

The Virginia Car Accident Guide: A Former Insurance Lawyer's Guide to Auto Accident Injury Claims:

By James R. Parrish, Esquire

If you are reading this book then CONGRATULATIONS! You have taken the first step to obtaining a better understanding of the automobile accident personal injury claims process. This book is designed to educate you about this area of the law and teach you how the insurance companies operate.

Over the last several years, the insurance industry has spent millions (maybe billions) of dollars successfully brainwashing the general public to believe that people who make personal injury claims are lazy, good for nothing men and women just looking for a "free ride" and "easy money." In fact, the insurance companies will go to almost any length to prevent you from successfully pursuing your claim.

I know this because I used to defend insurance companies and worked intimately with everyone in the insurance industry from front-line adjusters to corporate "big wigs."

I used to lecture to insurance professionals to help them more successfully settle claims for small amounts or deny claims altogether.

I wrote articles for insurance/risk management companies.

I even graduated from the International Association of Defense Counsel trial academy!

This book is written with knowledge I gained from all of my interactions with the insurance companies with which I now do battle on behalf of people injured in car accidents.

It is my hope that the information contained within this book will arm you with the knowledge you will need if you have been injured in an automobile accident and deserve to recover compensation for those injuries. It is also my hope that after reading this book, you will know what to expect when you decide to make a personal injury claim, the kinds of issues you are likely to encounter and what to look for in a lawyer to handle your case.

Who is the author of this book?

My name is Jim Parrish and I am a personal injury attorney in Manassas, Virginia. As indicated earlier, for the first several years of my career (which now spans a more than decade), I was regularly retained by massive insurance companies to defend personal injury claims and protect the insurance companies' money.

I defended automobile accidents, slips and falls, dog bites and medical malpractice claims, just to name a few. However, after a while, it became clear to me that the results I was achieving (and yes, I was very good at protecting the insurance money from those injured folks) were not fair or just. I began to see that many good people were being taken advantage of by the insurance industry and, although I hate say it, bad lawyers representing those injured people.

So, I decided to take cases on behalf of people opposing the insurance companies and use my information and knowledge of the insurance industry to the benefit of my clients. I also decided that I would not make the same kinds of mistakes that I saw other injury lawyers repeating time and time again to the detriment of their clients. While it is never easy, the satisfaction of obtaining monetary compensation for the people who have given me the honor of representing their interests is extraordinary.

ETHICAL INFORMATION:

Before we go further, I need to make sure that you understand what this book is not. (FYI-This information is required by the Virginia State Bar, the organization which controls my ability to practice law):

-The contents of this book are not legal advice.

-Obtaining this book from me does not create an attorney-client relationship between us. (As you will read, I run a small law practice and am highly selective in choosing my clients and cases. Unlike many other personal injury lawyers, I do not sign up everyone who calls my office that has been in an accident. In order for my firm to take on your case, you must have sustained very serious injuries and the fault of the party whom caused those injuries must be clear.)

What does it mean to make an automobile accident personal injury claim?

Negligence of the Other Driver:

In Virginia, in order to successfully make a claim for personal injuries sustained in an automobile accident, you must prove that the driver of the vehicle that hit you was “negligent.” “Negligent” simply means that the other driver acted unreasonably under the circumstances.

In relation to a motor vehicle crash, negligence can typically be shown by demonstrating that the other driver violated a traffic law or other well-accepted “rule of the road.” Running a stop sign or red light, changing lanes without using a signal, turning in front of oncoming traffic or speeding are all examples of negligent driving. Negligence does not mean that the other driver is a bad person or that he did something purposely to hurt you. (Those types of claims are the subject of another book I am writing.)

Contributory Negligence:

Assuming you can show that the other driver acted negligently, then the claims process looks at your driving behavior, i.e., did you do anything that contributed to the accident? If so, guess what? The claim is **over**. You are completely barred from recovering for your injuries.

This harsh rule is called contributory negligence and it means that if you are just 1% of the cause of the accident, then you get nothing! Virginia is one of only a few states that still use this extremely harsh rule, but if you are going to make an automobile accident personal injury claim, you had better get used to hearing this phrase. Insurance companies love to cite contributory negligence as a reason to deny claims and will use it at any and every opportunity.

Damages for Your Injuries:

Assuming that the other driver was negligent and you were not contributorily negligent, then the next part of the automobile accident personal injury claim is your “damages.” Of course, this begs the question, “what are damages?”

Under Virginia law you can generally claim the following types of “damages”:

- medical bills, both in the past and in the future (yes, you can claim these even if you have health insurance);
- lost wages, both in the past and in the future (yes, you also claim these even if you have sick leave at work);
- pain and suffering, both in the past and in the future (this is always the phrase you hear about on TV);
- inconvenience, both in the past and in the future;
- scarring or physical disfigurement/deformity;
- permanent injuries; and

-loss of earning capacity (for example, if you are unable to return to work as a crane operator and have to take a job as a cashier making less money than before the accident).

To be blunt, which is what this book is all about, the entire idea of “damages” is **money**. In order to receive compensation for your “damages,” the claims procedure provides you with money. The claims process does not make the other driver apologize to you, it does not take the other driver’s license nor does it force the other driver to go safe-driving school.

Because the automobile accident personal injury claim boils down to money, the insurance companies have developed a number of VERY EFFECTIVE strategies to avoid paying you. The level of the insurance companies’ success in this regard is quite evident when you look at their corporate income, assets and holdings¹. Insurance giants are worth billions and billions of dollars and they did not achieve this type of wealth by treating you fairly or voluntarily accepting responsibility for your “damages.”

¹ As of the date of publication of this book, American International Group (AIG) was worth more than **\$115,000,000,000 (all those zeroes mean 115 billion dollars!)** and Allstate Insurance Company had a value in excess of **\$28 billion dollars**. These are just a couple of the many, colossally large and influential insurance companies constantly bombarding the public with their anti-lawsuit and anti-personal injury propaganda.

Why is the injury claims process referred to as a "battle?"

When you make a personal injury claim, you must understand that you expose your life to the scrutiny of well trained and highly skilled insurance professionals and risk managers. These folks will do everything in their power to intimidate you and minimize or negate your recovery for the damages you have suffered.

As examples of the tactics used in this process, please review the following two scenarios:

1) A well known insurance company's adjuster told a former client of mine that he was "sorry" for the accident in which she was hurt, that he would "pay for her medical bills" and that she should take "as long as she liked to get better and submit her final claim to him when she was ready."

What he did not tell her was that if she did not settle her claim or file a lawsuit within two years of her accident, then her claim would be forever barred by expiration of the statute of limitations!

By pure luck she contacted me just two days prior to the two year limit and fortunately, we were able to file suit and preserve her claim. When I contacted the adjuster and asked him to explain his unethical and inappropriate misleading of my client, his response was, "I don't owe her anything. She should know the law. If she let her claim lapse, then that is her problem, not mine."

2) More recently, an insurance "investigator" appeared at the workplace of one of my clients, told the receptionist that he was an "investigator" and needed to speak with Ms. Smith (not her real name, of course) about her claim. My client was paged to the front office and had to confront this "investigator" while co-workers were milling about.

The insurance worker told my client that he wanted to interview her about the accident and she politely refused. She further informed him that she had just retained my law firm (the day before) and that he should contact my office if he needed further information.

The "investigator" then became agitated, made a comment about how he did not understand why she needed a lawyer and walked out the door. He then sat and "steamed" in the parking lot for more than thirty minutes.

Of course, all of these tactics were designed to intimidate, embarrass and discourage my client from pursuing her claim.

What makes this story more outrageous is that the "investigator" told my client that he appeared at her workplace simply because he was unable to contact her via telephone and needed to learn what happened in the accident and better understand why she was claiming that the other driver caused the accident.

Of course, my client knew this was false on a number of fronts because she had already met and had numerous telephone calls with a different member of the insurance company about the accident and

because the other driver admitted fault at the scene to her, as well as the investigating police officer (who noted the information on the accident report)!

Now that you understand more about the claims process and the purpose of this book, let's get right into the information I learned by working for insurance companies.

The following is a list of things the insurance companies **HATE** because each item damages their ability to deny, defend or minimize your personal injury claim:

THE INSURANCE COMPANIES HATE IT WHEN:

You have been in an automobile accident and call the police.

You were probably taught in your first driver's education course to always call the police to the scene of any accident in which you are involved. This really seems quite simple. However, many folks involved in accidents don't do it. Why not? Perhaps because the other driver promises to make sure that his insurance "takes care of everything" or that he can't afford to pay a traffic ticket or that the damage to the cars seems minor enough to just "handle things unofficially."

So why do the insurance companies hate it when you call the police to scene of an automobile accident?

When you call the police to scene of your accident, then the police will require the drivers involved to exchange insurance and identification information. The police may also charge the at-fault driver with some sort of traffic infraction, obtain witness information and preserve statements about the event, including descriptions of what occurred and complaints of injury. All of this information will very likely assist you in the future with your claim and hurt the insurance company's ability to deny your claim.

By calling the police, you have made an official record of the event and can be relatively sure that the information you receive about the other driver is accurate and truthful. After all, not many folks will give fraudulent information about themselves or their insurance to an officer of the law.

This official record will effectively prevent the other driver's insurance company from arguing that the incident did not occur or that their insured driver was not involved in the cause of your injuries. (Yes, insurance companies will deny responsibility at every opportunity, including whether their driver was even in the accident with you.)

This official record will also demonstrate that you complained of pain at the scene, which will help deflect any argument by the insurance company that you weren't hurt or that you later fabricated your complaints to manufacture a personal injury claim (another favorite of the insurance companies).

Finally, statements from witnesses or the other driver may contain valuable facts that may be later forgotten (many witnesses may not later recall things like the speed of the other car prior to the accident, the weather or the color of the traffic light at issue) or can be used to rebut a "changed story." I don't know how many times I have been told by my clients that the other person admitted fault at the

scene, but later hear from the insurance company that no such statement was made and that the cause of the accident was contested. (You may not be aware of this, but I will bet that your own automobile insurance card, which you keep in your glove compartment, contains the following instruction: Do not admit fault for the accident. Remember, the insurance companies hate it when their drivers take responsibility for the accident because it damages their ability to deny or effectively defend your claim. After all, these companies are in business to make lots of money, not to pay it to you!)

THE INSURANCE COMPANIES HATE IT WHEN:

You are hurt in the accident and go to the hospital or to see your doctor.

By going to see a qualified medical professional, you are doing what is likely the safest and most prudent thing to properly care for yourself. While you may think that the pain is going to go away, the only way to be as sure as possible is to get checked out. Hospitals, doctors and nurses know what to ask, examine and test following motor vehicle accidents. The best that can happen is that everything will test normally and you go home with a lot less to worry about. Alternatively, if you have sustained a serious injury, then you will be in the right place to have it treated.

You are probably thinking that anyone who gets hurt in an automobile accident would surely seek medical care, right? **WRONG.** Many folks who are injured in car accidents refuse care from the emergency medical experts who come to the scene or fail to go to the hospital or see their doctor to get proper care for those injuries.

So why do the insurance companies hate it when people ask for treatment at the scene of the accident or to go to the hospital or their doctor in the first day or so following the accident?

It is very simple. It seriously harms their ability to argue that you were not hurt. If you had turned down help from the EMTs who came to the site or if you did not visit the emergency room or go to see your own doctor, then they are in a much stronger position to deny your claim.

Your explanation that you thought you would get better or that you did not know how badly you were hurt because of the adrenaline surge following the accident will be a tough sell to jurors who will think that you are just “out for money.” Remember, there is nothing fair about the personal injury system and the insurance professionals opposing you know and use every trick in the book to keep you from recovering compensation for the problems their insured caused.

THE INSURANCE COMPANIES HATE IT WHEN:

You refuse to give a recorded statement to the insurance adjuster for the other driver's insurance company.

You can bet that within a day of your accident, you will receive a call from a professional insurance adjuster representing the driver who hurt you. You can also bet that he will tell you "how sorry he is that this unfortunate incident (**he won't even call it an accident**) occurred" and "how he is just trying to figure out what happened." **Mularkey!**

He wants you to let him ask you a bunch of well scripted questions that have been developed over the years, which are designed to help him later deny your claim and to get you to say things that he will later use **against** you.

So, when you deny this request for a recorded statement, you hurt the insurance company's ability to develop evidence to deny your claim and they hate it when you don't do what they want!

While I was working for the insurance companies, I reviewed hundreds of these recorded statements and listened time after time to these adjusters ask unfair questions to unsuspecting folks, who were hurt, and generate a mountain of evidence against them. An example of these types of interviews follows:

Insurance adjuster: "Can you tell me how fast the other driver was going when you first felt contact from the rear?" (Notice that the insurance professional does not refer to the accident as an "impact.")

Injured person: "Well, no, I was just stopped at the red light and all of sudden I felt this BANG from behind."

Insurance adjuster: "Ok, so you don't even know how fast the other driver was going. Do you know if the other driver tried to stop before this contact occurred?" (There is that word again, contact. It makes the accident seem so minor, doesn't it?)

Injured person: "I really don't. I don't know what he did." (How would you? You were sitting at a stoplight, minding your own business, when the other driver decided to crash into you!)

Insurance adjuster: "Ok, so you don't even know what happened."

After reading this sample, you may be in shock over the unfair questions of the insurance professional. However, no matter how unfair, it happens every day all around the country.

I always thought it would be a good idea to ask the adjuster who calls you for a statement to ask when you or your attorney can interview his insured and tape the conversation. You can rest assured that the answer to that would be **NEVER!**

Remember, the insurance person is trying to build a case to help his insured and hurt you. He has no intention of being fair with you.

THE INSURANCE COMPANIES HATE IT WHEN:

You refuse to sign a release which will permit the insurance company to obtain your medical records.

During the first conversation you have with an insurance professional for the other driver, you will very likely be asked to sign a Medical Authorization, which will allow that insurance company to go to your doctors, dentists, hospitals, etc., and get every piece of medical information in their files. However, the insurance adjuster will phrase his request like this:

“We need you to sign this document so that we can keep track of your medical treatment and keep enough money in reserve to make sure that we can pay your claim.”

(While it is true that insurance companies are under certain requirements to keep adequate “monetary reserves” to cover existing claims, you can be sure of two things: 1) the adjuster has no intention of paying you those “reserves” voluntarily; and 2) he wants that signed “Medical Authorization” to find evidence to help him deny your claim.)

The insurance adjuster will lead you to believe that he will be gathering records related to the injuries you sustained in the accident at issue, but he will also be looking through as much of your medical history as possible to find notations of prior similar injuries or other accidents. One of the insurance industry’s favorite tactics in denying or minimizing personal injury claims is to point to other accidents ***(yes, they will use the word “accident” to describe other events in which you have been involved)*** or injuries you have sustained in the past as being the cause of your current medical treatment.

The insurance professionals opposing you in this process are trained investigators who know how to read medical records and they will search as far and as wide as possible to find any record of treatment you underwent in the past. They will also go to any length in their attempts to link unrelated prior injuries to your current situation.

For example, I recall a case in which the insurance adjuster asked a nice lady if she had ever experienced back pain before the accident and the lady replied that she had not. The insurance adjuster then refused to offer this lady a fair settlement because the adjuster had found evidence of prior complaints of back pain in the lady’s medical records related to her past pregnancy!

Remember, the adjusters will use these Medical Authorizations to review every bit of your medical history, including gynecological and psychological records. Nothing is off limits if you sign away your rights to keep your medical history private!

THE INSURANCE COMPANIES HATE IT WHEN:

You retain a lawyer to protect your rights!

Another question you can count on hearing from the opposing insurance adjuster is:

“Have you retained a lawyer?”

If you have not, then you will very likely hear something like this (because these adjusters are so well trained, you probably won't hear the big sigh of relief on the other end of the phone):

“Well, that is good news. Just so you know, having a lawyer does not increase the value of your claim. In fact, if you get a lawyer, then you will lose one-third of your settlement, plus have to pay their costs. I am glad that you and I will be working this out without lawyers involved.”

The fact of the matter is that insurance companies hate it when you get lawyer to protect your rights throughout the claims process because these professional adjusters know that they will have to deal with someone who has equal or greater knowledge of the personal injury system.

They know that the lawyer will not let their client be taken advantage of.

They know that the injured person's lawyer will not accept a “low ball” settlement offer.

They know that they will not be able to dupe the lawyer into settling the claim quickly and cheaply before the true nature and extent of the injuries are known.

They know that they will have to pay fair value for the claim or else risk having to go to Court.

Over the last several years, data has been compiled, which demonstrates that injured people with lawyers obtain vastly greater settlement amounts than unrepresented persons. Additionally, by involving a lawyer early on in the claims process, many of the “pitfalls” or “traps” used by the insurance adjusters can be successfully avoided. Finally, experienced personal injury lawyers can ensure the client that all available resources for recovery are utilized to their maximum extent, which means that the insurance companies will be forced to treat the injured person's claim more seriously and ultimately offer to settle at a higher value than without such an experienced attorney involved on behalf of the claimant.

THE INSURANCE COMPANIES REALLY HATE IT WHEN:

You hire a former insurance defense lawyer to handle your injury claim!

In addition to the reasons why insurance companies hate it when you retain a lawyer, which were outlined in the last section, these companies really get anxious when they learn that you have hired an attorney who has done insurance work.

This type of scenario (that is, facing a former insurance lawyer) is so unsettling for insurance companies because it is very much like a professional sports team having to go up against one of its former coaches who already knows and has well-crafted reactions for all of his prior team's strategies, tricks and plays!

When the insurance adjusters handling your claim discover that they are going up against a lawyer with an insurance background, they are forced to throw away their normal "playbook" because they understand that the lawyer facing them understands all of their tricks and tactics.

They further realize that they are facing a lawyer who will not commit many of the errors that lots of typical personal injury lawyers (without experience on both side of the process) routinely make.

Finally, they know that they will actually have to pay fair value for your claim or risk the case going to Court and having to pay their lawyers and doctors lots of money to fight your claim.

Now that you know a heck of a lot more about the personal injury process; the ways the insurance companies will try to take advantage of you; and most importantly, actions to take, which will maximize your claim, I would like to talk about selecting an attorney to handle your case and what my firm does for its personal injury clients.

Do You Really Need An Attorney To Settle Your Case?

Hold on your seat-

Not always.

(I bet you never thought you would read a book by an attorney which stated that you may not need to hire counsel!)

You definitely do not need an attorney for every small injury case. In fact, our office does not even accept cases where there's little or no property damage or the injuries are minor.

Why not? Simple. In the small case, the attorney fee and costs might leave little or nothing for you after your medical bills are paid, and we don't believe that would be fair to you.

How Do You Find a Qualified Personal Injury Attorney?

Choosing an attorney to represent you is an important but daunting task. The decision certainly should not be made on the basis of advertising alone. The Yellow Pages are filled with ads--all of which say basically the same thing. You should not hire a lawyer based solely on advertising--anyone can buy a slick commercial.

You shouldn't even hire me (or any other lawyer) until you trust that I can do a good job for you.

How do you find out who in your local community is the best for your case? I believe that there are certain questions to ask that will lead you to the best person for your case--no matter what type of claim you have. It may involve some time on your part, but that's OK because the decision as to who your attorney will be is very important.

The world of personal injury and accident claims is, in our opinion, much too specialized for someone who does not regularly handle these cases. Too many times we have looked at cases that other--inexperienced--attorneys have handled and botched.

You should be aware that the insurance companies who defend personal injury and accident cases know who the attorneys are in your area who actually go into court to try cases and who do not.

When I was active in the insurance field, I certainly used this kind of information to evaluate my cases. In fact, and this is a special piece of my "Inside Information," one of the first questions most insurance adjusters will ask when a serious claim comes in is: who is representing the plaintiff?

If this information is important to the insurance company, shouldn't it be important to you?

So, How do You Find Out Who is a Good Personal Injury Lawyer in Your Area? Here Are Some Tips

1. READ THIS BOOK!

2. Get a referral from an attorney that you know. He or she will probably know someone who specializes in your area of need.

3. The Yellow Pages can actually be a good source of names. However, you need to understand three things:

First, not everyone advertises in the Yellow Pages. In fact, most of our cases come from referrals from other attorneys or from satisfied clients.

Second, be careful about the ads that tout too many different specialties, no one can do everything well. You don't want a **"jack of all trades."**

Third, be careful about advertising designed to attract a high volume of cases, including the small cases that we do not accept. Make sure that the attorney you hire is selective enough with his or her cases that your important case does not become just one more **"file in the pile."**

4. Your local bar association probably has a lawyer referral service. Understand that lawyers have signed up **and paid a fee** to be listed in certain specialties. Their names come up on a rotating basis. This is another good source for an initial appointment. Just take the questions we talk about here to that interview.

5. Interview several attorneys. Ask each attorney who else handles these cases in your area. If they won't give you any names, **leave**. Ask this question of each attorney. The names you see showing up on various lists of recommendations are probably good bets for attorneys doing these cases on a regular basis in your area.

6. Ask each attorney if they have information just like this book and/or a website so that you can find out more about qualifications, experience, and method of handling a case before you walk in the door.

7. Beware of any attorney who contacts you in writing just after you have had an accident for the sole purpose of soliciting your claim. If you are contacted "cold" it should be for the sole purpose of providing you free information, like the information" in this book, that you can study in your own home on your own time.

8. Here are some factors and good points to look for and question your attorney about. Note that not every attorney will meet all of these criteria (including me), but too many “holes” should raise a big question mark.

- **Experience** – obviously, the longer you have been practicing a particular area of the law, the more you will know. Experience is a big factor in most cases.

- **Trial Experience** — ask the attorney how many cases he has actually tried (Less than 10 is not a good number!) Has he or she achieved any significant results? Does he have a list of case results available that you can look at? Don’t accept the “All my cases are confidential” line! *(Helpful Hint: The greater your number of substantial results achieved, the more likely the insurance companies will respect you. Of course, past results are not a guarantee of the future, but they do demonstrate some level of experience and success.)*

- **Respect in the legal community**—does the attorney teach other legal professionals in Continuing Legal Education courses?

- **Membership in trial lawyer association** In our area, you can certainly find a lawyer who is a member of the Virginia Trial Lawyers Association (VTLA), and the American Association of Justice (AAJ) [formerly known as the Association of Trial Lawyers of America (ATLA.)

- **Publications**—has your attorney written anything that has been published? This is another sign of respect that the legal community has for his or her skills and experience.

_ **Experience Defending and Prosecuting Personal Injury Cases**-Has your attorney effectively handled cases on both side of this process? If not, then he probably doesn’t fully understand the ways the insurance industry will fight your claim and likely does not have the information and knowledge I possess due to my years with insurance companies.

What Do We Do for You in a Personal Injury Case?

After reading the preceding chapters, I hope you have a great deal more knowledge about this process than when you initially requested this book and began your investigation into the personal injury claims process.

Please understand that the Parrish Law Firm does not accept every case about which we are contacted. We limit our practice to those cases in which our clients have been seriously injured and for which there is adequate insurance to provide compensation for those injuries. (To better understand why we are so selective, take a look at the list which follows and you will understand the great amount of work that is required to properly prepare a case.)

Without detailing every aspect of our firm's system of handling personal injury cases, I have compiled the following list of services we undertake to maximize our clients' recoveries and provide the highest possible level of legal representation.

Please remember that each case is different, and that not all of these tasks will be required in every case. They are:

- *Initial interview with the client*

- *Educate client about personal injury claims*

- *Gather documentary evidence including police accident reports, medical records and bills*

- *Analyze the client's insurance policy to see whether there are any coverages which the client has that may pay all or a portion of the medical bills while the claim is pending*

- *Analyze the client's insurance coverages and make suggestions as to what coverages should be purchased for future protection*

- *Interview known witnesses*

- *Collect other evidence, such as photographs of the accident scene*

- *Analyze the legal issues, such as contributory negligence and assumption of the risk*

- *Talk to the client's physicians or obtain written reports from them to fully understand the client's condition*

- *Analyze the client's health insurance policy or welfare benefit plan to ascertain whether any money they spent to pay your bills must be repaid*
- *Analyze the validity of any liens on the case. Doctors, insurance companies, welfare benefit plans and employers may assert that they are entitled to all or part of the client's recovery*
- *Contact the insurance company to put them on notice of the claim, if this has not already been done*
- *Decide with the client whether an attempt will be made to negotiate the case with the insurance company or whether suit shall be filed*
- *If suit is filed, prepare the client, witnesses and healthcare providers for depositions*
- *Prepare written questions and answers and take the deposition of the defendant and other witnesses*
- *Produce to the defendant all of the pertinent data for the claim, such as medical bills, medical records, and tax returns*
- *Go to court to set a trial date*
- *Prepare for trial and/or settlement before trial*
- *Prepare the client and witnesses for trial*
- *Organize the preparation of medical exhibits for trial*
- *Organize the preparation of demonstrative exhibits for trial*
- *Prepare for mediation and/or arbitration*
- *File briefs and motions with the court to eliminate surprises at trial*
- *Take the case to trial with a jury or judge*
- *Analyze the jury's verdict to determine if either side has good grounds to appeal the case*

- *Make recommendations to the client as to whether or not to appeal the case²*

Will the Opposing Insurance Company Make Interim Payments to Cover Medical Bills Before the Final Settlement?

This is probably the most frequently asked question I encounter when interviewing a prospective new client and the answer is **NO**.

The adversarial insurance company will only make one settlement payment, which will be in exchange for termination of the case.

This answer is often of great concern to many folks, especially those without health insurance and people who face damage to their credit ratings for unpaid medical bills. However, it is a rule without exception.

Over the years, I have successfully negotiated with health care providers to avoid collections until after a case is over and this is something I will attempt to do for my future clients. Please keep in mind that this is usually not possible, but I will try my best.

Will You have to Repay Your Health Insurance Company from Your Settlement?

*You should know that if your medical bills were paid by health insurance of an employer's health plan, the insurance company or plan **may** want you to reimburse it out of any personal injury settlement or verdict.*

In essence, your "insurance" could turn out to be not insurance at all, but rather a "loan."

*The laws in some states, including Virginia, generally prohibit such claims by insurance companies, but insurers routinely attempt to make the claims anyway. **(SHOCKER! Insurance companies trying to take advantage of you-AGAIN!)***

This area of law, known as "reimbursement or subrogation" is actually quite complicated and is sometimes governed by a federal law called ERISA (The Employee Retirement Income Security Act of 1974). Your attorney must understand the implications of ERISA and the law of subrogation in order to maximize your recovery.

(I have handled scores of subrogation cases for insurance companies and successfully negotiated ERISA claims on behalf of my clients.)

² Our Representation Agreement does not obligate us to participate in any appeal.

Why You Should Hire Us

As I said at the beginning of this book, the Parrish Law Firm is not your ordinary personal injury practice. We approach our cases with a firm understanding as to what the opposing insurance company will need to properly evaluate your claim and with the skill necessary to avoid the pitfalls, which trap many personal injury lawyers **AND THEIR CLIENTS**. Also, please remember that we carefully select the few cases that we will accept at any one time, so that we are best able to maximize our clients' recoveries in those matters.

There are many attorneys who advertise for personal injury cases. Unfortunately, some of these attorneys have so many small cases in their offices that no case gets their personal attention. Others have no real intention of trying your case themselves and if the case cannot be settled with the insurance company, they will refer the case out for trial. There are good experienced attorneys in this field, but it is very difficult for a consumer to separate the good from the bad. In order to determine if an attorney is right for you and your case, don't be afraid to ask questions.

Remember, at the Parrish Law Firm, our clients get personal attention because we are very selective in the cases that we take. We decline many cases a year in order to devote personal, careful attention to those that we accept.

What Cases Do We Not Accept?

Due to the very high volume of calls and referrals from other attorneys that we receive, I have found that the only way to provide personal service is to decline those cases that do not meet our strict criteria. Therefore, we generally do not accept the following types of cases:

☒ Cases involving minor impact. Our experience with juries is that by and large, they do not believe that a minor impact could cause substantial personal injury. We have tried several cases, for insurance companies and on behalf of injured clients, where we felt that the medical evidence was very strong, yet the photographs and the property damage showed little or no damage. Even though well-qualified physicians testified that the injuries were **REAL** and **CAUSED** by the accident, these cases were either lost or received very low verdicts. Thus, I believe that the risk to the client is too great to warrant pursuing these claims.

☒ Cases with less than \$5,000 of "hard damages." Your case must have at least \$5,000 in past and future medical bills and/or past and future lost wages before we will consider accepting it. Of course, we would like to represent everyone who needs a good attorney, but we cannot. So, the combined total of your past and future

medical bills and lost wages must exceed \$5,000. If you have a question about this, contact us and we can help you figure it out.

☒ Cases with significant pre-existing injury in the same body part. If you have had three back surgeries before this accident, then the chances of a jury awarding you a substantial amount of money for your back injuries here is very low. Again, I feel that it is not worth the risk to the client to pursue these cases.

☒ Cases where the statute of limitations will soon run. I like to have at least three months to adequately investigate and evaluate your claim. Sorry, but your delay can result in a serious crisis, which would disrupt my practice and expose me to liability.

☒ If you have had several accident claims in the near past, then I will not accept your case. Jurors simply do not make significant awards to people with multiple past accidents.

☒ I will not represent you if you were charged by the police in the accident. I know that the police can be wrong; but if after interviewing the witnesses and evaluating the scene the policeman gave you a ticket and not the other guy, then I will not represent you.

☒ I will not represent you if you were in any way at fault in the accident. Remember that in Virginia, the jury may find against you if you were 1% at fault. Therefore, if there is any substantial evidence that your injury is in any way your fault, then we will not accept your case.

Well, Are There Any Cases Left?

Yes, there are, and that's just the point. We are a small firm and accept a limited number of cases each year.

“We Concentrate our Efforts on Increasing the Value of Good Cases—

Not Filing and Chasing Frivolous Ones”

I represent many clients with valid claims. When I devote my time and resources to representing only legitimate claimants with good claims, I am able to do my best work. I have found that getting “bogged down” in lots of little cases, each with a “special problem,” is not good for my clients with legitimate claims.

Results of Cases Handled by James Parrish:

The following are descriptions of some of the cases handled by attorney James Parrish. While all the cases handled by this Firm are important, these particular cases highlight one or more unique aspects of our practice's skill set (such as the ability to determine the total amount of available insurance to an injured person under several different policies).

Also, please understand that all case results depend upon a variety of factors unique to each case and that past case results do not guarantee or predict a similar result in any future case undertaken by the Parrish Law Firm. I know that last sentence sounds like a lot of legal "mumbo jumbo," but the substance of the sentence could not be more true. Over the many years of my career, I have seen the personal injury claims process result in settlements and awards over a wide range, some of which were fair and other times, not fair.

Of course, the insurance industry wants the awards to be unfairly low and will do everything in their power to make it happen. When battling a powerful insurance company, you need an equally powerful advocate on your side. Using the experience I developed while working for some of the insurance giants, I was able to leverage and earn these outstanding results:

\$250,000 Awarded at Trial for Slip and Fall Victim:

In a recent victory, the Fairfax County Circuit Court awarded a Parrish Law Firm client a quarter of a million dollars, plus interest and costs, for injuries she suffered in a fall at her apartment complex.

This case began when the client left her apartment to check her mailbox at the end of the hallway. After opening the door to the stairwell, she slipped on a step, fell several feet and landed on her knee. After her fall she noticed that the steps were wet from a recent mopping; however, no warning signs were present. She then began yelling for help; heard someone moving around; and looked down the stairwell to see a maintenance person mopping the floors on another level. This maintenance person came up the stairs to see what the yelling was about and the client asked her to contact emergency personnel. The client also asked her why she had not placed "wet floor" signs in front of the stairs. The maintenance person refused to answer and ran away.

The client eventually obtained medical assistance, underwent emergency surgery and spent a great deal of time in a painful rehabilitation process.

When the maintenance company was contacted to discuss the accident, it responded with a denial of all fault and even produced highly suspicious records, which allegedly indicated that its workers were not even on the property on the day of the client's fall.

After much pre-trial wrangling and preparation, the client's claim was partially settled by the apartment complex owner and one of its contractors; however, the maintenance company continued to deny any responsibility.

Ultimately, after presentation of evidence in support of the client's case, a judgment was entered against the maintenance company, which totaled more than \$250,000! Obviously, this was a great result for the client and we at the Parrish Law Firm could not have been more pleased.

Six-Figure Payment to Young Man Injured in Single Car Crash:

The Parrish Law Firm recently represented a young man ("the client") who was injured in a violent, single-car crash in Fairfax County. The accident occurred due to the driver's negligent attempt to navigate a windy road while exceeding the speed limit. The driver lost control of his vehicle and impacted a tree, which resulted in the client's face being slammed against the window. The client's eye socket, cheek and jaw bones were fractured. Additionally, the client suffered several lacerations due to broken glass in the car.

Following months of medical and dental treatment, the case was submitted to the driver's insurance company with a demand of payment of the full insurance policy limit. The Parrish Law Firm rejected numerous attempts by the insurance company to settle the client's case and held fast to the previously mentioned policy limits demand.

Ultimately, due to the Firm's aggressive negotiations skills, the driver's insurance company agreed to settle the case and paid the full amount of the driver's insurance policy. As a result of the Parrish Law Firm's legal representation, which resulted in a six-figure settlement payment, the client was able to pay his medical and dental bills, as well as save a substantial sum of money for his future.

Prominent Washington, D.C. Lawyer Hires James Parrish to Prosecute Drunk Driving Injury Case, which Settled for Nearly \$500,000!:

James R. Parrish was enlisted by a prominent trial attorney in Washington, D.C., to jointly represent a very badly injured young man ("the client"), who had been in a serious accident caused by a drunk driver. Following the accident, the client was unable to run his small business and nearly lost everything. The opposing insurance companies tried every "trick in the book" to avoid paying the client the compensation he deserved and even went so far as to retain multiple "hired guns" as expert witnesses in an attempt to counter the diagnoses of the client's treating physicians.

Due to the complexity of the issues involved in the case, the parties agreed to mediate the matter with the assistance of a retired, former-Chief Judge of a local Circuit Court. During the mediation, Mr. Parrish effectively countered the insurance companies' strategies and convinced the same insurance companies to resolve the case for nearly one-half of a million dollars. Prior to Mr. Parrish's involvement in the case, the insurance companies had refused to offer the client anything greater than \$50,000.

\$150,000 Earned for Man Hurt in Motorcycle Accident:

A motorcyclist ("the client") enjoying a pleasant weekend cruise in Berkeley County, West Virginia, was hit head-on by a truck that crossed into the client's lane of travel. The client had to be air-lifted from the scene of the crash and underwent emergency surgery to repair his horribly fractured leg.

The client did not have health insurance and was unable to work for many weeks. To make matters worse, the driver of the vehicle that caused the accident did not have automobile insurance to compensate the client for his injuries.

The Parrish Law Firm investigated all aspects of the case and due to its knowledge of insurance policies and laws, located three avenues of recovery for the client. Initially, of course, the insurance companies attempted not to pay the client the amounts to which he was legally entitled. However, the Parrish Law Firm refused to give-up in its fight for the client and eventually obtained every available dollar of insurance, which amounted to more than \$150,000.

Several Hundred Thousand Dollars Paid to Sexual Assault Victim:

A young woman ("the victim") and her family came to James Parrish after being sexually assaulted by a co-worker, while on the job. As you might imagine, her injuries were far too personal to list in a book such as this.

When we first approached the victim's employer to discuss appropriate compensation, the matter was immediately referred to his insurance company. The insurance adjuster promptly hired one of the largest law firms in the world (more than 700 lawyers!) to defend the employer and told us "that the company had done nothing wrong and would not be held responsible for the actions of the co-worker who committed the assault."

After much investigation, it was discovered that the assaulting employee had previously misbehaved in a sexual manner during work hours and on company property. However, this despicable employee had not been sanctioned, disciplined or fired. In fact, he was given a position as a supervisor!

Ultimately, the case went before a mediator (now a local Circuit Court Judge) and resulted in the victim obtaining a Court Order, which granted her several hundred thousand dollars (the exact amount is confidential). I am very happy to write that this resilient young woman has used this money to attend college and move forward with her life.

\$400,000 to Woman Seriously Hurt by Truck Driver:

Imagine that your elderly mother is sick in Florida and that you, her daughter, must drive through Virginia on I-95 in order to be by her side. Now imagine that as you come to a stop for traffic, you are slammed from the rear by a large truck, pushed through several cars, launched into the air and land on the guard rail between the South and Northbound lanes!

This was the situation encountered by one of my clients. Then, to add insult to injury, the driver of the truck claimed that he was not to blame for the accident. He argued that he had been hit from behind and lost control. He even went so far as to claim that my client was the operator the car that struck him and that somehow she then went past him into traffic and ended up on the guard rail!

Of course, the truck driver's story seemed ridiculous, but his insurance company was supporting him in every way possible. Accordingly, we hired the most well known and respected accident reconstructionist in Virginia to assist in our investigation of the case. After thoroughly reviewing all of the accident-related evidence, it was obvious that the truck driver was not being truthful.

Eventually, the case went before a highly respected Richmond Judge and the insurance company paid my client \$400,000 for the damages she had suffered.

SPECIAL REPORT

CAUGHT IN THE ACT!

How the Parrish Law Firm Caught an Insurance Company Hiding Evidence!

My name is James Parrish and I am a personal injury attorney in Manassas, Virginia. I decided to write this Special Report to expose the “dirty tactics” being used by insurance companies and defendants in personal injury cases.

As a bit of background information, the insurance industry has spent millions (maybe billions) of dollars over the last several years successfully brainwashing the general public to believe that people who make personal injury claims are lazy, good for nothing men and women just looking for a “free ride” and “easy money.” In fact, the insurance companies will go to almost any length to prevent you from successfully pursuing your claim.

I know this because I used to defend insurance companies and worked intimately with everyone in the insurance industry from adjusters to corporate “big wigs.”

I used to lecture to insurance professionals to help them more successfully settle claims for small amounts or deny claims altogether.

I wrote articles for insurance/risk management companies.

I even graduated from the International Association of Defense Counsel trial academy!

However, after a while, it became clear to me that the results I was achieving (and yes, I was very good at protecting the insurance money from those injured folks) were not fair or just. I began to see that many good people were being taken advantage of by the insurance industry.

So I decided to take cases on behalf of people opposing the insurance companies and use my experience with and knowledge of the insurance industry to the benefit of my clients.

(The following facts are based directly on a case prosecuted by James Parrish, but for purposes of privacy, the real names of persons involved have been removed.)

Recently, I had the privilege of representing a young man (“the client”) who had been terribly injured as an innocent bystander in a restaurant brawl.

When I presented the client’s claim to the insurance company for the restaurant, the claim was summarily rejected with a firm denial of any responsibility or wrongdoing. Of course, this denial was no surprise because insurance companies behave this way in nearly every personal injury case.

I then filed a lawsuit on behalf of the client against the restaurant in order to prove that the restaurant was liable, or at fault, for the client's injuries.

The insurance company for the restaurant defended the case in Court and tried every tactic imaginable to avoid the truth from being revealed and to have the case "thrown out."

Based on my knowledge of the insurance industry, I quickly spotted irregularities and falsehoods in the restaurant's Court filings. This was a sure sign that evidence was being hidden.

When I confronted the restaurant with its unacceptable behavior, it continued on its path of denial and basically dared me to try and prove that it was concealing evidence. So, I filed multiple motions in Court and revealed their unscrupulous and illegal actions.

Ultimately, the Court found that the insurance-backed restaurant had been untruthful in its Court papers and was guilty of hiding evidence. In fact, the Court was so appalled by the "dirty tricks" I uncovered that it even sanctioned the restaurant and ordered it to pay fines.

I hope that after you have the chance to read this Special Report, as well as the actual documents I filed in Court, that you better understand the lengths to which the insurance industry will go in order to hide the truth and avoid acceptance of responsibility.

I further hope that you understand the need for lawyers like myself who will stand up to the insurance companies to defend the rights of people hurt due to negligent, illegal and unacceptable behavior.

If you or someone you know has been injured in an accident or due to the irresponsible actions of another, then please contact us at the Parrish Law Firm, PLLC at 571-229-1800 or www.personalinjury.theparrishlawfirm.com/contactus.html.

Free Newsletters From Parrish Law Firm

Want to know how to best buy automobile insurance? Want to find out specific steps you can take to find the best lawyer for you case? Want some handy safety tips for modern life?

BEST OF ALL-Want to read about some "Legal Dummies?" (Every issue highlights a bonehead in the legal system and it is sure to make you laugh!)

These are some of the topics that are covered in a free newsletter sent to your home by Manassas attorney Jim Parrish.

There is absolutely no cost or obligation and from time to time we run contests to give away free stuff!

If you subscribe and later feel like we are wasting your time, then just send an email to me: jparrish@theparrishlawfirm.com and I will delete your name from the mailing list.

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Rear Cover

About the Author

(Picture)

James Parrish is a former insurance defense lawyer who now represents injured persons **against** the insurance industry. He uses the information and experience he gained while defending insurance companies to the advantage of his clients and has recovered millions of dollars in judgments and settlements on their behalves.

Mr. Parrish lectures to legal professionals on such issues as the personal injury claims process, insurance “bad-faith” and how to effectively manage a successful personal injury law practice. He has also instructed senior law enforcement officers on the issues of personal injury claims/risk management and the Constitution of the United States of America.

Mr. Parrish is licensed to practice law and handles cases in both the State and Federal Courts of Virginia. He is also a member of the Virginia Trial Lawyers Association, which is a group dedicated to the furtherance of the rights of injured persons.

For more information about attorney James Parrish and the Parrish Law Firm, please visit our very popular website: www.theparrishlawfirm.com

