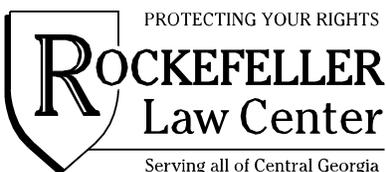


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Putting Together a Personal Injury Case

We'd like to take this opportunity to thank you again for choosing the Rockefeller Law Center, P.C., for your legal needs. We are looking forward to working with you, and resolving the matter at hand.

As we get started with your case, I'd like to let you know a little about our office procedure, case outlines, and forms that we will be needing from you. Any type of legal conflict involves paperwork and good communication between client and attorney! Hopefully, this information will give some explanation as what to expect on the legal road ahead.

I. Contacting Our Office

Because I am often out of the office, busy working on your case, working on other cases, or on the phone, there will be times when you will be unable to reach me when calling the office. However, my assistant and other members of our staff will serve as an invaluable resource for answering questions, scheduling appointments, and providing routine updates.

Amanda will be your main contact; she will be able to answer many of your questions about your case. You will be hearing from her on a regular basis regarding your case status. Amanda is also the one who will make appointments and schedule meetings, depositions, and any other activities associated with your case. Her extension number is #24, should you need anything. I would suggest, then, that whenever you have a question for me, if you find that I am not available, ask for Amanda and/or leave a message on her voice-mail. If you need to speak directly with me, you might want to call Amanda and schedule a telephone or in-person conference, as opposed to playing "telephone tag" with me; of course, any of the staff can also schedule such an appointment for you.

II. Alternative Contact Methods

The Rockefeller Law Center, P.C., offers voice mail and e-mail as alternative contact methods if we are unavailable to speak with you or if you call after hours. We regularly check our voice mail, even over the weekend, so please feel free to leave a message and we will be certain to retrieve it within a short period of time.

However, we strongly encourage you to use e-mail as a form of communicating with us. It allows us to answer your questions without interruption and keep a record of our correspondence throughout this process. Sometimes having answers to your questions in black and white is reassuring because it gives you something to refer back to if you are not clear on the "legalese."

E-mail messages are also often easier for us to respond to, especially to simpler questions or comments, since we don't have to worry about missing you on return calls or making time to respond, in the middle of

a hectic day or working on a major project. My e-mail address is on my business cards and letterhead; Amanda's e-mail address is Amanda@rockefellerlawcenter.com.

III. Contacting You

Just as Amanda and I will be available to answer your questions, ***please make sure that you are available to speak to us.*** We ask that you give us multiple phone numbers (home, cell, work, relatives, etc.) so we can reach you in case of an emergency. Pursuing your claim will not be fun and will be a tremendous inconvenience for you and your family, but if you want a positive result, ***you will need to cooperate with us and make yourself available for our questions.***

Additionally, if our office requests an appointment with you, please make every effort to clear your calendar so that we can meet. Likewise, if you are scheduled for an appointment, we ask that you notify us in advance if you need to cancel. We understand that unforeseen circumstances occasionally arise, and will strive to accommodate your need to reschedule for another date or time.

IV. Your Initial Responsibilities

Now, let's get down to business of putting together the best case for you that we can; several steps need to be taken, many of which require your assistance.

Personal Injury Questionnaire

As we evaluate your case, we need to gather the appropriate information that pertains to your case. This would include an accident report, any pictures you have of either the accident *or your injuries*, insurance statements, medical records and bills, and witness statements. To gather this information, we like for all personal injury clients to fill out the *Personal Injury Questionnaire*, which is included with this letter. This questionnaire helps me in describing your accident, injuries and other information in detail; as we try to present the clearest possible picture of your case.

Witness List and Statements

One of the reasons, for asking you to fill out this *Personal Injury Questionnaire*, is to assemble a witness list and witness information. A "witness" is somebody who either knows how you were injured (from seeing it or hearing of it), who knows about your injury (such as by attending doctor's appointments with you), or who knows about how the injury has affected your life (such as watching you struggle at work or struggle with your ability to live a normal life). It is always helpful when you make your witness list, if you let us know, briefly, what you would expect your witness might say.

Medical Authorizations

In addition to the Personal Injury Questionnaire, I have also included *Medical Authorizations* for you to sign and return to us. By signing these authorizations, you are allowing us to request doctor's records and bills so we can get an accurate reading as to the extent of your injuries. Please make sure that you return the *Personal Injury Questionnaire* and *signed Medical Authorizations* as soon as possible, since there is very little we can do until we get them back, properly filled out.

V. Settlement Process

Going to Court ...

Very few personal injury cases require that a complaint be filed. There are a couple of reasons for this. First, my fee goes up if I have to file a complaint and my goal is for you to end up with the most amount of money in your pocket – if my percentage goes up, that makes it harder to reach this goal. Second, once the complaint gets filed, the parties both start spending money on discovery and depositions. Even so, it would probably be at least a year, before we would file a complaint, if necessary.

Demand Letter ...

The reason for it taking a year to file a complaint is that we want to send the insurance company a *demand letter* with all of your medical records, bills lost wages, and reports attached. In this demand, we outline your injuries and expenses and ask the insurance company to settle the claim out of court *for an amount of money that you approve*. We include *all* your medical information, which means that we have to wait until you have completed your medical treatment.

Normally, the insurance company will have thirty (30) days to respond to the demand letter; I will typically extend this to up to two (2) months to try and negotiate a satisfactory settlement. In many instances, personal injury cases are settled from the demand letter. If the insurance company offers a settlement amount based on the demand letter, I will review their offer with you and either accept, deny it and counter-offer, or deny it and file the lawsuit – *you get to decide what happens with your case!*

VI. Prosecuting a Personal Injury Case

Some cases don't settle without having to file a complaint. If we need to file a complaint, we, generally, have two (2) years from the date of your injury to do so. Usually, we file a "verified" *Complaint, which means that you are "swearing" to the accuracy of the allegations – this means that you need to very carefully review the drafts to make sure they are accurate.*

Written Discovery

After we file the complaint, the other party will file an *Answer*, approximately thirty (30) days after we "serve" the defendant with the complaint. This is what really triggers action in your case with a six (6) month to one (1) year period of "*Discovery*." The *Discovery* period is designed so both parties can obtain as much information to aid their case as possible. This includes answering general questions called *Interrogatories*, answering requests for documents called *Requests to Produce*, and answering specific, legally significant, questions called *Requests to Admit*.

My staff and I will prepare our questions for the other side, and prepare drafts of your answers. *but you will need to take time out of your schedule to help us prepare timely drafts.* We will only have thirty (30) days to respond to the other side's request from you – this is why we start working on gathering the necessary information, even before we file the complaint.

Depositions

You will be asked to give a *Deposition* during the discovery period. A *Deposition* is simply a recorded statement of what you know concerning the event in question. This *Deposition* may be videotaped, and a court reporter is *always* present, taking down everything that is said; hence, it is extremely important you are prepared and comfortable for your deposition, since you will be "locked-in" to some of the facts by this statement. I will help you prepare for the *Deposition*, ahead of time, and explain this in more detail when appropriate.

Mediation

When the *Discovery* period is over, the case could go in many different directions (keep in mind that one party is always at liberty to offer a *settlement* at any point in the process). Depending on the Court, a *Mediation* may be required before going to trial. A *Mediation* is a meeting between the two parties and a neutral third person in an to attempt to resolve the case before trial. There is no obligation on either party to reach a resolution, only a good faith effort towards talking about the issues. If the Court does not require a *Mediation*, the case is set for Trial based on the Court's schedule – it can take as long as a year from the completion of the discovery, before your case would go to trial.

VII. Settlement Decisions and Trial Strategy

Your Power

This is *your* case. I will provide you with advice and consultation, but you have the power to make many important decisions about your case. Despite the power that you have, *you will probably find that your result will be best, if you listen carefully to my advice and consultation.* For instance, we will have many conversations about a reasonable settlement range for your case – listen carefully to this advice!

Another issue on which you will need to listen closely to my advice is deciding how much money to spend during the discovery process. Depositions cost money; taking the depositions of your doctors and medical providers costs even more. The more money we spend in discovery, the higher the “bar” is raised for settlement, as the money spent on discovery comes out of the settlement and decreases what is left over directly to you. I will always tell you what I want to do and give you a very rough idea of what it will cost; I may or may not do this in writing.

Subrogation Issues

There are two (2) instances where we need to worry about having to use some of your settlement money to pay someone else – to reimburse your health insurance company and/or to reimburse a medical provider.

Your health insurance company may or not be legally entitled to a share of your settlement; most people never even consider this. The law in this area is extremely complicated, but I will ask for authority from you to contact your insurance company and negotiate a settlement with it on how much of its subrogation claim it would be willing to accept, should your lawsuit be successful. There are some instances in which your health insurance company has a solid claim for reimbursement and some in which it has almost no claim. I can only represent you to negotiate with your insurance company, before you settle your personal injury case; if it files a lawsuit against you (or threatens do so after your case has settled), *I cannot and will not be your attorney.*

The bottom line is that when we decide together what we think is an appropriate settlement, we need to keep in mind that *some* of your settlement money may need to go to your health insurance provider. *I will always recommend that you empower me to negotiate with your health insurance provider and offer it some part of your settlement;* however, this is your decision,

You may also owe some money to your doctors or medical providers. This will be less likely, since usually insurance will take care of these bills. Again, if anything is owed, I can try to negotiate on the final sum, before settlement, but, we definitely need to keep any such bills in mind in conducting any settlement negotiations.

Bankruptcy

Declaring Bankruptcy can seriously compromise your lawsuit. If you, or a spouse, have either ever filed for bankruptcy, are currently in bankruptcy, or you file for bankruptcy while your personal injury lawsuit is on-going, you must notify myself or the staff and make sure that we talk to you about the consequences!

VIII. Conclusion

My office is committed to providing you with the best legal representation throughout this difficult situation. Our goal is to achieve a satisfactory result in your eyes, as quickly as possible. But, as outlined above, your case may take some time to resolve and we will definitely need your assistance to do so. ***Should you have any questions about what to expect, make sure that you speak up!!!*** If you feel that you understand everything, please sign below and return the original of this document to my office (making sure that you retain a copy for yourself).

Signed, this ____ day of _____ 2006
