



*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



**LIABILITY  
INSURANCE**



**HEALTH  
INSURANCE  
COVERAGE**



**MEDICAL  
PAYMENTS  
COVERAGE**

THERE ARE MANY DIFFERENT TYPES OF INSURANCE THAT YOU MAY USE AFTER AN AUTO ACCIDENT . . . these are a few.

# Medical Payments Coverage

- ▶ If you are eligible, Medical Payments Coverage provides benefits to:
  - ▶ You or Any Family Member while occupying any automobile, or
  - ▶ A pedestrian when struck by a motor vehicle, or
  - ▶ Any other person while occupying your covered auto, or
  - ▶ Any vehicle driven by you or a family member
  
- ▶ Medical Payments Coverage pays reasonable and necessary medical and funeral expenses related to an accident.
  
- ▶ Medical Payments Coverage on the vehicle the accident victim was riding in is primary and if the accident victim has a separate policy of insurance that covers medical payments coverage then the accident victim must first exhaust the limits of the Med Pay coverage on the primary policy before using other available policies.
  
- ▶ Medical Payments Coverage is excluded for:
  - Vehicles being used as a taxi,
  - Vehicles furnished for your regular use but not named on your policy
  - Vehicles you own but do not insure with med pay coverage

# How Medical Payments Coverage Works

<b>Coverage Amount</b>	<b>Gross Bills (Regardless of Health Insurance Coverage)</b>	<b>Policy Pays</b>
<b>\$1,000.00</b>	<b>\$750.00</b>	<b>\$750.00</b>
<b>\$1,000.00</b>	<b>\$1,200.00</b>	<b>\$1,000.00</b>

- FILING A MED PAY CLAIM SHOULD NOT MAKE YOUR RATES GO UP BECAUSE YOU WERE NOT AT FAULT AND FAULT INCURS POINTS

# 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

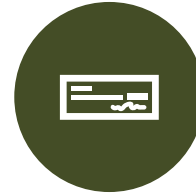
**BUT**

- ▶ 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.



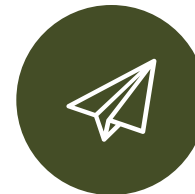
THE CLAIMS FOR  
REIMBURSEMENT MAY  
NOT BE VALID OR  
ENFORCEABLE.



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



-Property Damage including repairs, car rental



-Pain and Suffering



-Permanent Physical Damage



-Lost Wages



-Mileage



-Future Medical Bills, Pain/Suffering, Disability



-Punitive Damages if at fault driver was drunk driver or willfully reckless or it was a hit and run accident

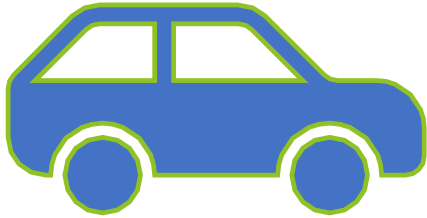


# PROPERTY DAMAGE



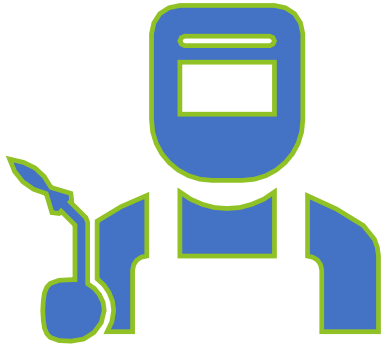
- ▶ Your property damage is a separate claim from your bodily injury insurance matter. We represent you in your bodily injury claim but will help you with the property damage claim if you need us. Typically the property damage claim does not require the service of an attorney. You may deal directly with the insurance company on the property damage or ask us for help.
- ▶ **DO NOT DISCUSS HOW THE ACCIDENT HAPPENED OR ANYTHING ABOUT YOUR MEDICAL CONDITION.**

# IF YOUR CAR IS A TOTAL LOSS



- ▶ If your car is a total loss, you are entitled to be paid the fair market value of your vehicle. There is no absolute rule for determining the value of your total loss. It is acceptable for the insurance company to use “blue books” such as NADA or a market survey to find actual prices of vehicles like yours in your geographic area.
- ▶ Even if you owe the bank more than the car is worth, the law only requires that the insurance company pay you the amount that the vehicle is worth. The law does not hold the insurance company responsible if you got a bad deal when you purchased the car. You may even be left owing money after the insurance company pays you the fair market value of the total loss. If this happens, you may want to ask your bank if they will do a substitution of collateral.

# IF YOUR CAR IS NOT A TOTAL LOSS



- ▶ The insurance company will send an appraiser to assess the damage to your vehicle. You will be given a detailed estimate of the repair costs. You may be given a check for that amount. You should take the estimate and your car to the shop of your choice. Show the body shop the estimate and inform them that this is the amount of money they have to work with.
- ▶ If they find hidden damage, the body shop should call the appraiser back out to inspect the hidden damage **BEFORE** making the repairs. If the body shop fails to call the appraiser back out, the insurance company will not pay for the damage.

# If The At Fault Did Not Carry Adequate Insurance

- ▶ **If the at-fault driver did not carry liability insurance?**

Then you may file a claim on the uninsured motorist (UM) coverage on your own policy of the vehicle you were occupying at the time of the auto accident.

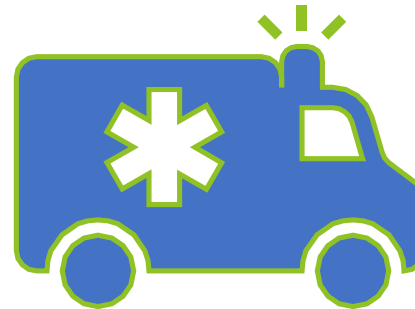
- ▶ **If the at-fault driver did not carry adequate insurance?**

If the at-fault driver did not carry adequate insurance to cover your injuries or the combined injuries of other parties from the same auto accident you may be able to recover benefits from your underinsured motorist (UIM) coverage.

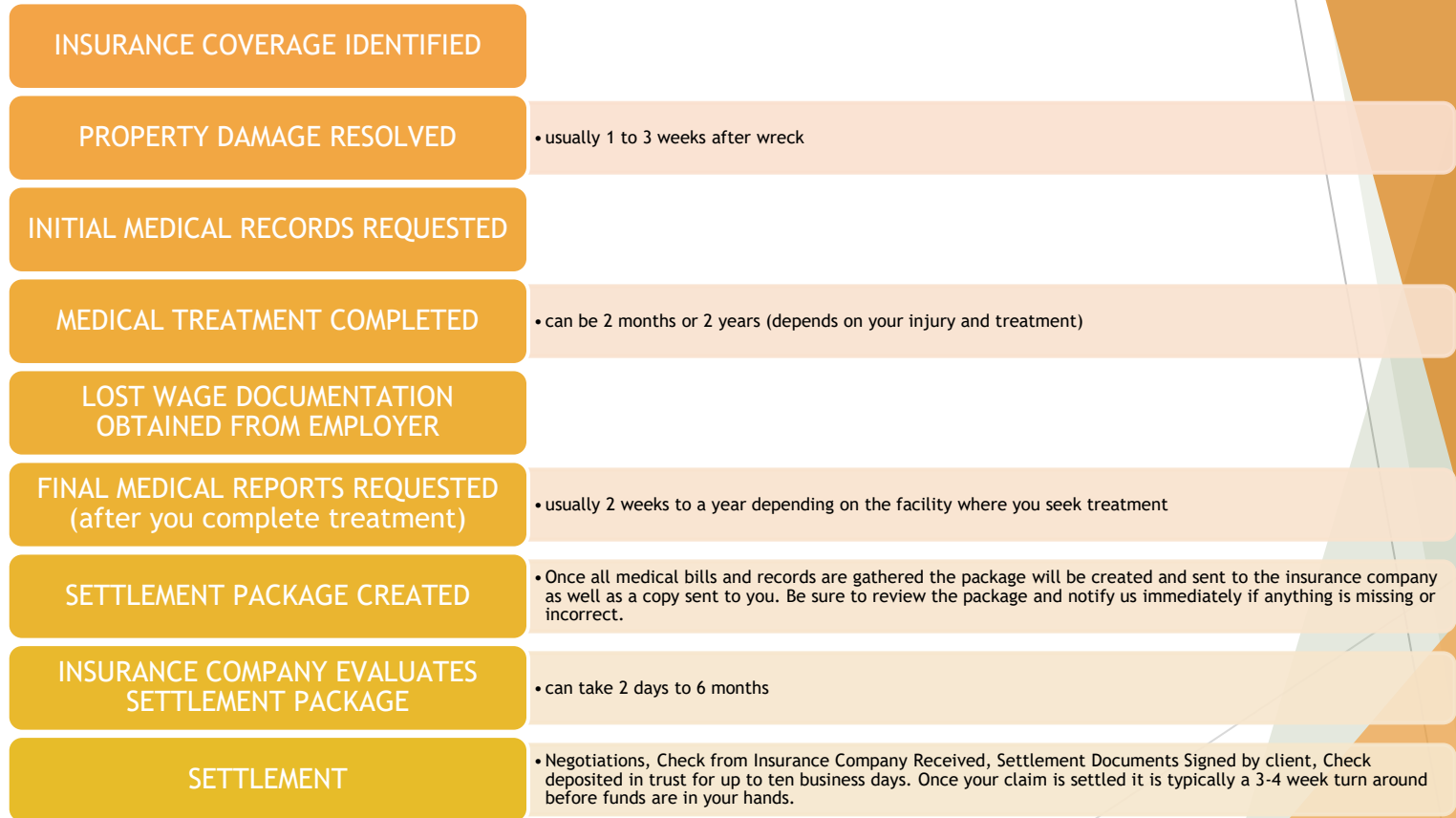
- ▶ Your insurance rates will not go up as a result of making a UM or UIM claim.

# 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.

Signing a settlement release shortly after the accident.

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.

Failing to use your **MEDICAL PAYMENTS COVERAGE**

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.

Missing compensation for punitive damages.

Settling with the liability insurance carrier but accidentally waiving your rights to **UNDERINSURED MOTORIST COVERAGE** and **EXCESS LIABILITY COVERAGE**.

# Frequently Asked Questions

**Q:** Do I have to meet with the defendant's adjuster and give a recorded statement and sign medical authorization forms allowing the insurance company to obtain my treatment records?

**A:** If your auto accident injury claim is made against a liability insurance policy then, no, you do not have to meet with the adjuster, give a recorded statement, or sign a medical authorization. If your claim is for medical payments coverage or uninsured motorist coverage on your own policy then your contract of insurance may require you to do these things.

# 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's auto accident insurance 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, auto accident 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 auto accident 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: Can I settle my property damage claim before settling my bodily injury claim?**

**A:** Yes, it is possible and customary to settle your property damage claim before your injury claim is settled. **BUT BE CAREFUL** not to sign any document which releases your injury claims. If you are not certain about the language in the release, please call an auto accident attorney to look at the document for you.

- ▶ **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.** Auto accident 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: \_\_\_\_\_