over and then have very specific pain in certain areas later.

Every time you see your doctor, refer to the auto accident and honestly describe where you hurt and your pain level.

If you stop medical treatment, the insurance company will presume, and later argue, that you are no longer hurting. So, as long as you hurt, seek medical treatment.

Your family doctor is probably someone you have known over the years and have come to trust. Therefore, I strongly suggest you follow their advice for the sake of both your health and your case.

STRATEGY #2



Your injury case will probably take some time to be resolved. Months – maybe even years. So, you must preserve evidence early that you may need later.

- 1st** Before the other driver's insurance company will pay you, you will need to prove that the other driver was negligent. Maybe the negligence was obvious, but maybe not.

Preserve how the accident scene looked with a few photos. You wouldn't be the first accident victim to return to the crash scene months later and find changes in the roadways or surrounding area. For instance, the city may change the signage or tear up concrete and curbing for whatever reason.

Don't depend on law enforcement officials to take the photos you might need. While well-meaning and typically thorough, they are not required to take photos. Law enforcement officials don't always get the photos

you need and they are not required to keep the photos for a long period of time. So, take your own.

2nd Even if you are able to prove negligence, you must also prove “pain and suffering” before receiving compensation.

Take pictures of your physical injuries. Here is where a picture really can be “worth a thousand words.” For instance, it is one thing for medical records to say your head required 24 stitches for closure and quite another to produce a color photo showing your bruised and discolored face all stitched up.

While no one likes having their picture taken under these circumstances, such a photo can be invaluable later when the insurance company is scoffing at you, saying, “Your injuries weren’t that bad.”

3rd If you are in pain, keep a journal.

Later, if you are asked how many headaches you suffered through and the degree of your pain, you will then have physical evidence.

You can use whatever feels comfortable. A tablet with dated pages, a diary or even boxes on a wall calendar.

You won’t remember all that happened months from now when you need it, so write it down now. My grandfather, a very successful architect, used to say, “A 29-cent notepad can be more valuable than a million-dollar memory.”

STRATEGY #3



HOW TO COVER MEDICAL EXPENSES AFTER AN ACCIDENT

(WHEN YOU DON'T HAVE INSURANCE OR MONEY)

Few stresses in life match the financial pressure you may be forced to endure after an accident. Particularly, if you can't work for a while. Your medical provider wants payment now, but you are struggling just to pay your regular monthly bills. And you're thinking, "I didn't cause the accident. Why doesn't the other guy's insurance pay for my medical treatment?"

Well, sorry to say, legally the "other guy's" insurance can avoid paying everything except for repairing your vehicle, or paying you the fair market value for your vehicle, until your case is either settled or decided in court.

But, there are ways to receive top-notch medical treatment even if you have no health insurance, Medicaid or Medicare available to cover the expenses, or have no money to pay for treatment.

- 1st** Seek "MedPay" from your own auto insurance policy. "MedPay" is insurance money, available under most

auto policies, to pay for your medical bills. It is typically available in amounts of \$2,500 to \$5,000.

If your injuries are minor, you may want to seek “MedPay” by yourself. Call your insurance agent and ask how much “MedPay” is available on your policy. Next, submit your medical bills to your agent and request payment using your “MedPay.” Do this in writing and save a copy of your letter as well as copies of the bills you send to your agent for your own records. Also, ask for written confirmation when these bills have been paid.

If your injuries are serious, “MedPay” will not cover all the medical expenses. You may need to tap into another form of coverage to cover what “MedPay” does not.


2nd Contact your medical providers and ask them to file a “medical lien.” The law provides that if a medical provider submits a “lien” in your personal injury case, they get paid before you do. Doctors like that (who wouldn’t).

Many medical providers want to know that you are working with an attorney before agreeing to a “medical lien.” They want assurance that you hired an experienced lawyer who will recover medical expenses in your case. At Steffens Law Office, we will contact any reluctant medical provider and encourage them to file a “lien” with us. We have even gone so far as to prepare the “lien” for them.

3rd The critical mistake you must avoid is a lapse in treatment or the “other guy’s” insurance agent will say, “You must have gotten better.” In the insurance world, “I didn’t have the money to treat” is not an excuse. To be successful, you

must treat medically until your doctors say they can do nothing more for you. This is called “maximum medical improvement.” If you quit medical treatment prematurely, you usually do more damage to yourself and your case.

STRATEGY #4



HOW TO RECEIVE MONEY TO REPAIR OR REPLACE YOUR WRECKED VEHICLE

Car crashes can be awful. Typically, you are dealing with physical injuries and damage to your car. Your medical care usually starts in the emergency room or with your family doctor. But who helps you get your car repaired or replaced?

Well, that depends on who is deemed to be at fault. If the other driver is obviously liable, then you should contact their insurance company and request either an estimated cost of repairing your vehicle or the replacement value. If you are 50% or more at fault, or if there is a real issue as to liability, then you should deal with your own insurance company.

- 1st** If your car is damaged but not “totaled” (where the cost of the repair exceeds the value of the vehicle), you will need at least two estimates from local repair shops. To make a claim against the insurance company, first call the agent for their contact information. Then, mail, fax or e-mail a dated letter to the agent with a copy of the two

estimates. It is also a good idea to send several photos. You should already have these if you followed Strategy #2: Document Your Accident. Remember to keep a copy of all correspondence for yourself. In most cases, the agent will want to view the damage before writing you a check. This can all be done in a matter of a few days.

2nd If your car is “totaled,” the repair shops will indicate this on their estimates. Unfortunately, the repair shops will not typically determine the “market value” of your car if it can’t be fixed. Instead, this will need to be negotiated between you and the insurance company.

One of the easiest ways to determine the replacement value of your car is to research your vehicle’s value on Kelley Blue Book via the Internet. First, fill out the information regarding your vehicle under “Private Party Value.” Then, choose the “condition” that closely matches that of your car. Remember, only 3% of all cars are deemed “excellent” – basically, showroom quality; 23% of cars are “very good” and over half of all cars only meet the criteria of “good.” You get the idea – don’t expect to negotiate “excellent condition” value for an average car.

Insurance companies almost always have some leeway in negotiating value. While you are waiting for a decision or a check, you might inquire whether a “rental” car is available for your use under the policy.

Don’t take too long in this negotiating phase because there could be a storage bill accumulating for which you may be liable.

Also, make sure that you have all the photos you need of the car because it may be hauled off shortly after your settlement on value.

3rd If asked to sign a “release” before payment, make sure you are only settling on the car. All other damages resulting from your accident should be reserved. When in doubt, seek assistance from an experienced personal injury attorney.



STRATEGY #5:

HOW TO DEAL WITH THE OTHER GUY'S INSURANCE COMPANY

(WITHOUT HURTING YOUR CLAIM)

1st It is very important that you recognize at the outset of your claim that you are now in the midst of a battle with the other guy's insurance company. No matter how pleasant the other insurance company's representative may be (and they often are) or how many times the agent tells you they can help you settle your claim quickly – they are not a friend, but a foe. They are being paid well to find a way to deny or reduce the value of your claim. Worse yet, the agent may delay doing anything at all until you are so frustrated – and broke – that you will take whatever lowball offer they make – so watch out!

2nd You should also recognize that right from the start, the insurance representative has the upper hand. They have been trained in these sorts of matters. They probably have considerable experience and vast resources that you don't – like legal advisors to turn to for help. Also, they likely know the things to look for to wreck your claim. They

are under no obligation to help you, inform you of the law or advise you as to what is best for you.

So, if you have been seriously hurt, you should seriously consider not talking with the insurance carrier at all or signing any forms until you have consulted with a knowledgeable attorney. If you choose this direction, be sure to get the agent's contact information and tell them you will be in touch with them after you have talked with an attorney.

If you choose to communicate with the agent – be careful!

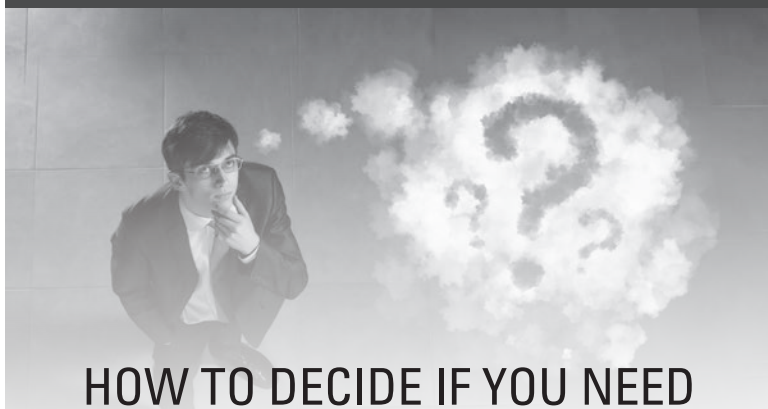
3rd The first thing the insurance carrier will probably want is a recorded telephone interview about the accident and your medical care. Beware! If you agree to this, carefully think through what happened. Consider preparing notes, including a timeline beginning several hours before the accident, then retracing the accident itself and what followed. If you participate in an interview unprepared, and answer a question with “I don’t know” and later remember the answer, you could be accused of “changing your story.” It is better to qualify answers to questions you know, but can’t remember at the time with an answer like, “I can’t recall that at this time.”

A book could be written about this interview process. But with some help, you can tell the complete truth and avoid hurting your claim. We at Steffens Law Office have a series of pointers we give clients. We also like to be part of the interview and record it ourselves.

4th If the insurance company asks you to sign any papers, again, approach this with extreme caution. You should strongly consider getting legal advice first. Whatever you do, don't sign anything you don't completely understand or haven't carefully thought through.

In summary, the other driver wrecked your car. Don't let the other driver's insurance company wreck your claim, too.

STRATEGY #6



HOW TO DECIDE IF YOU NEED A LAWYER TO SETTLE YOUR CLAIM (AND IF SO, HOW TO CHOOSE A GOOD PERSONAL INJURY ATTORNEY)

1st You really may not need, or want, an attorney involved in your claim. If you have experienced a minor impact accident, have less than \$5,000 in medical expenses, have recovered completely and have lost little or no time from work, you probably have a “small claim.” In a small claim, the attorney fees (typically one-third of your settlement) and costs might leave you little or nothing after your medical bills are paid. That really wouldn’t be fair to you.

If you are not sure if you have a claim that needs an attorney, just call Steffens Law Office. We will help you analyze the situation without charge.

Don’t base your decision to use a lawyer on what the insurance agent says or the amount of money they initially offer you. No matter what, the agent will always discourage you from using an attorney and the first offer

will always be low. In addition, you may not know how serious your injury is for weeks after the accident, long after the insurance agent's initial offer.

2nd If you decide you need an attorney, how do you choose a good personal injury lawyer?

I suggest the following criteria:

Seek an attorney with knowledge and experience. How many auto accident claims has the lawyer actually handled and how many years have they concentrated on this type of claim? Personal injury is a specialized area of the law, and it requires years of education, training and experience. Even if the lawyer is seasoned, if they practice in many different areas of the law without really focusing on personal injury auto accidents, look elsewhere.

Look for someone with a good reputation for honesty and professionalism – so you can believe what they say. There are several indicators:

- a) Are they accredited by the Better Business Bureau?
- b) Do they have at least a “very good” rating on AVVO, which rates lawyers for experience, industry recognition and professional conduct?
- c) Can they provide real testimonials where clients remark about the attorney's character and credibility?
- d) Does the lawyer sound “questionable”? Make promises to you early on about how much your claim is worth or

give you inflated guarantees about the outcome of your claim? Experienced, knowledgeable, ethical attorneys simply don't do this.

Does the lawyer seem genuinely interested and compassionate about your medical condition? If the lawyer isn't encouraging you to get excellent medical care and not asking how your condition is progressing – that's a problem. Your talks shouldn't just be about "money." No amount of money will replace your good health.

Can the lawyer supply you with useful, free information about this area of the law and what issues you should be concerned about? You really shouldn't have to pay for this information or have to travel to the attorney's office to receive the initial information. Lawyers should be able to send you "information guides," a book, DVDs or CDs upon your request. If the lawyer is pushing you to sign a contract for representation first, before answering your questions and supplying free information, I would be skeptical.

Does the attorney have a reputation for good results?

- a) Look at their reviews on AVVO to find out what previous clients thought.
- b) Ask the attorney to supply you with real testimonials where clients rate the attorney and whether or not their claim was successful.

There are a lot of attorneys out there who “tout” themselves to be personal injury lawyers – so take your time searching for a good one who can genuinely help you.

STRATEGY #7



HOW TO DETERMINE WHAT YOUR CLAIM IS WORTH

While no two claims are alike and it is really impossible to tell you exactly what your particular claim may be worth, there are specific criteria that will indicate the value of your claim.

1st The nature and extent of your injuries or, simply put, how badly you were really hurt. This is key.

Was the injury extremely painful and for how long? Do you have evidence to support this in the form of medical records, witnesses, a journal or photographs?

Is your pain ongoing and how long is it expected to last? Do you have evidence supporting that?

Did your injury disfigure or scar you physically or emotionally?

2nd The type and cost of your medical treatment.

Don't expect your claim to have much value if you have never been treated by a specialist like an orthopedist, neurologist, surgeon or ear-nose-and-throat (ENT) specialist.

The length of time you were treated and the cost of your treatment will play a significant role in determining the value of your claim. However, your medical care will need to be viewed as reasonable and necessary for your condition.

Medical records showing that you need medical care or should expect to need medical care in the future will further increase your claim value.

3rd Wages lost as a result of your injury.

Lost time at work because you were receiving treatment or physically unable to work will add value. You will need medical records and employment records to support this claim.

If your condition is such that you will not be able to return to the same job or may not be able to work at all, the value of your claim will be significantly impacted.

4th Lost or diminished quality of life.

Such things as activities that you can no longer enjoy may influence value. The more important these lost activities were to your previous lifestyle, the more value they usually have.

Because there is no exact formula for determining “fair compensation,” it is important to consult with an experienced personal injury attorney about your specific circumstances to really determine the general value level of your claim.

CONCLUSION

Hopefully, this book has answered a lot of your questions. Maybe, you've even gained some insight that has changed the way you think about your injury claim. I hope so.

The real problem with a book of this kind is that the information found in it can only be general in nature. It cannot answer all the specific issues raised in your case, because every case is different.

Frankly, as an attorney, it is this very element that makes my work so challenging and rewarding. No matter how many hundreds of cases I review in my career, no two cases will ever be exactly the same.

As an injury victim, though, this has to be frustrating, and I certainly didn't mean to leave you thinking, "Yeah, but what about...because that happened to me."

The reality is this. I can't possibly explain and document all that I have learned in the many years I have specialized in personal injury law. The result would be a very long book that few would even attempt to read. I have intentionally kept this book short so

that, hopefully, no one will be intimidated by its size or the time needed to read it.

If you still have questions, just call me or contact me on our website – www.steffensinjurylaw.com. I'm not going to charge you to answer a few questions. You might have a very simple case that you can, and should, settle yourself without an attorney. Or, you might not.

I am very selective about what cases I take. We only sign cases involving serious or catastrophic injury. Also, in most cases, I make more than one contact with a potential client before the client and I are both sure that we want to work together. Only then do we talk about legal representation and a written contract.

Thank you for your valuable time. I look forward to hearing from you.

CASE RESULTS

Shoulder Injury

Our client, a 44-year-old female, suffered a shoulder injury resulting from an automobile collision. She was diagnosed with a Type I SLAP injury to her left “dominant” shoulder. As a result, the client was restricted from lifting more than 10 pounds over her shoulder and could no longer participate in a number of recreational activities. Her medical expenses were approximately \$12,400 and she lost about \$1,000 of income while treating. After payment of all medical expenses (the law office negotiated reductions of the largest expenses) and attorney fees, the client netted over \$25,800. The most the insurance company was willing to pay the client prior to her representation by Steffens Law Office was less than \$3,600 net.

Low-Impact Rear End Collision

A 23-year-old male suffered neck and low back injuries resulting from a low-impact rear end collision. He was diagnosed with disc herniation at Level L4-L5, with a bulging disc at L5-S1, and lumbar radiculopathy (shooting, burning pain down the client’s leg). He incurred \$11,000 in medical expenses and \$762 in lost

income. After payment of all medical expenses (the law office negotiated reductions on the largest expenses) and attorney fees, the client netted \$15,000. The most the insurance company was willing to pay the client prior to his representation by Steffens Law Office was less than \$3,000 net.

Head-On Collision

Our client, a 46-year-old male, was struck head-on by an oncoming driver who turned left directly across our client's lane of traffic. Fortunately, our client was restrained by his seat belt. His injuries required a right shoulder SLAP repair with acromioplasty and distal clavicle excision. His hip injury required an arthroscopic debridement. Our client's doctor determined that he was a candidate for a total hip replacement at some time in the future as a result of the severity of his injury. His medical expenses were more than \$100,000 and his out-of-pocket expenses amounted to about \$2,700. A physical performance evaluation showed that our client was only able to do "sedentary" work as a result of the automobile accident. Initially, the case results appeared bleak as neither driver had much insurance coverage. However, after further investigation, it was determined that the other driver was working for a large company and was "on the clock" at the time of the accident. This provided a resource from which to adequately compensate our client. After payment of all medical expenses owed (a number of which were reduced through negotiation by the law office) and attorney fees, the client netted over \$156,000.

Roll Over Collision

Our client, a 14-year-old female, was injured in a roll over collision. She sustained a severe injury to her right shoulder that required surgery and prolonged physical therapy. As a result, she

suffered a significant reduction in lifting strength and was no longer able to compete in school sports. In addition, she was forced to miss 36 days of school due to her injury. Following payment of all medical bills and attorney fees, our client netted over \$55,000. Because of her age, the client's family elected to place over \$53,000 of this award in an annuity, which will earn interest until the client uses it for her college education.

Severe Injuries, But Not Much Insurance Coverage

Our client, a 30-year-old male, suffered multiple injuries when struck by another vehicle. These injuries included a broken foot, shattered femur, broken pelvis (three areas), broken arm requiring two plates and 25 screws to repair, strain to knee and back, and several contusions and lacerations. In addition, our client developed Post Traumatic Stress Disorder. Following three weeks of hospitalization and prolonged after care, the client required a cane to ambulate. Unfortunately, the medical costs involved exceeded all combined insurance coverages. In addition, the other driver had limited assets – negating any hope of court judgment recovery. After considerable negotiation, Medicaid (the medical expense lien holder) agreed to settle for only one-third of the total settlement. After payment of all medical expenses owed, and attorney fees and costs, the client netted more than \$48,000.

Hit By A Drunk Driver

Our client, a 42-year-old female, sustained injuries to her head, shoulder, neck, back and hips as a result of a collision caused by a drunk driver who ran a red light. Her injuries required a lumbar fusion at L3-4 and an arthroscopic rotator cuff repair. The client's medical expenses were extremely high and she had also incurred approximately \$11,356 in lost income while

recuperating. Following extensive negotiations, all medical liens were reduced, and after payment of all expenses and attorney fees, the client netted a settlement of more than \$43,000.

Unmarked City Intersection

Our client, a four-year-old male child, was an unrestrained rear seat passenger in a vehicle T-boned in an unmarked city intersection. He suffered a skull fracture and a 7 cm laceration across his forehead. After payment of medical expenses and attorney fees, the client netted a settlement of \$48,827.

Disclaimer

Injury claim results may vary depending on the facts and circumstances of your case.

FREQUENTLY ASKED QUESTIONS

DO I HAVE A CASE?

An injured party is referred to as the plaintiff. In Nebraska, the plaintiff has the burden of proof. This means the “burden” is on you to establish the legally required elements in your case or you will not be entitled to any recovery. The plaintiff must prove three major elements in order to “have a case”: liability, causation and damages. While you will need help to fully evaluate whether or not you have a case, the following will get you started:

Element #1 – Liability

In order to “have a case,” the other party must be “liable” for your injuries. Typically, this means the other party has committed a negligent action that caused your injuries. In order to prevail on a claim of negligence, the facts must clearly show the other driver’s negligence or failure to meet the standard of care. The most direct evidence is a violation of the rules of the road. For example, “failure to yield” or running a stop light.

Element #2 – Causation

You must be able to show that your injuries were caused by this accident. For example, in order to be compensated for a ruptured disc in your low back, you will need strong evidence that this injury resulted from your collision and not from an accident at home or at work. A doctor's medical opinion may be required to resolve this issue.

Element #3 – Damages

This can be defined as how the accident impacted you physically, emotionally and financially. More specifically, your (a) pain and suffering; (b) lost wages; (c) lost or diminished quality of life; (d) present and future medical expenses, and (e) out-of-pocket expenses.

The harm or injuries you have suffered must be significant enough to justify spending the time, energy and resources that are required to bring a successful claim.

DO INJURY CLAIMS ALWAYS GO TO COURT?

Most personal injury claimants do not try their cases in court. Most cases are settled out of court. However, if the defendant's insurance company refuses to pay fair compensation for your damages, the case may need to be decided by a judge or a jury. The decision about whether to settle a case or file a lawsuit is one of key importance. The right decision requires research, competent counsel and careful consideration. The final decision belongs only to the injury victim.

HOW LONG DOES IT TAKE TO SETTLE AN INJURY CLAIM?

Time to conclusion depends largely on the circumstances of the injury, the nature of the case, the insurance company, the insurance adjuster and the attorneys involved. There is a wide time frame for settlements, which changes substantially if a lawsuit is filed. The key in an injury case is not to settle until you have reached maximum medical improvement. Once a settlement is accepted, the victim can never again go back and ask for more money – so don't get in too big a hurry. Some injuries demand a long waiting period – like head injuries. My personal rule of thumb is to never even consider settling a head injury case for at least a year after the initial injury.

HOW MUCH WILL IT COST TO HIRE A PERSONAL INJURY ATTORNEY?

Generally, there is no fee for talking to a personal injury attorney about your claim; initial consultations are typically free. Usually in personal injury cases, once an attorney makes a commitment to represent you and/or your family, you are only charged a fee if the attorney successfully obtains a recovery for you. This fee is calculated as a percentage of the recovery. In Nebraska, this percentage is typically one-third, or 40% if the case must be placed on file with a court. Expenses necessary for pursuing an injury claim may be advanced by the attorney. If an attorney is successful in obtaining a recovery for you, these costs are then reimbursed to the attorney from your portion of the distribution. If nothing is recovered on your behalf, you will generally not owe the attorney any fees or any case expenses depending on your circumstances. However, this may vary from one attorney/client contract to another. By the way, Nebraska law requires a written contract between an attorney and their client in a contingent fee personal injury case.

CAN I BE COMPENSATED IF I AM PARTIALLY AT FAULT?

If you are partially at fault, you may still be entitled to receive a percentage of the compensation you would have received if you were not at fault at all. The amount depends on the percentage of fault assigned to you. This is your “comparative negligence.” Until that has been established by a judge or jury, you should seek the informed opinion of a personal injury attorney. If you are found to be 50% or more negligent, you are not entitled to recover anything.

WHAT INFORMATION SHOULD I GATHER AT THE ACCIDENT SCENE?

While you should always contact law enforcement to investigate your accident, you too should gather information and supporting documentation. Try to get as many of the following items as possible:

1. Name of the insurance company of the “at-fault” party.
2. Identity and contact information of all possible witnesses.
3. The make, model, year, color and license plate number of the other vehicle.
4. Photos of damage to your person and property, and other property that was damaged as a result of the at-fault party. Take three times as many photos as you think are necessary, from several different angles.
5. Police report, if applicable.

WHAT WILL A PERSONAL INJURY ATTORNEY DO FOR ME?

An experienced personal injury attorney will do the following:

1. Thoroughly investigate the accident, and help you memorialize important information with photos and interviews.
2. Advise you to follow your doctor's recommendations or seek a second medical opinion.
3. Protect you from unscrupulous insurance companies that want to diminish the value of your case.
4. Monitor your medical records for accuracy and consistency with what your doctor is telling you.
5. Advise you to seek medical attention , if necessary, in order to reach maximum medical improvement and to receive fair compensation for your damages.
6. Contact you on a frequent and regular basis for personal status reports.
7. When the time is right, prepare a detailed "demand package" with an eye toward settling your case, if possible.
8. Attempt to negotiate a fair settlement for you.
9. If you wish, file a lawsuit to pursue your claim if the insurance company is unwilling to pay you a fair value to settle.
10. Negotiate a reduction of your medical expenses.
11. Settle and pay all liens against your case.

WHAT DOCUMENTS SHOULD I BRING WITH ME WHEN I MEET WITH A LAWYER?

The more information the lawyer has about your case, the better. You should supply any documents that might be relevant. Accident reports, for example, contain eyewitness accounts and details about the auto accident. Copies of medical reports from doctors and hospitals will describe your injuries. Information about the other driver's insurer is extremely helpful, as are any photographs you have of the accident or of your injuries. If you do not have these documents in your possession, don't worry. Your lawyer will be able to obtain all paperwork necessary to present your case.

WHAT CAN I EXPECT AT MY CONSULTATION WITH A LAWYER?

Most importantly, you should expect to obtain a sense of confidence in the lawyer you are meeting with. They should be able to tell you if you have a case with merit. If your case is one the law firm is willing to accept, you will likely be provided with a written contract. All aspects of the agreement should be explained to you. A lawyer cannot represent you without a written agreement. Once that agreement is in effect, your counsel should start gathering the documents and information they will need to try your case. No competent lawyer would tell you exactly what your case is worth at the first visit. In order to arrive at a figure for damages, your lawyer will need to determine the extent of your injuries, including pain and suffering, disability and disfigurement, the cost of medical treatment, and lost wages. Many times, these elements of damage cannot be determined without extensive research and consultation with expert witnesses. Your lawyer, once retained, should be able to provide you with a proposed rough timeline for the various phases of your particular case.

HOW LONG SHOULD I WAIT BEFORE CONTACTING A LAWYER?

If seriously injured, it is important that you contact a lawyer as soon as possible after your accident. In almost all cases, evidence begins to be lost, spoiled or altered immediately following the accident. Some of the evidence may be imperative. For example, the memory of a crucial witness will, over time, become cloudy or completely fade away. The sooner your lawyer can get started working for you, the better. Remember, the insurance adjuster for your claim is also highly trained in negotiation and they have the job of convincing you to settle for as little as possible. This typically includes their “friendly” advice not to get a lawyer because “you won’t get as much money.” That’s a laugh. See the first two “Case Results” on pages 31 and 32.

It is also important to find out your time limits for filing a lawsuit or claim, called the “statute of limitations.” Remember that the claim investigation can take time. So don’t sit on your legal rights too long or you will lose them – even if you don’t want to go to court. Once the statute of limitations runs out, the insurance company will close the file and stop returning your phone calls.

WHAT AMOUNT OF MONEY IS “FAIR COMPENSATION” FOR MY PERSONAL INJURY CLAIM?

Most people simply want fair compensation for the injuries they suffered in an auto accident. They are not trying to “get rich” or “get something for nothing.” However, what really is “fair compensation”?

There is no exact formula for determining the amount of compensation you should recover. A variety of factors are

considered by your lawyer, the defendant and the insurance companies or, if your case goes to court, the jury. These factors include severity of the accident, your injuries, the impact of the injuries on your employment and day-to-day life, and the extent of your medical care, to name a few.

Fair compensation certainly includes more than just reimbursement for your medical expenses. Depending on the circumstances, a personal injury victim may recover compensation for:

- Current medical expenses
- Future medical expenses
- Lost wages
- Loss of future earning capacity
- Physical pain and suffering
- Mental or emotional suffering
- Physical impairment
- Property damage
- Lost or diminished quality of life
- Loss of consortium (love and affection)
- Out-of-pocket expenses

In some cases, the injured person's family members may be entitled to compensation, depending on the severity of the injuries and their reliance on the injured person.

Determining the “fair value” of your claim is one of the critical issues in every case. If your injuries are substantial, you will need to consult with an experienced personal injury attorney.

WHAT DO I DO IF THE OTHER DRIVER DOESN'T HAVE INSURANCE?

If the liable party doesn't have insurance to cover your damages, you can make a claim against your own automobile insurance policy's “uninsured motorist coverage.” In some cases you can file a personal claim against the liable individual, but oftentimes, their assets won't cover the damage. In addition, even if you manage to win a large judgment in court against such an individual, they can just file bankruptcy and erase it.

WHAT ARE UNINSURED/UNDERINSURED MOTORIST BENEFITS?

If you were in an auto accident due to the negligence of another driver, you typically will seek compensation from the negligent driver's insurer based on their insurance policy. However, don't expect them to pay anything until your case has been settled.

If the driver was uninsured or underinsured, and if you have coverage through your own insurance policy or the policy covering the vehicle in which you were riding, you can make a claim for these benefits. This is often referred to as “UM” or “UIM” insurance coverage. Seeking these benefits should not affect your future cost of insurance if you were not the negligent party.

WHAT ARE PERSONAL INJURY PROTECTION (PIP) AND MEDICAL PAYMENT INSURANCE (MEDPAY)?

Many auto policies often include a form of medical and wage coverage called personal injury protection coverage, or PIP. This coverage is available to the insured driver and any passengers in the insured's vehicle for injuries sustained, regardless of who is at fault for the accident. PIP coverage pays 100% of the medical expenses, up to the limits of the PIP coverage. Typically, these coverages vary from \$2,500 up to \$10,000. PIP benefits do not have to be repaid if the adverse driver's insurance pays damages. MedPay benefits pay for medical expenses and are subject to "subrogation" unless liability and UIM coverage are both exhausted.

I HAVE A PERSONAL INJURY QUESTION THAT YOU HAVE NOT ANSWERED.

Please call William "Bill" Steffens at Steffens Law Office, P.C., at (308) 872-8327 or contact us online at www.steffensinjurylaw.com.

TESTIMONIALS

“We are very pleased with how you handled our case. You were honest and up-front with us on everything. Your staff was also helpful and pleasant. Thank you again.” *Kari – O’Neill, NE*

“Steffens Law Office did a great job for me. I didn’t know what to do first, and they led me through everything. They encouraged me to get the best medical treatment I could, and I did. Plus, my settlement check was better than I ever expected.” *Andy – Sidney, NE*

“I was concerned about which attorney to hire for help in my auto accident. The Steffens Law Office turned out to be a great choice. They contacted me regularly, answered all my questions, and really worked with me. I worried that I had waited too long, but my case moved forward quickly. I was very pleased with the result, and shocked with the large size of my settlement.” *Phyllis – North Platte, NE*

“I am very pleased with the overall experience of working with this law firm. Everything was broken down into terms that I could understand. I do feel like they had my best interests in mind. I would recommend Steffens Law Office to anyone that

wants great personable service. The staff that answers the phones was very kind and helpful as well.” *Rodney – Wabash, AR*

“After my accident, I was confused and had a lot of questions. Bill was able to walk me through the process and help me to understand my rights as a victim. I was able to get a settlement even when my own insurance company refused to help.” *Sabrina – Wheat Ridge, CO*

BIOGRAPHY



Nebraska personal injury attorney William “Bill” Steffens, originally from Kearney, Nebraska, is the senior attorney at Steffens Law Office. He has specialized in injury law for the last 17 years of his 29 year practice, assisting many very satisfied clients throughout Nebraska and south central South Dakota in both workers’ compensation and personal injury cases.

Bill and his family have made Broken Bow their home for 26 years. He has been involved in many local organizations, both civic and religious, holding both appointed and volunteer positions. Bill’s hobbies include hunting, fishing, running, biking and driving his “collector” car with his wife, Cory.

Bill earned his law degree from the Washburn University of Topeka College of Law and his undergraduate degree from Nebraska Wesleyan. He is licensed to practice law in Nebraska and South Dakota.

WA

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*7 Strategies for a Successful Nebraska
Motor Vehicle Injury Claim*

If you have been hurt in a motor vehicle accident, one thing you need to know is that there are unwritten rules about what makes a personal injury claim successful and what does not. Big insurance companies have a lot of money and other resources that can give people the runaround for a very long time, most likely during a time when they are dealing with issues such as recovering from injuries and lost wages.

“That’s where I come in. That’s why I wrote this book.”

Nebraska attorney William “Bill” Steffens has specialized in injury law for the last 17 years of his 29 year practice. He has witnessed firsthand how injury victims can be victimized again by insurance companies that only want to delay paying injured parties the compensation they deserve, if they pay anything at all.

In *7 Strategies for a Successful Nebraska Motor Vehicle Injury Claim*, Steffens explains the seven most common problems injury victims confront and what is needed to overcome these obstacles to reach full and fair compensation. Among topics discussed are:

- Why seeking medical treatment immediately following an accident helps not only you, but helps your injury case as well.
- Why the “other guy’s” insurance company doesn’t want to pay your medical bills.
- What to do if your car is totaled vs getting it fixed.
- Placing a value on your claim.

“No matter how many hundreds of cases I review in my career, no two cases will ever be exactly the same,” writes Steffens. And while each injury case carries its own set of challenges and solutions, the information Steffens offers in this book is a good starting point for anyone who has been hurt in an accident.

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