

# DERZON & MENARD

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## Legal Update



Spring 2008

### IN THIS ISSUE

This issue of *Legal Update* tells why accident victims should never rely on what insurance adjusters say their claim is worth. It also discusses efforts by big businesses to get new laws making it harder for accident victims to get compensated.

If you have a question about any article, please call us.

*Alan L. Derzon  
Robert C. Menard*

## Know The Real Value of Your Accident Claim Before You Settle

**M**any accident victims settle their claim for less compensation than they're entitled to receive. This often happens when a person settles a claim alone, based just on what an insurance adjuster says the claim is worth. But adjusters work for the insurance company, so you should never believe how much they say you are entitled to recover after an accident. It's up to you to find out the real value of your claim.

• **Your lawyer can estimate the value of your claim.** Your lawyer is truly on your side and can tell you all the different things the law

entitles you to be compensated for after an accident and thus the real value of your claim. You may be surprised at all the types of damages you can receive — and which insurance adjusters likely won't tell you about. Some types of damages accident victims can receive are past and future medical expenses, past and future lost wages (plus money for reduced earning capacity), pain and suffering, disability, disfigurement and property damage.

• **Insurance adjusters like to push for a fast settlement, before the victim knows the value of the**

*Continued on other side*

### About Our Firm

We handle all types of personal injury cases, including:

- Auto Accidents
- Slip and Falls
- Product Injuries
- Medical Malpractice
- Dog Bites
- Work Injuries

### Free Consultation

(414) 276-2100

or

1-800-249-4LAW

## Studies Disprove Claims Of "Out of Control" Justice System

**B**ig businesses and insurance companies are spending a lot of money in the media to convince people our system for compensating accident victims should be changed. They claim there are too many lawsuits and the size of awards is growing too fast and hurting business. But studies show they are wrong.

The studies — done by the government — show the number of tort cases (mostly personal injury cases) has fallen significantly over time. One study showed an approximate 20% decline between 2002 and 2005. Another said the number of personal injury cases

peaked in 1990 and "have actually shown a generally downward movement since that time." As for the size of awards, a U.S. Justice Department report showed the size of trial awards declined by over 43% between 1992 and 2001.

When you see ads on tv or elsewhere trying to get laws changed, remember the truth: the new laws big businesses and insurance companies want will make it harder for accident victims to get compensated. There is no "out-of-control" justice system, there are just businesses and insurance companies that want new laws to protect them so they can boost profits at the expense of injury victims.

## Crash Victim Makes Claim Against Government For Downed Stop Sign

Some auto accidents are caused by negligence of the government. A recent case is a reminder that a claim is sometimes possible against the appropriate government entity to recover compensation for injuries.

Steven H. was in a car that had an accident at an intersection where a stop sign fell down. Steve suffered serious injuries and made a claim against the county, saying the downed stop sign partly caused the accident. A court ruled for Steve, noting the sign fell down a month before the accident and people had asked the county to fix it.

*Important:* If you have a claim against the government (like a slip and fall in a government building or a car accident caused by a government employee), seek legal help fast, as there are special rules and short time limits for making claims against the government.

### Know The Value of Your Claim Before Settling, *continued*

**claim.** Adjusters do this because soon after the accident, it's too early for the person to know the extent of his or her injuries, how long it will take to recover, the amount of missed work, how much medical bills will be, whether pain will last long, and other factors which determine compensation.

• **Once you settle, there's rarely any going back.** Another reason to know the real value of your accident claim before settling is that it's hard to undo a settlement. Only in rare cases (such as

fraud) can a settlement be canceled and you receive a chance to get more compensation. It's much easier to know the value of your claim before settling than trying to undo a bad settlement.

After an accident, you must independently know the value of your claim and not rely on what an insurance adjuster says your claim is worth. To get a good estimate of the value of your claim, call your lawyer. Unlike an insurance adjuster, your lawyer is truly on your side and will tell you all the damages you can receive.

## Use Anti-Lock Brakes Correctly

Antilock brakes, which prevent wheels from locking during braking, are an important safety feature. They give drivers more control of cars during emergency braking situations, and can help cars stop in a shorter distance,

### SAFETY MATTERS

especially on wet roads.

Antilock brakes work best when

used right. If your car has antilock brakes, don't pump them, as antilock brakes pump by themselves. Instead, keep your foot firmly planted on the brake pedal and steer the car to safety. The brake pedal may vibrate or pulsate. This means your antilock brakes are working. Continue to apply firm pressure.

### If An Injury Occurs

No one expects to be in an accident. But if you are in one, call us to find out about your rights. We will fight to obtain the maximum compensation for you.

Please also give our name to a friend or family member if they are in an accident.

Thank you for letting us serve your legal needs.

This newsletter is published for this firm's clients and friends. It has general information. Due to changes in the law, exceptions to general rules of law, and variations of state laws, seek professional legal advice before acting on any matter. ©2008 ANSI

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