

*The Ultimate Guide to Injuries From A Fall:*

*Dangerous Trips  
To Avoid in  
Your Fall Case*

*Don't hurt your case after you've been injured*

*Florida Slip and Fall Attorney*

*James W. Dodson*

Dangerous Trips To Avoid in Your Fall Case

Copyright© 2010 by James W. Dodson

All rights reserved. No part of this book may be used or reproduced in any manner whatsoever without permission of the author.

Printed and bound in the United States of America.

James W. Dodson, Attorney  
Law Office of James W. Dodson, P.A.  
1259 Myrtle Avenue South  
Clearwater, Florida 33756  
(727) 446-0840  
[www.JWDodsonLaw.com](http://www.JWDodsonLaw.com)

## Table of Contents

<b>Forward .....</b>	<b>5</b>
<b>Common Myths About Fall Claims .....</b>	<b>7</b>
<b>More Than One Person May be Responsible?.....</b>	<b>9</b>
<b>Shocking Fall Statistics .....</b>	<b>11</b>
<b>Personal Injury Claims .....</b>	<b>13</b>
<b>Four Things Your Fall Case Must Have .....</b>	<b>15</b>
<b>What Kinds of Conditions Create Liability .....</b>	<b>19</b>
<b>Were You Partially At Fault? .....</b>	<b>25</b>
<b>Six Common Tactics Insurance Adjusters Use to Deny Your Claim .....</b>	<b>27</b>
<b>How Is the Value of a Case Determined? .....</b>	<b>29</b>
<b>Should You Settle Your Claim Without a Lawyer? .....</b>	<b>33</b>
<b>Trips to Avoid In Your Fall Case .....</b>	<b>35</b>
<b>How Do You Find a Qualified Personal Injury Lawyer? .....</b>	<b>41</b>
<b>What You May Not Know About Lawyer Advertising .....</b>	<b>45</b>
<b>What We Do for You in a Fall Case .....</b>	<b>47</b>
<b>Truth About the Myths You Have Heard .....</b>	<b>51</b>
<b>Why You Should Hire Us .....</b>	<b>55</b>
<b>Fewer Cases – More Time for You .....</b>	<b>57</b>
<b>Closing Words.....</b>	<b>59</b>
<b>Contact Information.....</b>	<b>61</b>
<b>Other Consumer Guides Available .....</b>	<b>63</b>

## **Disclaimer**

The information in this book is just that – INFORMATION. This book does not constitute legal advice, and no attorney-client relationship has been formed by receiving and reading this book. Although the author is a licensed attorney in good standing in the state of Florida, Mr. Dodson is not the reader's attorney, absent a signed retainer agreement.

Accidents causing injury involve legal issues or questions where the outcomes are heavily, if not completely, influenced by the individual facts of the case. Slight variations in the facts may result in enormous differences in the outcome of any case. Therefore, for specific legal advice, one should consult with an experienced personal injury lawyer. If you wish to speak with Mr. Dodson about a specific case, you will find his contact information at the back of this book.

# Forward

Since you are reading this book, I assume you must have been injured in a fall or you know someone who has. Regardless, requesting this book is a good choice. You must be the type of person who does your homework before making an important decision. Believe me— you have important decisions to make. You must decide if you have a case to pursue and how you should go about it. Should you hire an attorney, or is this something you can handle on your own? If you are thinking about handling an injury case alone, do you have any idea what it would be like to deal with the insurance adjuster? What information is important and what do you actually need in order to prove someone is responsible for your injuries? Are there traps which might lie ahead? This book will help you answer these and many other questions.

If you're thinking about hiring a lawyer, this book will help you understand the questions you need to ask any lawyer before you make that decision. It will also tell you how to begin your search for an experienced and qualified personal injury lawyer, and a few things you may not know about lawyer advertising.

This book will also point out common myths and misunderstandings most people have about the law controlling fall injuries. It will help you avoid common mistakes which have the potential to ruin an otherwise valid claim.

Most lawyers will require you to make an appointment or some will even offer to send someone to your home. Regardless, most will NEVER provide you with the information available to you in this book. I believe you should be able to have this information, now, without having to make an appointment to see a lawyer and without any pressure. The hiring of a lawyer is an important decision that should not be taken lightly. I want to give you information which will help you decide how to choose the lawyer you believe is best for your case.

The information I have included in this book is based on my actual work representing clients injured in fall cases over the past twenty years. My practice is limited exclusively to representing those who have been injured due to someone else's negligence.

In addition to falls, we represent clients who have been injured in all types of vehicle accidents. We help families pursue wrongful death cases when a loved one has died: cases involving injuries to children and minors, pedestrian and bicycle injuries and medical negligence. Although my firm is located in Clearwater, we represent those who have been injured throughout Florida.

Reading this book will be the best initial decision you will make about your accident case. If you have further questions and would like to speak to me about your case, you can contact me without any obligation. My contact information is listed at the back of the book.

-Jim Dodson



## COMMON MYTHS ABOUT FALL CLAIMS

- Since you fell on someone's property, they must be liable for your injuries.
- You must give a recorded statement to their insurance adjuster.
- The property owner's insurance company is required to pay all your medical bills.
- The property owner is required to give you a copy of any incident report they complete.
- All lawyers charge the same fees in injury cases.
- It will help your case if you go to a doctor your lawyer recommends.
- When lawyers advertise "no attorney fees or costs unless you win" that means there is no risk to you if you lose your case in court.
- All lawyers are the same; you might as well go with the one with the big ad.

I will discuss each of these later.



## **More Than One Person May be Responsible?**

Throughout this book, I refer to the liable party as the property owner or defendant. In evaluating each injury caused in a fall, attorneys look to every person or entity who had possession and control of the property and owed a duty of reasonable care to the injured victim. For instance, if a person falls in a parking lot of a shopping center, the property owner may have legal responsibility as may someone who is leasing the property or a contractor who built or did work on the property. Falls which occur in grocery stores may involve not only the store but vendors who set up food displays or companies who maintain the floor or equipment such as coolers. In some situations, the owner of the property may have entered into a contract with some other party making them legally responsible. Again, for convenience, we will be referring to them as the “property owner” or “defendant” throughout our discussion.

### **Slips | Trips | Falls.....**

You will notice for the convenience of our discussion, I have referred throughout this book to someone being injured because of a “fall.” I realize falls come in a variety of ways. They include what you and I commonly refer to as a “slip, trip, or fall.” Rather than continuing to repeat these terms, I have simplified them by using the term “fall.”



## Shocking Fall Statistics

No one should feel they are the only who has ever been injured in a fall accident.

Let me give you some statistics you may find surprising:

- After motor vehicle accidents, falls are the most common cause of injury in the United States.
- Falls are the single largest cause of emergency room visits.
- Almost 35% of slip and fall accidents involve children.
- The average restaurant has 3 to 9 slip and fall accidents each year.
- Falls caused or led to 15,400 deaths in America in 2001.
- Slip and falls are the number one cause of accidental injuries in hotels, restaurants, and public buildings.
- Falls are the third largest cause of workplace injuries.
- About 25,000 people a day are hospitalized as a result of fall accidents.

Those who build, maintain, and operate buildings and facilities open to the public must be held responsible when their actions or negligence cause harm to people on their property. They know, or should be aware, of what may be unsafe there. Let's look at some of the factors which will be considered in evaluating how to hold them responsible.



## Personal Injury Claims

You have probably heard the term “personal injury claim”, but what does it really mean? Personal injury claims are based on proving someone acted in a negligent manner. This typically means they had a duty of reasonable care and they failed to meet that duty. In other words, they were being careless or negligent.

It may be obvious that people can act negligently but so can corporations who operate stores, condominiums, sporting facilities, malls and other public places. For example, grocery stores have a duty to keep floors free of debris that could cause someone to fall. If their failure to do this causes someone to fall, they may be found liable. In the same manner, government agencies may also be found negligent if they fail to keep their properties reasonably safe.

It is important to deal with an experienced personal injury lawyer who knows how to gather the specific evidence needed to best support your fall claim and prove it in court, if necessary. Evidence a lawyer may need to gather to prove your claim may include:

- Photographs of the scene
- Maintenance and cleaning records
- Building records
- Witness testimony
- Medical records
- Expert evaluation
- Illustrations, exhibits, and animations

Once the needed evidence is gathered to support your claim, your lawyer must have the skill and experience to effectively communicate your case to an insurance company adjuster and negotiate strongly on your behalf.

Not all fall cases are able to be settled. Your lawyer should have experience trying injury cases to a jury and must be willing to do this if necessary. You should not hire a lawyer you feel may be ineffective in front of a jury.



# Four Things Your Fall Case Must Have

## First: Liability

Proving who is responsible after a fall isn't always decided by who owned the property. The issue is who had possession and control of it. Being in possession and control creates a legal duty owed to those coming onto the property. People who lawfully come onto someone's residence are called "invitees." Invitees are owed a duty of reasonable care. That means maintaining the property in a reasonably safe condition, and a duty to warn of certain dangers which are not readily apparent to the invitees.

When someone goes to business as a customer they too are an invitee. The person in possession or control of the business has a duty to exercise reasonable care in maintaining the property in a reasonably safe condition for the safety of its business invitees.

There are generally two categories of falls that are commonly the subject of law suits. One is the "trip and fall" where a person trips on or over an unsafe condition on the property such as dangerous, uneven floor levels in homes and businesses. The other category is the "slip and fall" where a person slips on something that has been dropped or spilled on the floor of a business such as water or food. The object or substance dropped or spilled on the floor is known as a "transitory foreign object." This type of accident typically happens in a grocery or other retail store. The duty owed to business invitees mentioned above includes reasonable efforts to keep the business premises free from transitory foreign objects that may give rise to injury. One way to do this is through inspecting the store. When the person in possession and control fails to meet their duty of care to someone lawfully on the property, they may be held liable for injuries.

Business owners may also be held liable under what is called the "mode of operation theory." This means that when someone in possession or control of a business could reasonably expect a dangerous condition could exist because of their "mode of operation" or way of doing something, they may be held liable. For example, the Florida courts found the practice of allowing elderly residents in a nursing home to carry food from the dining room back to their rooms created a foreseeable risk the residents would drop food on the floor and create a dangerous condition. It is the business practice, not the object, which is the focus in the negligent mode of operation theory.

## **Second: Injuries Caused By the Unsafe Condition**

It must be shown the injury was actually caused by the fall on the unsafe condition. This is easy when a fall results in a broken bone, nerve damage, disc injury in the back or neck or a brain injury caused by hitting the floor. Other times it may not be so apparent, such as when the fall aggravates some pre-existing or underlying condition making it worse. Or, when the condition resulting from the fall is not apparent until after some time delay. The connection to the fall must be proven, usually by the treating doctor. Always be completely honest with your lawyer and your doctor about any pre-existing injuries or treatment to the same area of your body injured in the fall.

## **Third: Damages**

In order to recover money damages it must be proven the damages were a result of the fall on the unsafe condition. Financial losses may include wages or the ability to earn them, medical expenses that have been paid, or will be needed in the future. Your lawyer may need the help of your doctor, an economist, or other vocational experts in proving your financial losses.

Intangible losses are those things which cannot be precisely calculated. They include what you may have heard of as "pain and suffering," which include emotional and physical pain, suffering, scarring, disfigurement, inconvenience, and loss of the enjoyment of life.

Your financial and "pain and suffering" damages must be large enough for an insurance company to feel economically threatened by your claim. Small damage cases which result in only bruises or a simple ankle sprain do not motivate an insurance company to take your claim seriously, because they know they can get them settled for very little money. That is why lawyers can't take on small cases.

## **Fourth: The ability of the responsible party to pay your damages**

In evaluating whether to accept your fall injury case, any lawyer must decide if the responsible party actually has some way to pay for your loss. This usually comes down to whether they have insurance coverage or, with large companies, whether they are self-insured. Your lawyer will require the responsible party to provide proof of any liability insurance in effect at the time, which may offer coverage for your losses.

Many large commercial companies such as retail stores, apartment complexes, and big box stores are self-insured, meaning they will pay any settlement or jury award from their own funds. Some businesses are partially self-insured. For instance, they might be responsible for the first \$100,000 of any payments and would have insurance for any amount over their self-insured limit. Dealing with self-insured defendants is different than dealing with an insurance company. You should discuss with your lawyer how a self-insured defendant might effect the settlement of your case.

**It doesn't matter what your friend received for their case:**

Proving the existence of an unsafe condition and who is responsible, as well as the damages issues I have identified is extremely dependent upon the specific facts of your case. Any lawyer will tell you a slight change in the facts in any of these areas of proof will result in a big difference in how your case is resolved.

It is human nature to want to discuss and compare your case with someone else who might have had what seems to be a similar injury or occurrence. I urge you not to do this! You will never understand all of the facts of their case. It is a big mistake to predict the potential outcome of your case based on someone else's case. Although this is true of any injury claim, it is especially true in an injury caused by a fall.



## **What Kinds of Conditions Create Liability**

It is pretty easy to describe the legal principles which apply in these cases. But in real life they have to be applied in actual situations where someone has been hurt. The fact patterns are as varied as one's imagination. Let's look at some of the common issues the law has held the property owner to be responsible when an injury occurs from a fall.

### **Falling On An Unsafe Condition**

Unsafe conditions may occur almost anywhere. They may be due to negligent design, maintenance or repair, such as:

- Broken, crushed, cracked or uneven sidewalks and walkways.
- Potholes, depressions and erosion in parking lots.
- Broken and misplaced wheel stops.
- Ramps which are too steep, too narrow, lack rails or lack warning paint.
- Steps too narrow, too steep, broken or irregular.
- Handrails which are missing, too large in diameter, do not extend far enough, too far apart, or are in disrepair.
- Rugs or mats at entryways which are worn, curled on the edge, not in use, not large enough for water removal from shoes, or misplaced.
- Floors which are slippery and don't meet minimum slip resistance.
- Curbs which are too high or in disrepair, or include improperly designed curb cuts.

Many of these conditions are governed by safety codes and standards. They include the American with Disabilities Act (ADA), Life by Safety Code, Florida Handicapped Accessibility Code, building codes at the local,

state and national level as well as various other engineering and safety standards.

It is necessary to hire a qualified expert engineer or architect familiar with these codes in order to inspect and document how the property failed to meet the required minimum standards. Proving a violation of these standards often proves liability. Any lawyer you hire must be familiar with how to prove these violations and which ones apply. In my practice I have a number of different experts we retain depending upon the nature of the dangerous condition we need to prove.

Proving liability in these types of situations may also be done by showing the condition was the result of the method of operation the business chose to use. The method of operation may have been dangerous itself or have been carelessly carried out.

### **Falling On Something Left On The Floor of a Business**

Lawyers call this falling on a “transitory foreign object or substance.” You probably recognize these:

- Liquids on the floor caused by spills or leaks.
- Food items or trash left on the floor, such as food, store debris, receipts or condiment wrappers.
- Wet floors caused by mopping or water being tracked in.

### **Holding the Business Responsible**

The law in this area has gone through a series of changes. From 2002 until July 1, 2010, Florida Statute §768.0710 has provided:

Someone lawfully on a business property claiming injury because of a “transitory foreign object or substance,” must prove the business “acted negligently by failing to exercise reasonable care” in maintaining, inspecting, or repairing their property, or in not warning of some danger, or because of a negligent “mode of operation.” The injured person does not have to prove the business actually knew of the condition or that they “should have known” of it.

What does this mean to someone who has been hurt in a fall?

There are several ways to prove the responsible party liable for injuries in these cases.

- Proving they caused it to be there. This means proving the defendant in possession and control actually created the unsafe condition by something they did or something an employee did. This usually is proven by someone seeing them create the condition.
- Even though they didn't physically cause the condition they failed to take reasonable steps to keep the area free of the condition when it was foreseeable someone would be hurt. Usually this means showing lack of reasonable inspection, maintenance, repair or warning. They didn't cause it, but what happened was foreseeable.
- Proving the business had **their method of operation** which allowed the condition on the floor to be created which caused someone to be injured. A method of operation is something they did which was inherently dangerous or the method chosen was negligently carried out. (For example, having no mats at the front door in wet weather, no wet floor signs, displaying merchandise which can fall on people.)

The business lobby in Tallahassee never liked this statute. They felt it allowed too many successful lawsuits when someone was injured in a fall or on something on the floor. They worked hard to have the law tightened to protect them from these claims. In 2010, the legislature amended this statute, and effective July 1, 2010, it repealed the old law (Florida Statute §768.0710) and enacted Florida Statute §768.0755. When someone is injured because of a dangerous condition, the new statute requires them to prove the business:

- (a) actually knew of it, *or*
- (b) constructively knew of it (meaning they should have known of it, *and*
- (c) they should have taken steps to correct it.

The law goes on to define how someone can prove the business "should have known" of the condition by proving:

- (a) the condition was there long enough the business should have know of it , *or*
- (b) the condition occurred regularly, making it foreseeable.

The change was designed to put the burden on the injured person to prove the business knew or should have known of the condition. In many cases, this is an unfair burden. All too often, the injured person has no way of proving what the business knew or even showing circumstances of how long the substance was on the floor. This new law will make it more important than ever to document what caused the fall. This can be done with photographs of the area taken on a cell phone. It can also be done with careful observation of the substance and the immediate area. Evidence of the size, color and consistency of the substance is often crucial evidence to show what it was, where it came from and how long it was there. Most of this evidence is gone within minutes of a fall when the store personnel clean it up or remove it.

**Believe it or not, liability may occur when someone is injured off the defendant's property.** This arises when the defendant does something on their property which forces their invitee to go off the property and as a result they are injured. Examples would be diverting an invitee onto an unsafe sidewalk or area where they get injured. It also may happen when the defendant fails to provide a safe driveway or walkway in order to access their property.



## Were You Partially At Fault?

Florida is a comparative fault state. That means in every accident and injury case which goes to trial (which is very few since the vast majority of cases are settled) the jury is told they can assign fault on whoever they find to be responsible. The injured person will argue the defendant was entirely at fault. But the defendant will look for every argument the injured person did something which contributed to the accident. Juries can assign all the fault on one side or the other or they can apportion fault as they think is fair. If they think the injured party was partially at fault and gives them 20% or 30% or 60% of the fault, it reduces what the defendant has to pay by the percentage.

While few cases actually go to trial, throughout the handling of any case, your lawyer and the claims adjuster will be evaluating whether there is any evidence you would be found at least partially at fault if a jury ever heard your case. Their belief of what a jury would do is part of the evaluation of any case.

One of the first goals of an adjuster is to look for evidence to argue you are responsible for your own injury. They will raise every argument you share some of the blame. Were you carefully watching where you walked? What type of shoes were you wearing? Were you distracted, or carrying something that prevented you from seeing where you stepped? Had you been drinking?

One of the best weapons they will use in looking for any evidence you could be found partially at fault is to attempt to get you to give them a recorded statement. During that recorded statement they will look for every opportunity to have you admit some fact or say something which will give them the chance to argue that you were partially at fault in the accident.

This is a critical issue for them because they know every percentage of fault they can apply to you reduces how much they will pay you. For example, if they feel a jury would find you to be 25 percent at fault, your recovery against them would be reduced by 25 percent. Of course, this only applies in those cases where there is a basis to argue you had some responsibility. Regardless, you should expect to hear arguments from the other side in virtually every fall case blaming you – at least partially – for causing the accident. It is one of the most common defenses lawyers encounter in handling these types of cases.



## **Six Common Tactics Insurance Adjusters Use to Deny Your Claim**

Be aware that the insurance claims adjuster has one goal in mind when dealing with your injury claim: to settle it for as little as possible. Adjusters are extensively trained to save their employers money. Here are some things adjusters do to minimize what they will pay on your claim.

### **First: Deny Liability**

One of the first steps every insurance adjuster considers is whether they can deny your claim. They look for any argument their insured was not at fault and that you were entirely at fault or that the claim did not happen as you have described.

### **Second: Get the Victim to Give a Recorded Statement**

Insurance adjusters are trained to get a recorded statement from the victim as soon as possible after an accident. They call at the earliest opportunity and try to put you at ease. Their goal is to obtain harmful admissions about how the accident occurred and to have you minimize any complaints of injury and the need for medical care. Lawyers see the harmful effects of such recorded statements. For instance, it is not uncommon for someone injured in an accident to downplay the level of pain they are experiencing or to mistakenly agree with the adjuster's description of how the accident occurred. Victims often do not obtain medical attention for days after having been injured. Often, the adjuster obtains a recorded statement in which the victim admits to feeling well and not believing a doctor's appointment will be necessary. If the victim's condition worsens and requires extensive medical treatment, they will be later asked to explain why they "changed their story."

### **Third: Obtaining a Signed Medical Authorization**

The adjuster would love to have you sign a general medical authorization giving them the authority to request medical records from any medical provider you may have ever seen. They have access to medical claims databases giving them limited information about medical care you may have received in the past. The adjuster has no reason to see any of your medical records unless, and until, a claim is actually made seeking compensation for injuries received in an accident. At the appropriate time, once a claim is made, all relevant medical records will be provided to them by your lawyer. An insurance company should not have your medical records before you make a claim.

#### **Fourth: Quick Settlement with a Full Release**

A very common tactic is to contact you quickly after an accident and offer a small amount of money to settle a potential claim. This may be done before you have ever visited a doctor or realized the need for medical attention. However, many serious injuries are not always apparent immediately after an accident. Accepting a sum of money and providing a legally binding release drafted by the insurance company may serve as a complete bar against any further recovery, even if your injury turns out to be far worse than you thought when you accepted the money.

#### **Fifth: Convincing You the Adjuster Will Treat You Fairly and a Lawyer Will Only Cost You Money**

Lawyers regularly deal with clients who have been contacted by adjusters assuring them their claim will be fairly evaluated. Injured victims are actually encouraged not to contact a lawyer. When this occurs, it is done for only one reason: to save the insurance company money. They understand claims settle for larger amounts to clients who have legal representation. They know that you have no idea how much your injury may be worth, and that you are most likely inexperienced in negotiating claims. You probably have not spent time researching the settlements and verdicts awarded for similar injuries. If you're thinking about dealing with the adjuster without the assistance of a lawyer, you should know you won't be playing on an even playing field. Insurance companies know this, and they want *you* to have the disadvantage.

## How Is the Value of A Case Determined?

Despite what many people mistakenly believe, there is no formula used to precisely calculate the value of someone's injury claim. If it were that simple, insurance companies wouldn't need trained adjusters and consumers wouldn't have to hire trained injury lawyers. So how is the value of any case determined?

Insurance adjusters and lawyers understand that the value of any case is what any jury would award at a trial. At the same time, very few cases actually go to trial. As the case develops, your attorney and the claims adjuster are continually evaluating how they believe a jury might see your case and each of them creates a range of how much money they believe a jury is likely to award. Although your case may not go to trial, this range is the yardstick each side uses to estimate the value of a case.

Since both sides are attempting to put your case within a range they believe a jury might award in damages, settlement is possible when they offer an amount within that range. No settlement is possible if, for example, the injured party believes their case is worth no less than \$100,000 but the insurance adjuster is only offering \$25,000. A lawyer experienced in fall cases understands the range of value of a case based on the facts of the case, the injury and damages suffered, as well as the experience and judgment developed in handling similar cases.

No value can be placed on a case until all of the damages are known. You must have completed all medical treatment and your doctor must provide your lawyer with the estimated costs of your future medical care. This means you have reached what lawyers and doctors refer to as "maximum medical improvement"; meaning further medical treatment would not raise your level of recovery. You have reached a plateau—further medical treatment may be required, but it would only maintain your medical condition, not improve it.

Your future medical needs must be based on your doctor's written opinion of what medications, therapies, treatments or surgeries will, more likely than not, be required. The need for future surgery, for instance, may be a significant factor in placing a value on your case. This is why lawyers do not attempt to reach a settlement before doctors have judged the victims to have reached their maximum level of medical improvement.

Here are some factors which will influence the value of your case:

- What was the nature of the unsafe condition? How strong is the proof—do you have good photographs? How dangerous was it?

- Was the fall reported to the landowner? Were they able to verify what made you fall?
- Was the unsafe condition in violation of any safety codes or industry standards? Is there an expert opinion, and how strong is that opinion?
- Is there an argument you were comparatively at fault? How plausible is this argument?
- What injuries did you receive and how serious are they? Is this a new injury or an aggravation of an existing injury or condition?
- How do the injuries affect your quality of life? Will they affect your ability to earn money? How long will you suffer from them? What future medical expenses and procedures will be required?

Although there are other factors to consider, these are some general guidelines to be considered.

There are essentially two categories of damages:

The first—**special damages**—can be calculated with certainty. They include medical expenses incurred for treatment you received as well as your doctor’s estimation of future medical expenses you most likely will incur. If your ability to earn money is affected, special damages would include your loss of earnings, and your ability to earn money in the future. Frequently, experts are hired to calculate these damages and provide their opinions.

The second are **intangible damages**. These are not subject to being calculated precisely and juries are instructed to use their own common sense and judgment in awarding these damages. They include:

- Physical pain and suffering
- Mental pain and suffering
- Inconvenience
- Emotional distress
- Scarring
- Disfigurement
- Loss of the enjoyment of life

All of these factors and numerous others, form a unique combination of circumstances influencing the value of any case. Virtually no two cases are alike, even if the accident and injury suffered sound similar. This means the evaluation of two cases which may sound very similar to one another often produce widely different results due to many of the issues discussed in this book.



## Should You Settle Your Claim Without a Lawyer?

A lawyer is definitely not required for every injury claim involving a fall. While there are no hard and fast rules, someone without formal training may be successful in settling a small case that does not involve serious injury. A small case will generally have an injury that does not significantly impact your quality of life and involves relatively minimal medical expenses.

If you recovered from your injuries after minimal and relatively inexpensive treatment, you may be just as successful in resolving this small claim on your own as if you hired a lawyer. In deciding whether to settle your case on your own, let me give you some things to keep in mind. **These are some considerations you should be aware of before accepting an offer from an insurance company.**

*First*, if you decide to accept an offer to settle your claim, you are assuming you know the nature and extent of your injuries and whether any further medical treatment will be necessary. Accepting an offer from an insurance company, or from a self-insured business, will require giving them a release of liability. **The purpose of a release is to forever bar any further payment, even should your medical condition become worse, or be far more serious, than you originally believed at the time the release is signed. Therefore, you must be absolutely certain you will not require any further medical care.**

The amount received must fully compensate you for physical and emotional pain, suffering, scarring, disfigurement, emotional distress, loss of the enjoyment of life, as well as any unreimbursed medical expenses, future medical expenses, lost wages and wage earning capacity.

*Second*, many general releases prepared by insurance companies are broadly worded. They include language releasing not only the insurance company, but also other potential parties who may not even be named in the release. Signing such a broadly worded release could potentially be releasing claims against others who may have responsibilities for your injuries. Bear in mind these releases are written to protect the interests of the party who drafted them—not you. Read them carefully!

*Finally*, most people have virtually no experience understanding what an injury claim is worth. You should be very wary of relying on any representation of value suggested by the opposing claims adjuster. Remember, the adjuster's sole goal is to settle your case for as little money as possible. They will not be rewarded for fully compensating you for your injuries.

As you read my book, it should become clear that most injuries resulting from a fall will require the assistance of a lawyer experienced in handling these injuries. Unless you feel confident that you have some unusual training or experience, most people do not have the background required to protect their interests when dealing with a trained adversary working to minimize their own costs. The insurance adjuster's first goal is to pay you nothing. If they must pay you, they want to make sure it is as little as possible.

# TRIPS TO AVOID IN YOUR FALL CASE

## 1. Giving a recorded statement before hiring a lawyer.

Why do you think an insurance adjuster calls right away requesting that you give a recorded statement in virtually every fall case? Because they are trained to contact you and make you feel comfortable with them. They hope you will make harmful admissions. If they can get you to do that, they know they have probably ruined or, at least, substantially weakened your case. They also know human emotions. They often act very concerned. They know people are embarrassed they fell. Embarrassment often leads to people making all sorts of statements they would never make upon careful reflection. Do not give a recorded statement to an insurance adjuster until you have consulted with an attorney.

## 2. Not determining what caused you to fall.

I am contacted regularly by people who have been seriously injured in a fall, but never identified what caused them to fall. This invariably goes back to the natural embarrassment we experience when we fall. The tendency is to get up as quickly as possible, look around to see if anyone noticed, and go on our way. While understandable, it virtually guarantees bringing a case will be impossible. Serious injuries are not always quickly obvious. In order to have a claim against the property owner, your lawyer must prove that someone created a dangerous condition or, if they did not create it, they should have been aware of its presence. They might have employed a method of operation which created the unsafe condition. Identifying what made you fall is critical. Without that basic evidence your lawyer has nothing to meet the burden of proving the property owner is liable to you.

Ideally, when a client has a fall they will take as careful note of the details of the area as possible, including:

- a. When liquids or other spills are on a floor, the color, consistency, and size of the spill may prove critical. When we have no eyewitness of the spill, its size may show it was there for so long the owner should have been aware of its presence. If your clothing became wet during the fall, size and location of liquid stains or marks may prove helpful.
- b. Marks through and around the area give some indication the dangerous condition was there long enough for people to track through it.

c. If there was a “transitory foreign object or substance” on the floor (like a spill, lettuce leaf, or banana peel), details of size, condition and location may be helpful in establishing knowledge of the condition by the owner.

d. Whether lights are missing or non-functioning.

e. Statements by eyewitnesses and especially employees of the owner/possessor. Even if we are unable to specifically identify a store employee, for instance, an overheard statement like “that cooler has been leaking for a week” may be useful or admissible.

### **3. Not putting the property owner on timely notice of your fall.**

Notifying the owner of the property you fell due to some specific condition on their property does several things that may be essential to proving your case.

*First*, it puts them on notice of the date, time, place, and cause of your fall. In other words, it provides proof of what you are saying.

*Second*, it gives them timely opportunity to see for themselves what caused your fall. You see, they must report what they discover in this investigation to their insurance company. It makes an enormous difference to your case if their report to their insurance company says they were able to verify what you said happened. Obviously, it hurts your case if they never were aware of the condition and they heard nothing about it until a lawyer notified them months later. This is especially important in cases where the cause of your fall will change or be eliminated.

For example, timely notice doesn’t have to mean giving a verbal report. In most cases involving serious injury, the injured person is unable to get up on their own. Paramedic reports document date, time, place, and often what caused the fall, giving the owner sufficient notice. Having the property owner or possessor come to the aid of the fall victim is almost always considered notice. But, otherwise, they need to be told.

*Third*, when you put them on notice, most companies have requirements that their employees prepare accident and injury reports of what happened. These can be very helpful.

#### **4. Failure to photograph or document the scene.**

If you have fallen in a public area or one where you can readily gain access, photograph the scene at the earliest opportunity. Phone and disposable cameras will work. Photographs often provide the best evidence in a fall case. Sometimes the cause of your fall may not show on a photograph, like standing water. Take it anyway. It still provides your lawyer visual evidence of the area and helps in understanding what occurred. Even when a client has taken photographs we often find the photo is out of focus, or there are not enough photos from various distances and angles to show the area clearly. You would be surprised how often people wait long periods before calling a lawyer. I have clients call me a year or more after they have fallen. When there has been such a delay, all too often, an investigator goes to the scene to find the area in question is totally different. For instance: carpet installed over slick tile or marble, broken surfaces repaired; ramps, curbs, or steps replaced or painted and properly marked; lighting repaired, replaced or upgraded. Failure to adequately photograph such conditions before they are repaired has ruined many good claims. When you fall and haven't taken photographs, this is one of the first things any lawyer handling your case will seek to do. Sometimes the area where you fell may not be one where you and your lawyer can gain public access. In that case, your lawyer may request the cooperation of the property owner. Sometimes there may be no option but to file a special request with a judge to conduct the investigation or even to file a lawsuit in order to gain access for the investigation. These are considerations you must discuss with your lawyer.

#### **5. Not clearly telling medical providers you were injured in a fall.**

When you pursue an injury claim, your medical records become an open book. The defense will seek to obtain every medical record from every provider you see or have seen in the past.

One of the things they are looking for is what description of your fall is contained in your medical records, especially the first doctors you see. Unfortunately, medical records sometimes make no mention of the fact the injury the doctor is being asked to treat resulted from a fall. This can create serious proof issues. While you can't control what the doctor writes in your chart, you must be as clear and specific as possible in discussing the event to your doctor.

## 6. **Not revealing past accidents and injuries to your lawyer.**

Lawyers decide how to handle cases based on the assumption their client has been truthful with them. Regrettably, some clients withhold their history of past accidents because they are convinced it should have no bearing on their new case. They fear that if these past accidents are revealed, no lawyer would take their case. Unfortunately, prior incidents are almost always uncovered during the process and the **failure to reveal them** is much more damaging than the fact they occurred in the first place. Many clients have never had a prior injury or treatment. If they have, it is absolutely imperative they fully discuss these incidents with their lawyers. Insurance companies have access to claims databases that show virtually all past medical treatments paid by insurance. If you have been treated for back or neck pain in the past, they will find it. Your life becomes an open book when you make an insurance claim. While the existence of prior treatment may not help your claim, the **failure to reveal** it will absolutely destroy it by ruining your credibility. The jury must believe everything you tell them. You must be credible to them. Without credibility, you have no claim. I've seen these issues cost clients thousands of dollars.

## 7. **Gaps in treatment.**

My standard advice to clients is that they get medical care when they need it. I don't want them to treat simply in order to make their case look more valuable. That being said, when clients do not seek treatment immediately after an accident or when they have long gaps in their treatment, it generally reduces the value of their claim. Adjusters view not seeing a doctor or not pursuing treatment as evidence that the person did not need treatment. One of the worst things someone can do to reduce the value of their claim is to not diligently pursue medically necessary treatment.

## 8. **Not being honest about your activity level.**

As you complete your medical treatment, you must be brutally honest with your lawyer about what you can and cannot do: things like walking, bending, climbing, yard work or hobbies. Clients get so much bad advice from their friends on how to improve their cases. Whether you are capable of your pre-accident level of activity is an important part of your claim. The **failure to reveal** your true level of function, however, destroys your credibility. In virtually every serious accident case, insurance companies commonly have investigators conduct surveillance of you and your residence. What they capture often conflicts with what clients claim

are their abilities. Be honest with your lawyer. The failure to do so has destroyed many claims.



## How Do You Find A Qualified Personal Injury Lawyer?

Unfortunately, today too many people have fallen for simply locating an advertiser convenient to where they live or work. If you look closely at all lawyer ads, there is a Florida Bar required disclosure which says:

“The hiring of a lawyer is an important decision that should not be based solely on advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.”

My experience is that no one requests such written information. For years, I was a partner in a firm which advertised. I was astonished at the number of people who hired attorneys without requesting any information about the lawyers' background or experience. The common statement I heard was “I assume you're qualified or you wouldn't be advertising.” Everyday, countless people entrust their cases into the hands of attorneys about whom they have virtually no information. They certainly know nothing about how their case is going to be handled.

I've written this book to help you ask the right questions, become informed, and select the lawyer you decide is right for your case. Let's look at some things you need to consider.

### Who is Reputable in Your Area?

Helpful Tips to Know:

1. If you know a lawyer, ask for a referral to someone who is an experienced personal injury lawyer.
2. What about yellow page advertisements?
  - ✓ Keep in mind not everyone advertises in the yellow pages (in my own practice, I have never had a yellow page display ad)

- ✓ Be wary of lawyers doing too many specialties, no one can do everything well. Personal injury law demands a lawyer's full time attention to stay current.
- ✓ Be careful of full page ads, they are designed to attract volume. Can you be assured your case won't be lost in the mass of other cases the lawyer is handling? Will your case be relegated to case managers, paralegals, and file clerks?

3. There are referral services that will refer you to an attorney. Most lawyers have paid a fee to be listed under a specialty. Find out what screening the referral service did to list the attorney. When interviewing, ask some of the questions I've raised in this book, before you decide.

4. If you meet with an attorney, see if he/she offers you the type of information provided in this book to help you become informed before you decide. What type of specific information does the lawyer provide about how each case is handled and by whom? Make sure you meet and spend time with the lawyer who will do the work on your case. What part of handling your file will be delegated? Who will negotiate with the insurance company? Who will try your case, if required?

5. What about the practice of having someone sent to your home to "sign you up?" It is common in large volume practices to have a non-lawyer go to the client's home for the initial visit. Do you believe it is in your best interest not to meet with your lawyer at an initial visit? When will you meet with your lawyer? Has the lawyer designed his/her practice so he/she seldom, if ever, personally deals with clients? Do you want to deal only with file processors and legal assistants? It is important for you to know this up front.

6. Be careful if you have been solicited at home by a "cold" mailing. Look carefully at the material you have been provided. Does it give you the type of information found in this book or do you feel rushed to make a decision?

7. Be careful if the lawyer insists on you seeing "their" doctor. Watch out for a stack of their business cards. As I discuss in my book, this has the potential to be used by the insurance company to kill your case at trial.

8. How will the attorney keep you informed of the activities in your case? Who will you hear from and when? What will you receive in writing and how often? How promptly will your phone calls be answered? The most common complaint about lawyers is their failure to answer client calls and questions promptly.

9. Who will actually work on your case? What responsibility does each person have? If you are hiring a lawyer because of their trial skills, make sure that person will be trying your case.

Here are some very important points you must look for and discuss with your attorney. Every attorney won't meet each one, but you should be careful when you learn of glaring weaknesses.

### Experience

Almost without exception, the longer a lawyer has practiced a special area of the law, the more they will know. Experience is a big factor in most cases.

### Can your lawyer take your case to trial, if required?

Is he/she ready and willing to try your case?

Do they have the financial means to pay the costs required to take your case to the courtroom? Has he/she achieved significant verdicts or settlements? Insurance companies respect lawyers willing to try cases. Past results are not a guarantee of the future, but they do represent some level of experience and success.

### Respect in the legal community

Is the lawyer viewed with respect by other lawyers? Martindale-Hubbell provides a legal review process for lawyers, allowing them to be rated by other lawyers in the area of legal ability and ethics. Go to [Martindale-Hubbell.com](http://Martindale-Hubbell.com) to see how the lawyer is rated. Check [Avvo.com](http://Avvo.com) for information on the lawyer.

### Publication

Has the lawyer published anything which would help you select the best lawyer for your case?

### Organizations

Is the lawyer involved professionally? Does he/she belong to trial lawyer organizations, such as Florida Justice Association, American Justice Association or the local Tampa Bay Trial Lawyer Association?

### Continuing Legal Education

All lawyers are required to report to the Bar certain minimum legal education courses. Does the lawyer go beyond the minimum? How many continuing education courses has he/she attended in the last year and who conducted them?

### Protection of your file

How will your file materials be protected? Fires and hurricanes are a fact of life in Florida. Does the lawyer have a system to electronically scan your file materials for safe keeping in the event of an unexpected disaster? Failure to have such systems would result in everything being lost, should tragedy occur.

Once you have decided on an attorney, make sure you both understand your goals and how the relationship between you and the attorney will work.

## What You May Not Know About Lawyer Advertising

If you watch TV during a weekday you'll notice a steady current of ads for personal injury lawyers. They all pretty much look alike. Listen to them, if you can. When the day is over, you'll know virtually nothing about the lawyer or who will actually handle your case and talk with you or the adjuster. If you have looked at the lawyer ads in the yellow pages, in most books you will see twenty or more full page ads. Some books feature "double truck" ads consisting of two full pages, side by side, for the same firm. These ads all attempt to out-shout the others with the same format: ... a big picture of one or more lawyers ... bullet points about what they do. ... and the same message: ... aggressive ... fighting for you ... caring ... we come to you ... no recovery, no fees ... free consultation. These ads will tell you virtually nothing about your lawyer, how your case will be handled or by whom. Here are some things to keep in mind about most lawyer advertising:

1. There is no Florida Bar requirement about the level of actual experience a lawyer should have in the area of law for which they advertise.
2. There are virtually no restrictions on advertising for multiple areas of law. Do you want a lawyer who limits their practice or one that does many other areas as well? Would you put your life in the hands of a general surgeon or one specializing in the surgery you need?
3. The company selling the ads (TV or yellow pages directory) do not verify claims made in these advertisements. They get paid to sell ads . . . period.
4. The lawyer you see on the ad may not be the lawyer who will handle your case.
5. To many jurors, "advertising lawyers" are perceived very negatively. Should your case need to be tried to a jury, this could hurt your case, especially if the jury recognizes your lawyer as "one of them". The defense often looks for ways to bring this information out in front of the jury for that very reason.
6. Some ads are simply paid referral services. Many of these simply recommend to you the next lawyer on a list of attorneys who have all paid fees for the service. The assigned lawyer may

have even purchased the exclusive right to receive referrals in certain counties or zip codes. Such services know little more about the lawyers they select other than that their checks cleared the bank.

7. In too many instances, those large ads are designed to produce a high volume of cases. The systems designed to handle large volumes of cases produce many of the issues I have discussed. Is that what you are looking for?

You need to arm yourself with information, ask questions, and carefully consider what you get in response. Your case is too important for you to simply “hope” someone you select at random will meet your needs and work to achieve your goals.

## **What We Do For You In A Fall Case**

Here is an outline of things we undertake in handling our clients' cases while working together as a team. Not every case is the same. Not every step is required in every case; specific cases may require other specific action to be taken.

**Personally meet with every client for an initial interview.**

**Listen to our client's concerns.**

**Determine their goals for resolving their claim.**

**Commit to returning clients' phone calls promptly – every time.**

**Inform each client about the steps to be taken and what must be proven.**

**Gather all of the client's information, including names, incident reports, bills, records, and photographs.**

**Carefully discuss exactly what happened and what caused the fall.**

**Visit the scene personally, with the client if possible.**

**Examine any photographs of the scene provided by our client. If there are none, or if we need more detail, we send our investigator to photograph or videotape the area in question.**

**Go over any health insurance policy and coverage, determining what coverage may be available to pay for medical bills and lost wages.**

**Determine all parties potentially responsible for the property where the fall occurred such as property owners or lessees.**

**Put every potential party on notice of the claim and request their insurance coverage.**

**Request sworn copies of available insurance coverage from any insurance carriers of each responsible party.**

**Notify client in writing of what insurance coverage is available to pay their damages and losses.**

**Identify and interview all known witnesses, as may be necessary.**

**Retain necessary expert to examine the scene for code and safety violations and arrange for inspection.**

**Analyze legal issues, such as comparative fault, workers compensation immunity, vicarious liability, and whether any other party bears any responsibility for the accident.**

**Request copies of client's records from all current treating physicians.**

**Seek to obtain records of client's medical treatment *prior* to the accident.**

**Discuss client's treatment with physicians as necessary.**

**Request updated lien and payment records from each physician.**

**Monitor payments made by client's health or disability insurance.**

**Request lien information from any health, disability, or benefit plan paying benefits for client.**

**Analyze whether there are defenses for the client against any demands for reimbursement by their health or disability insurance company.**

**Discuss whether suit should be filed or whether client would prefer to attempt to negotiate a settlement.**

**Educate client on litigation steps, the types and amounts of costs which will be required in a lawsuit and who will pay them, and Florida's Proposal for Settlement process.**

**If client wants to pursue negotiation with the responsible parties, prepare demand package, forward to client for review and reach an agreement on amount to demand for settlement.**

**If negotiation is pursued, personally discuss with client every offer and counteroffer and determine whether client agrees to accept settlement range being offered.**

**If settlement is reached, negotiate reductions of unpaid medical expenses or liens claimed for benefits paid due to client's injury.**

**Discuss whether client would prefer to take a portion of settlement proceeds in the form of a structured settlement annuity to enhance its value.**

**Upon settlement, review release language and contents and review with client all payments to be made from settlement funds.**

**If lawsuit is pursued, send in a draft complaint and description of Florida's Proposal for Settlement process, and obtain client's signed acknowledgement and instruction to file suit while insuring an understanding of the process.**

**Personally assist client in preparing answers to sworn questions (interrogatories) submitted by the other party.**

**Provide client with copies of medical records to review before his or her deposition.**

**Personally meet with client to prepare for the deposition, go over medical records, review video describing how to be an effective witness.**

**Take the sworn testimony of the defendant and necessary witnesses at deposition, including use of video depositions for use at the trial.**

**Schedule mediation and meet with client to prepare for mediation by watching a video and discussing the process.**

**If case is not settled at mediation, set case for trial.**

**Meet with client and all necessary witnesses and prepare trial testimony.**

**Take required video depositions of client's treating physicians.**

**Organize and prepare medical and demonstrative exhibits for trial.**

**Prepare jury instructions and verdict form. Prepare applicable Motions in Limine to limit the other side's evidence and tactics.**

**Trial of case to jury.**

## Truth About the Myths You Have Heard

- Since you fell on someone's property, they must be liable for your injuries.

This is the single most misunderstood concept I encounter when talking to clients about fall cases. As you now know from our discussion about liability and causation, the owner is liable only when they commit some act of negligence resulting in your injury. Countless people mistakenly believe the owner is automatically liable when they are hurt on a property. This is simply not the law in Florida.

- You must give a recorded statement to the insurance adjuster.

You have no legal obligation to give any kind of statement—recorded or otherwise—to the insurance adjuster calling on behalf of some party that may be liable for your fall. Because these recorded statements help them deny claims, they certainly will encourage you to give one.

- The property owner's insurance company is required to pay all your medical bills.

Not true. Some owners may have insurance covering medical expenses (med pay) for someone hurt on their property. This would be a separate coverage from their general liability or bodily injury coverage which would pay your damages if they are found liable. Medical payments coverage, when it exists on a policy, pays the injured person's medical expenses without regard to whether the owner is actually liable for your fall. This is similar to medical payments coverage on a typical homeowner's policy. Therefore, when they have med pay, it would pay your medical bills up to the limit of their med pay coverage. Paying any medical bills from their med pay insurance is not an agreement that they are liable for your fall. Remember, med pay is available regardless of whether the owner is liable. Unfortunately, most companies do not have med pay. When they do, it is often minimal.

More frequently, the property owner will be self-insured (most grocery stores, big box stores, apartment complexes, etc) which means they have no general liability insurance or

medical payments coverage. Any payments they make would be from the company's own funds. Self-insured companies pay claims very differently than insurance companies do. They can be much less willing to part with their money. Sometimes, they voluntarily pay an emergency room visit for customer relation purposes. Rarely will they agree to pay medical care beyond any initial care without being part of an overall settlement.

- The property owner is required to give you a copy of any incident report they complete.

NOT TRUE. Most will claim a privilege against disclosure because it was prepared in anticipation of a claim or lawsuit. In some cases, they will give the customer a copy. But generally they won't provide it and your lawyer must deal with compelling the owner to produce it later.

- All lawyers charge the same fees in injury cases.

Virtually all lawyers follow the fee guidelines of the Florida Bar and charge a fee as a percentage of your recovery. These fees generally are 33 1/3% of any recovery obtained up to the time a lawsuit is filed in court and the opposing party has served their answer to the lawsuit. At that point, most lawyers increase their fee to 40%.

We are different. Filing suit must be done for a client's best interest, not because the lawyer will receive a higher percentage. If our client decides their case is best served by filing a lawsuit in court, we will not increase our fee above 33 1/3%, unless, after the lawsuit is filed, we are unable to settle it at a mediation conference before trial. This is a substantial savings for our clients. Our experience shows that, of those cases where a lawsuit is filed, about 70% are settled at a mediation conference before trial.

- It will help your case to see a doctor your lawyer recommends.

There may be very legitimate reasons why a lawyer may refer a client to a doctor. But, I believe clients should be very wary when a lawyer suggests you need to see "their" doctor or when you see a stack of the doctor's cards in the lawyer's office. If a client's case ever needs to be tried to a

jury, the defense would love to prove to the jury that the lawyer and doctor have a cozy relationship in which every case is referred to the same doctor. A jury would give very little credibility to a doctor's testimony in that case, seriously damaging that client's case.

Another concern is the practical economic conflict of interest in those referral relationships. When a case settles, many clients need their lawyer to work with medical providers, encouraging them to reduce their unpaid bills. Will the lawyer work as hard to reduce the doctor's bill when doing so would hurt the lawyer's referral relationship with the doctor? It will cost the client money out of pocket if the lawyer is reluctant to push the doctor hard for the greatest possible reduction of cost if the lawyer is worried he or she won't get future referrals back from that doctor.

- When lawyers advertise “no attorney fees or costs unless you win” that means there is no risk to you if you lose your case in court.

It is true that such an ad does mean you will pay no attorney fees or costs to your lawyer unless you win. However, Florida has enacted a “loser” pays system for cases tried to a jury verdict. This system does not affect your case if you settle your case at some time before a jury hands down their verdict. The vast majority of cases are settled at some point before trial.

Remember, you are in control of your case when it comes to deciding whether to file a lawsuit. This system, however, is something you must be aware of and carefully consider with your lawyer. We will always provide this information to our clients in writing so that they can have all their questions answered.

- All lawyers are the same. You might as well go with the one with the big ad.

It should be apparent by now that this is not necessarily true. Clients need to focus on how their case will be handled and by whom. How does the lawyer set up their office? Do they take everything that comes in the door, leaving each

client to feel like a minnow in an enormous school of other fish? Regardless of a lawyer's qualifications, you should be able to meet your lawyer and establish that level of trust and confidence that comes from understanding exactly how your case will be handled from start to finish.

## **Why You Should Hire Us**

As I have pointed out to you in this book, my practice is different than the mass advertisers who throw as large a net as possible to gather in as many cases as possible. All too often, that leads to many of the things I described above: runners “signing up” clients, impersonalization, and clients’ cases being managed by file processors. As you have seen, many lawyers advertise for personal injury cases. Often they have so many small cases they cannot give any one case the personal attention clients need and deserve. Many attorneys have no intention of trying any case. If a case needs to be tried, they will refer it out. While there are some experienced lawyers who advertise, how is the consumer to separate one from the other? You need to arm yourself with information and take responsibility for your hiring decision by asking the right questions. Our clients get personal attention because carefully select each case we handle. By rejecting more cases than we accept, we strive to give personal attention to each one of our clients.

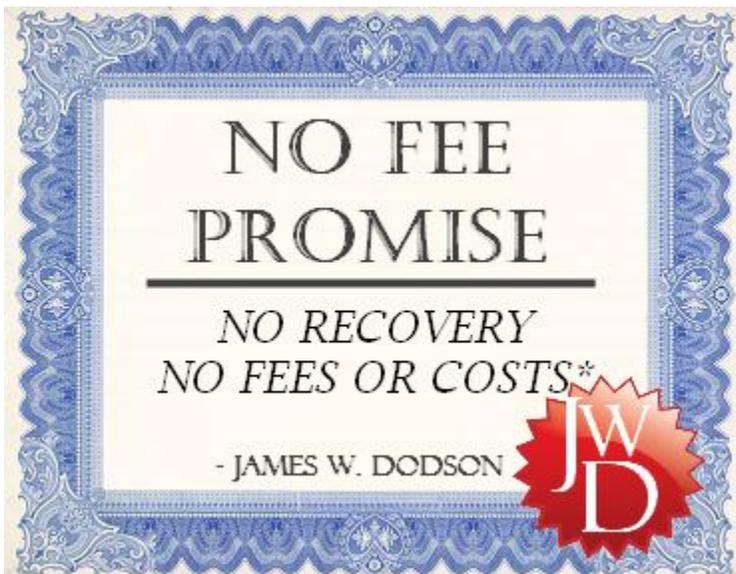


## Fewer Cases – More Time for You

Dedicated to providing clients with the level of care I felt their cases deserved, I left a much larger firm in which I was a partner for many years. Since forming my firm in 2001, we have decided to accept a limited number of cases from the many people who ask us to represent them. We are not a TV advertising personal injury mill. No paralegal or legal assistant will ever negotiate your case with the insurance company. We do not employ case managers. Fewer cases means we have more time to devote to your case and give it the attention it deserves.

Most of our cases are referred to us by other attorneys and by our satisfied clients. We will tell you if we believe your case cannot be successfully pursued or if we believe you'd be just as successful handling it without a lawyer. We will gladly come to you if your circumstances require it. If your case meets our criteria, you can be assured you will receive our personal attention and we will aggressively pursue your interests. We will work closely with you to devise a strategy for your case which meets your goals.

If we accept your case, we will pay the costs. We will fully explain all fees to you before we start working on your case. The basis of our No Fee Promise is you will never pay a fee to us unless we obtain compensation for you. Plus, you will not be required to reimburse our costs unless you receive a settlement.





## Closing Words

It is my sincere hope this book has given you the information that will help you take the first steps toward recovering from your injury.

What should you do now? Maybe you've decided you don't need a lawyer. If this is the case, I sincerely hope you have found this book useful.

Maybe you still have questions. Do you have a case that can be pursued? Are you considering hiring a lawyer? Maybe you have concerns about your injury and what your future holds.

If you have questions which were not answered in this book, call me toll free @ 1-888-340-0840 or email me @ [jim@jwdodsonlaw.com](mailto:jim@jwdodsonlaw.com). I'll be happy to answer any questions you may have, and tell you if we can recover for you.

Of course, there is no fee, nor is there any obligation to hire a lawyer.



## **CONTACT INFORMATION:**

### **Office Location:**

The Law Office of James W. Dodson PA  
1259 Myrtle Avenue South  
Clearwater, Florida 33756

### **Telephone:**

(Toll free)

1-888-340-0840

### **Fax:**

727-446-0850

### **Website:**

[www.JWDodsonLaw.com](http://www.JWDodsonLaw.com)

NO Obligation, NO Cost online Contact Form

Extensive Accident and injury information for Florida Consumers  
Including articles, videos, blogs, and other resources

### **Email:**

[jim@jwdodsonlaw.com](mailto:jim@jwdodsonlaw.com)

For Additional Complementary copies of this book:

**[www.FloridaFallBook.com](http://www.FloridaFallBook.com)**



## Other Consumer Guides Available

**There's more for you...**

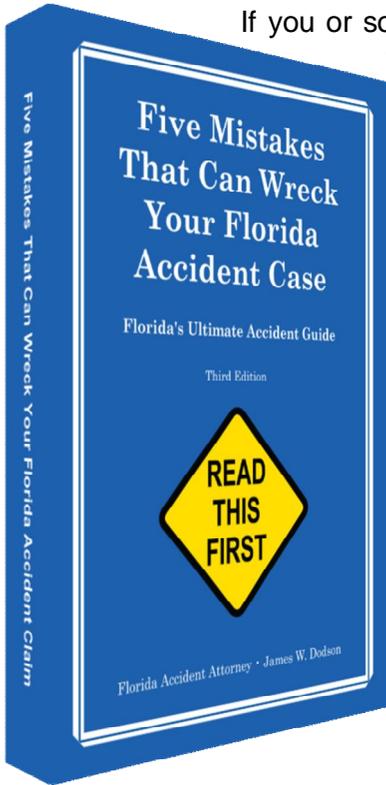
I have written other valuable consumer guides relied upon by Floridian's throughout the state, including:

- **Five Mistakes That Can Wreck Your Florida Accident Claims**
  
- **Survivor's Guide to Florida Wrongful Death Claims**
  
- **Buying Car Insurance**
  
- **When Kids Suffer Big Injuries**

If you or someone you know would benefit from any of these guides, request a copy today at no cost by one of the easy ways described on the following pages.



## Five Mistakes That Can Wreck Your Florida Accident Case



If you or someone you know has been injured in a car wreck, do yourself a favor and read this book before you talk to an adjuster, sign any forms or walk into a lawyers office.

Florida's Ultimate Accident Guide will explain:

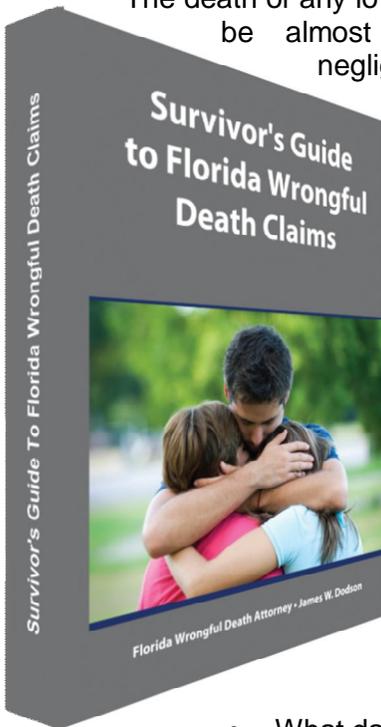
- Who pays your medical bills and lost wages
- Do you even need a lawyer, many cases don't require one
- What adjusters do to keep from paying a claim
- Four things your claim must have to be successful
- How injury claims are valued

Although this book sells online for \$13.95, you may obtain your copy at **NO COST** by doing one of the following below:

- ✓ Visiting: [www.FloridaAutoAccidentBook.com](http://www.FloridaAutoAccidentBook.com)
- ✓ Visiting my website: [www.JWDodsonLaw.com](http://www.JWDodsonLaw.com)
- ✓ Faxing your name, address & email to 727-446-0850
- ✓ Calling toll free: 1-888-340-0840



## **Survivor's Guide to Florida Wrongful Death Claims**



The death of any loved one is tragic, but the sense of loss can be almost unimaginable when caused by the negligence and carelessness of another. Yet when tragedy strikes, most families have no idea what compensation may be available for the survivors or whether a claim may be brought at all. This easy to read consumer's guide will answer these and many other questions.

Florida's Ultimate Survivor's Guide will explain:

- There is a limited time to bring a claim
- Why Florida uses a Personal Representative and what they do
- Which survivors may recover – children, spouse, parents, siblings
- What damages may be awarded to a survivor
- How to recover for funeral and other expenses

Although this book is available online for \$13.95, you may obtain your copy at **NO COST** by doing one of the following below:

- 1. Visiting: [www.FloridaWrongfulDeathBook.com](http://www.FloridaWrongfulDeathBook.com)**
- 2. Visiting my website: [www.JWDodsonLaw.com](http://www.JWDodsonLaw.com)**
- 3. Faxing your name, address & email to 727-446-0850**
- 4. Call – toll free – 1-888-340-0840**



## Buying Car Insurance

### The Ultimate Guide to Your Protection from Irresponsible Drivers in Florida



Most people who are injured in car accidents have no idea what coverage they absolutely must have to be protected from careless drivers who carry little or no car insurance. This consumer guide will tell you what your insurance agent probably didn't bother to tell you.

In it you will learn:

- ✓ Why it is perfectly legal to drive without liability insurance in Florida.
- ✓ What “full coverage” really means?
- ✓ How your health insurance company may get paid before you do (even if it leaves you with no recovery.)
- ✓ The one coverage you must have on your policy.

Available online for \$13.95, this guide is available to you at **NO COST** by doing one of the following:

- Visiting [www.TheFloridaInsuranceBook.com](http://www.TheFloridaInsuranceBook.com)
- Visiting my website: [www.JWDodsonLaw.com](http://www.JWDodsonLaw.com)
- Faxing your name, address and email to (727) 446-0850
  - Calling toll-free 1-888-340-0840