

## YOUR ACTION PLAN

Your action plan is a road map to your case. Practical and to the point, it addresses your concerns, describes what we need from you, and what you can immediately expect from us. It is the first thing you will receive. From time to time, you will receive updates to your action plan.

Take a little time to study your action plan. Contact me if you have questions. Tell me what is on your mind and tell me early. Remember, it does not cost you any extra to contact us.

As we build your case, you and I will continue to develop your action plan. Facts will emerge and issues will surface as we build your case. This builds trust between us, and confidence that we can present your case to a jury.

## PAYING THE BILLS

**Burman Law** will immediately determine what can be done to pay your bills. We will look at all types of insurance, including automobile insurance, disability insurance, health insurance, accidental death and injury insurance, and certain government programs.

In addition, **Burman Law** will explain how the different financial resources available to you will yield the most benefit over time. **Burman Law** can help you file the paperwork necessary to your case. In most instances, there is no charge for us to file your paperwork, and if there is a charge, we will confirm it to you in writing.

## DOCTORS

Update me right after you visit your doctor. Add me in your contacts on your cell phone. Send me a text message or just call, but let me know (1) what your doctor talked to you about, and (2) what your doctor did for you. Your medical updates help me develop vital medical evidence. Often times, what you and the doctor discussed at your visit does not make it to the medical records typed up at a later date.

Communicating with your doctor is just as important as communicating with your lawyer, so tell your doctor exactly what is on your mind. Get prepared for your appointment. Think about what you are going to say. Write it down if necessary. Be ready to describe your symptoms. Be ready to explain what has changed and what has not changed. Be specific. Gain eye contact with your doctor. Ask questions and listen. Follow your doctor's advice. And, if your doctor cannot talk to you, then talk to the nurse assisting the doctor. Tell your doctor what has changed since your last visit.

If you are off work, ask your doctor for a work excuse. Make sure your lawyer and your employer have a current copy of all work excuses. A work excuse should be dated, signed by

the doctor, and very briefly explain how long you will be off work and why it is medically necessary. If the work excuse returns you to work, it should specifically say what you can and cannot do when you return to work.

We are here to help you understand how to communicate with your doctor about your condition, what a work excuse should cover, and how your medical condition impacts your case. Contact me if you have any questions.

## **INSURANCE COVERAGE**

**Burman Law** will work with you to make sure that all insurance coverage available to you is maximized. Please make sure that you provide **Burman Law** with any insurance information or documentation that we request. DO NOT talk to any insurance adjuster, claims handler, or private investigator without notifying Mike Burman and discussing this directly. If any insurance adjuster, claims handler, or private investigator makes any kind of contact with you, please notify me immediately.

We have an approach with adjusters designed to achieve positive results in a majority of claims. We work closely with you to make sure all forms and claims are properly filled out and filed. In most cases, we already have the necessary forms and contacts. If you have any questions about your insurance coverage, please contact me.

## **SETTLEMENT ATTEMPT**

A settlement attempt is an effort by both sides to come to an agreement to conclude your case. If both sides agree, then your case is settled and you will not go in to Court, but all sides must agree.

Before I put a value on your case, I will explain to you the basis for my valuation. With the aid of computer technology, I will review the key evidence in your case with you. I will explain to you the risks and benefits of settling your case. Together, we will set a value on your case which I will confirm in writing. I will never settle your case without your permission.

After handling thousands of cases over 25 plus years of law practice, I am trained in the techniques insurance adjusters use to try and reduce the value of your case. I have developed negotiation strategies over the years that motivate the insurance adjuster to fairly and equitably value your case.

And if the insurance adjuster will not fairly and equitably value your case, then I will advise you on how we can pursue your case by filing a lawsuit in Court.

## **LAWSUIT FILED**

Filing a lawsuit is a big decision. I will explain to you the pros and cons of such a decision. I will never file a lawsuit without seeking your permission.

In some cases, you have the choice to file in federal or state court. You may have an option regarding the county or city in which you can file. Determining where to file your lawsuit involves careful legal analysis.

Once the lawsuit is filed, the parties to the lawsuit exchange information with each other about the case. This is called discovery, and discovery is about asking the right questions. I will work hard to get to the bottom of your case. It is my goal to find out who, what, where, when, why, how and what if.

During the lawsuit, the Judge will decide various legal issues that are raised in the case. I am experienced and trained to argue your case to the Judge.

Most importantly, I will work hard to keep your case moving forward until a resolution is reached. Be assured, I know that you do not want your case to drag on.

## **YOUR DEPOSITION**

What is a deposition?

A deposition is the taking of testimony under oath. Most depositions are held out of court at a convenient location agreed upon by the lawyers. You'll be asked detailed questions about your case, and your answers will be typed up by a court reporter or recorded on videotape. All sides of the case receive a copy. Another copy goes to the court for the judge to review. Portions of the deposition may be read aloud in Court, especially when the opposing attorney is trying to show contradictions between your deposition and your testimony in Court.

A deposition gathers facts and information about a case. An attorney has an ethical responsibility to learn all the facts about a case, and a deposition is one useful method. Just as the opposing attorney will be asking you many questions, your own attorney may be questioning any witness from the other side. The deposition is a chance for both attorneys to listen to what is said and how it is said. This helps determine whether a witness is believable. Your deposition gives the opposing attorney a chance to look through your testimony for admissions or statements or facts that might weaken your own case and strengthen the opposing party's case.

Who will be there?

Your role will be the deponent (the person answering questions). At least three other people will be in the room when your deposition is taken: (1) your own attorney, who will be there to

make sure your rights are protected; (2) the opposing attorney, who will ask the questions and who is there to learn as much as possible to benefit his or her own client; and (3) the court reporter, who will administer the oath and make a written document of your statement. It is possible that others will be present.

What do you have to do?

**Dress.** Dress neatly and carefully as you would for a business meeting or church social. Avoid anything flashy or uncomfortable.

**Attitude.** Be polite to everyone but not overly friendly. Try to relax but don't get too relaxed. You'll need to be attentive to the proceedings. If you find that you are getting too tired to listen and respond carefully, ask for a break.

**Responsibilities.** THE NUMBER ONE THING TO DO IS TELL THE TRUTH. You tell the truth by (1) listening carefully, (2) understanding what is being asked of you, and (3) answering carefully. You will answer the questions well if you take your time and don't let yourself feel pressured.

**Avoiding common mistakes.**

Stay within the limits of the question. Give a complete answer to a question, but don't volunteer additional information or elaborate unnecessarily. Remember, you're talking to the opposing attorney, and any extra information you reveal may be used against you. Be forthright and truthful. Even if you think your answer may harm your case, don't be evasive. The facts will come out anyway, and a forthright answer will make you look better than an answer that hides or softens the facts. Remember, a deposition is not only a chance to gather facts, it's also a time to establish your credibility as a witness. Often, an opposing attorney will ask you whether or not you have discussed your testimony with your attorney before the deposition. There is nothing wrong with discussing your case with your attorney, so don't let the opposing attorney make you feel uncomfortable about admitting that you did.

Avoid guessing the facts. If you let the opposing attorney lead you into guessing at an answer, it may be inconsistent and can be used against you in court. You are not expected to know the answer to every question. Your job is to answer each question to the best of your ability, and sometimes the best answer is "I don't know." Never guess an answer to a question, and you should never guess the meaning of a question. Always ask the meaning of any words you don't know. Sometimes, attorneys will use legal language that is unfamiliar to most of us. Ask the attorney to rephrase the question if you don't understand its meaning.

Don't advocate your case (trust your attorney). Sometimes, the opposing attorney will ask questions to make you look like the suspicious party. The natural response is to become angry and try to defend yourself. Remember, if you do, you'll probably end up making many of the mistakes we've already discussed. Angry, defensive behavior doesn't make a good impression and it also may reveal a weakness that the opposing attorney may use to make you look bad in court if your case goes to trial. So stay calm, listen carefully, and answer the questions politely no matter how annoying they may seem.

Sympathy. In a personal injury case, you may be tempted to try to win sympathy when describing injuries you have suffered. Complaining, particularly in a whining tone, can cost you respect. However, do not go to the other extreme and "tough it out" by not admitting your real pain and injury. Answer the questions about your injury fully, completely, and truthfully. Give your full attention throughout the deposition. During the course of the proceedings your attorney may object to something the other attorney has said. This is a good time for you to stop talking and pay very close attention. Your attorney may be concerned about an unclear or improper question that has been asked.

Videotape. It's becoming more and more common to videotape a deposition. Your attorney should be able to tell you whether this will occur and give you any special instructions you may need.

Documents. If you have documents concerning your case, your attorney will tell you what to bring to the deposition. Never bring any documents to a deposition without first consulting your attorney because anything you bring will be open to discovery by the opposing attorney.

Things your attorney will discuss with you.

- 1.How did the injury happen?
- 2.What injuries were caused?
- 3.Who are the doctors you have seen for your injuries?
- 4.Who are the doctors you have seen before you were injured?
- 5.What damages were caused by your injury?
- 6.What are the strengths and weaknesses of your case?
- 7.What are the difficult legal issues in this case?
- 8.What can you not do now that you could do before this injury?

## **YOUR TRIAL**

Before your trial, I will take you inside the Courtroom where your trial will be held. I will cover all the details that go into a successful trial, like where you sit, how you dress, and how you communicate with the jury and judge. But most importantly, I will try to instill confidence so you can tell your side and be yourself.

I will put you on the stand to help prepare you for cross-examination by the opposing lawyer. At all times, you will tell the truth about your case, but good communication skills need practice. I want you to get a "feel" for things and gain confidence by being prepared.

By the time we go to Court, you will have reviewed with me the evidence in your case. You will know what your case is about. Trial preparation is time consuming but it pays off when you are prepared in Court.

## **YOUR MONEY**

When I was a very young lawyer, my first injury client bought herself the nicest Cadillac I ever saw. She brought it to my office. I was rather proud that she was happy, but in 3 months she called me. When she bought her Cadillac, she financed part of the purchase price. Interest rates were very high in those days, but hers was extremely high. Once the money from her case was gone, she could not make her car payments. What was worse...she could not make her house payments either. Had I asked, I would have learned that the money she owed on her home was about the same as the down payment she made on her Cadillac. And now, she could not pay either. Did I really help her in the long run?

I am not a financial expert, but I do have relationships with honest financial experts who can assist you. I will give you some tried and true ways to hold on to your money, so that your money works for you over time.