

## **General Personal Injury Questions**

### **1. How much will it cost to hire The Law Office of Brian Branch?**

Some lawyers work on an hourly rate; others, including The Law Office of Brian Branch, charge a contingent fee. Although costs of litigation are extra, it costs nothing up front to hire our law firm and we are compensated only if we are successful in recovering for you. Regardless of the time we put into a case, if we do not recover for you, you will not have to pay us attorney's fees.

### **2. What is my case worth?**

There is no standard value for what an injury is worth. Each case is unique and must be evaluated individually according to its unique circumstances. Factors that affect the value of a case include the nature and extent of the injuries, the length of treatment and recovery time, lost wages, whether there is a permanent impairment, whether there is comparative fault, and whether punitive damages are appropriate.

### **3. Will you give me a free evaluation before you are retained?**

At no charge, we will be glad to give you a preliminary evaluation regarding liability and damages. However, such an evaluation is somewhat limited in that as the case develops, we will become more familiar with your case and discover additional facts.

### **4. How long will it take to resolve my case?**

The answer to this question depends a great deal on the injuries suffered and the amount and nature of treatment necessary for you to heal. In exchange for settling with an insurance company a plaintiff must sign a release or paper that states they will no longer attempt to recover money from the insurance company or defendant. It is important to be certain of your injuries and the treatment you will need before signing the release. Resolving a case prematurely often results in a smaller, and potentially insufficient, recovery.

### **5. How long do I have to take legal action?**

The amount of time you have to file a lawsuit depends on the facts of your case. Different cases have different statutes of limitation or, expiration dates. Sometimes action must be taken immediately while in other situations there may be years before legal action must be taken.

Failure to file a lawsuit within the time specified by the applicable statute of limitations may result in your ability to recover damages being forever lost. For example, the applicable statute of limitations for filing an action for personal injury against a private party in New Mexico state court is three years, however the rules change for actions against governmental entities and there are various notice provisions which apply depending on the circumstances and the entity.

### **6. When should I contact a lawyer?**

If you are planning on pursuing a case, or wish to discuss it, it is important to contact a lawyer immediately. Although it may seem as if there is plenty of time before a lawsuit must be filed, there are other reasons to begin working on your case quickly. Depending on your case, there may be crucial deadlines that pass as quickly as ninety days from the date of your injury or accident.

In addition, our attorneys may need to take action as soon as possible after an accident to safeguard your interests and protect your case. It may be necessary to act quickly in order to preserve important evidence, locate a witness, or investigate the scene of the accident or injury.

**7. Should I be talking with an insurance adjuster before I contact a lawyer?**

No. Most insurance adjusters attempt to reduce the amount of money they must pay to resolve your case. Occasionally an adjuster will ask to speak with you about your case and may attempt to record your conversation. Such statements with adjusters may be used against you in the future.

If you would like to speak with an adjuster, one of our attorneys will discuss with you how to handle such statements, what to avoid and appropriate precautions.

**8. How can I get medical attention if I don't have insurance?**

If you have medical insurance, it is best to use it to get medical attention. However, if you have no medical insurance there still may be ways of getting seen by a doctor. If you were involved in an automobile accident and have car insurance, check with your insurance agent to see if your policy has medical coverage. Such coverage pays for your doctor bills up to a specified amount and may enable you to get medical attention quickly.

Similarly, depending on how you were injured, there may be other insurance policies in effect that will cover the cost of your medical care. If necessary our attorneys can also recommend reputable doctors who may be able to see you in the absence of insurance. The physician will waive payment until the case is settled. You can contact our office and we will discuss the best options for getting you the medical attention you need.

**9. What should I tell the doctor?**

It is important to be truthful and honest with your doctor. You should describe all symptoms even if you feel they may be unimportant, unrelated or insignificant.

It is also important to remember not to exaggerate and contrive symptoms. Exaggeration not only will make it more difficult for the doctor to diagnose your injuries, but will also have a harmful effect on your case and may even be considered fraud.

**10. To what damages am I entitled?**

The nature of your recovery depends on the unique facts of your case. Common

damages which you might be entitled to receive are past medical bills, future medical bills, permanent impairment, pain and suffering, lost wages, disfigurement, loss of consortium and/or loss of enjoyment of life.

In addition, depending on how your injuries occurred you may be entitled to punitive damages.

**11. Can victims of crimes recover damages?**

Yes, drive-by shootings are, surprisingly, often covered by uninsured motorist coverage; victims of other crimes should consider legal action if the perpetrator has insurance or significant assets.