

# Accident Handbook

## TOP 5 MISTAKES TO AVOID



**Secrets Auto Insurance  
Adjusters Don't Want  
You to Know About Car  
Crash Injury Claims**

**PARKER  
LAYRISSON**  
Law Firm

Baton Rouge (225) 366-9525 | New Orleans (504) 264-1515 | Ponchatoula (985) 467-9525

[AccidentHandbook.com](http://AccidentHandbook.com)

*Louisiana Auto Accident Attorney Parker Layrisson*

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By Parker Layrisson

*Louisiana Auto Accident Attorney*

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## A Few Simple Questions...

*If You Can Answer YES to These Questions, We May Be the Right Auto Accident Law Firm for You:*

1. Was the accident someone else's fault?
2. Was there visible property damage to your vehicle?
3. Did you get (or will you get) medical treatment shortly after the accident?
4. Have you followed your doctor's treatment recommendations?
5. Did the accident happen less than 9 months ago?
6. Is there insurance available to cover your damages?

**If you answered YES to all of those questions, and you would like to learn more about your legal options, contact Parker Layrisson Law Firm today:**

453 Louisiana Avenue  
Baton Rouge, LA 70802  
(225) 366-9525  
(By Appointment Only)

643 Magazine Street, Suite 402  
New Orleans, LA 70130  
(504) 264-1515  
(By Appointment Only)

125 East Pine Street  
Ponchatoula, LA 70454  
(985) 467-9525  
(All Mail to Ponchatoula Office)  
[www.Layrisson.com](http://www.Layrisson.com)

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The author, Parker Layrisson, and all Parker Layrisson Law Firm attorneys, employees, and agents disclaim any and all liability in respect to actions taken or not taken based on any contents of this report. You should not act upon the information presented here without seeking professional counsel. Each case is different and an attorney can only give you quality legal advice when he or she understands the exact facts involved in your case. If you may have a claim, contact an experienced attorney immediately.

## How To Determine If You Have a Good Auto Accident Injury Case

If you have been seriously injured in an auto accident, you may have a valuable claim where an experienced personal injury lawyer could help you maximize your recovery. However, not every injury resulting from a motor vehicle crash is worth money, and not every case merits the involvement of an attorney. To determine whether you have a valuable case, within a few months of your accident, you should discuss the following questions with an attorney:

### *Was the accident someone else's fault?*

If someone other than you caused the crash, you may have a winnable case. However, if your own careless driving was the sole cause of the accident, financial recovery is highly unlikely.

### *Was there visible damage to your vehicle?*

Although major property damage is not absolutely necessary to a successful personal injury case, photos of auto damage are helpful to proving your case. Judges and juries are more likely to believe severe injuries were caused by an accident when supported by evidence of moderate to high vehicle impact.

*Did a doctor promptly treat your injuries?*

Injuries and medical treatment are absolutely necessary to a successful auto accident injury claim. Thus, it is important that soon after your wreck you sought medical attention from your family doctor, chiropractor, emergency room, walk-in clinic, or other licensed health care provider. Moreover, your case value depends on whether you followed your health care providers' recommended course of treatment.

*Did your accident occur less than a year ago?*

In Louisiana, personal injury lawsuits such as auto accident claims must be filed within a year of the accident. Therefore, if more than a year has elapsed since your crash and you have not yet filed suit, it may be impossible to succeed in your claim.

*Is auto insurance available to cover your claim?*

No matter how severe your property damage and injuries, if the driver who caused your collision has no money or liability insurance, and if you do not carry uninsured motorist (UM) insurance, your claim could be worthless. Like the old saying goes, "you can't bleed a turnip."

If you answered yes to these questions, you may have a good auto accident case. Each case is different, so contact an automobile accident lawyer immediately to discuss your case in more detail.



## Top 10 Auto Accident Myths

The following myths cause many **false** assumptions about auto accident claims:

- **Myth #1:** An auto accident settlement will make you rich.
- **Myth #2:** If you write the insurance company a reasonable settlement demand letter, you will get a reasonable settlement offer in return.
- **Myth #3:** You must give the at-fault driver's insurance company a recorded statement and sign their forms or they won't settle with you.
- **Myth #4:** If you make a claim for uninsured motorist (UM) insurance benefits, your insurance rates will skyrocket.
- **Myth #5:** All lawyers who advertise that they handle auto accident or personal injury cases have the same abilities, resources, and experience to handle your case.
- **Myth #6:** The insurance company for the at-fault driver is obligated to pay your medical bills as they are incurred.
- **Myth #7:** You cannot afford to hire an attorney to handle your case because the up-front fees and costs are too high.
- **Myth #8:** Because you have been involved in an accident that was not your fault, that there must be some insurance funds available that will pay for your medical bills, lost wages, and pain and suffering.
- **Myth #9:** You can expect the same settlement your friend, brother, neighbor, co-worker, etc. got in an accident case with similar injuries.
- **Myth #10:** Louisiana juries are generous.

## **How to Protect Your Rights After Auto Accident Injury**

There are several simple steps you can take to protect your rights after a motor vehicle accident: (1) get medical treatment; (2) preserve accident and injury evidence; (3) refuse to talk to the other driver's insurance adjuster; and (4) contact a personal injury lawyer.

Under Louisiana law, any person who causes you harm is liable to pay for your damages. That means that if a reckless driver caused a car accident that resulted in your injuries, that other driver must repair your vehicle, pay your medical bills, replace your lost wages, cover your out-of-pocket expenses, and compensate you for your physical and mental pain and suffering, among other things. Where the other driver's automobile insurance or other liability insurance applies, insurance companies employ claims adjusters, trained risk management professionals who represent the insurance companies' interests – not yours!

### *Get Medical Treatment*

First and foremost, you should attend to your injuries by seeking immediate medical attention from a doctor. Go to an emergency room, urgent care center, family practice, after-hours clinic, specialist, chiropractor, or other licensed health care provider. Thereafter, follow your doctor's advice about follow-up treatment and go to every scheduled medical appointment. Tell your doctor about all symptoms and past medical history. Do not stop

treating until your injuries heal or your doctor releases you from care. Injuries must be proven through medical records and expert testimony; it is not enough for you to simply say you are hurt.

### *Preserve Evidence*

Also, you should collect all of the information you can from accident witnesses and other drivers, including names, addresses, license plate numbers, telephone numbers, insurance info, and police info, etc. Save all the documents you receive that relate to the accident and your injuries: accident reports; photos of the accident scene, your vehicle, and your injuries; names and contact information of witnesses; medical reports; medical bills; and receipts for prescriptions, vehicle repairs, and other related out-of-pocket expenses. Damages must be proven with actual evidence; the insurance company will not believe your word without objective supporting documentation.

### *Don't Give a Statement or Sign Forms*

Additionally, you should refrain from discussing the details of the accident or your injuries with anyone except the police, your doctors, and your lawyer. Do not count on insurance adjusters who call you on the telephone to deal fairly or protect your rights in any way. Think of the usual Miranda Rights line from police movies: “*Anything you say can and will be used against you in a court of law...*” Although you are not a criminal defendant, the same principle applies: loose lips sink ships! Adjusters and other witnesses can twist your words and use them against you later on.

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Therefore, do not give a statement to the other driver's insurance adjuster or sign any insurance company forms.

### *Contact an Auto Accident Attorney*

Finally, if you have been injured in an automobile accident through no fault of your own, you should contact a Louisiana personal injury attorney to request a free consultation. Lawyers typically charge nothing for the initial meeting to discuss your case and a contingent fee for subsequent work in personal injury cases, meaning that you do not pay anything up front and the lawyers do not get paid until you get paid by settlement or judgment.

# Top 5 Mistakes That Can Wreck Your Auto Accident Claim (And How to Avoid Them)

*Mistake #1: Not Getting Enough Information at the Accident Scene*

Failure to preserve evidence at the scene of the crash can doom your auto accident case before it begins. This can be avoided with two simple steps: (1) call the police; and (2) collect information yourself.

Often, accident victims are reluctant to call the police to investigate after their collisions. They are afraid it will waste their precious time and cause their already high auto insurance rates to skyrocket. I understand their temptation to leave the police out of it. However, without the police officer's prompt and (usually) thorough investigation of the accident scene, it becomes much more difficult to prove an accident injury case. Police officers document car crash evidence and make an initial determination of fault. Although they make mistakes, of course, police are more often than not correct in their reporting. While police reports are not the final say on fault (they are not binding in court), they carry tremendous weight with insurance adjusters toward establishing liability (responsibility for the accident). Moreover, police officers interview witnesses and obtain contact and insurance information from the relevant parties and witnesses. In short, involving the police can help you win your case.

In addition to contacting the police, there is helpful information you can collect on your own. Begin by getting the names, phone numbers, and addresses of any eyewitnesses at the scene. Also, get contact information, driver's license number, and license plate number from the at-fault driver. This is important because sometimes witnesses leave the scene before the police arrive. Also, if possible photograph the accident scene and vehicles. This could show where and how the accident occurred and verify damage done. If your mobile phone does not include a camera, keep a disposable camera in your glove box—just in case! Remember, once the scene is cleared and debris is removed, the accident site can never again be exactly duplicated.

*Mistake #2: Giving Recorded Statement to Other Side's Insurance Company*

There is little reward and much risk in giving the other driver's insurance company a recorded statement. As mentioned above, we usually advise clients to avoid discussing accident or injury details with anyone except police officers, doctors, and lawyer – especially insurance adjusters. Adjusters are trained professionals skilled at obtaining harmful statements that will understate your injuries and minimize the other driver's fault in causing the accident. While they often pretend to be friendly resources “at your service,” they work for the insurance company, not you! Remember, “Anything you say can and will be used against you in a court of law.”

A better idea than speaking directly to the insurance adjuster to give a recorded statement is to allow your lawyer

to do the talking for you. Like the adjuster, your auto accident attorney is an experienced professional who knows which statements will help or harm your case. You are far more likely to mistakenly harm your case by conversing with an adjuster than by allowing your lawyer to speak on your behalf. Moreover, your attorney's statements on your behalf are not potentially admissible at trial like your own statements. In short, your attorney can harmlessly give the insurance adjuster all the information it needs to settle your claim without you submitting a potentially harmful recorded statement.

If you prefer to represent yourself and insist on giving a recorded statement to the insurance company, keep it short and simple. If possible, describe the accident in one short sentence. (E.g., "I was rear-ended while stopped at a traffic light facing East on Government Street in Baton Rouge.") Likewise, do not discuss your injuries in detail. Instead, (assuming this is true) briefly state that you were injured in the accident and are treating with medical professionals as a result. (E.g., "I injured my back and neck in the accident, and I'm treating with Dr. Doe as a result.") Do not let the adjuster trick you into stating that the accident was your fault or that the injuries were caused by an event other than the collision.

***Mistake #3:           Waiting Too Long to See a Doctor***

If you have been injured, seek medical attention as soon as possible after your auto accident. Perhaps the worst mistake you can make to wreck your auto accident injury case is to avoid or delay medical treatment. You should, of course, see the health care provider of your own

choosing: emergency room; urgent care clinic; after-hours clinic; family doctor; orthopedist; neurologist; chiropractor; etc. Just do not wait until it is too late.

In all auto accident injury cases, physical injuries must be proven through medical records and expert testimony. Insurance companies will not “take your word for it” if you simply say you are hurt because of the accident and nevertheless neglect to treat with a doctor. Without medical evidence from a licensed health care provider, the insurance company will say that you are not hurt or argue that you were injured by a cause other than the motor vehicle accident. They will not pay you for your injuries unless you prove the existence and cause of your injuries with medical evidence. Treating yourself with home remedies and over-the-counter medications such as aspirin or ibuprofen is not enough. Your doctor’s examination, diagnosis, prognosis, plan of treatment, and expert opinion on causation are necessary to prove accident-related injuries worthy of compensation by the insurance company.

Not only is it necessary to your case to obtain medical treatment, it is imperative to see a doctor as soon as possible after the accident. The longer you wait after your accident to seek treatment, the more likely the insurance company will deny payment of your claim based on their argument that the collision did not cause your symptoms (and the more likely a judge or jury will buy that argument). Although medical science proves otherwise, some people will not believe a legitimate auto accident injury can arise days, weeks, or months after the accident. This creates a problem of proof for procrastinators and “tough” clients who avoid the doctor’s office despite actual



accident injuries. It is also a great reason to get checked out by a doctor after your accident, even if your symptoms are minor.

Often, especially with neck and back injuries, symptoms worsen weeks or even months after the accident that caused the harm. It is not unusual for auto accident victims to initially “tough it out” and endure injury symptoms for months without medical treatment, only to find the problem gets worse with time. By the time they discover serious and permanent issues like herniated or bulging discs causing their pain, it is too late to put together a successful insurance claim to pay for the necessary treatment, pain, and suffering. Therefore, if you have any pain, stiffness, soreness, aches, or other symptoms following a motor vehicle accident – small or large – see a doctor at once. Better safe than sorry...

*Mistake #4:           Waiting Too Long to Hire a Lawyer*

Just as delaying your visit to the doctor can doom your claim, waiting too long to hire an auto accident attorney can wreck your case. Nobody knows better what you must do to succeed in your case than an experienced lawyer. An attorney’s guidance can be critical to avoiding major mistakes and achieving maximum settlement or judgment value. Beyond wise counsel, attorneys are capable of essential action. Your lawyers will begin by investigating the facts of the case and educating you about the auto accident claim process. They will promptly contact insurance companies to initiate claims on your behalf while stopping insurers from directly contacting you. They can obtain the police report, insurance policy information,

medical records and bills, photographs and other evidence you need to prevail, and he will share it with the insurance company. They can interview accident witnesses, police officers, and health care providers, all the while recognizing and analyzing any legal issues that come along. Of course, they will decide if and when you should file a lawsuit and handle that litigation from start to finish, spotting potential problems and anticipating the insurance company's defenses. These are but a few of the many important tasks your lawyers can accomplish on your behalf.

The earlier you hire experienced auto accident attorneys, the sooner you can adopt a smart game plan for your claim and take appropriate action. You will avoid major mistakes while making the right moves to protect your rights.

*Mistake #5: Lying About Accidents, Injuries, Income, or Activity Levels*

Once you begin a case, the insurance company will be interested in knowing how many past accidents you have been involved in. The reality is that they probably already know the answer or have easy access to that information. All insurance companies subscribe to insurance databases and often the only reason they ask you this question is to test your credibility. If you have been in other accidents, your lawyer can investigate this and make a determination as to whether this is a valid problem in your case or not. However, if you do not tell your lawyer about the other accidents, and you misrepresent your accident history to the insurance company, then it is highly likely that you will lose or significantly damage your case.

It goes without saying that you should be upfront and honest with your attorney about any injuries that occurred before or after this accident. Again, if you saw a doctor or other healthcare provider, then there is a record in existence that the insurance company will find. Your lawyer can deal with this if he knows about it. However, if you lie about it, and the insurance company finds out, then your case is likely doomed.

In many cases, claimants will have lost income because of their accidents. You will only be able to claim your lost income if your past tax returns are truthful and accurate. You don't want to risk going to jail by claiming a loss of income, only to have your past tax returns not back up your claim. Also, if you are exposed for lying about lost wages, it is highly unlikely the judge or jury will believe you about any other issues. Again, being honest with your attorney is the only way to be, because he can deal with the problem if he knows about it and advise you on the appropriate course of action.

Finally, insurance companies routinely hire private investigators to conduct video surveillance. If you claim that you cannot exercise, dance, run, lift, or play with your kids, and you get caught on videotape participating in those activities, your claim will be doomed. Many clients are foolish enough to lie about their activity levels to the insurance company and their lawyer, only to be exposed for untruthfulness by insurance company private investigators that tape surveillance video. Don't make the same mistake.

## **What an Experienced Auto Accident Attorney Can Do for You**

Your lawyer can perform many tasks to handle your car crash injury claim. Each case is different and, depending on the facts involved, not all actions listed below will be necessary or possible in every case. Nevertheless, here is a brief list of some, but not nearly all, of the functions an experienced auto accident attorney may be able to accomplish on your behalf:

- Interview the client;
- Investigate facts of the case;
- Educate the client about the auto accident claim process;
- Contact insurance companies to initiate claims on client's behalf;
- Stop insurance companies from directly contacting client;
- Obtain the police accident report, insurance policy information, medical records and bills, photographs and other evidence;
- Review and analyze automobile, medical payments, uninsured motorists, umbrella, and health insurance policies to see whether there is any coverage available to pay for your damages;

## *ACCIDENT HANDBOOK: TOP 5 MISTAKES TO AVOID*

- Recommend any necessary changes to client's insurance policies to ensure future protection;
- Interview accident witnesses, police officers, health care providers, etc.;
- Recognize and analyze legal issues such as tort liability, comparative fault, liens, subrogation, etc.;
- Obtain narrative reports from treating doctors to help explain client's medical condition and determine its cause;
- Determine whether any money spent by insurers, Medicare, Medicaid, etc. to pay your medical bills must be repaid under the law out of the recovery;
- Decide if and when to file a lawsuit;
- Propound discovery by drafting Interrogatories, Requests for Production of Documents, Subpoenas Duces Tecum, and Requests for Admissions;
- Respond to opposing counsel's Interrogatories, Requests for Production of Documents, and Requests for Admissions;
- Depose defendants, health care providers, and other witnesses;
- Prepare client for deposition and defend client at deposition;

- Conference with court and other counsel;
- File any necessary motions and supportive memoranda with the court and argue motions before judge in open court;
- File briefs in opposition to defendant's motions and oppose their motions in open court;
- Request the case be set for trial;
- Schedule the case for mediation or settlement conference;
- Prepare the client and other witnesses to testify at trial;
- Organize and prepare medical records, exhibits, and demonstrative aids for trial;
- Try client's case before a judge or jury; and
- Analyze judge or jury's verdict to determine if appeal is necessary and likely to succeed.

## **How to Choose the Right Lawyer for Your Case**

The most important issues in selecting the right attorneys are experience, qualifications, and professional reputation. There are many sources of information about attorneys: the Internet, legal directories such as Martindale.com and Avvo.com, advertisements, friends, other lawyers, etc. However, while each of those can be helpful and informative, the single best way to determine whether a lawyer is right for your case is to talk to the attorney directly.

Most attorneys will speak to you on the telephone or in person at no charge to answer basic questions before formal legal representation begins. This process is important because it allows you to determine whether you like and trust the lawyers and it permits the attorneys to decide whether they want to handle your case.

Do not be afraid to formally interview your lawyers. This will show the attorneys that you take your case (and their job) very seriously. Ask thoughtful, direct questions. Demand straight answers. Carefully consider the information you obtain, and go with your instincts. It is important to be both comfortable with and confident in your attorneys.

The following questions should assist you in making an informed decision on who will represent you:

*How much experience do the lawyers have?*

Do not simply ask how many years the attorneys have practiced law; question them about what they have been doing all those years. With regards to experience, quality is as important as quantity. For example, ask the attorneys how many similar injury cases they have handled, how many of those cases went to litigation, mediation, and/or trial, what results they have achieved in those cases, etc. Inquire whether the lawyers have done work defending auto injury claims in addition to prosecuting such cases.

*What are the lawyers' qualifications?*

Here, start with questions about education and training; then move onto prior work history; then cover any other related accomplishments. Where did the lawyers go to school? What were their grades? Have they continued their educations in the specialized fields applicable to your case? Have they clerked for judges? Did the lawyers' past work in the public sector or other law firms result in specialized expertise? Are they active with any law journals, bar associations, or professional groups? Have they published any relevant books, articles, columns, etc.?

*What are the lawyers' reputations with judges, other attorneys, and legal directories?*

This topic is awkward to address and difficult to assess, but extremely important. If you have access to judges or other lawyers, bluntly ask them what they think of the attorneys in question. If not, begin by asking the lawyers if the bar has ever disciplined them. Also ask the



attorneys to provide you with their Martindale-Hubbell peer ratings or look them up yourself at [Martindale.com](http://Martindale.com) (Martindale-Hubbell is the “grandfather of lawyer directories”). Ideally, you would like to hire an AV-rated lawyer, someone recognized by judges and lawyers alike as having achieved the height of professional excellence in legal ability and ethical standards. Another excellent resource is [Avvo.com](http://Avvo.com), the world’s largest lawyer directory, which rates attorneys on a numerical scale 1-10. Ask the lawyers for their Avvo ratings.

If you dedicate yourself to a thorough attorney-client interview focusing on the lawyers’ experience, qualifications, and professional reputation, your chances of choosing the right lawyers’ for your case will increase tremendously.

## **About the Author**

Parker Layrisson is an experienced auto accident injury attorney and the founder of the Parker Layrisson Law Firm, an accomplished law firm with offices located in Baton Rouge, New Orleans, and Ponchatoula, Louisiana.

Mr. Layrisson is a Tulane University honors graduate and a former No. 1 ranked LSU Law student who served as Editor-in-Chief of the Louisiana Law Review and achieved membership in the Order of the Coif (Top 10% Graduate). In 2009, Mr. Layrisson received Martindale-Hubbell's highest peer review rating for professional excellence in legal abilities and ethical standards (AV Preeminent). Later that year, New Orleans Magazine named him to its "Top Lawyers" list. In 2011, the world's largest legal directory, Avvo.com, awarded Mr. Layrisson its highest available rating (10.0 Superb). He was named to Louisiana Super Lawyers' "Rising Stars" list in 2012.

Mr. Layrisson has worked as United States Judicial Law Clerk, Louisiana Assistant Attorney General, and Ponchatoula City Prosecutor. He is Past President of the 21st Judicial District Young Lawyers Association, Port Manchac, and the Ponchatoula Rotary Club. He has also served as a member the LSU Law Chancellor's Council, Vice President of the Southeast Spouse Abuse Program, and legal counsel to city, parish, and state governments.

Parker Layrisson is the author or co-author of numerous legal consumer guides, law books, a law review note, and a legal newspaper column.

## **Why We're Different**

The Parker Layrisson Law Firm is not a general law practice open to accepting all types of cases. We do not handle every area of law. We don't claim to, don't want to, and don't need to. Instead of spreading our resources among a wide variety of practice areas, we focus our attention on only a few types of cases. Auto accident injury is our firm's primary practice. We limit our auto accident caseload to serious injury matters, and that is good for you.

The Parker Layrisson Law Firm differs from other auto accident firms in that we do not rely on a high volume bulk practice. We do not advertise on TV, radio, or in the Yellow Pages. We are not a "chop-shop" or "mill" that turns over hundreds of injury cases every year. In general, we decline more cases than we accept. We value quality over quantity in our caseload.

By handling fewer cases and focusing on only a few select practice areas, we can allocate more resources to your case. If the Parker Layrisson Law Firm accepts your case, an experienced team of auto accident injury lawyers will handle your matter from start to finish. We will not pawn you off to inexperienced associates or assistants. We will dedicate extensive resources to your case, and it will show. Our team delivers excellent client care by aggressively representing injury victims and keeping them informed with prompt, thorough communications. At all times, our law firm maintains the highest standards of professional excellence and ethics. We maintain offices in Baton Rouge, New Orleans, and Ponchatoula, Louisiana. Our team

includes experienced auto accident attorneys and professional support staff. We use state-of-the-art case management software, premier online legal research services, and advanced communications systems to provide the best client service available.

Instead of badgering potential clients with high pressure sales techniques and “your pain is my gain” advertising, we offer accident victims free information you can review in the privacy of your home at your own pace by providing free consumer guides, newsletters, articles, and other resources via mail and the internet. We prefer clients who are as careful in their selection process as we are.

**Because we are extremely selective in choosing the right clients and cases for our exclusive law practice, we only accept auto accident injury claims that meet all of the following strict criteria:**

1. Cases where the accident was someone else's fault;
2. Cases where there was visible property damage to your vehicle;
3. Cases where you got (or will you get) medical treatment soon after the accident;
4. Cases where you have followed your doctor's medical treatment recommendations;
5. Cases where the accident happened less than 9 months ago; and
6. Cases where there is insurance coverage available to compensate you for your damages.

## **Cases We Do Not Accept**

Due to the high volume of calls from potential clients and referrals from former clients and other attorneys that our law firm receives, we have found that the only way to provide exceptional personal service to the clients we accept is to decline those cases that do not meet our strict selection criteria. Therefore, we generally do not accept the following types of cases auto accident:

- Cases with automobile property damage but no injuries.
- Cases with no medical evidence of injury. Sorry, but if you have not or will not treat with a health care provider that can verify you were injured by the accident, then we will not accept your case. Insurance companies don't pay much for cases without objective evidence of injury. There may be plenty of lawyers who take those cases, but we do not.
- Cases with less than \$3,000 of "hard damages." Your case must have at least \$3,000 in past and future medical bills before we will consider accepting it. We would like to represent everyone who needs a good attorney, but we cannot. So, the combined total of your past and future medical bills must exceed \$3,000. If you have a question about whether your future medicals will likely reach \$3,000, contact us and we can help you figure it out.

- Cases where the one-year prescriptive period (i.e., statute of limitations) will soon run. We require at least three months to adequately investigate and evaluate your claim before the prescriptive deadline arrives, so we only consult with potential clients within nine months of the accident. We do not allow a potential client's delay or procrastination to become our last-minute crisis.
- Cases involving people who have had several accident claims in the near past. Many jurors and some judges tend to look dimly on claimants who have a significant accident history. It may not be fair, but it's a reality so we avoid representing "frequent filers."
- Cases where the police who investigated the accident charged you. We know that the police can be wrong; but if, after interviewing the witnesses and evaluating the scene of the accident, the policeman gave you a ticket and not the other driver, then we typically will not represent you.
- Cases where you were in at fault in the accident. If there is any substantial evidence that your injury is in any way your fault, then we will not accept your case.

- Cases where another attorney has already filed your claim or lawsuit. At the Parker Layrisson Law Firm, we handle cases our own way. If another lawyer has already filed your claim or lawsuit, that's fine, but it means we will not handle the matter. We handle cases from beginning to end, but we do not take over midway through the process for other lawyers. Please choose us first, or not at all.

## Attorney-Client Privilege & Confidentiality

One question that crosses the mind of nearly every accident injury victim: "*Can I trust my lawyer to keep our conversations confidential?*" The answer, in a word, is "yes." While clients often value attorneys for qualities such as aggressiveness, intelligence, and creativity, loyalty is our profession's most essential attribute. Through the concept of attorney-client privilege, lawyers are required to keep client communications confidential and protected from being forced to reveal client secrets.

Attorney-client privilege, which goes back to the days of Elizabethan England, is one of the oldest recognized privileges for confidential communications. It encourages clients to speak openly and honestly to their lawyers, who are then better able to provide effective legal representation. The privilege is indispensable to attorneys' function as advocates because lawyers can only properly prepare cases with the benefit of full and frank client disclosure.

To invoke attorney-client privilege, you only need to communicate with your attorney for the purpose of securing legal advice. There are, of course, exceptions to the privilege. The most common are (1) communications made in the presence of non-clients, (2) communications made in furtherance of a crime, and (3) waiver by client's public disclosure of communications.



## *ACCIDENT HANDBOOK: TOP 5 MISTAKES TO AVOID*

Attorney-client privilege applies even after a lawyer no longer represents you. Attorneys who breach the privilege can be reprimanded or even disbarred. Airing clients' dirty laundry is considered breach of fiduciary duty.

Feel free to trust your lawyer to keep your conversations confidential. The attorney-client privilege will protect your privacy.

## **Length of Claim and Lawsuit**

Predicting the length of litigation is difficult. Each case is unique. A host of factors outside your control could expedite or delay the process. Some cases settle quickly while others last years awaiting trial and appeals.

For example, in my law practice I have handled matters decided by trials within a week of the initial disputes. On the other hand, I have tried cases so old other lawyers filed them before I even began law school over ten years ago! However, most auto accident claims and lawsuits fall somewhere between those stark extremes.

Usually your attorney will spend months attempting to settle your case before filing a lawsuit. Once litigation is filed, lawyers will conduct pre-trial discovery, an investigatory process that could take months to years to complete. It begins with formal written requests for information and evidence, followed by depositions where attorneys question witnesses under oath before court reporters. Another common pre-trial activity is mediation, a meeting between the parties and a neutral mediator designed to facilitate a final settlement. Once trial is set, it can last anywhere from a few hours to a few weeks depending on the complexity of the case, the size of the court's docket, and whether a jury is involved.

Of course, trial is not necessarily the end of litigation. Parties have the right to appeal the trial verdict. Appeals can take even longer than trial court proceedings. Considering the delays inherent to trial and appellate

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litigation, estimating your case length is tough. As general rules, you can expect cases with minor injuries and clear fault to resolve quicker than severe injury suits with contested liability. Considering the uncertainty of trials and appeals alongside the fact that settlements always produce prompter results, as a party to litigation you should ask yourself whether “a bird in the hand is worth two in the bush.”

## **Beware of Liens, Subrogation, and Reimbursement**

If your medical bills were paid by someone else -- health insurance company, auto insurance company, attorney, Medicaid, Medicare, etc. -- you may be forced to reimburse the payer out of your accident case recovery. In that case, your "insurance" turns out to be more of a "loan" than "insurance." This area of the law, known as "lien," "reimbursement," or "subrogation" is quite complicated. Therefore, you and your attorney must understand its implications on your case so that you can fight to avoid paying pay back a portion of your settlement if possible.

## **Handling Your Own Case Without a Lawyer**

Many car wreck injury claims can be fairly settled without involving attorneys. For example, minor injuries requiring less than three months medical treatment with bills less than \$3,000 are often settled directly between the accident victim and insurance company. Although I recommend you consult a lawyer to discuss your case because each case is different and strict legal filing deadlines may apply, I recognize that not every accident victim will do that, especially in very small cases with limited damages.

If you insist on negotiating directly with the insurance company without the assistance of an attorney, proceed carefully and demand that the insurance company answer the following questions before you give a statement or sign any forms:

1. Will you put in writing that the accident was not my fault?
2. Will you put in writing how much insurance the person who hit me has, including umbrella coverage?
3. If I agree give a recorded statement, will first you first give me a copy of any recorded statement(s) you have already obtained from the person(s) who caused the accident?
4. If I sign the medical record release, will you immediately forward to me a copy of everything you receive by using my release?

5. Will you give me copies of the recorded statements that you have taken from any witnesses?
6. Will you tell me in writing whether you have already done video surveillance of me?
7. Will you put in writing whether the driver who caused the accident was in the course and scope of any employment at the time of the accident?
8. Will you put in writing whether the driver who caused the accident was covered by any other insurance coverage including umbrella coverage?
9. Will you give me a copy of any financial information that you may have already obtained on me?

If the insurance company will not answer these questions BEFORE you give a statement or sign any forms, look out!

If your attempts to settle your own injury claims are unsuccessful, you should contact a Louisiana auto accident injury attorney for a consultation within six months or less of your accident date. Involving an experienced lawyer will "level the playing field" between you and the insurance adjusters who negotiate these claims for a living.

## **Epilogue: Next Time...**

### **How To Protect Yourself *Before* an Auto Accident Happens**

The single best way to protect your family from dangerous drivers before an accident occurs is to purchase as much uninsured/under-insured motorist bodily injury insurance coverage, also known as UM insurance, as you can afford.

To understand why UM insurance is so critically important, imagine the worst -- that your wife and children have been seriously injured in a car wreck caused by a reckless drunk driver. Your wife has injured her head and spine, and she needs emergency neurological surgery. It will be months, if not years, before she is out of bed and ready to return to work. Likewise, your kids are hurt and hospitalized indefinitely. The medical costs are astounding: over \$10,000 a day for ICU treatment; more than \$5,000 per day for additional hospitalization; thousands more for X-rays, CT scans, MRI, and other diagnostic tests; tens of thousands for outpatient surgeries; and thousands more for physical therapy, rehabilitation, and prescription medications. Finally, your wife's lost wages and additional out-of-pocket costs are staggering.

Who will pay for these extraordinary expenses and the pain, suffering, and distress you and your family have endured through no fault of your own? The drunk driver? His insurance company? Your insurer?

Under Louisiana law, the person who caused the harm is liable to pay for your damages. Legally, the reckless drunk driver is responsible to your family for all damages. However, if the drunk driver is broke, he cannot pay you. If he goes bankrupt, he will not pay you. Even the best lawyers cannot recover damages for severe injuries from a deadbeat driver that lacks money and insurance. Thus, you should never depend solely on the driver who caused the accident to cover your bills.

Of course, Louisiana law requires all drivers to carry automotive liability coverage. This is a contract between the driver and an insurance company that requires the insurer to pay damages on the driver's behalf when he causes a wreck that hurts someone else, like your family. However, our state only requires \$15,000 of insurance coverage (the lowest mandatory minimum in the country) and many drivers carry no insurance at all. So you should not count on the drunk driver's insurance for help either.

It is clearly unwise to rely on the other driver and his insurance company to protect your family from possible automobile accident losses. To truly protect the ones you love, you should take matters into your own hands by buying lots of UM insurance. UM insurance is a contract between you and your car insurance company that protects your family against damages caused by uninsured motorists, under-insured motorists, and hit-and-run drivers. So if the drunk driver who injured your family had no insurance, had minimal insurance policy limits of only \$15,000, or if he fled the scene without providing any insurance information or identification, your UM insurer must pay for your damages up to the limits of your UM policy. Therefore, you



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should immediately buy as much UM coverage as you can afford.

UM insurance is cheaper than liability insurance and worth every penny.

## **Contact Information**



### **BATON ROUGE OFFICE**

453 Louisiana Avenue  
Baton Rouge, LA 70802  
(225) 366-9525  
(By Appointment Only)

### **NEW ORLEANS OFFICE**

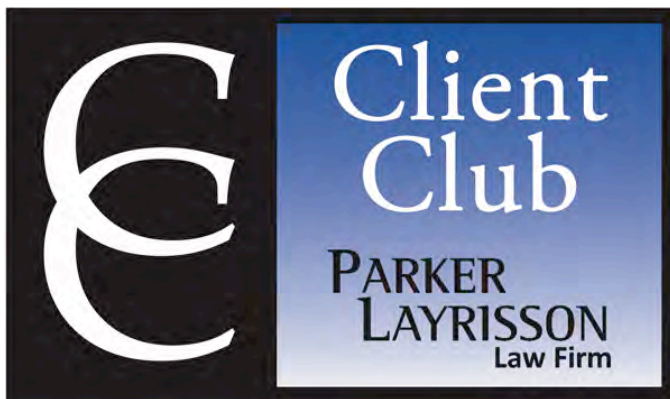
643 Magazine Street, Suite 402  
New Orleans, LA 70130  
(504) 264-1515  
(By Appointment Only)

### **PONCHATOULA OFFICE**

125 East Pine Street  
Ponchatoula, LA 70454  
(985) 467-9525  
(All Mail to Ponchatoula)

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

## **Incredible FREE Offer: Join Client Club**



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

Legal challenges are complex, and can often be overwhelming. One of our missions at the Parker Layrisson Law Firm is to inform and educate our clients and the public on various aspects of the law, before they need the knowledge, so that they are well prepared to face legal challenges when they arise.

By joining our Client Club, you have the opportunity to receive monthly legal updates by email that include legal education on a variety of topics, as well as tips and general information about cases of interest and our law firm. You'll also receive our quarterly printed newsletter in the mail. Membership in our Client Club also means you will be eligible for great giveaways and promotional items.

All current and former Parker Layrisson Law Firm clients automatically qualify for membership in Client Club. **However, even if you are not yet an actual client, you can join as an "Honorary Client Club Member"\* by signing up online at [www.LawFirmClientClub.com](http://www.LawFirmClientClub.com), or by calling our office at (985) 467-9525.**

- \* "Honorary Client Club Members" are not actual clients and do not have an attorney-client relationship with Parker Layrisson Law Firm or its attorney(s). Absent an express written agreement between you and Parker Layrisson Law Firm (J. Parker Layrisson, L.L.C.) creating an attorney-client relationship, no attorney-client relationship will be established. By applying for membership in Client Club, you understand and agree that you are confidentially requesting free information about various legal topics and our law firm. We will not share your information with others. Parker Layrisson Law Firm Client Club materials are not legal advice or solicitation of legal services. You should not act upon the information presented in Client Club communications without first seeking professional counsel. Each case is different and an attorney can only give you legal advice when he or she understands the exact facts involved in your case.

## **More FREE Information: Request Layrisson Law Letter**

In light of our firm's mission to educate people about the law before they encounter legal challenges, we distribute free legal information in hand and online. The cornerstone of this effort is our FREE newsletter, the **Layrisson Law Letter**.\*

The Layrisson Law Letter includes Parker Layrisson's informative "Ask an Attorney" legal columns, attorney Angela Elly's "Angela's Angle" law talk articles, and much more helpful information about Louisiana law and other topics. It also provides interesting updates on our law firm and community.

**To request you copy of the Layrisson Law Letter, apply online at <http://www.layrisson.com/layrisson-law-letter.html> or call us at (985) 467-9525. The newsletter is available by mail and online.**

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