



Lanier
LAW GROUP P.A.

Hire a Heavyweight

Lanier Law Group, PA is a North Carolina Personal Injury POWERHOUSE. Every day we go toe-to-toe with big insurance companies and fight for your rights. Our vast resources allow us to act swiftly and decisively on your case.

Behind the power of our state-wide personal injury firm is a sincere compassion for our clients. We understand the trauma associated with being injured. Our team of dedicated North Carolina personal injury attorneys, insurance adjusters and case management paralegals will provide you with intimate personal attention, sound legal advice, and will help get your life back to normal as soon as possible.

Before you step into the ring with big insurance companies, make sure you have Lanier in your corner...Hire A HEAVY HITTER

NC Premises Liability Law

- ▶ Under NC law, the owner of the premises is not the insurer of your safety.
- ▶ NC premises liability law is pretty lousy for injury victims and is very pro-business/pro-insurance.
- ▶ Surprisingly to many, the owner of the premises is NOT required to remove or repair dangerous conditions.
- ▶ The owner of the premises ONLY owes you a duty to warn of NON OBVIOUS dangerous conditions that the owner knew about or should have known about it.
- ▶ If a dangerous condition is OBVIOUS, then there is no duty owed.

KNEW OR SHOULD HAVE KNOWN . . .

- ▶ NC law requires the owner of the premises to warn of known dangers, or that should be known. This law establishes the following standards:
- ▶ The danger has been in place for a length of time.
- ▶ The owner of the premises should have discovered the risk upon a reasonable inspection of the premises.
- ▶ We must show that the owner knew about the danger or that it was there for a reasonable time.
- ▶ The failure to warn of a danger that just occurred will not give rise to negligence.

BURDEN OF PROOF IN PREMISES LIABILITY CASES

- ▶ **LIABILITY:** We must be able to prove that the owner of the premises breached the duty to warn of a non-apparent dangerous condition that they knew about or should have known about, also called negligence.
- ▶ **CAUSATION:** This is the link between the liability and the damages. The damages are the sole cause of negligence, NOT pre-existing.
- ▶ **DAMAGES:** Injury, medical expenses, lost wages, pain, and suffering. Causation and damages are directly related to medical evidence from your doctor and your medical records. These are the evidence of your injury.

CONTRIBUTORY NEGLIGENCE

- ▶ Contributory negligence is the law in NC and only three other states.
- ▶ Contrib is a total bar to recovery of damages, meaning you recover zero.
- ▶ Contrib means that you did something negligent to contribute to your injury.
- ▶ Usually, in premises cases, contributory negligence arises from the victim's failure to look where they are going, see and maintain a proper lookout to avoid an injury or a loss.
- ▶ So the question is always, "Why didn't you see the danger?"

Use your Health Insurance

- ▶ Net settlement amount from liability insurance after attorney's fees
\$10,000.00
- ▶ If unpaid medical bills \$3,000.00
- ▶ You receive \$7,000.00

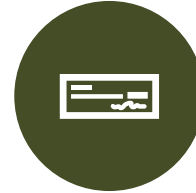
BUT

- ▶ If medical bills are paid by private health insurance
You receive \$10,000.00

Health Insurance Subrogation



YOUR HEALTH PLAN
MAY CLAIM
REIMBURSEMENT
RIGHTS FROM YOUR
INJURY CLAIM.



THE CLAIMS FOR
REIMBURSEMENT MAY
NOT BE VALID OR
ENFORCEABLE.



EVEN IF THE CLAIMS
ARE VALID YOU ARE
BETTER OFF USING
HEALTH INSURANCE
BECAUSE THE
SUBROGATION CLAIM
WILL BE CENTS ON THE
DOLLAR.



WE WILL HELP YOU
NAVIGATE THE
CONFUSING WATERS OF
ERISA SUBROGATION.



IF YOU RECEIVE A
LETTER FROM YOUR
HEALTH PLAN SEND IT
TO US IMMEDIATELY.

Compensation



-Medical Bills



-Pain and Suffering



-Permanent Physical Damage



-Lost Wages



-Mileage



-Future Medical Bills, Pain/Suffering,
Disability

The Importance of Following Through with Medical Treatment

- ▶ Insurance companies do not take your word for it that you were injured in the auto accident, no matter how bad the accident.
- ▶ Your injury will be determined by your doctors.
- ▶ The most important evidence of your injury is your medical chart.
- ▶ You will not be adequately paid for your injury if you fail to obtain medical treatment for your injuries.
- ▶ If you stop your medical treatment before your doctor releases you OR before you are fully recovered, you will decrease the value of your case.
- ▶ When you settle, the insurance company will be released from liability for future problems that arise.
- ▶ It is important to fully investigate and document your injury through medical care.



TIMELINE OF A PERSONAL INJURY CASE



THE STATUS OF YOUR CASE: ONE, TWO THREE

ONE: You are still undergoing medical treatment;

OR

TWO: You have completed medical treatment and we are waiting for your final medical records or impairment rating to come in;

OR

THREE: A settlement package is out to the adjuster and we are waiting for the adjuster to respond.

How Contingent Attorney Fees Work

Traditional Hourly Billing—to be paid by client each month

- \$100 per hour x 5 hours work in a month = \$500 (Attorney's fees)
- PLUS
- \$200 check from attorney to land surveyor to work on case
- EQUALS
- \$700 total bill for the monthly billing cycle
 - \$500 attorney fees + \$200 expenses = \$700
 - Billed monthly and must be paid monthly

Contingent Fee Billing--paid at end of case when resolved

- Attorney Fees are a percentage of total recovery obtained AND unlike traditional hourly billing, YOU DO NOT OWE ANY ATTORNEY FEES UNLESS YOU RECOVER MONEY
- Costs are the actual costs for expert fees, medical records fees, photo processing, etc.

A TEAM ON YOUR SIDE:

YOUR CASE MANAGER, YOUR INSURANCE ADJUSTER AND YOUR ATTORNEY

- ▶ A case manager and an insurance adjuster will be assigned to your case. After your initial meeting, the case manager will be your contact person for medical updates. If you have insurance claims processing questions, you may talk with our insurance adjuster. If you have legal questions, these will be answered by your attorney.

- ▶ The case manager:
 - ▶ Requests your medical records,
 - ▶ Keeps track of your records as they come in,
 - ▶ Keeps the team updated on your medical records,
 - ▶ Assists you in obtaining you lost wage verification,
 - ▶ Assists in the final preparation and creation of your settlement demand package.

- ▶ It is very important that you provide medical status updates to the case manager as important changes in your medical treatment occur. Call us with updates, do not wait for us to call you.

Top Ten Mistakes Victims Make

Failing to seek medical treatment in a timely fashion.

Allowing the insurance company adjuster to visit in person.

Giving the liability insurance company a Recorded Interview.

FAILING TO USE YOUR HEALTH INSURANCE - many laypeople, even medical billing personnel in hospitals, mistakenly believe that you cannot use your health insurance to pay medical bills related to an automobile accident.

Stopping medical treatment before you are fully recovered.

Letting lack of health insurance keep you from getting treatment for your injuries. We can help. There are several good options for medical care that will not cost you anything out of pocket. We can help.

Frequently Asked Questions

Q: Do I have to give the insurance company a recorded statement and sign medical authorization forms allowing the insurance company to obtain my treatment records?

A: No, you do not have to meet with the adjuster, give a recorded statement, or sign a medical authorization.

Frequently Asked Questions

▶ **Q: Is there a time limit for making a claim?**

A: There is not a time limit for reporting your claim to the insurance company. But North Carolina laws provide that there is a limit of three years called the statute of limitations. You must file a lawsuit no later than three (3) years from the date of the accident. Even though there is no time limit for reporting your claim to the insurance company, injury victims should not wait to seek medical treatment for injuries. Insurance companies will typically not pay for injuries if treatment was not sought right away after an auto accident.

▶ **Q: How much will the insurance company pay for pain and suffering?**

A: There is no formula. The amount of pain and suffering is usually tied to the severity of your injury and the amount of medical treatment you require. It is very important to complete your course of medical treatment before settling your case because settling sooner may cut off additional compensation you would be owed.

Frequently Asked Questions

Q: I am out of work. Can I be paid for my time out of work right now?

A: Most insurance companies will not pay any part of the injury claim until you are ready to enter a lump sum, full and final settlement.

Q: The adjuster is pressuring me to settle before I complete treatment, should I?

A: It is generally not a good idea to settle your injury claim before completing your medical treatment. When you settle your case, you sign a release that cuts off future benefits forever. If you have hidden injuries that have not been discovered by your doctor (which is not uncommon if you are in the early stages of treatment) or if your existing injuries become worse, you will not be able to recover for these injuries even if you need surgery or are out of work for a long time. In almost all cases, you should wait until you reach maximum medical improvement and have been released by your doctor.

Frequently Asked Questions

▶ **Q: How much money is my case worth?**

A: It depends on all of the amount of damage to your vehicle, the nature of your injuries, the duration and frequency of your medical treatment, future medical treatment needs, permanent injuries and ongoing disability.

Frequently Asked Questions

Q: What is a contingency fee?

A: A contingency fee is an arrangement in which the lawyers get paid only if you recover (that is, win your case or achieve a satisfactory settlement). The fee is a percentage of the recovery.

Q: Does the contingency fee also include expenses?

A: No. Expenses are separate from the fee. The fee pays for the time and knowledge of the lawyer. Expenses are the costs incurred to pursue the claim.

Q: How much are the expenses in a typical case?

A: Expenses vary depending on the size and complexity of the case. Expenses can be as little as \$20 and as much as thousands of dollars if a lawsuit is filed. Most cases (about 95%) are settled out of court without the filing of a lawsuit.

THERE IS NEVER A FEE UNLESS YOU RECOVER MONEY

Frequently Asked Questions

Q: How long will it take to settle my case?

A: It depends. Personal injury claims vary from a few weeks to a few years depending upon how long it takes to fully heal from your injuries. The duration of your medical treatment drives the timing of the case. It is important to fully and completely treat your injuries with good medical care. We take steps along the way to expedite the handling of your case so that when you are fully recovered, we can move your case to settlement as quickly as possible.

Q: Do I have to go to court?

A: The vast majority of auto accident injury cases settle without ever going to court so long as the insurance company pays a reasonable value for your injuries. If the insurance company fails to pay what we believe your case is worth and then you may opt to have us file a lawsuit. If you wish to settle for that amount, then your case will not go to court.



- ▶ By my signature, I acknowledge that Lanier Law Group reviewed this power point presentation with me and I understand that my responsibilities are:

To provide lost wages for being out of work: I must be written out work by a doctor or chiropractor to claim lost wages beyond time spent at doctor visits. I will need evidence of wages such as pay stubs, 1099, letter from employer and if my wages are substantial will need to provide tax returns,

To provide all medical providers with my health insurance and to make sure my medical providers are filing,

To provide all prescription receipts upon completion of my medical treatment.

Clients Name: _____

Adjuster Initials: _____

Date: _____