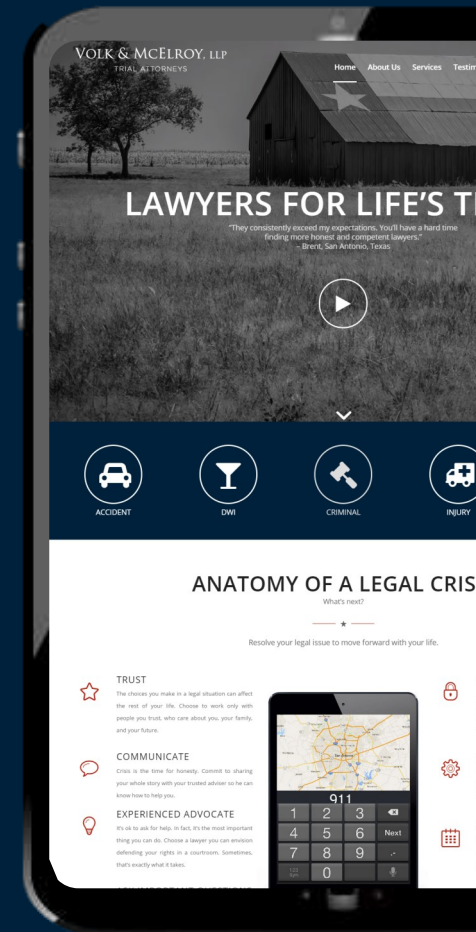


# Avoid the 5 Biggest Personal Injury Pitfalls

Presented by: The Volk & McElroy Law Firm



# PITFALL #1:

## Giving a Recorded Statement or Signing without Hiring an Attorney First

One of the biggest mistakes Personal Injury victims make is assuming Insurance companies are on their side. There are many friendly and perfectly nice insurance agents who you may come to trust. Remember to stay cautious from the outset. No matter how friendly someone is, they also have a job to do. And in many cases their job is not in alignment with your best interests.

Many people make their cases extremely difficult due to a few casual conversations made right after their accident. Working with an attorney will ensure that your rights are protected 100% of the time. Plus, your attorney will likely take over all communication between you and the insurance companies, so you won't have to worry about forfeiting your rights.

Many insurance companies will seek a recorded statement about the facts of the case. Avoid providing this statement without seeking counsel first. Surprisingly for most people, this advice also extends to communicating with your own insurance company. You need to retain someone whose sole focus is helping you through the process. If you ever receive advice not to hire an attorney, this is your first clue that the person you're speaking to does not have your best interests in mind.

If you're unsure, schedule a consultation meeting with an attorney. When you work with our firm, we offer a free consultation with you where we'll create a plan of action and help you understand how to best approach your specific situation. Most importantly, if you're ever asked to sign anything without having a lawyer present to review it...stop! You could be waiving your rights, giving up your claim, taking the blame for the accident, minimizing your injury, etc. It is extremely difficult to void a release once you have signed it.



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# PITFALL #2:

## Not Reporting Your Injury

If an accident occurs you should immediately call the police. Calling the police leads to a formal investigation and the reporting of your incident. If you do not call the police, you will not have a formal police record of the incident and it will make your case more difficult to deal with in the future.

Oftentimes, people become scared or cautious after an accident. Witness stories can change over time. If you experience a slip and fall case at a business, ask to speak to the manager of the company and write their name down. Get as much information as you can from the manager and ask to make a written report of the accident. Don't leave the premises until you receive a copy of that report.



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# PITFALL #3:

## Mishandling the Conversation with your Insurance Adjuster

Remember not to sign anything or make a recorded statement without first seeking counsel from an experienced Personal Injury attorney. Some keys to success when speaking with an insurance adjuster:

- Refuse to make a statement for the record without an attorney present. This statement can only be used against you later.
- Create clear personal records. Write down the name, address, company, and phone number for every insurance adjuster you speak with.
- Be polite and remain formal. Avoid making small talk or speaking casually. Never speak about your frustrations or get angry about the accident. Stick to the who, what, when, and where of the accident. Avoid talking about “how” it occurred. Remember that your adjuster likely has negotiation and communication training. They may sound friendly, but they are likely attempting to gather information to be used against you later.
- Refrain from discussing your family or any details not pertaining to the accident. Do not give them the names of your physicians or medical providers.
- You can provide your name, address, and phone number.
- Take careful notes about the questions the adjuster asks you and the responses you give him/her.
- Your medical records are protected by Federal law. Do not sign a medical release. Your insurance adjusters do not have any legal rights to these documents, unless you grant them access.
- Describe your injuries in a general sense, without specifics, so that you cannot be accused of changing your story later in the case. Do not give the insurance adjuster any details about your injuries.
- Avoid settling your case right away, especially if your injuries have not fully healed or been resolved.
- Ask about any other witnesses or any other injuries reported in the accident.
- Do not exaggerate and do not get involved in the details of the case. Remain as general as possible in your descriptions.



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# PITFALL #4:

## Not Treating Your Injury

We know that many people don't like going to the doctor's office. You're probably busy and don't find spending hours in a waiting room your idea of a great afternoon. It's important that you treat your accident injuries right away. Your health and well being is the number one priority. It's hard for you to enjoy your family, work, and life without being healthy!

Another reason to treat your accident immediately is that if you procrastinate the insurance company will assume that your injury is not serious. Treating your injury properly is part of properly documenting your case. The good news is, when you work with our firm we'll help you find the best medical care. Additionally, when you do visit your doctor, make sure to follow through on your medical treatment. Don't miss your doctor's appointments, as this will be part of your medical record.

Take your health seriously and remember that rehabilitation is often a process. Make a commitment to taking your recovery seriously: arrive on time, follow through with rehabilitation, follow your doctor's advice, and take the proper medication. Also remember to be honest with your doctor. If you've had prior medical conditions, tell your attorney and your doctor about them. The last thing you want to do is make it seem like you have something to hide.



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# PITFALL #5:

## Talking about your case

Many people will want to discuss your case with you, including insurance adjusters, other attorneys, and even jurors. Remember not to discuss your case with anyone other than your attorney and your medical team.

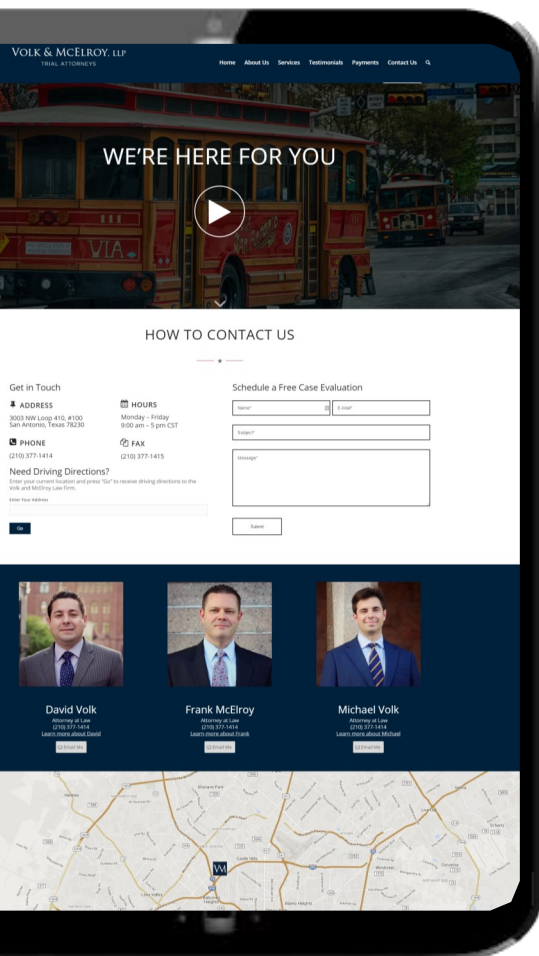
What's more, social media is now an everyday part of our lives. Remember that insurance adjusters and attorneys will search your social media accounts, blogs, or websites (even if you think they're private posts or messages). Anything you post on these sites could eventually be used against you in court. Abide by the social media golden rule: Never post anything online that you wouldn't feel comfortable sharing in a courtroom setting. In general, refrain from posting anything about your case online. Don't post photos of the accident, exaggerate your injuries, or discuss your injuries at all with friends.

Instead, focus on preserving important evidence in your case. Save all medical information such as doctor's notes, medical bottles, casts, braces, prescriptions, and any other items your doctors have prescribed. Also, ask your attorney about taking pictures of your injuries and interviewing witnesses. He/She should help you preserve these important pieces of evidence.



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