

COMPLETE TRANSCRIPT FROM THE VIDEO
“THE TIMELINE OF THE TYPICAL PERSONAL INJURY CASE”
BY PERSONAL INJURY LAWYER ROBERT MANSOUR

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Hello, this is Robert Mansour, and, uh, we're gonna spend the next few minutes talking about the timeline of the typical personal injury case. Many people, um, are going through a personal injury case for the very time or perhaps it's been many years since they've experienced a personal injury matter and, um, in the next few minutes we'll just kinda talk about what to generally expect and how the events generally unfold. My name is Robert Mansour, I'm a lawyer in the Los Angeles area. So let's begin.

The first thing that happens, of course, is the accident occurs. Um, there's got to be an incident, a car accident, a serious injury of some sort for things to begin. There can't be a personal injury case unless there is an accident.

Next, immediately after the accident the client might receive some treatment of some kind, um, for example hospital treatment, maybe they were taken by ambulance somewhere, they're treated by certain doctors, uh, at the emergency room, anesthesiologist, radiologist, they're sent to an imaging center, sometimes if there is a serious injury there's a lot of things that can occur immediately after the accident. Um, after that the client might find that they require further treatment, and at this point they would discuss their options with a lawyer to find out, you know, how they might want to proceed. Should they proceed on a lien, should they go through their primary doctors, should they go through their HMO, etcetera. And a lien is where the doctors provide treatment to the client on a deferred basis. They will get paid at the end of the case when there is a recovery. Um, the client, in most cases, is still on the hook for the balance but, um, the, the, at least they don't have to pay the doctor as they go along. And those options will be discussed with the lawyer.

Now, the next thing is that the client is gonna provide the lawyer with a variety of documented, uh, or documentation rather, requested. On my web site, valencialawyer.com, on the forms page there is a personal injury checklist, and those are the documents that I generally ask my clients to bring the first meeting because I, uh, have to be able to review those things in order to give my client an evaluation. There are some lawyers who will just say yeah, yeah, yeah, you'll be my client. They sign up the client, they have no idea if it's a good case, a bad case, if the client's gonna be wasting their time, if the client is gonna be wasting their own time, um, also they don't really care whether or not the client starts to rack up big bills that they can't pay on later. So sometimes my clients, uh, don't quite understand why I need all this information at the very beginning, but I can't give them an honest evaluation unless I review those things. So check out that checklist and, um, that'll be, uh, very helpful for you.

Then the client meets with the lawyer and the client might hire the lawyer. I would say 50 percent of the time I tell my clients they are better off without an attorney. An attorney would not bring much value to the case.

Then the attorney communicates with the insurance companies and advises them of the representation and continues working with the adjuster assigned to the case. Sometimes there is a, an adjuster already assigned to the case. Maybe the client, uh, already spoke with an adjuster. In some cases they try to call you and talk to you, um, they reach out to you, there's already a claim number assigned. Sometimes the adjuster is not aware of anything and we have to open the claim for the client. But basically after that they stop bothering the client and they start talking to the attorney's office instead.

The attorney then evaluates all the sources of payment for the client so, try to figure out, you know, what the best way to pay for the care and the medical care is and gives the client those options and we go from there.

The next thing that happened is the attorney's office makes sure all the important documents are gathered, and the client may be asked to assist the attorney because here's the thing, especially with medical records it's so much easier for our clients to get those medical records and bills. All they have to do is call the hospital, especially if they went for medical care immediately after the accident. They call the hospital and they say, "Hey, I want my medical records. I want my bills." They're obliged to give it to them. If it goes through the lawyer's office we can certainly do it by way of an authorization or we can hire a company to go out and get it, but it takes a while and also it costs money. So in most cases I encourage my clients to just call their doctors, especially if they've been somewhere before they came to see me, and just ask for the medical bills and their medical records. Those are two very separate things. You can't just call one department and assume they're gonna provide you with both. They are two separate departments in most cases, billing and records.

Sometimes the attorney might hire an investigator, especially if liability is a big issue, um, if there are any witnesses that need to be contacted. That's, uh, sometimes important, and, uh, it's good to preserve that testimony if you feel that it's im, uh, that you might not be able to get it later on.

And then the client, mean, in the meantime the client is working with the insurance company to fix their car, to rent the car and the attorney can kind of assist here and there. There's not much the attorney can do with respect to property damage, I mean, the insurance company's gonna offer what they're gonna offer. They're gonna pay for whatever they're gonna pay for, um, most of the time I tell my clients to go ahead and handle that themselves. It's not really that difficult and in most cases they've already been working with a property damage adjuster to begin with. Getting the lawyer involved only adds an extra layer of discussion and slows things down, in most cases. Now sometimes you need the lawyer to be your advocate and there's nothing wrong with that. Um, and the lawyer can step in and try to assist you. But I also tell my clients, you know what? Don't get hung up on the property damage. In other words, if you are so focused on the property damage and you're not paying attention to your health and your injuries then you might actually be doing yourself a disservice. If you don't recover enough

money on your property damage perhaps we can make it up on your bodily injury claim. So don't lose sight of the, uh, of the finish line.

The client documents lost earnings, if any, and seeks verification from the employer or give the attorney a proper contact person. Um, see, here's the thing. With respect to lost earnings you just can't say, "Hey, insurance company. You need to pay me for two weeks of lost work." Well, it's good to ask your employer, for example your HR department or payroll department, to write you a letter saying, you know what? Mr. John Smith lost two weeks of work due to this accident. He was be, being paid X dollars per hour and he lost this many hours. That's one way to do it. Another way to do it is to show pay stubs from before the accident and show the loss. Um, if the loss is not too high you can simply assert the loss but they'll generally want to see some documentation. The lawyer can also contact the person, uh, who is in charge and get the appropriate letter. Uh, just make sure you give the attorney that information. The point of this slide is that you need to understand, you just can't assert lost earnings in most cases. You have to have some kind of documentation, especially if you're asking for a good amount of money.

During this time the client continues treating until they are discharged from the doctor. During this time further testing and treatment might be necessary. And here is the key. The client continues until reaching pre-accident status or otherwise reaches a plateau where no further treatment will benefit the client. Surgical intervention might be necessary. You see, here's the thing. So many of my clients, they go treat for a couple of times and then they call me and they say, "Hey, did we settle the case yet?" And I explain, "Well, we can't settle the case because you're not done treating. I can't present your bills until your bills are incurred. I can't present reports until they've been generated. Also we don't even know how you're doin'. What if you still need more treatment? What if there's something serious that's wrong?" Um, I can't present the case prematurely. So generally speaking, uh, the client needs to continue their course of treatment until they reached one, pre-accident status, or Number 2, they reach a plateau where no further treatment will be necessary. And finally Number 3, they might find if it's serious enough that surgery is necessary, in which case they can incur the surgery or they can defer the surgery, but we need to include it in our demand.

Once the client is done treating, they attorney will collect all the bills and all the reports from all of the doctors and some of them may already be collected, and the attorney might call the doctors and discuss the case with them. And then the attorney will research any liens by any health insurance company, auto insurance company, Medi-Cal, Medicare, etcetera. Now the attorney will work with those lienholders to settle their claims. So here's the thing; if your bills have been paid by your health insurance or your auto insurance, or Medi-Cal or Medicare, these places 99.9 percent of the time are going to assert a lien on your case, which means they want to get repaid for whatever they paid out. Now with Medi-Cal and Medicare it's automatic. It's a government right. With your health insurance it's contractual. And it's the same thing with your auto insurance, it's contractual. You may not know this but you have to repay them if you recover from a third party, from the responsible party. And the attorney will often work very closely with these entities and try to negotiate the bills. In some cases we can get significant reductions, so that's another thing that the attorney will be doing behind the scenes.

The attorney will then prepare a demand package to present to the responsible party's insurance company. So what is this? This basically contains a demand letter, which is really two or three pages long, depending on the complexity of the case; uh, photos; medical records; bills; lost earning documentation, etcetera. So at this juncture the lawyer is now ready to present a demand to the insurance company. And sometimes this takes a while because we're still busy collecting all the information and sometimes we run into a snag. But the demand package is presented at some point to the insurance company and then the dialogue really starts to begin with respect to settling the case. The insurance company usually takes about 30 to 45 days to respond to the demand. That's another thing my clients get stuck on. They'll call me about two or three days later after we've discussed the demand and they'll say, "Hey, did we get a settlement offer yet?" And I try to explain to them that insurance companies generally work in 30 to 45 increments. Keep in mind that each of these adjusters has about 200 files sitting on their com, on their desk.

The attorney communicates the offer from the insurance company to the client and then the client either accepts it or rejects it. Now if it's rejected the attorney continues negotiating settlement on behalf of the client. And we go back and forth, like any good negotiation. The attorney then negotiates with all the parties asserting a lien on the case: doctors, insurance companies, etcetera in an effort to increase the client's net recovery. We touched upon this earlier. If the offer is accepted and the number is accepted the insurance company will then send something called a release for the lawyer to review and the client to sign. The insurance company will then send the check for the lawyer and the client to sign and this check is deposited into the attorney's client trust account. Checks written to all after this, including the client from this account. So basically they're gonna send us this release for us to review and the release generally says that you're not gonna go after their insured any more, the person who caused the accident, and that you're gonna accept this money, and then they'll send us a check, uh, the client and the lawyer will sign it. It will be deposited in the, uh, trust account which, uh, all the other checks are deposited into on all the attorney's, uh, cases in m, in, in, in most situations and then when the check clears, and the lawyer will then write checks to everybody involved; all the doctors, the attorney's fees, the client's fe, uh, the client's portion, etcetera.

If unable to settle the claim the attorney will discuss options with the client which might include filing a lawsuit and all the ramifications of doing so. I'm not a big fan of filing lawsuits; I generally think that they are unpleasant experiences but I always talk to my clients and I talk to them about the pros and cons and they ultimately will make the decision.

Thank you for watching this, uh, video. I hope you enjoyed it. It's called The Timeline of the Personal, the Typical Personal Injury Case and I hope it gave you a nice overview of what to expect. Um, my name is Robert Mansour and if you are a client of mine we will certainly keep you posted as often as we can whenever there is a significant development, and, uh, these things take time, and these cases sometimes, um, take longer than they should. Sometimes they resolve fairly quickly. But, uh, feel free to contact my office if you have any questions about this particular video or any other questions or if I can assist you with your own personal injury case. Again, this is Robert Mansour. Thank you for watching.