10 STEPS TO A SUCCESSFUL GEORGIA PERSONAL INJURY CASE

By Darl Champion

THE CHAMPION FIRM

Personal Injury Attorneys, P.C.


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If you or someone you love has recently been injured, you probably have many questions.

In addition to dealing with pain from injuries and concerns about getting better, you are probably also worried about things like who will pay your medical bills, whether you can pay your bills if you have to miss work, and whether you will ever receive full compensation for what you are going through.

On top of this, you may feel pressure from people telling you what you should do, such as family or friends. This can be incredibly confusing and stressful.

Whether your injury resulted from a car accident, slip and fall, medical malpractice, or some other type of incident, you may be scared about making some mistake in the legal process that will cause you to either lose your case or get much less money than you deserve. We understand, and we're here to help.

We have written this guide to help you cut through all noise. The path to a full recovery after an injury can be a long one. The road ahead may be uncertain and winding, and there may even be some detours. Nobody can guarantee a particular outcome. But if you make the right choices now, you will help ensure that things fall into place and that you get the best result possible—both medically and financially.

The focus of this booklet is to highlight 10 important steps that I believe are essential to ensuring an injury victim gets the best possible result in his or her case.

Before I discuss these steps, I have to point out that nothing in this guide is intended to be legal advice. This booklet is not a substitute for consulting with an experienced personal injury attorney. No attorney-client relationship is formed between my law firm, The Champion Firm, P.C., and you by reading this guide.

If you would like a free consultation on your particular case, reach out at

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or email me directly at

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Now, let's start with the first step on your path to recovery: hiring a lawyer.

1 Decide to Hire a Lawyer

Let's face it: People don't like lawyers. Lawyers have a bad reputation. The "your pain is my gain" advertising thatyou see from many personal injury lawyers and the perception that most lawyers are just ambulance chasers probably has you less than thrilled at the idea of having to even speak to a lawyer. But while some lawyers have certainly earned their bad reputation, the truth is that the public's perception about lawyers as a whole — and personal injury attorneys in particular — is not always reality.

We listed hiring a lawyer as the first step in this guide because it is probably the most important step you can take on the road to recovery. The next step — choosing the right lawyer — is just as important. Many mistakes that people make in their cases flows from the failure to have a lawyer, or the right type of lawyer.

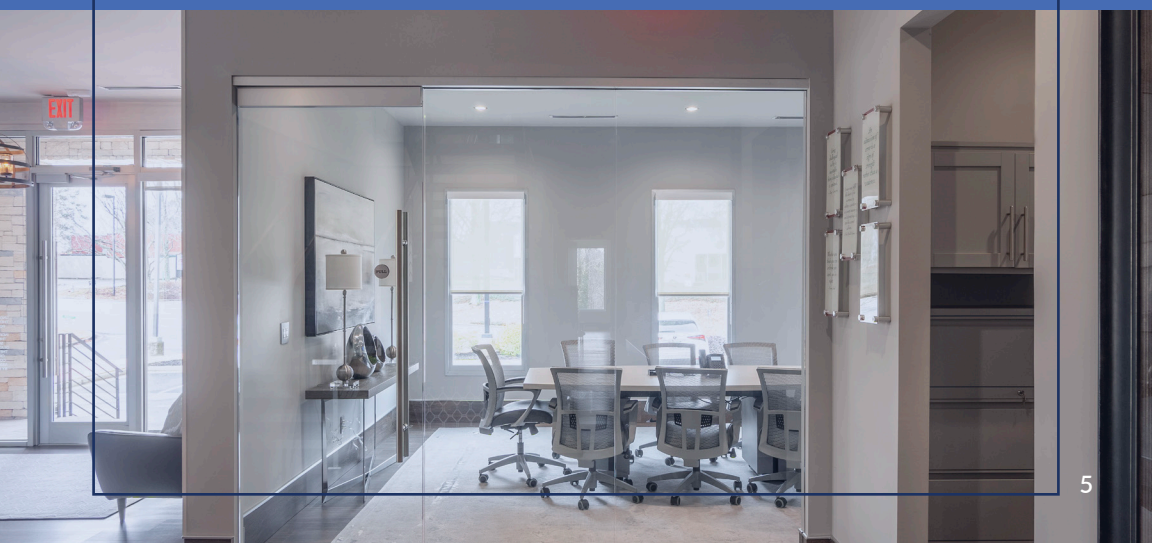
So, why do you need a lawyer? There are many reasons, but the primary reason is the simplest: A lawyer can get you the full compensation you deserve. In the vast majority of cases, a lawyer can you get more money than you could get on your own.

Some people think that the idea of a lawyer taking 33% or 40% of their settlement is too high a price to pay. However, because a lawyer can often get you more

money for your settlement, this standardized fee is quite reasonable. The law is not an easy subject. There is a reason that lawyers have to go to years of law school, take a Bar exam to get their law license, and take continuing legal education classes each year. There are many areas in our lives that are much less complicated than the law in which we seldom question whether hiring a professional to handle the situation is the best course of action. As they say, "If you think hiring a professional is expensive, wait until you try an amateur!" The costliness of mistakes made trying to do it yourself will often be far more expensive than the cost of having a professional representing you who knows what they are doing.

In a personal injury case, an experienced personal injury attorney will know the law and how the law applies to the facts of your case. Such a lawyer will know what damages you can claim and the proper measure of those damages. A lawyer can also properly evaluate the case, take the necessary steps to prove the case, advocate on your behalf, and get you a higher offer.

In addition to getting you a higher offer overall, a lawyer can also help you get more money by ensuring that the appropriate sources of insurance are being used to pay your bills. An attorney can also help you



negotiate any bills or hospital liens, which will also improve your financial outcome.They can evaluate the increasingly complex issues of ERISA subrogation, which has to do with the right of reimbursement that many health plans and disability policies assert whenever there is a settlement.

Lastly, an attorney can help you focus on getting better. If you're injured, the last things you need to be worried about are making a mistake that will hurt your case, handling insurance claims, or taking steps to prove your case. After an injury, you need to focus on your treatment and getting better, not on handling your own claim. A personal injury lawyer can take that weight off your shoulders so you can focus on healing.

Choose the Right Lawyer

Deciding to hire a lawyer is only the first step in getting a lawyer to represent you. The second step is just as important: choosing the right lawyer. Choosing an attorney for wlegal matters is never easy. It can be particularly difficult to find the right lawyer in personal injury cases. Marketing from big advertising lawyers is everywhere. There are also lawyers who don't handle personal injury cases that advertise that they do because they think the cases are easy and they can make a quick buck on them. Worst of all, some lawyers try to actively solicit injury victims. When trying to find a personal injury attorney, these are some lawyers that you should always avoid.

Before we discuss the steps to find the right lawyer, here are five types of lawyers to stay away from.

1. The Settlement Mill Lawyer

What is a settlement mill? Generally speaking, a settlement mill is a personal injury law firm that handles a very high volume of cases and focuses on mass producing settlements. These law firms almost always advertise on TV, billboards, and the radio. They also generally advertise heavily online.

There are a number of problems with settlement mill law firms. In "Run-of-the-Mill Justice," an article appearing in the Georgetown Journal of Legal Ethics, Stanford University Law Professor Nora Freeman Engstrom analyzed many of the characteristics of settlement mill law firms and the problems they create. As personal injury lawyers in Atlanta, Georgia, where a number of settlement mill law firms are located, we have seen first hand many of the negative consequences that the clients of these law firms experience.

The problems with settlement mill law firms are numerous. Here are just a few...

First, settlement mill lawyers have a large number of clients—like a really large number. We're not talking dozens; we're talking hundreds. Even on the low end, some settlement mill lawyers may be handling close to 200 cases at a time. Some handle many more. This high case load prevents these lawyers from giving individual attention to their cases and clients. Their clients frequently complain that their lawyers do not return their calls and they seldom have attorney contact.

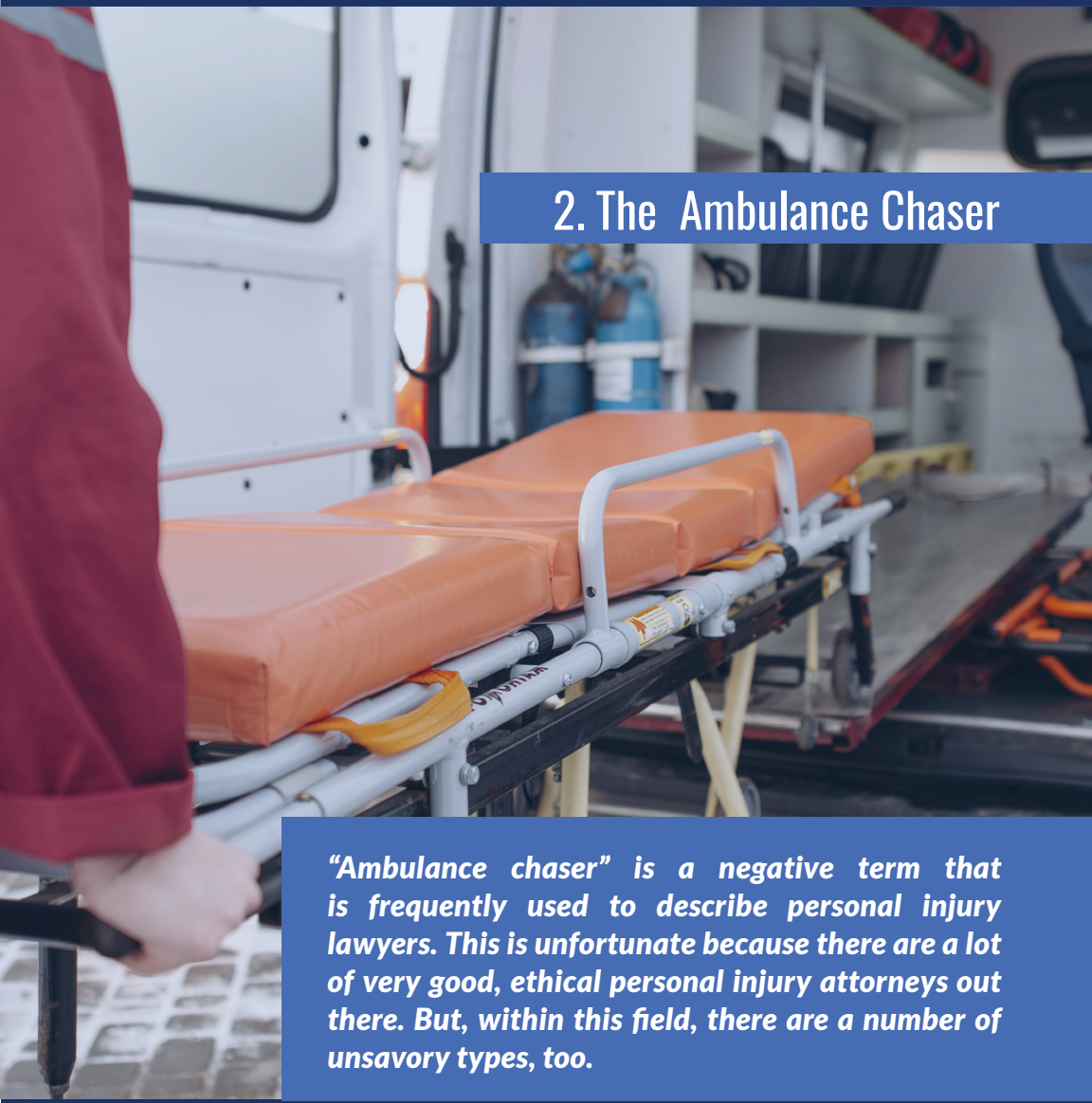
A second and related problem is that clients deal with non-attorney staff far more than they deal with an actual attorney, if they ever interact with an attorney at all. It can be hard to speak with those staff members because of the high volume of cases such firms handle. While all law firms utilize staff to perform different tasks, settlement mill law firms rely on them heavily. At The Champion Firm, we believe that people who are injured need the personal attention of an attorney, not a case manager or a paralegal. After all, clients hire lawyers, not case managers.

Third, settlement mill lawyers do not prepare cases for trial. They try to turn the case over quickly because quick and efficient settlements are essential to their business models. If they were investing considerable time and money in each of their cases, their business model would not work.

Fourth, because of their high case load and the fact that they try to settle cases quickly, cases are frequently settled for less than they are worth. Sure, there are times when a settlement mill may get an ok result for a client. But even the most minimally competent lawyer

can get $100,000 on a $500,000 case, or $1,000,000 on a $2,000,000 case. Settlement mill lawyers frequently under settle cases and fail to get their clients' full value for their cases.

In short, the client experience and the case results at settlement mill law firms are frequently quite poor. Those types of law firms are simply in the business to make money, and they look at clients as case numbers, not real people with real problems. If you are injured, why would you want to be treated like a number and not be able to deal with a real lawyer?



2. The Ambulance Chaser

"Ambulance chaser" is a negative term that is frequently used to describe personal injury lawyers. This is unfortunate because there are a lot of very good, ethical personal injury attorneys out there. But, within this field, there are a number of unsavory types, too.

What is an Ambulance Chaser?

This is a lawyer who, on their own or through another person, tries to solicit a personal injury victim. This is frequently done through the use of "runners." Runners may show up at accident scenes or hospitals and give the victim the attorney's information. The runner then gets paid by the lawyer. Runners may also have a contact at a hospital or police department who gives them the contact information for recent car accident victims. The runner tries to solicit the client on behalf of the lawyer, and again, is paid if the attorney is hired. Sometimes the lawyers bypass runners all together and do the soliciting themselves.

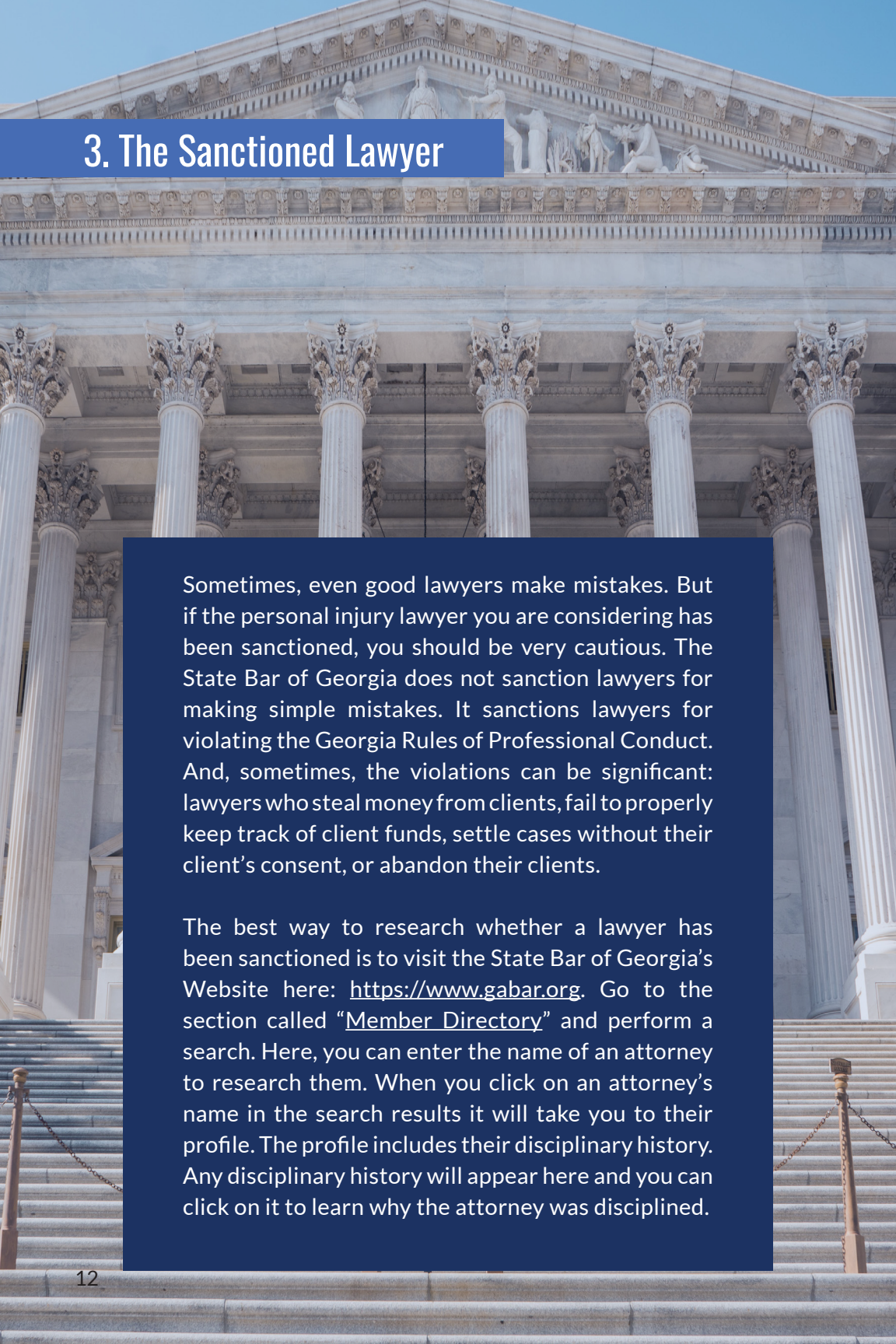
Why is this bad? For starters, it is illegal under O.C.G.A. § 33-24-53. It is illegal to solicit a personal injury victim in exchange for a financial benefit from an attorney or healthcare provider. The first offense is a misdemeanor; the second is a felony. This practice is also unethical. The Georgia Rules of Professional Conduct prohibit attorneys from paying someone to refer a client. They also have strict prohibitions against attorneys soliciting personal injury victims.

Despite ambulance chasing being illegal and unethical, attorneys using runners or actively soliciting personal injury clients themselves

more common than you may think. The law and ethical rules can be hard to enforce. The State Bar of Georgia also does not seem to take a particularly active role in investigating reports of runners and improper solicitations. However, in 2011, two Georgia lawyers—Thomas Sinowski and Steven Freedman—were disbarred for using runners. The Supreme Court of Georgia opinion disbarring these lawyers provides a glance into this shady underworld. There was evidence that, between 1995 and 1999, these lawyers paid 54 runners a total of $399,733 to obtain 2,441 cases! This is a staggering number, especially over only four years.

The reasons you want to avoid an ambulance-chasing lawyer are somewhat obvious. For one, why would you want an attorney who is willing to resort to illegal tactics to get a client? What does that tell you about that lawyer's ethical standards and morals? Second, not only is their willingness to engage in this practice troubling, but the fact they have to do it to get clients also says a lot about their quality as lawyers.

Good lawyers do not need to break the rules to get clients.



3. The Sanctioned Lawyer

Sometimes, even good lawyers make mistakes. But if the personal injury lawyer you are considering has been sanctioned, you should be very cautious. The State Bar of Georgia does not sanction lawyers for making simple mistakes. It sanctions lawyers for violating the Georgia Rules of Professional Conduct. And, sometimes, the violations can be significant: lawyers who steal money from clients, fail to properly keep track of client funds, settle cases without their client's consent, or abandon their clients.

The best way to research whether a lawyer has been sanctioned is to visit the State Bar of Georgia's Website here: https://www.gabar.org. Go to the section called "Member Directory" and perform a search. Here, you can enter the name of an attorney to research them. When you click on an attorney's name in the search results it will take you to their profile. The profile includes their disciplinary history. Any disciplinary history will appear here and you can click on it to learn why the attorney was disciplined.

4. The Jack of All Trades, Master of None

A Jack of All Trades, Master of None lawyer is an attorney who handles cases in a number of different practice areas. This type of lawyer is not someone who specializes in one area. These lawyers are easy to spot: On their website or other advertising materials, they include a laundry list of practice areas. For example, this type of lawyer may advertise criminal defense, family law, personal injury, will and estates, and real estate closings.

Here is an example from an actual website:

Practice Areas

- Tax Returns and Taxation law
- Works Compensation
- Adoption Law
- Appellate Practice
- Construction Law
- Debtor and Creditor
- Wills, Trusts , Estate Planning
- Probate & Estate Administration
- Commercial Law
- Corporate Law
- Family Law
- Municipal Law
- Real Estate
- Trial Law
- Zoning, Planning, Land Use
- Agricultural Law
- Collections law
- Contracts
- Elder Law
- Litigation
- Business Law
- Insurance
- Personal Injury

If you are looking for a personal injury attorney and their practice area list looks anything remotely close to this, run the other direction.

Granted, in some smaller cities, it is impossible to find lawyers who specialize because the lawyers have to be generalists out of economic necessity.

Even so, it is almost always better to find an attorney who specializes in your specific problem, and personal injury cases are no different. If you needed brain surgery, you would want a brain surgeon operating on you, not a doctor who does shoulders and knees. Likewise, in a personal injury case, you should hire a personal injury attorney, not a generalist.

At The Champion Firm, we only handle personal injury cases. That's why we're so good at getting exceptional personal injury results for our clients.

5. The Dabbler

The Dabbler is an attorney who “dabbles” in personal injury cases. This is a close cousin to the Jack of All Trades lawyer, but they are not one in the same. Whereas the Jack of All Trades type has a lot of different practice areas, the Dabbler may appear to be a specialist because they only list a couple of practice areas for their firm. The Dabbler generally specializes in a field unrelated to personal injury, such as criminal law, family law, wills and estates, or maybe even insurance defense. But if the right plaintiff’s case comes along, they will take it.

Dabblers will never admit it, but they generally do not know what they are doing in a personal injury case. They lack the experience necessary to achieve the best result because they do not handle these cases with enough frequency to gain an appropriate level of expertise. Because they do not know any better and they think the case will be simple, Dabblers are prone to taking cases and expecting an easy win. They are also more likely to make mistakes that can harm the case because they just don't know any better.

Unfortunately, there are a lot of Dabblers out there. Personal injury cases can be lucrative and, for some reason, a lot of lawyers think that personal injury cases are easy. That is why you will see lawyers from all sorts of

practice areas advertising on Google, trying to land the big fish personal injury case. You almost never see personal injury specialists advertising for criminal law or family law cases, but you can find a large number of criminal defense attorneys, divorce attorneys, or wills and estates lawyers advertising for personal injury. Handling a personal injury case the right way is not easy. It requires experience, time, and effort to get the best possible result. Someone who does not have the proper knowledge and experience will not get you the best result. By now you may be thinking, "This is all helpful, but how do I find the right lawyer for my case?" Next are some tips that

How to Find the Right Lawyer for You

First, you should absolutely, positively, no questions asked look for a lawyer who specializes in personal injury cases. If you were charged with a crime, you wouldn't want to hire a lawyer who specializes in real estate or divorces to represent you. Likewise, you wouldn't want a criminal defense lawyer to represent you in a personal injury case.

An attorney who specializes in injury cases is going to have a better understanding of how to properly handle your case and will get you a better result. I specialize in personal injury and wrongful death cases, and I have an in-depth understanding of how to handle these types of cases. As a result, I refer cases to specialists in other areas of law when someone calls me about a problem that is outside my area of expertise.

Second, get recommendations from people you know and trust, like family members and close friends. Then do your own research on the lawyers they suggest. Check out the lawyer's website. Read their reviews. Read the lawyer's biography. Get an understanding of who it is you are being referred to for your case.

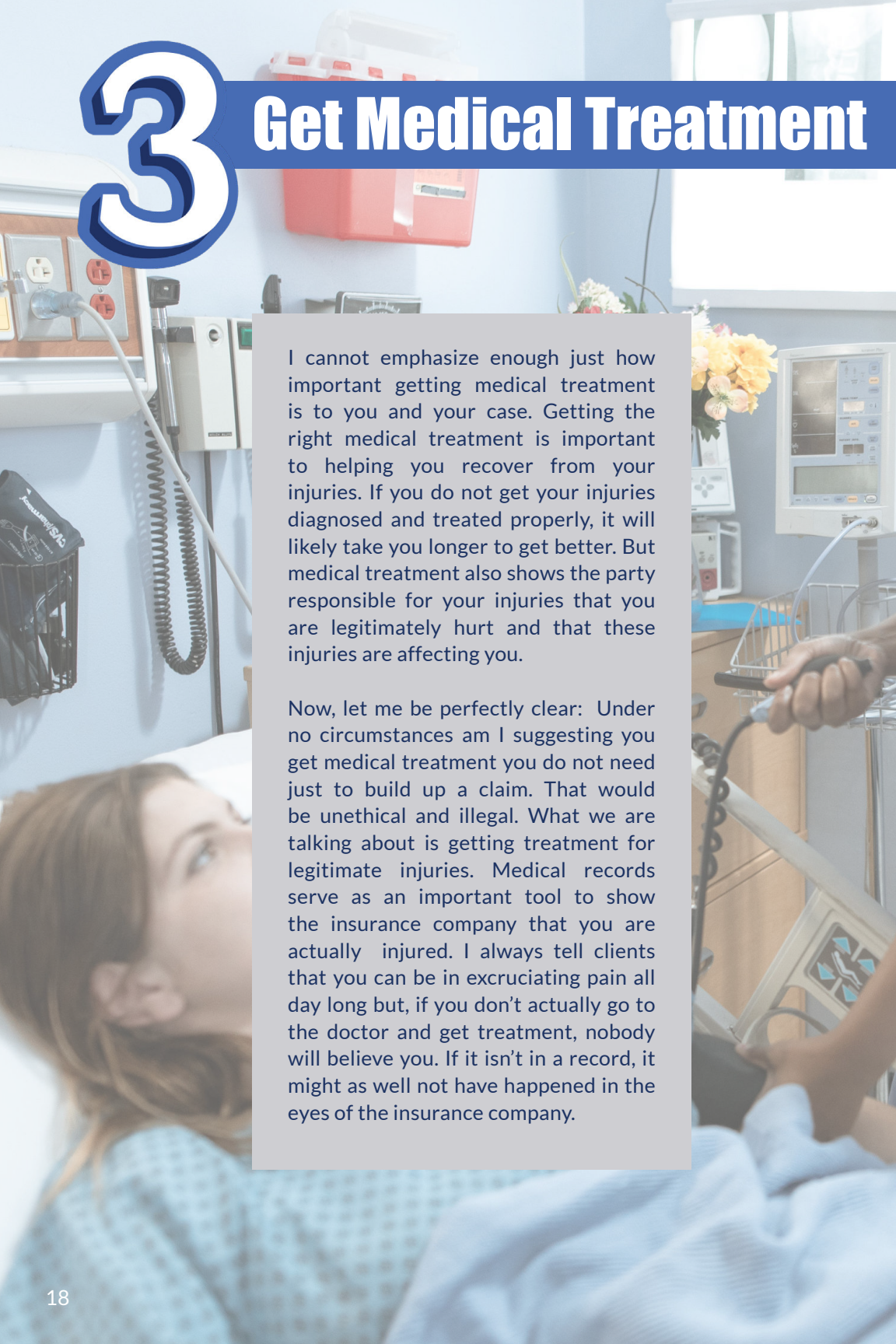
Third, ask any lawyers you are considering if they have handled a case like yours before. A personal injury attorney who only has experience with car wrecks may not be the best qualified to handle a case involving medical malpractice. Some personal injury lawyers have a narrow focus and do not understand how to handle a variety of different cases. The last thing you need is a lawyer who takes your case and doesn't know what they are doing.

Fourth, what kinds of results has the lawyer obtained? Results are not only a good indicator of a lawyer's skills, but they can also provide more insights into types of cases a lawyer has handled. A lawyer who can only claim small results either has not handled big cases or has not been successful in doing so. If you have a significant case with large damages, you should hire a lawyer who has a track record of obtaining large settlements.

Fifth, will the lawyer be responsive and return your calls, emails, or text messages? One of the most frequent complaints that clients have is that their lawyers don't return their calls. Yet, good communication between the lawyer and client is vital to the success of your case. While we are on the subject of returning calls, a word of caution is in order about the personal injury firms that advertise a lot on the radio and TV. Many of those firms utilize paralegals and legal assistants to handle

many aspects of their clients' cases. The end result is that the case does not get a lot of attention from a lawyer. This means that when you call the law firm, you will likely have a difficult time actually speaking to a real lawyer. Or, if you do speak to a lawyer, he or she will not be deeply familiar with your case.

Last but not least, the biggest factor of all in choosing the right lawyer is if you feel comfortable entrusting the lawyer with your case. Talk to the lawyer and meet with them. If you get a bad feeling, or if you simply do not feel comfortable with the lawyer, find someone else. Your case is very important. You should make sure that you have trust and confidence in the lawyer who is going to be responsible for handling it for you.



3 Get Medical Treatment

I cannot emphasize enough just how important getting medical treatment is to you and your case. Getting the right medical treatment is important to helping you recover from your injuries. If you do not get your injuries diagnosed and treated properly, it will likely take you longer to get better. But medical treatment also shows the party responsible for your injuries that you are legitimately hurt and that these injuries are affecting you.

Now, let me be perfectly clear: Under no circumstances am I suggesting you get medical treatment you do not need just to build up a claim. That would be unethical and illegal. What we are talking about is getting treatment for legitimate injuries. Medical records serve as an important tool to show the insurance company that you are actually injured. I always tell clients that you can be in excruciating pain all day long but, if you don't actually go to the doctor and get treatment, nobody will believe you. If it isn't in a record, it might as well not have happened in the eyes of the insurance company.

If you do not get treatment or you delay in getting treatment, this opens the door for the defendants to later argue that you were not really hurt. They will argue that if you were hurt, then you would have gotten medical treatment immediately. Delay in getting treatment, or the complete failure to get treatment, is a common argument that is used against injury victims to reduce what the insurance companies have to pay. Don't give them the opportunity.

Options When Paying for Medical Treatment

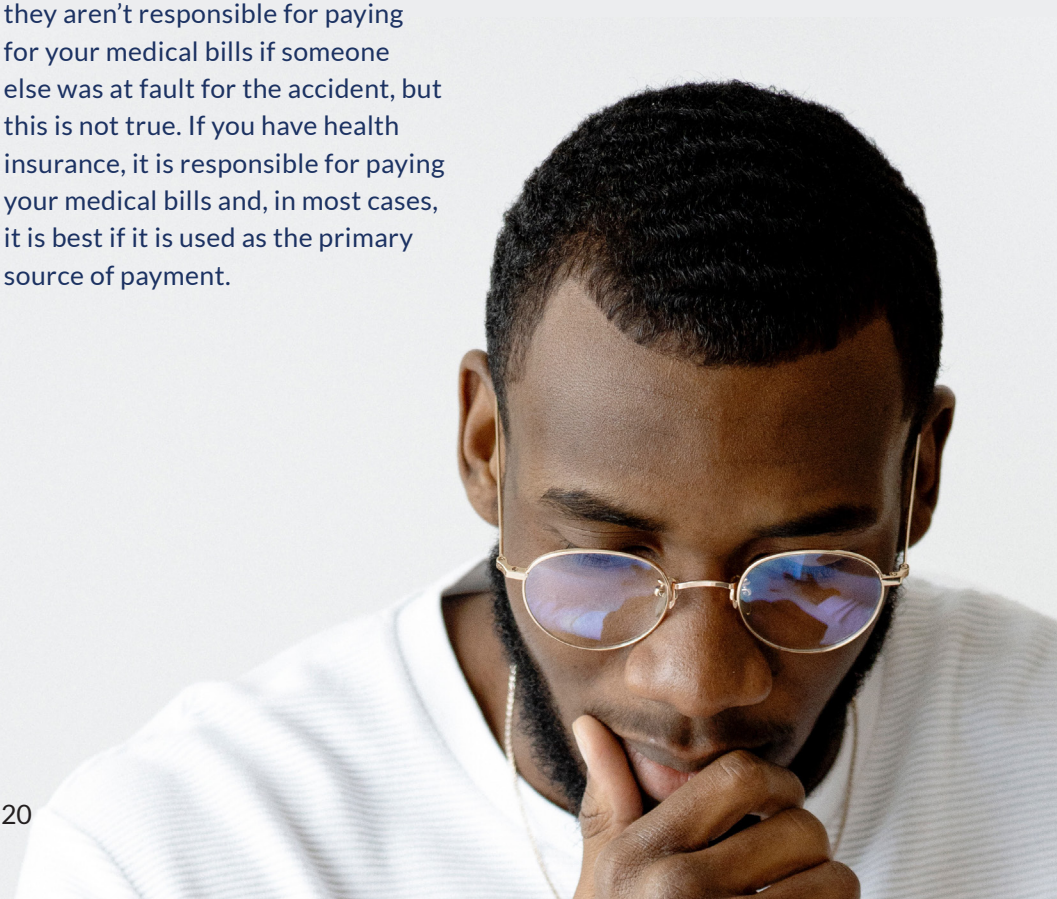
Making sure your medical bills are paid is an important part of getting the medical treatment you need. A common misunderstanding is that the defendant or their insurance company will pay your medical bills as they become due. This is not true. Neither the defendant nor their insurance company will pay your medical bills as you are going through treatment. Instead, they will pay them as part of the settlement at the end of the case. In the meantime, while your claim is pending, your medical providers will likely want payment for any treatment they provide to you. As a result, you will need to identify other sources of payment for your medical bills to pay for your treatment as you receive it. In most cases, these are your options:

Health Insurance

Hopefully, you have health insurance. But the reality is that many people do not have health insurance. If you do have health insurance, it is incredibly important that you make sure that any places where you receive treatment have your health insurance information. Yet, it is common for some hospitals not to bill health insurance and attempt to collect the full amount of the medical bill from a future settlement by way of a hospital lien. This is not ideal as it will result in less money returned to you than if you had health insurance billed. Also, some health insurance companies may try to assert that they aren't responsible for paying for your medical bills if someone else was at fault for the accident, but this is not true. If you have health insurance, it is responsible for paying your medical bills and, in most cases, it is best if it is used as the primary source of payment.

Liens

If you do not have health insurance, some providers will treat on a lien. A lien is essentially an IOU where the provider bills for the services, but instead of requiring immediate payment, they accept payment for any medical expenses due at the conclusion of the case when you receive your settlement. Treating on a lien is a last resort, but in a case where there is no health insurance or med pay, this is often the only option. Also note that many chiropractors do not accept health insurance. As a result, unless you have med pay, they will only treat you on a lien.



Medical Payments Coverage

Medical payments coverage, or "med pay" as it commonly referred to, can provide very important financial benefits if you or your loved ones are injured a car accident or on someone else's property. In a car accident case, the med pay that would apply would be the coverage on the car you were in. In a premises liability case like a slip and fall, the place where you fell--whether it be a business or someone's home—may have med pay on their insurance policy. It is important to note that med pay applies regardless of who was at fault. So, you do not need to prove fault to receive it. If you already have health insurance to pay your medical bills, you can even use med pay to cover your co-pays and deductibles to reduce or eliminate your out-of-pocket medical expenses.

Medical Funding

Medical funding is similar to a lien, except in this situation a third-party called a medical funding company contracts with the medical provider and pays them for your treatment. In return, you have to pay the medical funding company back at the end of your case. There are pros and cons to using either liens or medical funding as an option to pay for your treatment. The question of which option is best — liens or medical funding — is complicated and requires an analysis of the facts of your case and weighing the different options. The right personal injury attorney can guide you through this process.

It is important to remember that even if someone else (like health insurance or med pay) pays for your medical expenses, you are still entitled to claim those medical expenses from the negligent party in your case. In legal terms, this is what is known as the "collateral source rule." Under the collateral source rule, the medical expenses the negligent party is responsible for is the amount the health care provider actually charged, and you get to claim the full amount, regardless of whether they have been paid.

With that being said, it is important to point out that your health insurance company may contend that it is entitled to be reimbursed from any settlement for the medical bills it has paid. It is quite common for health insurers to assert reimbursement rights, but just because they assert those rights does not mean that they are actually entitled to be paid back. Whether a benefits provider such as a health insurance company has valid and enforceable reimbursement rights is complicated and requires a qualified attorney to examine the facts of the case, the language in the health insurance plan, and the applicable law.

4 Go to Your Medical Appointments

While getting medical treatment is an important step in the process, actually going to your medical appointments is equally important. Missed appointments, commonly referred to as “gaps in treatment” by the insurance industry, can cause huge problems for your case. Aside from this fact, you simply aren’t going to get much benefit from being under the care of a doctor if you don’t follow their advice and get the treatment you need. Missing appointments can prolong the recovery for your injuries.

In addition to preventing you from being able to make the best possible recovery, missed appointments can ruin your personal injury case. Missing medical appointments opens your case up to attack from multiple angles.

For example, if you are missing medical visits, the insurance adjuster or defense lawyers can argue that you must not have been legitimately hurt. If you were, you would have gone to your appointments. After all, what else could be more important than going to your doctor's visits? If your case ends up in a lawsuit, an experienced defense lawyer will likely ask you in your deposition why you didn't go to the visits and what else you were doing that was more important, which can look bad for your case.

Missed appointments can also open you up to an argument that you did not mitigate your damages. Mitigation of damages simply means that you have a responsibility to take reasonable steps to reduce your damages. As stated earlier, if you miss out on medical treatment that could help you get better, your injuries may continue longer than they otherwise would have with the proper medical care. If you would recover quicker by getting treatment but you don't do so, the defense can argue that you failed to mitigate your damages.

There are other ways the defense may try to attack your case using missed appointments, but just know that whatever arguments they raise, it will not look good in front of a jury if you were missing your medical visits. This could cause the jury to question your injuries and your credibility.

So, in short, keep your appointments! Put them on your calendar. Go to them. If you need to miss an appointment because of a significant conflict, call the medical provider's office ahead of time. Explain to them what is going on and why you cannot make it. Ask to reschedule. If you cannot call beforehand for whatever reason, then call as soon as possible. Just make sure that you have adequately communicated with your medical provider's office to document why you need to reschedule your medical visit.

5 Be Completely Honest & Truthful

Credibility is one of the most important elements of a successful personal injury case. I frequently tell clients that personal injury cases are all about their credibility. The reason is simple: Juries are the ones who ultimately decide cases. This means that you will have 12 (or sometimes 6) ordinary citizens deciding your case. They will decide whether the defendant was at fault and the amount of damages you are entitled to receive. And here's the thing: Juries are good—I mean, really, really good—and judging credibility. Do they get it wrong sometimes? Of course they do. But if a jury gets even the slightest sense that you are not credible, you can kiss your case goodbye.

Think of credibility like the foundation of your case. Everything else in the case is built upon that foundation. When the foundation is not solid, the entire structure collapses. Everything in your case suffers when your credibility is called into question.

You may be thinking that most cases settle and don't go to a jury, right? That's true. But the insurance companies and defense lawyers evaluate

your case based on what they think a jury is likely to do. And the defense industry knows that juries don't like to give money—and certainly not a lot of money—to people they think are dishonest. So, if the defense thinks you're full of it, then they know a jury will see right through you and rule in favor of the defense. That means the defense will offer you a low amount of money to settle your case, if you're lucky even to get an offer.

Think about it this way: The regular, ordinary people who are going to decide your case are taking time out of their lives to be on the jury. They may be missing time from work, or spending time away from family, to come to court to hear about a case where a person — that's you — was hurt

and is asking for money. Why would those ordinary members of the community want to give a lot of money to someone they think is lying? Jurors want to do the right thing, and they do not want to reward someone who they think is trying to game the system.

It also does not help that personal injury victims, and their lawyers, do not have the best reputation. When we go to court, the deck is already stacked against us because people already have their prejudices against injury cases. They see the cheesy TV lawyer ads and hear stories about people faking injuries to get a bunch of money. They all claim to know someone who cheated the system for a settlement and now never has to work again, while they are doing the right thing and working hard to put food on the table to support their family. Though not true, this mythology is why it is important to always be as truthful as possible in your case. If you do not appear credible, you will fit into the jury's preconceived idea of a greedy person trying to "abuse the system."

What are common ways that people ruin their credibility in injury cases?

One of the most common is when injury victims are not truthful about their medical history. For example, say you injure your back in a car accident, but you had prior back pain and had been receiving treatment for it before the wreck. You absolutely should disclose that to your doctor and to your lawyer. If you hide it and the defense finds out about it (which they most certainly will), it will not be good for your case. You will get painted as a liar and your claimed back injury will have little-to-no value. However, if you disclose the back injury up front and are completely honest about it, you will look credible and your doctor and your lawyer will have the opportunity to argue that you had an aggravation of a pre-existing condition.

Another common source of trouble is when people are not truthful about the circumstances of an accident. Maybe they say something because they think it will help their case, or hide something that they think will hurt it. You should always assume that everything that happened in the incident and with your medical history is an open book. Never try to control the narrative of your case, as people will almost certainly find

Exaggeration can sometimes be a problem in injury cases, as well. Sometimes people who have sustained an injury think that they are supposed to play up their injury; that this is somehow part of the process. Make no mistake about it: Exaggeration is a form of lying and it can ruin your case. If you are caught exaggerating your injuries or damages, your credibility will suffer. And if your credibility is shaky, your entire case can collapse.

Exaggeration can take many forms. One of the most common ways that people exaggerate their injuries is by exaggerating the extent of their pain. Doctors and chiropractors frequently use a subjective numeric pain scale to get patients to rate their pain. A frequent method used is rating your pain on a scale of 1-10, with 10 being the worst pain of your life. However, I have seen many cases where someone will have a neck or back strain and report that their pain is a 10. Pain is subjective, and pain scales are not perfect. One person's 3 may be another person's 6. But if you have relatively mild injuries and are reporting your pain is a 10, you'll likely get some raised eyebrows from the insurance adjuster and (if your case goes to trial) the jury. This is certainly not to diminish the significance of soft tissue injuries like sprains and strains. But if 10 is the worst pain imaginable, don't tell the doctor or chiropractor that you're stiff neck is a 10.

Another area where people frequently exaggerate their injuries is with respect to

their physical limitations. Someone may say they cannot do certain things they could do before, and those limitations may be out of proportion to the severity of the injury. For example, someone with a wrist injury may claim they cannot use their hand, even though they really can. I have seen cases where someone said their wrist prevented them from working, but they were using that wrist to go water skiing at the same time they were out of work. Or someone with a mild back strain may report that they cannot care for themselves, yet they are able to go golfing. What makes these exaggerations even worse is when the person is caught posting pictures on social media, doing things they say they could not do.

Some people also exaggerate whether or not they're able to go to work. They may think that sitting out of work will help them build their case by allowing them to claim more for lost wages. Or their thought process is that going back to work may give the impression that they are not really hurt. But, while someone may think that is helping their claim, the opposite is true. Not only does the exaggeration hurt their credibility, but going to work and fighting through pain helps show people that they are credible. They are not the "type of person" who is sue-happy and just trying to make a quick buck trying to game the system. They have a strong work ethic and are going to do what it takes to get past their injuries.

You may be thinking that you would never do something like exaggerate because you are an honest, hard-working person. But the truth is that even good, honest people sometimes make mistakes. It often is not intentional. But sometimes people think that they are "supposed" to do certain things or behave a certain way if they are hurt. They think that an injury claim is a competition and the insurance company is out to defeat them, so they try to do the "right" things for their case. And, unfortunately, sometimes people think the "right" thing is to milk their injuries. Do not do that. Remember, credibility is the foundation of your case. Do not do anything that will call that into question.

In summary, be completely, 100% honest and truthful at all times with everyone in your case, especially your medical providers and your lawyer. Not only is it the right thing to do, but it will also help your case, even if it means sharing information that you may not want people to know about. If you have any concerns about somebody finding out about something—maybe you are embarrassed to disclose it or afraid that it will ruin your case—share it with your lawyer and get his or her feedback first. Your lawyer can tell you how to handle these situations and put your mind at ease so you feel comfortable disclosing whatever it is that concerns you.

6 Keep All Evidence Do Not Destroy It

Keep all evidence that is potentially relevant to the incident that caused your injury. This may seem like common sense, but you would be surprised how many people, either intentionally or inadvertently, allow evidence to be disposed of and disappear forever. This is not always due to a motive to try to hide something. Some people just do not know what is, or could be, relevant to their injury claim. Other times people just do not take the necessary steps to make sure something is properly protected and not discarded.

When evidence is lost, destroyed, or altered, you may lose something valuable that can help prove your case. Losing evidence that could help you prove negligence or damages could seriously hurt your chances of being fully compensated for your injuries. Not only that, but you could actually find yourself facing sanctions for losing evidence. Failing to properly preserve evidence that is relevant to your case is called "spoliation of evidence." Trial courts can impose a variety of sanctions for spoliation of evidence. The harshest sanction would be dismissal of your case. But even less harsh sanctions may still prevent you from having a successful case. A judge may strike certain claims or give the jury an instruction to presume that the evidence you did not keep would have been helpful to the defense. Whatever sanction is imposed, it can really hurt your case.

Across personal injury cases, there are some common types of evidence that you should make sure you keep. These include the following:

Photographs

Keep any photographs taken of the incident or objects involved. If you have photos of your injuries, make sure you keep them. In a car accident case, keep photos showing the damages to the vehicles. In a slip and fall case, keep any photos you have of what caused you to fall.

Communications

Always make sure that you keep any communications about an incident or your injuries. Communications may come in many shapes and forms, such as letters, text messages, e-mails, or voicemails.

Cell Phones

Always keep the cell phone you had at the time of an incident. Even if you upgrade your phone later, keep your old one. There may be information on it that could be relevant to your claim.

Social Media Posts

It is generally a good idea NOT to post about personal injury incidents. However, if a post is published, it is important to keep the post up. Do not delete it. Even if there is something in the post that you think may hurt your case, deleting it will be actually worse for your claim. It is also important that you not delete any older posts that could in any way, shape, or form have be relevant to your claims, including anything that mentions prior injuries or physical, mental, or emotional limitations.

Witness Lists

Make sure you keep the names of anyone who has relevant information about an incident or your injuries. If somebody at the accident scene hands you their business card, keep it, take a photo of it, or write down the information.

Clothing

It is not always necessary to keep items of clothing after an incident, but sometimes it may be. In slip and fall cases, it is important to keep the shoes you were wearing. In cases with serious injuries, such as burns or a lot of bleeding, it may be helpful to keep the items of clothing to be able to show the insurance company, and potentially a jury, just how bad your injuries were.

Medical Bills/Records

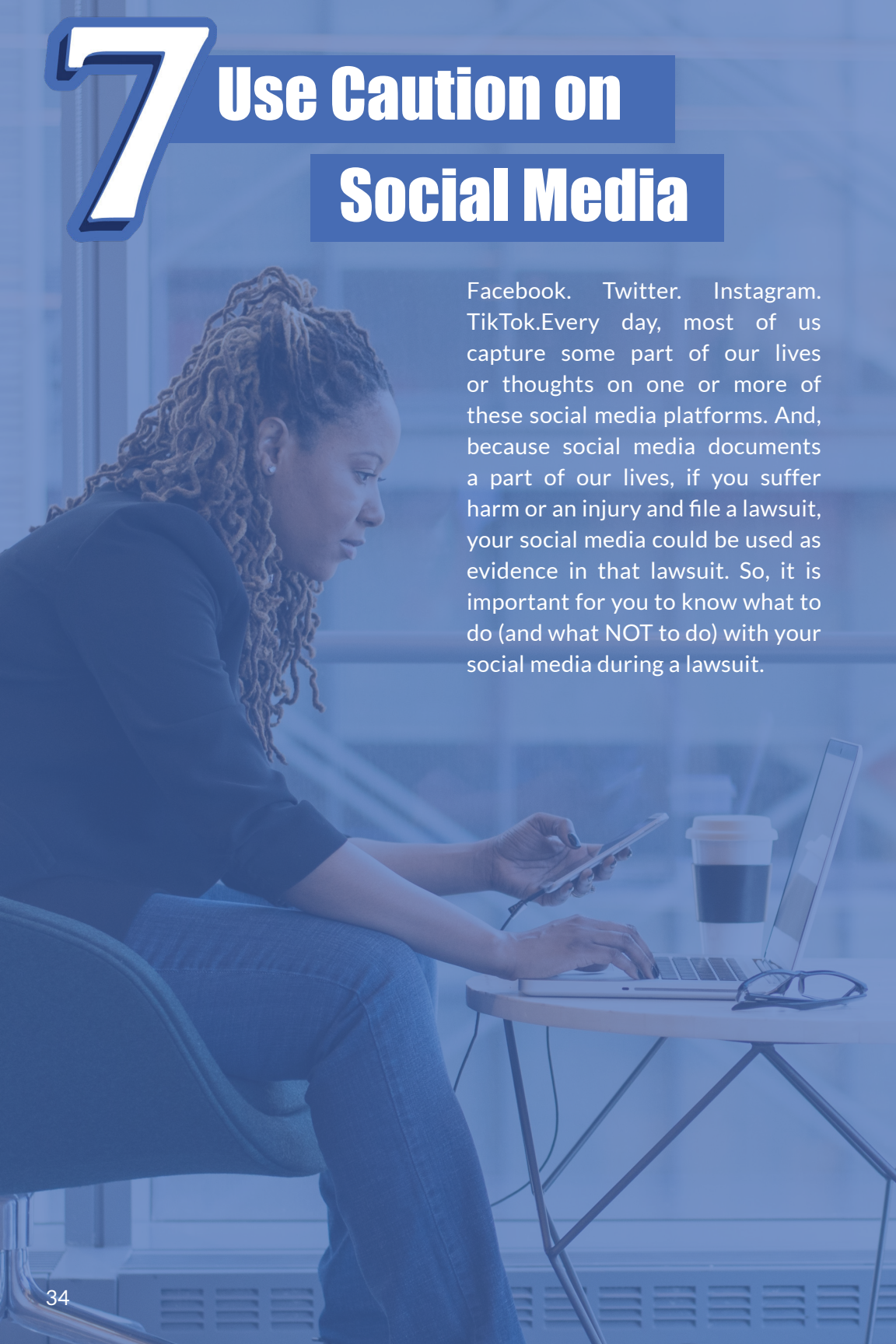
Medical bills and records can frequently be obtained directly from the medical provider, so failing to keep them is not necessarily going to ruin your case. However, it is helpful to keep everything you receive from medical providers so you can be sure that you know every single medical provider that saw and treated your injuries. This is particularly true in cases involving medical care in a hospital or where a surgery is involved, as there are frequently multiple medical providers who bill separately for their services.

Vehicles

In car accident cases, it is important to make sure that all vehicles are preserved and not destroyed while your case is ongoing. Not every car accident case requires that the vehicles be kept; however, in certain cases, it is important to keep the vehicles in the same condition they were in after the accident until the other side--that is, the defendant and its insurance company--have had the opportunity to inspect it. For example, in a wreck with serious injuries, liability may be in dispute. An accident reconstruction may be necessary to establish fault, and this could include having experts inspect the vehicles and gather evidence from them, take photographs, and download any event recorders. Automobile product liability cases—where some defect is claimed in the car—it is very important to make sure the vehicles are preserved. In many cases it is not always clear when it is ok to allow vehicles to be disposed of. This is why it is important to have a skilled lawyer on your side.

These are just some common examples of evidence that you need to make sure is secured and preserved. Every case is different and an experienced personal injury attorney can help you understand what is relevant to your case and help ensure that critical evidence is not lost or destroyed.

7 Use Caution on Social Media



Facebook. Twitter. Instagram. TikTok.Every day, most of us capture some part of our lives or thoughts on one or more of these social media platforms. And, because social media documents a part of our lives, if you suffer harm or an injury and file a lawsuit, your social media could be used as evidence in that lawsuit. So, it is important for you to know what to do (and what NOT to do) with your social media during a lawsuit.

Social media posts matter because those posts could be evidence in your lawsuit. Destroying any evidence, including social media, can severely harm your case, and may cause you to lose your case completely. As mentioned in the previous chapter, it is important to never delete social media posts related to your case.

Once a lawsuit is filed, each side begins a process called discovery. Discovery is a way for each side in the lawsuit to find out what information the other side has, both information that helps and hurts their case. This includes information on your social media accounts. If one side destroys or deletes information (evidence) that is relevant to the lawsuit, the other side can seek sanctions due to spoliation of evidence.

Our court system depends upon each side in a lawsuit playing fair for the system to work properly. Because fairness is important, spoliation of evidence is a big deal. And because it is a big deal, the sanctions (or punishments) for destroying evidence can be severe. These sanctions could include the judge dismissing your case. Or the judge could give the jury an instruction to act as if the destroyed evidence had been presented and that evidence was damaging to your case. This is known as an adverse inference instruction.

The case of Heather Painter gives a good example of what can happen to your case when you delete social media posts. Painter filed a sexual harassment lawsuit against her boss. During the process of filing the lawsuit, Painter deleted all of her Facebook posts about her boss and her job. Because Painter was Facebook friends with her boss's wife before the lawsuit, Painter's boss knew she had a Facebook account and had commented about her job on Facebook. The lawyer for Painter's boss asked for those Facebook posts as evidence that the work environment was not as bad as Painter claimed in her lawsuit. But because the posts were deleted, that evidence no longer existed.

Though the court could have dismissed Painter's case as sanctions for destroying the evidence, the judge chose a less-severe sanction: The judge ordered that an adverse inference instruction be given at trial, meaning the jury would have to assume the deleted posts would have helped the defense.

As you can see, deleting social media posts can be a huge problem for your case. Even if you have put something on social media that may hurt your case, deleting it will almost always be worse. You can avoid feeling compelled to delete something by not posting content that you would not want revealed to the other side. If you have a personal injury case, you should always assume that whatever you post will be seen by the other side and be used against you, if possible.

So does that mean you should not post anything at all during your personal injury case? Not necessarily. Posting on social media is not inherently wrong. What gets people in trouble is when they post things that show them doing something that they claim they could not do. For example, if someone claims they have a debilitating back injury but there are photos of them going golfing, jet skiing, or engaging in other recreational activities on social media, that would be considered contrary to their claimed injury.

In summary, here are **four simple tips** to help prevent social media use from causing you problems in your personal injury case.

1.

Don't delete anything!

A good lawyer can work to lessen any harm your past social media posts might cause your case. Deleting posts, pictures, etc., could harm your case in ways no one can fix. (For instance, if your claim is dismissed by the court with prejudice as a sanction for deleting Facebook posts, you would never be able to seek compensation for that claim again.)

2.

Assume anything you post could end up as evidence in court.

Social media posts can be used against you in ways you may not even imagine. For example, a photo of you out with friends may seem innocent, but the insurance company will likely use it against you to say you clearly cannot be in that much pain if you are able to enjoy a night out with friends. If you have any concerns, just cease your social media activity until your case is over. If you do continue to be active, be very careful and think before you click the post button.

3.

Set your accounts to private.

Use privacy settings to limit what can be viewed by someone who is not your friend. Be careful about accepting friend requests from people you do not know in real life because fake profiles can be used to obtain information only friends have access to.

4.

Do not assume a message sent on Snapchat or in "vanishing mode" actually disappears.

Screenshots can be captured and used as evidence. In recent years, murder and sexual assault cases have been proven because someone saved a screenshot of a Snapchat message and those screenshots were used as evidence. Treat Snapchat the same way you would Facebook, Instagram, or Twitter. If the content of a message could hurt your case, don't send it.

Suffering an injury can take many things away from you. It does not have to take away your use of social media. But, you need to be wise in how you use it. And, when you need counsel to help you navigate life after an injury, an experienced personal injury attorney can help you.

8 Communicate Carefully

Social media is not the only place where people can say or do things that hurt their case. In the digital age, where so much of what we do is forever memorialized in an electronic record, our communications with others can exist forever. Texts, e-mails, and other app messages are common forms of communications now. We frequently type something on our phone and fire it off to a close friend without thinking about it. But when you have experienced an injury, it is important to remember that whatever you say to others can be found in discovery later.

Aggressive defense attorneys may try to get their hands on your communications if your case results in a lawsuit. A lawsuit doesn't entitle the defense to review every single communication you've had since your injury, but they can certainly ask for any communications you have had with others about the incident. They may also ask about communications you have had with others about your injuries or medical treatment. Even things that you think may not be relevant to your case may be considered relevant and, therefore, discoverable.

I am not saying that you should stop sending e-mails, texts, or social messages to others after an injury. You don't have to be a hermit and live in a bubble while your case is pending. But you should be careful with what you say to others. Something you say to someone else may be misconstrued and used against you. For example, you may say something humorous to a friend or family member about your injury, or your personal injury case, that you intended as an innocent joke, but that may look entirely different in a courtroom. So, before sending any kind of communication that discusses your particular accident, your injuries, or your damages, ask yourself this question: What would someone evaluating my personal injury case think if they saw this communication?

Of course, this advice is not limited to electronic or written communications. You must also be careful what you say aloud. If a witness is called to testify in your case—either in a deposition or at trial—the defense lawyer will almost certainly ask the witness about things you may have said about your accident, how you described your injuries, or what you have said about any physical limitations from your injuries.

"Do not call, text, or e-mail the witness and tell them what to say. If you need to ask someone if they will be a witness for you, simply call them and ask them, tell them your lawyer may be contacting them, and ask that they tell the truth."

This brings me to my final point about using caution in your communications: You must be careful not to say or do anything that could be construed as influencing witness testimony. There may be multiple witnesses in your case on a variety of different topics. There may be a witness to the actual incident itself. Maybe you have a witness who will testify about your injuries and how they have affected you. Your lawyer will likely ask you to identify witnesses on the various issues that are relevant to your particular case. You must be absolutely certain that you never do anything that could be construed as you telling the witness what to say. Do not call, text, or e-mail the witness and tell them what to say. If you need to ask someone if they will be a witness for you, simply call them and ask them, tell them your lawyer may be contacting them, and ask that they tell the truth.

9 Listen to Your Lawyer

We started off this booklet with two important steps: hire a lawyer (Step 1) and choose the right lawyer (Step 2). But you can hire a great lawyer and they will not be able to effectively represent you if you do not listen to and follow their advice. That is why it is important that you actually listen to the attorney that you hire. Otherwise, steps 1 and 2 will not make a bit of difference.

Every lawyer, including myself, has had a client who does not follow advice, and they inevitably do something that hurts their case. Some people just have a hard time following directions. Some just do not trust lawyers. Others think that they know better than any lawyer what they need to do to help their case. But, whatever reason you may have for not wanting to follow your lawyer's advice, you must remember that your lawyer knows the law and how it applies to your case and knows how to get you the best result.

Of course, if you messed up Step 2 and ended up hiring a lawyer at a high-volume settlement mill who is juggling 200 or so cases, you may not be able to talk to them directly. But if you hired the right lawyer and have an experienced personal injury attorney who is able to give you the attention your case deserves, then that lawyer should be able to give you the advice and counsel you need.

Listening to your lawyer also means not listening to advice from your family, friends, and co-workers, who think they know what is best for your case because they had a personal injury case or know someone who did. Time and again we see people who have someone close to them in their ear telling them what to do or how much their case is worth. While those giving you advice may not have any bad motives, they may be steering you in the wrong direction and giving you advice

that could actually hurt your case. We have heard some crazy things that our clients have been told. Sometimes that advice has even come from friends or family members of our clients who are actually lawyers, but who have never handled a personal injury case in their life. Whatever the background of the person giving you advice, just remember that he or she likely knows very little about the law, does not understand the full backstory of your case, and has not handled as many personal injury cases as your lawyer has.

Fortunately, I have a good track record of my clients listening to me and following my advice. That is one of the benefits of having a practice where the lawyers in my firm and I are not juggling hundreds of cases per attorney. Our approach allows us the opportunity to get to know our clients and earn their respect and trust. But, even then, we will occasionally have clients who do not follow our advice, for whatever reason. As a result, we have seen first-hand just how badly a client can hurt their case by not listening to us. So, if you have an experienced lawyer, listen to him or her. And if you do not trust your lawyer enough to actually take their advice, you should seriously consider whether you hired the right lawyer and think about finding a new one.

10 Be Patient and Trust the Process

In personal injury cases, as in life, patience is a virtue. Good things come to those who wait, and that could not be more true than in personal injury cases. Insurance companies and large corporations know that many people will want to get a quick resolution to their case and will not want it going on for months or even years. As a result, defendants frequently low ball people to try to get them to take a quick settlement. They know that many people—and many lawyers—do not have the patience and determination to stick it out and fight for more money.

I could give you numerous examples of times when my clients received a low offer early in a case, but through our efforts we have obtained significantly more money after filing a lawsuit. That is not to say that sometimes you won't get the best offer in your case early on. Sometimes it does happen. But frequently the best

result for your case takes longer than you may like. Don't let the insurance company bully you. Be patient. If you are facing any financial hardships that may tempt you to take a low ball offer, let your lawyer know what is going on. You will likely fare much better if you stick it out and follow your lawyer's advice.

Your goal should be to get maximum compensation for your injuries, not the fastest one. Sometimes this requires a lawsuit. Because a lawsuit may be necessary in your case, it is important that you have a general understanding of the lawsuit process. The first step in filing a lawsuit is filing the complaint, which is the document that contains the allegations and claims against the defendant. This gets served to the defendant, who then responds to the lawsuit by filing what is called an answer.

After the answer is filed, the discovery process begins. The discovery period is generally at least six months from the date the answer is filed, though parties to a case frequently agree to extensions if this time period is not sufficient. Discovery is essentially the process in which each side learns about what happened, and what each side is claiming. This is accomplished using a variety of discovery tools. The most common are written interrogatories, requests to produce documents, and depositions.

THE PERSONAL INJURY

Case Process

1. Case Evaluation
2. Investigation
3. Strategy
4. Demand Letter
5. Case Settled or Lawsuit Filed
6. Fact Finding & Discovery
7. Mediation
8. Case Settles or Goes to Trial
9. Case Resolution

Interrogatories are written questions that ask about a variety of topics. The interrogatories that will be sent to you will likely ask about your general background (education, work history, etc.), the incident and your claims, the injuries you sustained and treatment received, and your prior medical history. Likewise, the interrogatories that your attorney will send to the defendant will also ask about what happened and their version of events, the defendant's background, and the basis for any of the defenses raised in the answer.

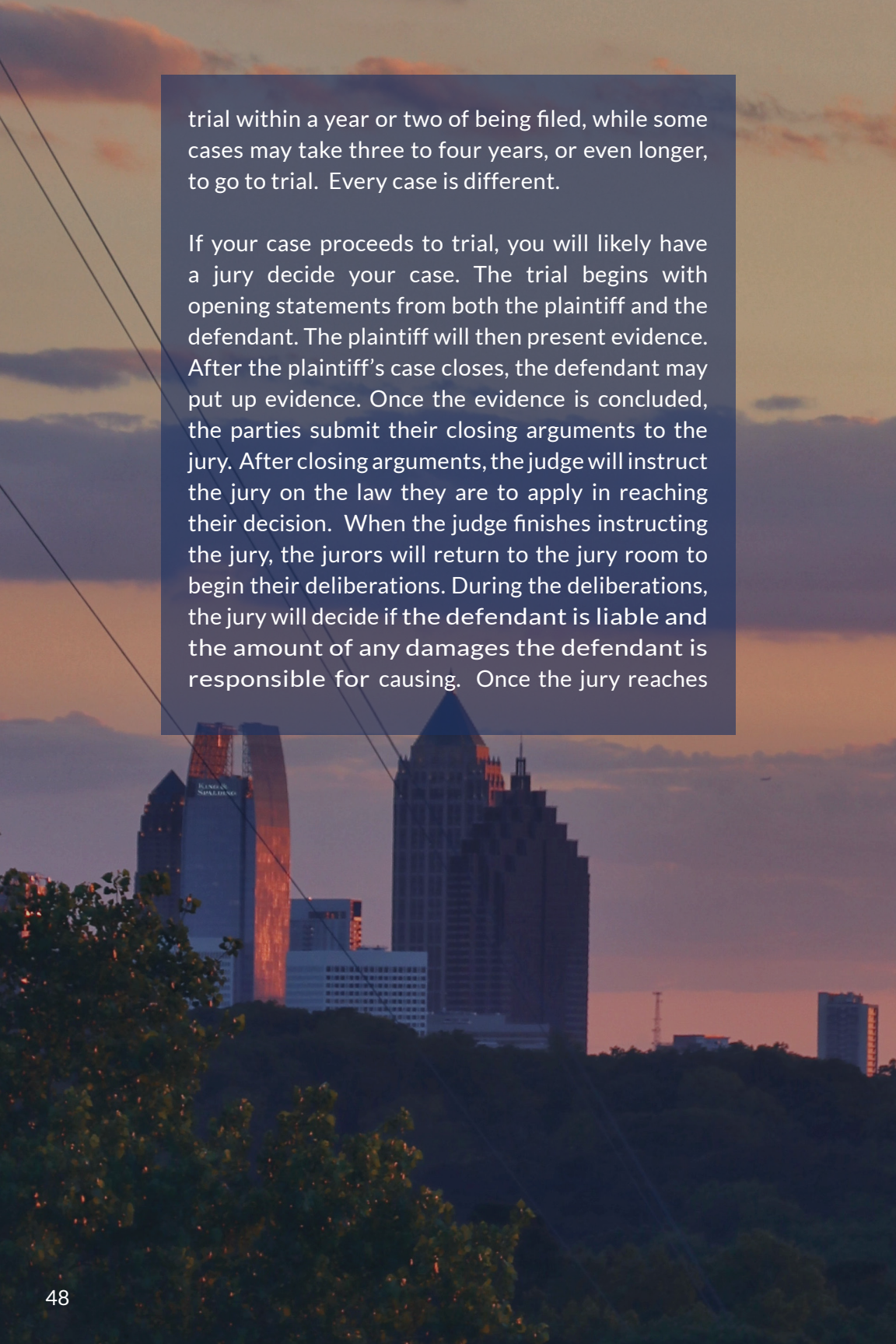
Requests for production of documents asks for various documents that are relevant to the case. The most common documents that will be requested from

you will be those that are related to the incident and your claims about what happened, any medical records and bills, and documents related to any lost wages you may be claiming. The requests sent to the defendant will also ask for any documentation and evidence regarding the accident and any defenses.

The depositions are when the parties' attorneys question witnesses, under oath, before a court reporter. This process may also be videotaped. Your deposition will likely be taken, as will the defendant's. Depositions of witnesses and treating medical providers may be taken, as well. Your attorney should

meet with you in advance of your deposition to explain the process to you and to prepare you for it.

At some point after discovery concludes, your case will appear on a trial calendar if it has still not settled. The trial date depends on the court where the case is filed because every court is different. Just because your case appears on the trial calendar does not mean it will actually go to trial on the scheduled date. There will likely be other cases on the calendar as well, and they are normally listed in order of how long they have been pending, with older cases listed ahead of newer ones. Some cases can go to



trial within a year or two of being filed, while some cases may take three to four years, or even longer, to go to trial. Every case is different.

If your case proceeds to trial, you will likely have a jury decide your case. The trial begins with opening statements from both the plaintiff and the defendant. The plaintiff will then present evidence. After the plaintiff's case closes, the defendant may put up evidence. Once the evidence is concluded, the parties submit their closing arguments to the jury. After closing arguments, the judge will instruct the jury on the law they are to apply in reaching their decision. When the judge finishes instructing the jury, the jurors will return to the jury room to begin their deliberations. During the deliberations, the jury will decide if the defendant is liable and the amount of any damages the defendant is responsible for causing. Once the jury reaches

its decision, it will return to the court to announce its decision. After the jury returns its verdict, the court will enter a judgment on the verdict. At that point, the parties can either agree to let the judgment stand, or they may try to appeal it. They may also try to negotiate a settlement to avoid any subsequent appeals.

It is important to remember that just because you file a lawsuit does not mean your case is automatically going to go to trial. A settlement can be reached at any point after a lawsuit is filed. But it is important that you be prepared to file a lawsuit and do what is necessary to protect your rights and ensure that you get full and fair compensation.

Attorney Darl Champion

Attorney Darl Champion is a dedicated trial lawyer who is passionate about fighting for his clients to ensure that they are fully compensated when they are harmed by someone else's negligence. His philosophy is to provide client-centered representation that is aggressive and thorough so that the client can get the best possible result.

In just the last few years alone, he has helped obtain over $100 million in recoveries for his clients in Atlanta and throughout the state of Georgia—including a $10.2 million settlement in 2020. In recognition of his success, The National Trial Lawyers organization has consistently selected Darl as a Top 100 Trial Lawyer in Georgia, and as a Top 40 Under 40 attorney. In addition, in each of the last 10 years, Georgia Super Lawyers has recognized him as a Rising Star, an honor given to the top 2.5% of Georgia lawyers under age 40 or those in practice for 10 years or less.

Originally from North Carolina, Darl graduated summa cum laude from Methodist University in Fayetteville, North Carolina with a Bachelor of Arts degree in Political Science. He then attended Mercer University's Walter F. George School of Law in Macon, Georgia. After obtaining his law degree magna cum laude, he was honored to serve in a highly coveted federal judicial clerkship with the Honorable Hugh Lawson in the Middle District of Georgia.

Darl presently lives in Smyrna, Georgia with his wife Julia and their two children, Elizabeth and Daniel. When he's not practicing law, he enjoys spending time with his family and friends, reading, traveling, watching sports, and volunteering in the community.

If you or someone you know has been injured as a result of someone else's negligence, we can help. Reach out to The Champion Firm as soon as possible for a free case consultation. Our team offers top-rated client care and delivers exceptional results for motor vehicle accidents, medical malpractice, wrongful death and premises liability cases all over the metro Atlanta area from our main office in Marietta, Georgia.

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