

A close-up, warm-toned photograph of a wooden gavel resting on a wooden surface, with its head angled towards the upper left. The gavel's handle is made of dark wood and features a brass-colored metal ferrule. The background is a soft, out-of-focus golden-brown.

What every Injured Victim in Washington State Must Know to avoid getting Ripped Off!

By
Joseph Cunnane
Attorney at Law

PLUS!
EXPOSED SECRETS
Most Insurance Companies
Don't Want You To Know!

Consumer Awareness Guide Reveals

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My sole purpose is to help as many injured victims as possible avoid common pitfalls and misconceptions following a car, truck, or motorcycle accident.

You can post this e-book onto your website, Facebook page, Blog, or e-mail it to someone who could benefit from having this information.

Thank You!

LEGAL NOTICE of DISCLAIMER:

This book has been written for informational purposes only and is not intended to offer specific legal advice.

If you have questions regarding your accident, you should speak to a qualified attorney in Washington State. There is NO substitute for knowing your legal rights. The author, Joseph Cunnane, is a licensed attorney in good standing with the Washington State Bar, who practices personal injury law. Ordering this book and receiving the subsequent e-course does NOT imply that a lawyer-client relationship has been established. Do not act or rely upon the information provided in this book without seeking the advice of an attorney.

Changes in the law happen frequently occur that's why you should speak with a lawyer with respect to your specific case.

WARNING!

If you or a loved one was recently injured in an accident, you are probably confused and even overwhelmed about what steps to take next, such as:

- *How will you pay your medical bills?*
- *What if you don't get better and can't return to work?*
- *Do you need a lawyer to represent you?*
- *How will you know if the insurance company has made you a "fair" offer?*
- *How do you decide which attorney is best suited for your case?*
- *Should you give a recorded statement to the insurance adjuster?*
- *Will you be paid for the time you have lost from work?*
- *How will I get my car fixed?*

The information contained within this book will help you to better understand the complicated legal maze you are about to enter into. This maze will often leave injured victims confused, overwhelmed, and feeling frustrated.

I will address the many roadblocks and obstacles that you are about to encounter, as well as what steps you can take to protect your legal rights. You will discover a common sense approach so you don't find yourself "short changed" by a system that's designed to leave people feeling perplexed.

However, I want to be perfectly clear. If you have been seriously injured, you owe it to yourself to at least speak with a lawyer before you do anything. The most important thing you can do starting right now is invest a little time to review this book.

You will find this book to be a great resource that is designed to help you understand the legal process, but it certainly won't prepare you for trial. Just like reading a medical textbook won't turn you into a brilliant surgeon.

Obviously, reading one book, no matter how informative it is can never replace the insight of a seasoned professional. As you move forward, learn everything you can about the legal process so you can give yourself a fighting chance to obtain a fair settlement.

Should you have any questions along the way, please feel free to contact my office. I'm always here to answer any questions you might have.

Whether you have suffered a minor injury or a serious one, if I am unable to represent you in this matter, I will be more than happy to provide you with guidance. I sincerely hope that you enjoy reading my new book.

Sincerely,

Joseph Cunnane

Joseph Cunnane

"Dedicated To Protecting Your Legal Rights"



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Chapter One

Introduction

Before You Sign Make Sure You Read Between The Lines...

I want to thank you for downloading this book from my website. You will quickly discover that this is not your typical book written by a lawyer. Everything inside this book is written in plain everyday language. However, I must warn you that the information contained is going to make a lot of people very nervous.

Especially those who are highly motivated to see that you don't receive fair compensation! Why? Because this information is going to help you avoid being "ripped off" by heavy handed tactics. These tactics are commonly used on unsuspecting people who have been seriously injured.

By knowing how to avoid unforeseen roadblocks you won't find yourself being pressured into forfeiting your legal rights. That's what this book is all about.

Are you ready? Ok then, let's get started.

Just Imagine...

You are driving home from a long day at work, minding your own business. Suddenly out of nowhere you hear the unforgettable sound of crushing metal all around you. A teenage driver with four of his pals in an SUV just ran through a stop sign at 35 miles an hour into your car!

Everything happened so suddenly that you never saw the SUV barreling towards you. The impact took you by complete surprise. Luckily, you had your seatbelt on, but due to the force of the impact your head was violently thrown into the driver's side window shattering the glass.

From the force of the impact your car is thrown onto its side, as the SUV continues to barrel towards a telephone pole knocking it down. It felt as if an eternity had passed before the paramedics finally arrived. As you come in and out of consciousness you realize that the "Jaws of Life" is being used to extract you from your car.

The paramedics frantically do everything they can to stop the massive bleeding from your head, while pumping you with vital fluids. After securing your head and neck, they carefully remove you from the wreckage that used to be your car. The last thing you remember before blacking out completely is being rushed to the trauma center.

Sadly to say, all across the country accidents like this change the lives of millions of people everyday. Unsuspecting motorist who go to work, the grocery store, or pick up their child from a soccer game are left seriously injured, maimed or even worse. Their lives are cut short because of someone else's carelessness.

The person who caused the accident was texting on their cell phone, fell asleep at the wheel, driving under the influence, or simply wasn't paying attention. However, there's something you might not be aware of.

Unfortunately, when disaster strikes and your world has suddenly been turned upside down, you simply don't understand what course of legal action to take, or what you are legally entitled to.

Here's What Tends To Happen

The typical scenario following an auto accident can be a lengthy process, so get ready.

It starts something like this:

1. You are taken to the emergency room by ambulance.
2. Your car will be towed from the scene of the accident to an impound yard.
3. Book an appointment for your car to be looked at by a repair specialist.
4. Get three written estimates.
5. If your car is totaled you'll want to get "fair market value" for your car.
6. Start looking for a new car.
7. If your car can be repaired you'll want to make sure that it's done correctly.
8. Rent a car for the next four to six weeks.
9. Pick up the police report.
10. Fill out mountains of paperwork.
11. Call various toll free numbers then wait, and wait, and wait some more.
12. Worry about your insurance rates going through the roof.
13. Give a recorded statement (*please read this book before you give any statement*).
14. Make an appointment to be evaluated by your doctor.
15. Start treating for injuries.
16. Make sure all of your paperwork is filled out correctly so the ambulance provider and doctors are promptly paid.
17. Keep up with all your physical therapy and rehabilitation appointments.
18. Lose time away from work.
19. Make sure that you are able to keep up with the bills, feed your family, and meet obligations.

Unfortunately, even if you have "full coverage" on your vehicle, you still have to jump through these burning hoops. Within days or weeks of the collision, an insurance adjuster will be on the phone looking to get a recorded statement so they can settle your claim for pennies on the dollar (if possible).

The insurance adjuster for the person who caused the accident will sound sympathetic about what happened. They will talk to you as if you are a close personal friend who has gone through a horrific experience. You should know right up front that claims adjusters are trained to be overly nice, so they can gain your trust.

Once you have opened up to them, they will come back to you with an offer that might sound like a great deal. They look to settle your claim before you have had the opportunity to know the full extent of your injuries.

Should you accept a “low ball” offer, how will you pay future expenses that are related to your injuries? They will most likely come out of your own pocket!

This is extremely unfair.

However, it happens all the time.

Insurance adjusters realize that they have a much better chance of getting you to sign an early settlement offer if you haven’t had the opportunity to consult with an attorney. To them it makes economic sense to get to you as quickly as possible, so you never know what you are legally entitled to, or receive full justice.

As an example, the insurance adjuster will say, “I’m sorry, but the person who hit you has a policy limit of only \$25,000.”

Then hundreds of questions suddenly flash through your mind:

- What if I have recurring medical bills to pay?
- My car was just paid off, and I can’t afford to jump back into monthly payments!
- The doctor said I could potentially need surgery if therapy doesn’t help!
- What about my constant pain that won’t allow me to be intimate with my spouse?
- My life has been changed forever, now what!?!

As you say to yourself, “Isn’t that the reason why I pay car insurance premiums in the first place, so I’m not stuck with endless heartaches and hassles!?!” Then you find yourself going through a rollercoaster of emotions that range from anger, rage, frustration, disappointment, to despair because of everything that the claims adjuster has just told you. You wish that the accident never happened!

If You Didn’t Already Know...

The insurance industry is made up of colossal corporations that earn billions of dollars annually. Their primary goal is to minimize losses, generate profits for shareholders, and protect the interests of the insured party (the person who caused the collision).

I have never heard of upper management telling the claims department to make generous offers to people who have been legitimately injured. They are always going to do what is in the best interest of the insurance company by reducing claims as much as possible.

Unfortunately, insurance companies won't think twice about taking advantage of a person who has sustained serious injuries in an accident or whose loved one was killed by a negligent driver. Some insurance companies will outright deny paying a claim even though they know that their insured party was at fault.

Why?

Simple! Because insurance companies realize that the majority of accident victims simply don't know what they are legally entitled too. That way they simply role-over and choose not to fight. That decision puts billions of dollars towards their bottom line every year.

As you read you'll quickly discover how insurance companies encourage injured victims to accept settlement offers. What they really mean is if you decide to file a lawsuit over your injuries, they will do whatever they can to make your life miserable.

Obviously, the job of an insurance adjuster is to review claims, while helping the insurance company stay profitable. They won't come out and say it in quite those terms, but that's how it works.

That's why you need a strong advocate on your side to help you obtain a fair settlement, while keeping the insurance company honest. I've helped hundreds of clients just like you during their darkest hour when all hope seemed lost. I often hear injured victims say...

“This Can't Be Happening To Me!”

If you've been hurt because of someone else's negligence that doesn't automatically turn you into a villain who's looking to make a fast buck. On the contrary, when you are seriously injured and can't return to work, how are you supposed to pay your medical bills, mortgage, and put food on the table?

Yet, as soon as an injured person meets with a lawyer, or files an injury claim their character is scrutinized under a microscope. As if demanding justice and accountability from a person who has altered the course of their life should be looked down upon.

A person who was injured by someone else's outright careless disregard should never feel ashamed or embarrassed to demand justice! The only way for an injured victim to receive compensation for their losses, and begin to put their lives back together is by filing a claim.

Yet, most people know very little to nothing about what steps to take to receive fair compensation following an accident. I often hear horror stories of people being taken advantage of simply because they didn't know any better.

Unfortunately, it's sincere, kindhearted, descent people who often find themselves being denied fair compensation for their injuries. Why? That's because they misplace their trust in the insurance adjuster who works on the behalf of the at-fault party.

They usually wait the longest to consult a lawyer and many times it's simply too late. That's why I need to warn you. The most catastrophic mistake you can make following an accident is to sign a release form accepting a “low ball” offer. Just remember...

Before You Sign Read Between The Lines!

Insurance adjusters know that if you aren't represented by a lawyer, you are easy prey! They know that there is no way for you to know what amount you are legally entitled too. Whether you realize it or not, when you are injured by someone else you automatically become an unwilling participant in a battle between you and the opposing insurance company.

The last thing an insurance adjuster wants you to do is get sound advice from an attorney. I mean, heaven forbid you have your eye's opened to the truth about what is fair and reasonable.

If you don't accept their initial offer then get ready to:

1. Be overwhelmed with mountains of paperwork.
2. Be placed on hold for countless hours.
3. Have stall tactics used to put pressure on you to settle.
4. Be sent on a wild goose chase for old records.

I'll reveal more of these tactics later on. What about the person who caused the collision? Well, they don't have much to worry about since the insurance company is going to do everything they can to protect them. That's why you need to become an...

Educated Consumer

Obviously, not every case requires a lawyer, yet you want to avoid costly blunders that could leave you behind the eight ball. You need to arm yourself with as much information as possible before you are pressured into accepting an offer that could possibly leave you in debt.

It's my personal belief that you should have all the facts at your disposal to protect yourself. That way you'll know how to dodge common pitfalls that are cleverly disguised to pressure you into taking an unjust offer.

Your about to become a very dangerous person!

In order to achieve a fair settlement it will be necessary that you take specific action steps. My greatest hope is to educate, empower, and enlighten you so you aren't left confused, overwhelmed, or feeling that all hope has been lost.

As they say, “Knowledge is potential power, it becomes power when you use it!” Becoming an educated consumer arms you with the insight you need to take sensible action steps, so you can achieve the best possible outcome for your settlement.

From the very beginning of my legal career I have been on a personal crusade to help the little guy. When I meet with a new client for the first time, I know that I can't change what has happened as a result of the crash. However, I put my best foot forward to right the wrong the collision has now dealt them.

As you read through these pages you'll soon discover that I'm committed to helping you and your family. As a **special bonus** I've created a weekly e-course you'll receive entitled; **“Inside Secrets They Don't Want You To Know!”**

Each week I will provide you with valuable tips and insights so you don't make careless mistakes that could potentially destroy your claim. At any time should you have a question please feel free to call me at **425-672-7100**. I will meet with you, in person, **ANYWHERE** in Washington State, after an initial phone consultation to discuss your case.



Chapter Two

Why I Wrote This Book

Hello, my name is Joseph Cunnane, I'm a certified trial lawyer in good standing with the Washington State Bar Association. The reason why I wrote this book was because of a traumatic experience. I lost someone who I loved very much to the careless negligence of a few large corporations.

This took place about twelve years ago and was a very painful experience because the “someone” was my father. I was left devastated as my 62 year old dad lost his life to asbestosis (which is lung cancer from asbestos).

What has hurt me the most is that my two daughters will never be able to meet their grandfather. This event has fueled my purpose to help injured victims and their families receive the justice they deserve.

When an injured victim walks into my office I immediately identify with what they are feeling and going through, simply because I've walked in their shoes. I know from first hand experience what loss feels like and the impact it brings to a family. From the bitter sense of loss and pain to the injustice they feel following an accident.

What makes my blood boil is seeing injured victims and their families get taken advantage of on a daily basis. This tends to happen because very simply put “what they don't know WILL hurt them.”

Every client that comes to me for help is treated with respect, compassion, and understanding. Ultimately they become a part of my extended family, because that is how I want to be treated. From the very beginning of my legal career I have been on a personal crusade to help the little guy.

I began my legal career in December of 1989 in a downtown Chicago law firm that specialized in helping personal injury victims. As an associate, I diligently worked to master the “ins and outs” of how the legal claims process works. By learning how to follow specific legal procedures I could build a client's case so it would resolve successfully.

In 1992, I moved to the Pacific Northwest where I have been representing injured victims ever since. Most recently I attended the Gerry Spence Trial Lawyers College to increase my trial skills so I can better serve my clients. I was selected as a rising star attorney from 2005 through 2008 in Washington Law Super Lawyer section.

I have personally grown as a father since the birth of my two young daughters. I enjoy being a part of their lives including coaching baseball, basketball, and soccer. Being an active dad I believe has helped me to listen more intently to my clients' needs. I have a Superb rating (10 out of 10) on an attorney rating website: www.avvo.com that you'll hear more about later.

I realize that most people don't walk around with a “chip on their shoulder” looking to slap a lawsuit on someone simply because they looked at them the wrong way. Yet, after an accident no one wants to be stuck with bills they can't pay, not being able to return to work, and experiencing debilitating pain. The truth is...

I Realize It Wasn't Your Fault!

You never asked to be injured by someone else's careless disregard. Prior to seeing the other person's car barreling towards you it was simply too late for you to take evasive action. You probably felt like a deer caught in headlights. Like most injured victims, you have replayed that event millions of times in your own mind.

You probably think of things you would have done differently to avoid the accident. Maybe if you left a few minutes earlier, or taken a different route home. It's these kinds of questions that haunt injured victims continuously.

The reason why most accident victims wait so long to speak with a lawyer is because they simply haven't given the matter much thought. Many of them feel as if their character will be looked down upon for filing a lawsuit. Following the accident all you want to do is get well, and return back to your life. Your intention is never about making a big deal about the event.

However, what people fail to understand is the seriousness of going head-to-head with the insurance company. The reason why injured victims are at a total disadvantage when dealing directly with an insurance company is they simply don't know what they are up against.

Yet The Question Always Comes Back To...

Which personal injury lawyer do you call? Finding the “right” attorney for your unique case is like looking for a needle in a haystack! Especially due to the information overload that's posted everywhere on the internet.

There are thousands of lawyer websites, referral sites, YouTube videos, and articles that are plastered all over the internet. Yet, you only have so many hours in a day to review everything. All this information has made it practically impossible to know who to turn to for help.

I mean, who has the time to research through hundreds if not thousands of websites to see who to call? Yet, finding a qualified lawyer who has a proven track record in handling cases that are similar to yours can greatly increase the likelihood of a successful settlement.

In the last chapter of this book I provide you with a fast start “check list” that will help you find the ideal lawyer for your unique case. The more you know the better off you will be when it comes to hiring a lawyer. Everything you need is right here at your finger tips. Knowing everything you can about who to call and what to ask a lawyer will greatly ensure that your rights are protected.



Chapter Three

What Every Accident Victim Wants To Know

A question that is often asked by injured victims or family members is, “How much is the case worth?” This is a normal question to ask, especially when the insurance company has an initial offer on the table, and they are looking to cut a check.

Unfortunately, giving a firm financial figure to an injured victim can be difficult to determine especially in the initial stages following the accident. In order to establish what a case is worth, you need to know what damages you are entitled.

The insurance company for the at-fault party will compensate an injured victim for:

- Property damage
- Permanent disfigurement and physical disabilities
- Loss of income due to the accident
- Medical expenses
- Loss of educational opportunity, including missed days from school or training.
- Emotional damages would include depression, embarrassment, stress, or anxiety disorder.
- Strain on family relationships, for example, inability to take care of children or elderly parents, or unable to have sexual relations due to the injuries. (The spouse of a married accident victim has a claim for the impact that the accident has on the marriage).

Anyone who claims they can give you an exact dollar amount for your case in one conversation because they have somehow “cracked the code,” is doing you a great disservice. No matter how seasoned a lawyer is it’s impossible to state an exact dollar amount. Especially, when there are many variables that will need to be considered before a final dollar amount is specified.

Let’s Start From The Beginning!

A personal injury case can only exist when a person was carelessly or willfully injured by someone else. In order for an injured victim to receive compensation there are three specific requirements that must be met by law:

1. Being able to prove that another person was at-fault (negligent) for causing an event that led to injuries.
2. The victim must be able to prove with “evidence” that they have actually suffered an injury as a direct result of someone else’s carelessness.

3. An accident victim must be able to prove the loss of quality of life as a result of the injury. This can be a complex issue to prove because everyone responds differently to pain.

Attorneys who represent injured victims that arose from a motor vehicle collision will make sure this criterion is met prior to filing a lawsuit. Any lack of evidence in the requirements could ultimately make it impossible for you to achieve a successful resolution of your claim.

Here's How The Injury Formula Works

During the initial stages of the claim's negotiations, insurance adjusters calculate the total medical expenses related to the injury. These expenses are known as “special damages.” Once this figure has been established the adjuster will know how much to offer an injured person for pain, suffering, and other nonmonetary losses.

In order to establish the exact value for the “nonmonetary” loss, the insurance adjuster will multiply the amount of “special damages” by a factor of 1.5 or 2 if the injuries are minor. However, if the injuries have impacted the accident victim's ability to function normally the adjuster will multiply the amount of “special damages” by a factor of 5, or as high as 10 in extreme cases.

The next figure to be calculated is loss of income related to the injuries. Let's recap. The insurance adjuster will plug in the total medical expenses multiplying them between factors of 1.5 to 5, and then add loss of income. This initial number represents the baseline from which negotiations start.

This Next One Is Important, So Pay Close Attention...

A key component that will determine how much the insurance company will award an injured victim is directly related to how much each person contributed towards the incident. The damages formula only provides a range as to how much you can expect to be compensated. Once the facts are known as to who was at-fault for causing the accident can the exact dollar amount for an injury claim be known.

That's why it's critical for an injured victim to collect as much physical evidence from the scene of the collision as possible. In a later chapter I will tell you what type of evidence will need to be collected.

If the insurance adjuster can prove with physical evidence or by statements given by witnesses that you had something to do with causing the collision they can either deny or reduce a percentage of your claim. That's why it's important for you to consult with an attorney who has experience in handling these types of cases.

As you can clearly see, it's a huge undertaking to calculate an exact dollar value without knowing all of the facts that surround a particular case. There are simply too many variables involved.

For Example...

Let's say someone is severely injured by a tractor trailer driver who happened to flip his rig because he fell asleep at the wheel. Do you remember what I explained in the first part of this chapter?

In order for an injured victim to receive a settlement they would need to prove:

1. The other person was at fault.
2. An injury has been suffered.
3. The injuries have caused a loss of quality of life.

In this next example, someone is rear-ended by a 19 year old driver who was text messaging on his cell phone (and it can be proven by cell phone records). As a result of the collision the other driver sustained serious injuries to his neck and lower back. Since the young driver took his attention off of the road to send a text he was clearly at fault. The injured person could be entitled to receive compensation for their injuries.

Obviously, not every accident is that straight forward with all the facts clearly laid out. There are many twists and turns that will need to be considered before an exact dollar amount can be established. Especially, right after an accident!



Chapter Four

Factors That Can Greatly Impact The Value Of Your Case

However, this is the time when most insurance adjusters look to settle a claim. That's why you should never attempt to settle your injury claim without consulting with a personal injury lawyer first. There could be hidden facts surrounding your case that could help or hinder it.

Here are five key factors that can ultimately impact the value of your case:

1. Economic Damages: When someone has been seriously injured a smart attorney may retain the services of a vocational specialist who will quantify the money that would ultimately be lost over the injured person's work life. Some damages are easy to calculate, while others aren't so straight forward, and that's why a good attorney brings in experts.

In my experience, accident victims who are partially disabled, but can still work may lose out on promotions and overtime. Their pension benefits may be smaller. In addition, they may need to miss days from work due to flare-ups or the need to see their doctor. All these factors will need to be calculated. Damages that are related to loss of income, medical expenses and property damage are straight forward to calculate.

2. Non- Economic Damages: Consist of physical disfigurement, future medical expenses, and pain and suffering are more difficult to calculate. Many times, the largest impact an injury has on a person is the physical limitation caused by debilitating pain. Chronic pain is often very real and can leave an injured victim and their families devastated for years.

As briefly stated in the last chapter, the spouse of an injured victim can file a claim for the impact that the accident has had on the marriage due to loss of physical intimacy. How the constant pain has caused moodiness, tension, and fights within the relationship. How the injured spouse can't sleep at night, keeping the uninjured spouse awake.

Non-economic damages are commonly known as "pain and suffering" which is subjective to each individual. What makes non-economic damages more difficult to prove? Unfortunately, pain cannot be measured, heard, or seen. Clearly, a broken bone that protrudes through the skin is more painful than a sprained wrist and will undoubtedly receive a higher non-economic award.

Obviously, nothing is written in stone, especially in the early stages when you are trying to find out what your case is actually worth. Often times compensation related to "pain and suffering" could potentially come down to what a judge or jury believes you are entitled to based on evidence presented during trial.

3. Location, Location, Location: The location of the county court in which your lawsuit is filed is known as the venue. The venue is mostly determined by where your accident took place. What you need to know is some counties may be sympathetic in their approach to personal injury cases, while others are known to be tough on auto accident cases.

Good, bad, or indifferent, the location where your case is heard can play an important part in determining the end result of a case. A seasoned personal injury lawyer will make their clients aware of these characteristics prior to trial.

4. Insurance Coverage: One of the key factors that will determine how much an injured victim recovers for damages will depend upon the insurance coverage the other person has on their vehicle at the time of the accident. If they didn't have insurance coverage, or carry a “bare bones” policy, and are unable to compensate you for your damages, you may need to turn to your own insurance company for help.

Practically every insurance carrier offers “Under Insured Motorist” coverage these days to their policy holders. Should your damages exceed the insurance policy limits, you can file a lawsuit against your own insurance carrier who will have to pay for your damages.

Without a doubt, the insurance industry is a complicated maze of “ins and outs.” That's why it's critical for you to have a seasoned personal injury lawyer by your side to protect your rights.

5. Courtroom Appearance: In the event that your case can not be settled out of court, a decision will have to be made by a judge and jury whose eyes and ears will be on you. How you appear in the courtroom can have a significant impact on the final outcome of your case. An area you have total control over is how you present yourself when standing before a judge and jury.

When your day to appear in court finally arrives, dress in a professional manner. You only get one chance to make a good first impression, and this will be your best opportunity to show respect to the judge and jury. Remember, they are empowered to decide the fate of your case.

What you want to remember is to dress conservatively. If available, men should wear a dark suit and tie, or a button-down shirt and dress slacks with polished dress shoes. The preference for women is a professional business suit, or a dark colored skirt that is not too short, or tight fitting with a buttoned-down blouse, and dress shoes with low heels.

The next thing to consider is your facial appearance. The goal is to be presentable at all times without making a fashion statement. Men should be clean-shaven and well groomed with a fresh haircut that doesn't attract attention. Women should be conservative with their choice in make-up and selection of jewelry.

You need to remember that every eye and ear in that courtroom will be on you. How you conduct yourself and react to statements made by the defense lawyer in that courtroom will speak volumes of you. Showing respect at all times is critically important, by responding with a “Yes Sir”, or a “Yes Ma'am.”

All these factors will play a huge part in helping you to make a favorable impression. Ultimately, how you look and act in a courtroom can change the final result of your case. That's why you never want to short change yourself by dressing “over-the-top” or acting inappropriately.



Chapter Five

Cases, Verdicts, and Results

To tell you a little bit about my cases, here are some that I have successfully resolved for my clients. There are others at my website www.CunnaneLaw.com. Please remember, that each case is different, and results will vary based on the evidence presented.

In order to help you better understand what's at stake, I'd like to share what has happened to some of my clients. These are hard working people just like you. As you read you'll see patterns that could help you avoid common pitfalls while protecting your legal rights.

How Mr. A. Smith Almost Lost \$275,000.00

Not too long ago, Mr. Smith contacted my office in despair after receiving bad news. He had an attorney who represented him for an accident case advising him to take the settlement offer that was on the table. The insurance company was offering \$30,000 and not a penny more. After thoroughly reviewing his case, I told Mr. Smith that I knew we could do much better than that.

I diligently worked for months on Mr. Smith's case and never surrender to the insurance companies' demands while settling his case for \$275,000.00. That was nearly ten times what his first attorney advised him to take.

To this day I keep a copy of the check to remind me to never give up, and never surrender! It's my passion to help people like Mr. Smith who come to me hurting and confused. This is what he had to say:

“By luck I came across Joe Cunnane's ad in the newspaper. I called him and he took over with full effect. Joe worked very hard, transparently with my doctors and myself. My wife and I were treated like family. Joe brought this case to a very successful ending and I heartily endorse him as someone who will work tirelessly for you and your family and shield you from the big insurance companies.”

Please realize that every case that walks into my office is different, however there is one thing that will always remain the same, and that's my level of commitment to helping clients receive a just settlement so they can put their lives back together again.

How A Retired Air Force Fighter Pilot Almost Got Stuck With Having To Pay His Own Medical Bills!

I will never forget this next client. Arthur is a retired ex-Air Force-fighter pilot and father of three. He was driving home from work, when a reckless driver ran into him causing him to run off the road. As you would guess, the person who caused the accident fled the scene.

As a result of that crash Arthur had suffered back and neck injuries. His insurance company had refused to settle in good faith, and offered a quick settlement of \$1,000. I still have the original \$1,000 check un-cashed in my office. That offer was totally unacceptable!

Due to the insurance company's low-ball tactic we had no option but to file a bad faith lawsuit. After litigation and depositions were taken, we received \$20,000.00 plus payment of his medical bills. That was twenty times their original offer!

How Eleanor Could Have Ended Up With Only \$5,000 Rather Than \$111,300.00

Another client of mine is Eleanor who was also injured in an accident. Eleanor suffered a serious neck injury that required surgery. The insurance company's offer was less than \$5,000 to settle her case.

After a fusion back surgery, we renegotiated with the insurance company and received \$111,300.00 total settlement. The final settlement was over \$105,000.00 the original offer.

Are you starting to see a pattern? Can you see how insurance companies offer “low ball” settlements hoping that you'll take it and gladly walk away? Getting injured in an accident is tough, but...

What If A Loved One Is Killed In An Accident?

In addition, I also handle wrongful death cases where a person is killed by another's negligence. In one case that I will never forget, I obtained \$160,000.00 for her estate within six months of the accident.

This settlement represented all the available insurance proceeds. My office handled the legal issues for the grieving family and received a prompt settlement for the estate. My heart goes out to anyone who has lost a loved one because of someone else's negligence. I know what that feels like from personal experience.

That's why I won't rest until justice is serviced and closure is given to the family. I know that a \$160,000.00 settlement can never bring back a loved one, but I realize that the grieving family appreciated all of my efforts.

How About Low Impact Injuries?

According to www.CarInsurance.com, “A low impact auto accident is generally defined as an incident that takes place at speeds less than 10 miles per hour (mph). This type of collision usually causes the least amount of damage to the vehicles involved.

Body injuries can result from any accident and that includes ones that occur with vehicles going less than 10 mph. Soft tissue injuries are the most common problems for those involved in a low impact collision.

A motor vehicle accident that takes place at speeds of under 10 mph often brings about little visible damage to the cars involved. Sometimes due to the fact that minimal damage was done to the vehicle the injuries to the people in the vehicles are overlooked. This does not mean that bodily injury did not occur to the passengers during the crash.”

I wanted to give you a little background on low impact injuries so you can better understand this next case. In fact, many cases like this one get swept under the rug by insurance companies. My client Sara was involved in a “minor” fender bender. Initially, she didn’t feel any symptoms following the accident and didn’t want to seek medical treatment.

At the time of the impact Sara only felt a little neck pain, and pain in her right hip when she applied the brakes. However, a few days later she began having severe neck and back pain, and headaches. Since she never sought medical treatment following the accident, she thought that she couldn’t make a claim for the pain she was now experiencing.

Eventually, the pain became too much for Sara and she finally went to her family doctor. The doctor referred her for diagnostic testing and physical therapy. As a result of those tests they discovered that she had in fact suffered a serious back injury.

The insurance company told her that they would only pay a small portion of her medical expenses, plus a few thousand dollars for her pain and suffering. The insurance adjustor went by the damage of her vehicle, which was minimal at the time of the accident, yet Sara suffered chronic back and neck injuries.

When Sara initially came to my office, she was at her wit’s end. She was pulling her hair out of her head and simply couldn’t take it any more! Sara was ready to sign her rights away by accepting what the insurance company was offering. She thought that she could at least get “something” to recoup her medical expenses.

In Sara’s case the insurance company refused to accept that she was seriously injured from a so-called “low impact” collision. The fact is “low-impact” accidents can lead to hidden injuries if the occupant isn’t expecting a collision.

Fortunately for Sara, she consulted with me before signing away her rights to take a quick, easy, and inadequate settlement. The truth is, it doesn’t take a “miracle” worker to obtain a fair and just settlement. What it takes is hard work, dedication, and persistence.

Knowing how the claims process works and being committed to the outcome of each case is key to making a successful personal injury case. With my background in representing hundreds of injured victims, I was able to analyze Sara’s situation, make recommendations for the best course of action, and get the case settled to her satisfaction.

Wrong Place At The Wrong Time

On her way to work as a flight attendant, Kathleen was waiting to catch her bus to the airport, and was suddenly “struck by” a Ford 350 which is a heavy duty construction truck. The driver of the Ford 350 ran the red light and therefore was struck by a large front loader.

She was immediately rushed to Harbor Trauma Center and was lucky to be alive. She spent three weeks in the hospital recovering from severe injuries. Over the last three years she attempted to return to work as a flight attendant. Unfortunately, she has severe permanent injuries. Slowly, she regained her health and after two long years of therapy she was finally able to return to work.

The day of the collision her husband called my office. I immediately took action by representing Kathleen while keeping her husband informed. We helped Kathleen get disability benefits and at the end of the case, we settled her claim for \$956,294.00.

We helped Kathleen and her husband purchase a new one level home that would make it easier for her to get around. Kathleen and her husband are very grateful. We are happy that we could help.

Court Gives Painter Justice

Another client, Terry had suffered a serious back injury as a result of an automobile collision. After the crash, he needed back surgery to elevate the intense pain he constantly felt. Unfortunately, the back surgery wasn't successful. It was impossible for him to return to work as a full time painter and lost his job.

To make matters even worse, Terry needed a second back surgery. Following the initial procedure he went through extensive occupational and physical therapy while being treated by three different doctors.

With nowhere else to go Terry came to my office for help. He was a hard working man trying to make ends meet to support his wife and two young children. I took immediate action and put my experience to work for him. Due to the extent of his injuries I worked on his case for over a year, taking many depositions.

Initially, the at-fault insurance company was willing to offer \$30,000.00. Then three weeks before trial they decided to increase the settlement to \$93,000.00 which was still not fair compensation for his injuries. We had no option but to take his case to court and were awarded \$517,321.00! Now Terry can get his second back surgery and return to another kind of work.

Do You Want To Know What The Real Tragedy Is?

The tragedy lies in the millions of unsuspecting people who are injured everyday in automobile, truck, and motorcycle accidents who get pressured into taking ridiculously low settlement offers. In some way or another they are re-injured all over again by uncaring, profit motivated insurance companies who simply refuse to give them a justice..

What each of these people has in common is they invested a little time to pick up the phone and call my office. Hiring a savvy personal injury attorney is vital when the outcome of your case can have a dramatic impact on your life.

Here's the criterion to consider when calling my office:

1. You can't participate in normal daily activities.
2. Your medical bills are overwhelming.
3. You are unable to return to work.
4. Expenses are piling up and affecting your life.
5. You have lost a loved one due to another person's carelessness.

NOTICE: BY LAW I MUST INFORM YOU: THAT PAST RESULTS ACHIEVED ARE NOT A GUARANTEE OF FUTURE RESULTS. THESE RESULTS *MAY* NOT BE TYPICAL AND THE FACTS OF YOUR CASE ARE PROBABLY VERY DIFFERENT.



Chapter Six

What Others Are Saying About Attorney Joseph Cunnane
At www.AVVO.com

What Is Avvo?

Avvo is the only free website that empowers consumers to handle their legal matters with confidence. Avvo offers ratings and profiles for every lawyer, as well as client reviews, peer reviews and attorney disciplinary records.

Avvo also offers Avvo Answers, the world's largest question and answer forum where people can ask real attorneys - anonymously if desired - any legal question and receive personalized answers.

Seattle, WA - April 6, 2010 - Avvo, Inc. (www.avvo.com), the world's largest online legal directory, today launched a new design and several new features that will simplify how lawyers can better showcase their experience.

Mark Britton, Founder and CEO of Avvo said, "We're excited to introduce a new look and feel to Avvo.com. It's more dynamic and user-friendly - making it easier for consumers and lawyers to connect with each other, interact with Avvo and share more information."

Here's what clients are saying on www.AVVO.com about Joseph Cunnane

■ Client Review:

"Joe is considerate and effective as an attorney, advocate and advisor."

- Posted by: **Teresa**, a Car Accident client, 12/13/10

Overall Rating	Excellent
Trustworthy	Excellent
Responsive	Excellent
Knowledgeable	Excellent
Kept me informed	Excellent

I recommend Joseph Cunnane.

- I used Joseph **1-3 years ago**.
- Joseph handled my **Car / Auto Accident** matter.
- I have previously worked with **6-10** lawyers.

"Thank you, Joe!

Do NOT face the insurance companies alone!

After my car accident, I thought that my insurance company would be all that I needed to get reimbursed and compensated for my losses, after all, my car

was struck from behind and I was “in the right.” It seemed like a straightforward matter that I could successfully handle on my own. How naïve of me!

After a couple years of dealing with insurance, I met with Joe and he became my representative. What a relief! Joe not only worked to get fair compensation, but he also shielded me from much of the posturing and power plays by the other insurance company and attorneys.

It was a relief to work with someone that I felt I could trust, and that I knew was working as my advocate. Joe is easy to talk with and he explained the options, some possible scenarios, and helped me to have realistic expectations about each step in the process.

Do yourself a favor; if you are injured, whether it is from a car accident or by some other cause, ask Joe to represent you. You’ll feel an immediate sense of relief.”

■ Client Review:

“Great PI Lawyer in Edmonds Wa.”

- Posted by: **Lisa**, a Personal Injury client, 2010-12-10

Overall Rating	Excellent
Trustworthy	Excellent
Responsive	Excellent
Knowledgeable	Excellent
Kept me informed	Excellent

I recommend Joseph Cunnane.

- I used Joseph **more than 3 years ago**.
- Joseph handled my **Personal Injury** matter.
- I have previously worked with **6-10** lawyers.

“As a massage therapist that specializes in injury treatment. I have worked with numerous attorneys over the past 10 years. I am very impressed with Joe Cunnane. He is responsive and fair with providers and clients. I also like that he will help clients review their case to see if, in fact, they need an attorney. Great job Joe, Thank you Lisa G. Everett, WA.”

■ Client Review:

“Joe, Joe, He’s our man! If he can’t do it, NO ONE can!”

- Posted by: **Kathleen**, a Personal Injury client, 2010-12-03

Overall Rating	Excellent
Trustworthy	Excellent
Responsive	Excellent
Knowledgeable	Excellent
Kept me informed	Excellent

I recommend Joseph Cunnane.

- I used Joseph **1-6 months ago**.
- Joseph handled my **Personal Injury** matter.
- I have previously worked with **1-2** lawyers.

“YAAAAAY! Joe! Cheers to a most professional, hard working, caring Attorney! It has been a pleasure and a benefit to have had Joseph Cunnane work on two previous cases, whereas I was favorably compensated. These were two separate personal injury cases, both involving extensive negotiations, wherein he ultimately garnered the maximum compensation for my medical bills, and wage loss.

I have currently retained him, for yet an additional case, of which I have the utmost confidence, and peace of mind, knowing he is my representation. I would have no hesitation in consulting Joe for any future litigation, should the need arise.

He is approachable, personable, knowledgeable, available, and backed by an incredibly helpful, friendly, professional office staff. Over the years Joe has endeared himself into our family, and we are now proud to call him a close family friend. While this extent of a relationship with ones attorney may not be typical, it is further testament to the essence of the man Joe is. You cannot go wrong with this guy on your side! He should be your #1 choice for all of your legal matters, rest assured!”



Chapter Seven

Unethical Practices They Don't Want You To Know!

In an article published by the Washington State Trial Lawyers Association, "King County Superior Court Judge says, Allstate committed fraud!" The article starts out by saying, "If you get into an accident with someone insured by Allstate, you may not be 'in good hands' after all."

King County Superior Court Judge, Philip Hubbard, recently ruled that Allstate's claims policies and practices were illegal, and that Allstate misled injured accident victims in order to help its' bottom line. This ruling came in the case of Jones v. Allstate.

This was a result of an accident involving Janet Jones and Jeremy Frances, an Allstate insured driver in November 1997. Allstate's own documents clearly showed that consumers with attorneys filing claims against them received 2-3 times higher awards than the settlements received by claimants who did not hire a lawyer. **(NON represented case: \$3,464 vs. represented case: \$7,450.00).**

This has been a nation-wide problem for consumers for over fifty years. About fifty cases in twenty two states address similar situations with the insurance giant. With the resolution of this case, consumers now have an avenue for recourse.

Anyone who has received Allstate's "**Quality Service Pledge**" following an accident should consider the circumstances surrounding their case. That's why it's a good idea to contact an attorney to investigate whether or not fraud was committed.

The next thing you need to watch out for is...

What You Post On The Internet!

Since the massive explosion of popular social websites over the last five to six years I wonder if you understand how the privacy policies read on **Facebook, MySpace, LinkedIn, or Twitter?** In many instances, unless you opt out, your information could be seen as public record and may even be sold to a third party website without you ever knowing it.

I'm not here to scare you, yet I simply want you to be aware that what you post on the Internet can damage your personal injury claim. Especially right before a decision is made to settle your case.

Even if you activate the correct privacy settings, which are now quite extensive, your information may easily find its way into the wrong hands. As a result, I've begun to warn my clients about being careful what they post online.

My suggestion is that if you are on a Social Media website and you are in an accident that you simply get off that site and don't get back on until your case is completely resolved.

Insurance adjusters who are more aggressive will attempt to become your friend on Facebook and MySpace or even follow you on Twitter. That’s why it’s extremely important not to reveal any information online pertaining to your case.

Think About This For A Minute!

Here’s what tends to happen, the insurance company lawyer questions if the injured victim’s Facebook posts are consistent with his claim of not being able to perform any physical activity, while suffering from debilitating back pain.

How can this line of questioning be defended against if his pictures clearly show him doing something totally different on Facebook? Imagine how he would have felt if his Facebook page showed him surfing with pals, working out at the gym, or carrying a thirty pound backpack on a hiking trip. That would totally blow his case right out of the water.

Obviously, this should make total sense. In many newspapers across the country there have been front page news stories about people who lost their job as a result of posting on Facebook.

1. Keep in mind that old fashion video surveillance isn’t the only way for insurance companies to keep an eye on you. YouTube boast millions of videos posted each month. Since anyone can post a video on YouTube with their smart phone, it’s relatively easy for a claims adjuster to look up a video with your name on it.

Always remember, “off the record” only applies to journalists. Anything you say or do can be used against you later on in a court of law. Sure you can have some fun, but you need to be smart about it too.



Chapter Eight

How Insurance Companies Frustrate Injured Victims

What you're about to discover in this chapter will help you to better understand hidden tactics that are designed to frustrate, overwhelm, or drive you to the bargaining table. By now you are starting to realize that the insurance adjuster is not your friend. They will try to confuse, frustrate, and even pressure you into saying something that could potentially damage your claim, if you let them. Here are a few examples of how they do it:

Tactic #1 – First Call: This is when the claims adjuster contacts the injured victim for the first time. At this meeting, the adjuster tries to talk the injured person into signing away his/her rights for a very small amount of money.

The danger of a first call settlement is that many times the injured person may not be aware of all their damages until several months down the road. That's why claims adjusters will try to meet with you immediately following the accident and cut you a quick check.

Tactic #2 – Failing To Reveal The Amount Of Insurance Coverage: There is a whole menu of distasteful insurance company tactics that are designed to keep them from paying fair value for an injury claim. For example, the claims adjuster may fail to disclose all available insurance coverage that's available to pay for your injuries. Or, they simply lie about the amount of insurance coverage that's available.

Many times individuals and businesses will purchase an additional coverage through another policy that will protect them just in case their primary policy limits are exceeded. These are often referred to as “excess” insurance policies.

As an example, let's say you are on your way to the grocery store when all of a sudden a taxi cab driver, owned by Reliable Transportation didn't see you stopped at the red light and slams into the back of your car at forty miles per hour.

The main insurance policy for Reliable Transportation may pay up to \$100,000.00. The claims adjuster who is handling your file will try to get you to settle within the limits of that policy without telling you that there is an excess policy that pays on claims that go over the original policy up to a million dollars.

In many instances, the claims rep who is handling your file will outright lie, and say there isn't any excess policy coverage, however the truth is, that policy was always there. You've got to remember, that insurance companies are in business to stay as profitable as possible. They achieve that objective by not paying claims. If withholding information, or outright lying accomplishes that objective they've saved themselves quite a large sum of money.

Having a headstrong lawyer who is on your side will help to keep the insurance company on the straight and narrow. A savvy lawyer will know exactly how to obtain this information and, if there is excess coverage how to make sure a client who has been seriously injured receives their fair share.

Tactic #3 – The Squeeze: The moment you decide that you aren't going to take their offer to settle your claim, simply because you want to speak with a lawyer, you instantly become public enemy number one! The essence of this technique is to drag out the payment process for as long as possible to discourage and demoralize accident victims. The question now becomes what if you can't return to work and really need the money to feed your family?

Following an auto accident, injured victims experience heavy financial losses that quickly pile up. Often times injured victims simply aren't able to return to work for several months, and in some instances even longer. Insurance adjusters will use this financial leverage against you so you cave in and quickly settle your claim for far less than what it could potentially be worth.

Again, their objective is to pay you the least amount of money possible while keeping the insurance company profitable. Should you decide to reject their initial settlement offer, they will do everything they can in their power to stall, stall, stall and the stall some more as your bills keep piling up.

The objective to this tactic is to put the pressure on you until you finally crack and come running to the bargaining table to accept their offer.

Tactic #4 – The Wild Goose Chase: In the early stages of investigating your claim the insurance adjuster could potentially make you an offer to settle. However, once you have informed them that you aren't interested, they will send you on a wild goose chase. An injured victim will be required to collect mountains upon mountains of additional paperwork so their case can be properly evaluated.

They will tell you to gather years of past medical records that have nothing to do with your present injuries. Even if the policy report clearly shows that the other driver was at fault, and they even received a traffic ticket for reckless driving, they will demand a full investigation of your driving record.

They will also want to see documents that show if you have had any past legal action taken against you. As if that has anything to do with your injury claim. If you have a wage loss claim, they will request five years of past income tax returns. Basically, they want it ALL!

The reason for the tactic is to make your life miserable and frustrate you enough to the point of accepting any ridiculous offer.

Tactic #5 – Challenge The Need Of Medical Treatment: As an example, let's say that your doctor has determined, based on his physical examination of your complaints, that you need an MRI of your neck to rule out the possibility of a herniated disc. Yet, the claims adjuster doesn't feel that you need an MRI because it isn't "medically necessary."

What I'd like to know is, what medical school did that claims adjuster go to, and how could they possibly render that opinion? So the doctor recommends that you have eight weeks of physical therapy treatment to decompress the disc, and reduce the pain that is radiating into your arm.

Yet the claims adjuster, who claims to know everything there, is to know about the human body, “says” it should only take four weeks of cervical traction, not eight! Now the other four weeks of therapy will be denied. By denying payment on medically necessary diagnostic testing and treatment, the opposing insurance company continues to put intense pressure on injured victims to accept a lower offer.



Chapter Nine

Ten Common Blunders That Can Destroy Your Washington State Auto Accident Settlement!

An automobile collision can be a terrifying ordeal that can turn your world completely upside down. Depending on the severity of the impact, there could be enormous expenses that you'll have to face, as well as potential injuries that can keep you out of work for an unknown period of time.

Since the majority of people don't know how the legal system works they may inadvertently make small errors that can negatively impact their claim. In this chapter, you'll discover how to avoid ten common blunders that can destroy your Washington State auto collision settlement.

Blunder #1: Failing To Take Pictures!

When an injured victim fails to provide evidence or supporting documents as proof to the insurance carrier, it gives them a perfect opportunity to reject their claim. They will argue that if someone was actually injured they would have provided documentation to support their claim. In the legal arena, cases are not won based on the “facts,” they are won on the evidence presented, both in and out of court.

Obviously, an auto injury can happen to anyone at anytime. A mother on her way to pick up her kids from school, a husband driving to work, or a young family on their way to the grocery store can be in an auto collision. Practically everyone who is injured in a car accident had no forewarning of what was about to take place. Basically, it wasn't a situation that could have been prevented.

From a legal standpoint, the biggest mistake an injured person can make is failing to document everything that took place at the scene of the incident. You want to remember that it's the lack of proof that can destroy a potential injury claim.

If possible, you or someone who is with you should document the scene. Since most cell phones come fully equipped with cameras and video function, you can easily begin to collect evidence.

Here is a list of critical items that should be photographed and or videoed:

- Start by taking pictures of both cars immediately following the impact showing how they stopped, including skid marks. You want to take as many pictures as possible from different angles, distances and positions. Make sure that the license plates are clearly shown in some of the photos.
- Pictures of the damage made to each car. A common mistake most people make is not taking enough pictures. Start taking as many pictures and video footage as you think is needed, then take some more. You never know what you might capture.

- Take photos of roadside debris, broken glass, and damaged items from the inside of the car.
- Take pictures of bodily injuries, which include every cut, scrape, bruise, and scratch. You will want to take pictures throughout the entire healing process, not just at the scene of the accident. Photographs that include the date and time the picture was taken can provide critical evidence. Since some injuries don't show up for days, while other last for weeks.
- The reason for taking extensive pictures of bodily injuries is to help support the biomechanics of the accident. A specific bruise or cut on the body can prove the direction a vehicle was traveling, which can help determine who was at fault. There are experts in the field of biomechanics who will use the photographs to determine what kinds of injuries occurred to the body at the time of impact.
- If you believe the other driver's visibility was blocked by a tree, or roadside construction make sure to take a picture of that as well before the scene changes.
- If you smell alcohol on the other driver or they appear to be under the influence of drugs, quietly video their actions and statements.
- Take pictures of any items you may need for your injuries, including wheelchair, knee brace, custom shoes, cane, bed pan, etc.

The driver of the other car may disagree as to what took place or whose side of the road the incident occurred, however video footage and pictures of the accident scene are hard to dispute. As they say, “a picture is worth a thousand words!” I've seen cases drawn into long, heated battles over something as simple as the exact location. There are a number of instances where the location of the debris from a collision was a determining factor to settle a case.

You might feel awkward taking pictures at the scene before you know if you'll be filing a claim. However, it's better to have the evidence that you need rather than being accused of lying due to lack of proper evidence to prove what took place. The goal is to preserve the evidence so issues don't come up later.

Blunder #2: Failing To Write Everything Down

Once you arrive at home you'll find yourself rehashing what just happened. Before too much time passes you want to systematically, and painstakingly document all of your recollections about the incident. Basically, you want to write down everything that took place at the scene, and the sooner you start the better. I suggest that you buy a spiral notebook and call it your “accident journal.”

Inside this journal you will jot down everything you can recall from beginning to end:

- Did the other car have the right of way?
- Did the other driver cut you off?
- Did the other driver admit being at fault?
- What were the weather conditions at that time?
- Can you recall if there was road construction going on?

- Was the sun glaring in the eyes of the other driver making it difficult to see?
- What did the other driver say to you?
- Did you speak with any eye witnesses?
- Did the police officer make any comments to you?
- How were you feeling at the scene and how are you feeling now?
- Did any part of your body strike the inside of your car?

Whatever you do, don't mix your thoughts with the facts of how the event took place. Continue to journal each day as you ponder other key components of the incident. Your “accident journal” will help your lawyer better understand what took place before, during, and after the mishap. You can never have too much documentation as to what took place.

Blunder #3: Failing To Collect And Hold Onto Important Paper Work

Another big mistake that can destroy a case is misplacing or losing important paperwork that will be presented to the insurance company. Remember, if the insurance company can delay, reduce, or even deny your accident claim they will. For instance, I provide clients with a huge binder so they can keep all of their important documents in one place.

I encourage all accident victims to do the same. As I said before, it's the lack of proof that can destroy an injury claim.

The following items are important for you to collect and hold on to:

- All prescriptions given to you by the emergency room doctor, and your treating physician.
- Letters from your doctor that states you are unable to work.
- Collect all receipts for out of pocket expenses including rental car, prescriptions, co-pays, funeral expenses, etc.
- Paperwork that involves worker's compensation.
- The names, addresses, and phone numbers of witnesses, as well as anything you might have overheard any witness say at the scene of the accident.
- Receipts for traveling to and from your doctor's office, physical therapy, or diagnostic center including, gas, tolls, bus, or taxi.

You don't want to find the insurance company arguing that your case can not be settled because there is a substantial lack of evidence both prior to the filing of the lawsuit or all the way to the closing statements in front of the judge and jury. They will argue that if something actually happened, the injured victim would have presented written evidence to that effect.

Blunder #4: Failing To Receive Timely Medical Attention

For starters, no one at the scene of the collision carries an MRI machine with them. Whether your injuries appear to be minor or serious, this is not the time to be macho and say you'll be fine. The truth of the matter is nobody knows

with 100% certainty what types of injuries are sustained while they are still in shock from a crash.

A person might have adrenalin pumping throughout their system and simply not realize they have sustained an actual injury. Or they might have the kind of injury that doesn't present itself right away. That is why you should never decline being taken to the hospital for an evaluation.

It's true that some people don't display immediate symptoms, yet they are severely injured. For instance, it's not uncommon for a person to suffer from internal bleeding without showing outward signs of any kind. Or a traumatic brain injury also known as a concussion can show up hours or even days later. This is due to internal brain hemorrhaging.

They may be able to talk and walk, however as time passes they begin to lose more blood causing them to feel severely ill. By the time that person finds themselves in the emergency room, it could be too late.

There are two important reasons why you should be evaluated following a collision:

1. Emergency Medical Technicians are trained experts, who can determine if you have sustained a serious injury, even if you don't have any apparent symptoms.
2. The more time that passes, the harder it becomes to prove that your injuries were related to the crash.

Remember, you don't want to decline or delay medical attention. Simply because an injury isn't as obvious as a broken bone, it doesn't mean one hasn't occurred.

Blunder #5: Falling To Check Your Medical Records

As an injured victim you must be honest at all times with your physician. You want to openly explain exactly how you are feeling on a day-to-day basis. The only way for your doctor to order appropriate diagnostic tests to evaluate your injuries is for you to tell them everything that hurts. Your doctor should never be forced to guess as to how you are feeling.

You need to understand that medical records are created to assist in medical treatment, and not for lawsuits. However, your medical records will have the biggest impact on your quest to receive justice than any other piece of evidence.

Documentation is everything when it comes to proving what types of injuries were sustained. When someone has been seriously injured, their medical records can become quite extensive. These records are often filled with handwritten notes from multiple doctors, physical therapists, and assistants. Included in these records you'll find MRI reports, various diagnostic results, as well as laboratory findings.

From time to time, you will want to look through your medical records to ensure that the doctors who are treating you have taken accurate notes. This will help to ensure that your records are correct, and that you receive the

appropriate medical treatment for your injuries.

You might be surprised to find notations within your records that are inaccurate or inconsistent with your treatment. For example, if you told the doctor that you have right shoulder pain, and your records say you are being treated for left shoulder pain, you want to correct that as soon as possible. Remember, doctors are human too and can make a simple error in your records.

Often times, medical records aren't reviewed for accuracy by the doctor or staff, and are hardly ever seen by the patient to make sure that their symptoms are accurately recorded. What you need to realize is that a single incorrect notation made by a doctor can change the insurance company's evaluation of a case.

Insurance companies automatically assume that an injured person's medical records are 100% accurate. However, should you find errors within your records; you must bring that to your doctors' immediate attention.

Blunder #6: “Gaps” In Medical Treatment

From time to time an event will take place in a person's life that will prevent them from being able to keep an appointment with their doctor. An argument that is often made by insurance companies is that if someone was actually hurt they wouldn't miss a doctor's appointment. These arguments are commonly made everyday in order to avoid having to pay a fair settlement.

The thing to remember when someone is injured, they must make every effort to remain consistent with their specific treatment plan. An injured victim should do their due diligence to follow the advice of their physician and follow up on all referrals.

Even if the injured person must cancel an appointment or two, they should immediately reschedule so there is no significant “gaps” between appointments. Every effort must be made by the injured person to remain consistent so they can receive the maximum benefit from treatment.

By failing to keep your appointments this leads to the impression that you never had a real injury in the first place. This is the perfect ammo for the insurance company's defense attorneys to attack the credibility of an injured person, and a surefire way to decrease the value of a claim.

In a court of law the object for the insurance company is to prove to the jury that the injured victim is out right lying about the extent of their injuries. They will say, “If he was hurt that severely, why did he miss all those physical therapy appointments, and not see the orthopedist when referred?”

You can defuse this situation simply by following your doctor's orders and keeping all of your appointments. Obviously, should an emergency arrive make sure to call the doctor's office to reschedule that missed appointment.

The top four things you can do to protect your claim is:

1. If injured, visit your doctor immediately.
2. Avoid long gaps in treatment.
3. Keep all of your appointments.
4. If missed, reschedule as soon as possible.

Blunder #7: Giving A Recorded Statement To The Insurance Adjuster

It may seem perfectly harmless to give a recorded statement as to what took place before, during, and after the accident. You might even think it will help move your case along. The truth of the matter is, the insurance company for the at-fault driver is NOT on your side, or looking to help you in any way. Providing a recorded statement without an attorney can only have a negative impact on your case.

The insurance company for the at-fault driver will commonly request a recorded statement from the person who could potentially make an injury claim. So, if you haven't already received a phone call, then chances are they will be calling very shortly.

Insurance companies know that the faster they can get a recorded statement from you the easier it will be for you to make mistakes that could potentially damage your claim. Obviously, a damaged claim means less money they will have to pay.

As an injured victim you are under no obligation to give a recorded statement to a claims adjuster without your lawyer being present. You will have plenty of time to explain what took place later. Yet, they will stress how important it is to collect the facts of the case while the event is still fresh on your mind. This is a common strategy that you need to be made aware of.

The claim adjuster's objective is to get you to openly discuss what took place. However, they want you to answer their questions without placing too much thought into how you answer them. For example, let's say in the beginning of a conversation the adjuster asks the person, "How are you doing?" The injured person quickly responds back by saying...

"Fine."

This response might sound perfectly normal in an everyday conversation. Yet, how is an injured person supposed to explain they were "doing fine" when they gave a recorded statement? Once a statement is given, it is practically impossible to change.

Insurance adjusters have been known to take recorded statements while the injured person was still in the hospital and heavy medicated. Knowing just how difficult it was for them to answer all of their questions correctly, while they were dealing with intense pain.

Responding to what seems to be an innocent request for more information could potentially have irreversible consequences to an injury claim. This is the kind of nonsense you need to be made aware of before you give a recorded statement.

I have never allowed a client to give a recorded statement without being in the room with them. I fight to ensure that my clients' rights are never intruded upon. So, remember when you are asked to give a recorded statement simply say, NO!

Blunder #8: Signing A Medical Release Form For The At Fault Driver's Insurance Company

Just like giving a recorded statement, the insurance company for the at-fault driver will want to know everything they can to deny or reduce the value of your settlement. Yes, they are rightfully entitled to view your medical records that are directly related to your present injuries.

However, you should never agree to sign a “global” release form that allows them access to every medical record you have ever had. Why would the insurance company want to do this? Simple! So they can see how your past medical history could be related to your present injuries. Just remember, when it comes to the opposing insurance company you never want to sign any form or document without consulting with a lawyer first!

Once the insurance company has these records, they will not return them and the records will be used to undermine the value of your case.

Blunder #9: Faking An Injury

Honesty is always the best policy! As much of a cliché as that might sound, always remember that in the long run it pays to be honest. Faking or exaggerating about your injuries is the best way to ruin a personal injury claim. One way or another that lie will be discovered.

There are those who think if they lie to a doctor about the extent of their injuries they will receive a higher settlement offer. In fact, this is the kind of mentality that destroys cases. Insurance companies routinely employ private investigators to do video surveillance on people who are claiming to be injured, whether they believe them, or not.

If an individual claims to have constant lower back pain that prevents them from walking long distances, and the private investigator films them hitting golf balls at a country club, they can kiss their settlement goodbye. Should the case happen to go to trial, the plaintiff's credibility will be completely ruined in the eyes of the judge, and most importantly, the jury.

Blunder #10: Failing To Consult With A Lawyer

Since most injured victims don't fully understand the legal process they can make simple blunders that can have disastrous consequences on their potential case. It's true that some cases can be negotiated directly between the injured party and the insurance adjuster. However, these are not typical and each situation should be evaluated, by an attorney, on a case by case basis.

In most instances, the best way to decide whether you should hire an attorney is to simply speak to one. As a lawyer, I cannot think of one reason as to why an injured party wouldn't want to at least speak with an attorney to learn about their rights or the possibility of a potential claim.



Chapter Ten

Benefits Of Hiring A Personal Injury Lawyer

After an accident, the insurance adjuster will most likely contact you on behalf of the at fault party who caused the collision. They realize it's a lot easier to convince you to take a settlement offer that is far less than you rightfully deserve when you are in a stressful situation.

That's why you need to decide if you want to contact an attorney, or if you should take matters into your own hands.

There are four criteria as to why you should at least speak with a personal injury attorney:

1. You have been seriously injured, or a loved one was killed as a result of an accident.
2. The actions of the insurance company involved are unacceptable to you.
3. Your injury claim has been denied.
4. The at-fault party doesn't have insurance.

Here's What You Can Expect A Good Personal Injury Lawyer To Do For You!

- Remove the constant stress and hassle of having to deal directly with the insurance company adjuster. (You'll finally be able to focus on getting well with greater peace of mind).
- Stop harassing phone calls from collection agencies about your unpaid medical bills. (Make sure that the insurance company pays for all your outstanding medical bills).
- Have a strong advocate on your side making sure that the insurance company plays by the rules. (You'll finally have someone who will watch your back).
- Hire economic experts who will evaluate your future loss of earnings. (Maximize a just and fair settlement in the event you are unable to function at 100% capacity at work).
- You'll have someone to explain what your legal rights are in plain everyday language. (You won't find yourself being taken advantage of by a fast talking insurance adjuster).

- You'll know how the legal system works. (You'll never find yourself blindsided by the insurance company).
- Collect critical evidence including: police reports, statements from eye witnesses, photographs, and videos, if available. (Cases are won or lost by the amount of evidence that is presented, and now you will have someone who will invest in making sure all the bases are covered).
- Make sure that you don't sign any unnecessary documents that could potentially damage your case. (This is critical when it comes to obtaining a fair settlement).
- Determine the amount of insurance coverage that's available. (You'll never be fooled into taking a low ball offer because the other side says there is minimal coverage).
- Provide letters of protection to treating physicians if you don't have adequate insurance coverage. (You'll be able to get the medical treatment you need).
- File a bad faith lawsuit against the insurance company should they fail to pay your claim.
(Avoid all the endless hassles of unpaid medical bills).
- If your case can't be settled, file a lawsuit or demand arbitration. (This one is pretty straight forward).
- Prepare client for trial in the event that the case can't be settled.
(Remove your stress from appearing in court).
- Make sure that your medical records are updated. (Your medical records are a key component to settling your case, and everything must be accurate).
- If you are unable to return to work an attorney will help you collect disability benefits. (You'll be able to put food on the table in the event that you are unable to return to work).
- Collect medical records from treating physicians and hospital. (Take care of all the leg work for you).
- Send your medical reports to the insurance company.
- Prepare you for independent medical evaluation. (Help you to understand what the insurance company doctor will be looking for to undermine your claim).

- Send a registered nurse with the injured victim to assist them during the independent medical evaluation. (This helps them to feel comfortable knowing that someone else is on their side)
- Prior to sending records to the other side make sure that they have been properly reviewed.
- Keep you informed as to how your case is progressing. (You can call or make an appointment to stop by to see how your case is moving along).
- Prepare and present medical experts (treating physicians) at trial. (This will help the doctor present evidence that is beneficial for your claim).

These are just a few of the things that a good personal injury lawyer will do for a client. As you are starting to realize there are many issues that are involved in an auto collision case. Before you make a potential mistake that could have negative consequences, make sure you have a strong willed lawyer who will help you through the complicated legal process.

Obviously, if you are in constant pain from the injuries, having to deal with legal matters on your own can make matters a lot worse. Many legal experts agree that taking legal action is important since it is the only way for you to receive just compensation for any damages you have sustained as a result of someone else's negligence.

Failure to act to in a timely manor may cause you to lose your rights forever! Justice can be hard fought, but if you are hurt by someone else's negligence they have an obligation to make you whole.



Chapter Eleven

What To Consider When Hiring A Personal Injury Lawyer

Choosing the right personal injury lawyer for your unique case can be a difficult task to say the least. How in the world are you supposed to choose an attorney from the thousands of websites, online videos, yellow page ads, TV commercials, billboards, and endless lawyer referral services on the internet?

How do you know if the lawyer you are about to call is right for you? I know how overwhelmed it must be especially with one of the biggest decisions of your life. I believe the following ten steps will help you make the right choice.

#1: Personal Attention. There are many law firms who aggressively advertise in the phone books, TV, and internet for personal injury clients. Due to their advertising costs they must accept a large volume of “smaller” cases to cover their overhead. Unfortunately, it’s a serious challenge to keep up with the large volume of cases and still provide personal “one-on-one” attention to each client.

Some of these law firms have so many “smaller” cases it’s easier for them to pass the file to a junior associate or paralegal to work up the file. In the profession these massive law firms are known as “mills.” Many of these firms simply can’t take every case to trial and if the case can’t be settled, they refer them out to another lawyer.

Here’s something you probably didn’t know.

Due to the large volume of cases they handle it makes it difficult for the lawyer to speak with the treating doctor to get his or her opinion of the case. In some instances the first time the doctor will meet with that attorney is at the deposition. That’s why you want to know if you’ll be receiving personal attention from an attorney.

#2: Experience. One of the biggest components that will greatly impact the success or failure of your case is how much experience a lawyer has. When retaining a personal injury attorney you want someone who has at least ten years of experience. Experience is the currency that leads to developing high-level legal skills.

When a personal injury lawyer has worked on diverse cases through the years they get to know how insurance companies think, work, and settle claims. An attorney who has achieved a high level of proficiency in personal injury law attains those skills by investing years in the trenches.

#3: Compassion. When an injured client walks into a lawyer’s office for the first time with scars or possibly facing surgery they want a professional who will listen to them. Speaking with a compassionate professional is extremely important to someone who has suffered with extensive injuries and is unable to work.

When choosing a lawyer you want someone who understands what you and your family are going through financially, emotionally, as well as physically. An

attorney who is compassionate has a good understanding as to what you're going through, and how the accident has impacted your life.

In many instances the biggest portion of an injury claim is the noneconomic damages, which are commonly referred to as “pain and suffering.” A good lawyer who understands the importance of getting all the facts will listen closely to how the accident has impacted their client. Then they will be able to communicate those facts to the insurance company, and or jury should the case go to trial.

#4: Excellence. A commitment to “excellence” is one of those catch phrases you often hear lawyers use. When it comes to commitment, I believe a lawyer should be 100% committed to the successful resolution of their client's case.

Being committed to excellence isn't necessarily all about winning yet winning is a by-product of excellence. Excellence means to always act in the best interest of the client, and their families. Excellence also means continually striving to become a much better lawyer than I used to be. Being an excellent attorney requires the courage to fight for what's right!

#5: Passion. Injured victims deserve to have a lawyer who is passionate about helping them resolve their accident claim. I believe that the best attorneys are those who can communicate with passion to insurance companies and jurors regarding their client's case.

To some lawyers, their career is just a job, a means to an end. I too have bills to pay. However, I wake up every day looking forward to helping protect injured victims' rights. When you walk into a lawyer's office you can feel his or her passion about helping their client. You can hear it in their voice, and see it in their eyes. Should your case go to trial you want a lawyer who will speak to the judge and jury with passion.

#6: Understand Medical Conditions. Even though lawyers aren't doctors, a good personal injury attorney will have a sound understanding of various medical conditions as it relates to physical trauma. This kind of insight will come in handy when structuring the right settlement offer with insurance companies.

An attorney who understands the lasting impact of physical trauma is able to effectively communicate to the judge and jury as to how those injuries will impact the quality of their client's life. A good lawyer will only settle a case after they know the full extent of your future medical condition.

#7: Specialization. Personal injury lawyers focus in a very specific area of law which helps them become successful at representing clients. For example, if you had heart disease, you would go to a cardiologist not a dermatologist. The same holds true when hiring a personal injury lawyer.

There are many talented attorneys in every area of law. Just look through the yellow pages or go online and you'll see many lawyers who advertise for real estate, divorce, DUI, and personal injury. Think back to when Michael Jordan was at the top of his game as a basketball player for the Chicago Bulls. Even though he was a gifted athlete how did he do as a baseball player?

If you recall, he decided to retire from basketball, to play minor league baseball for the Chicago White Sox. He batted less than .200 and I believe he did hit one homerun before hanging it up after probably no more than one

season, then returning to basketball.

When it comes to professional sports you don't find many athletes playing in the NFL and NHL at the same time. The same concept holds true for personal injury. You should hire a lawyer who specializes in this area of law because it is his or her strength.

#8: The Extra Mile. In order for an injured victim to receive the best settlement possible a good personal injury lawyer will go the “extra mile” leaving no stone unturned. Personal injury attorneys who succeed often do so during the darkest hour when all hope seems lost.

If a lawyer gives you a 100% guarantee that he or she will WIN your case, you'd better run for the door and keep looking. When it comes to complex legal issues the only guarantee a lawyer can make is the willingness to fight for their client and get the maximum amount for their settlement.

#9: Well Informed. No one likes to be kept in the dark, especially an injured victim or their family. When retaining a personal injury attorney you want someone who will keep you in the know at all times!

On the other hand, clients shouldn't expect the attorney to drop everything they are doing when they call the office. However, when the client has a concern they would like the lawyer to return the call as promptly as possible.

A good attorney will also explain their contract and legal fees making sure that you understand everything right up front. You should never sign a legal document that you don't understand. Ultimately, it's your case and you should be happy with the level of service you receive from an attorney.

#10: Past Successes. Obviously, everyone wants to hire the best lawyer possible for an injury case. You want to know that the lawyer you are about to hire is smart and aggressive. Even if the attorney's web site is packed full of great legal facts, what matters most to you is that past clients are raving fans! You want to hear how former clients were blown away with the end result.

How the lawyer treated them with great respect, returned phone calls promptly, and put them at ease during court proceedings. You want to make sure that the attorney you're thinking of hiring can provide you with testimonials from past clients.

Think twice about hiring a lawyer who can't offer references from past clients. It's important to know that the attorney you're about to hire has treated past clients with respect, dignity, and a commitment to win their case.

Finding a great personal injury attorney can make all the difference in the world, especially if you want to avoid all the headaches, hassles, and endless heartaches. If you follow the above ten steps in this chapter you should have no problem in finding a great attorney who will fight for you.



Chapter Twelve

So, What's Next?



Inside this book I've provided you with key information that should point you in the right direction to protect your legal rights. I've exposed many myths and misconceptions, as well as common stall tactics used on injured victims. However, this book does not replace the need to speak with or possibly retain a lawyer for your case.

They say that first impressions are lasting ones. That's why I go out of my way to make sure that you feel that you've made the right decision for your case. Remember, you only get one chance at getting the best settlement possible.

All I ask is that you do yourself a favor and invest a little time in the success of your case. In the next chapter I provide you with a fast start "check list" to help you decide. Once you have made up your mind to go with a specific attorney you should feel confident that your case is in good hands.

Sincerely,

Joseph Cunnane

Joseph Cunnane

"Dedicated To Protecting Your Rights"

Attorney at Law

PS. If you have any questions after reading this book please feel free to contact my office at **425-672-7100**. I am always here to help injured victims and their families. It's my passion to help protect the legal rights of those whose lives have been changed forever by someone's negligence.

I can also be contacted by e-mail at: Joe@Cunnanelaw.com



Chapter Thirteen

Your Eleven Point Score Card For Choosing A Skillful, Highly Regarded, Trial Lawyer...

The following eleven point check list has been designed to help you evaluate the aptitude and ability of the personal injury lawyer you are thinking of hiring.

Name of the Law Firm: _____

Name of attorney being reviewed: _____

Address: _____

City: _____ Zip Code: _____

Phone Number: _____

E-mail address: _____

Eleven Point Check List:

1. Who Will Be Handling My Case?

- ☐ You
- ☐ An Associate
- ☐ Paralegal
- ☐ Someone I Have Never Met

2. Amount of Experience:

Please Check One.

- ☐ Extremely Seasoned (15+ Years)
- ☐ Well Established (11-15 Years)
- ☐ Outstanding (6-10 Years)
- ☐ Good (3-5 Years)
- ☐ New (1-2 Years)

3. Type of Law Practiced:

- ☐ Exclusively Handles Personal Injury Work
- ☐ General Practice That Includes:
 - ☐ Divorce
 - ☐ Real-estate
 - ☐ Bankruptcy
 - ☐ DUI
 - ☐ Criminal Defense
 - ☐ Other
- ☐ Occasionally Handles Personal Injury Cases

4. How Will You Inform Me Of My Case?

- ☐ By Letter ☐ E-mail ☐ Phone Call ☐ How Often? _____
Can I Call You? ☐ Yes ☐ No When? _____
Will I Be Able To Meet With You? ☐ Yes ☐ No How Often? _____
When Will You Contact My Doctor For Medical Records? ____/____/____

5. Have You Handled Other Cases That Are Similar To Mine?

- ☐ Yes What Kinds Of Results Did You Have? _____
☐ No How Would You Handle My Case? _____

6. Have You Taken Cases To Trial?

- ☐ Yes ☐ No
If Yes,What Results Did You Have? _____

7. Client Comments:

- ☐ Clients Rave About the Attorney and Law Firm.
☐ Testimonials Are Not Readily Available.

8. The Lawyers Ability To Answer My Concerns:

- ☐ I Felt Reassured During The Initial Consultation.
☐ I Was Completely Lost During The Consultation.

9. Listening Skills:

- ☐ The Attorney Seemed Very Compassionate Towards My Case And Put Me At Ease.
☐ The Attorney Seemed Uncaring And Was Quick To Rush Me Out The Door.

10. How Was I Treated By The Support Staff (Front Desk Receptionist, Associates, Paralegals, and Assistants):

- ☐ The Support Staff Was Kind, Courteous, and Friendly.
☐ The Support Staff Was Indifferent Towards Me.

11. How Did I Feel After The Initial Consultation:

- ☐ I Felt Confident That I Was In Good Hands.
☐ I Left The Office Feeling Overwhelmed And Totally Confused.

Consumer Awareness Guide Reveals

**“What Every Injured Victim In Washington State
Must Know To Avoid Getting Ripped Off!”**

By

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