



WIN BIG ON YOUR  
**PERSONAL  
INJURY**  
— CASE —

How To Help Your Attorney Maximize  
The Value Of Your Injury Case

**Russell S. Kohn, Esq.**  
**Suzanne C. Skolnick, Esq.**

# **WIN BIG ON YOUR PERSONAL INJURY CASE**

HOW TO HELP YOUR ATTORNEY MAXIMIZE  
THE VALUE OF YOUR INJURY CASE

*Russell S. Kohn, Esq.*

*Suzanne C. Skolnick, Esq.*



Copyright © 2017 by Russell Kohn, Esq. & Suzanne Skolnick, Esq.

All rights reserved. No part of this book may be used or reproduced in any manner whatsoever without written permission of the author.

ISBN: 978-1-941645-98-7

*Designed and Published by:*

**Speakeasy Publications**

73-03 Bell Blvd, #10

Oakland Gardens, NY 11364

[www.SpeakeasyMarketingInc.com](http://www.SpeakeasyMarketingInc.com)

(888) 225-8594

## **DISCLAIMER**

This publication is intended to be informational only. No legal advice is being given, and no attorney-client relationship is intended to be created by reading this material. If you are facing legal issues, whether criminal or civil, seek professional legal counsel to get your questions answered.

### **Kohn Law Office**

2170 S. El Camino Real,  
Suite 201  
Oceanside, CA 92054  
(760) 721-8182  
kohnlawoffice.com

### **Skolnick Law Group**

2888 Loker Avenue East  
Suite 110-F  
Carlsbad, CA 92010  
(760) 585-7092  
skolnicklawgroup.com

## TESTIMONIALS

*“I was a client of Mr. Kohn a couple of years ago during the course of a nasty rear end collision wherein I sustained some very painful back and neck injuries. Mr. Kohn was easily accessible during our initial meetings and throughout the course of the litigation. Even before I signed on with him he was very comforting and helpful in offering a course of action for my medical treatment. His knowledge of the law is comprehensive and impressive. Mr. Kohn’s ability to take difficult legal subject matter, particularly in law & medicine, and explain it in laymen’s terms is extremely helpful. He helped me receive the maximum settlement in record time and was upbeat and easy to talk to throughout! Mr. Kohn is capable, dependable and a true professional. I am confident in his ability to provide top-notch legal representation and would recommend him to anyone with a law and medicine case.”*

**- Jay**

*“Mrs. Skolnick is recommended because she stays on top of her work. She also has great communication skills and will come to you and work with you on your case. She updates you on the status of the case including any documents required, documents being processed, and the status of the document at the facility. Overall, Mrs. Skolnick is a great and friendly lawyer who loves her job and is very passionate and determined at what she does the best. Highly recommended and will work with her again when a case is needed.”*

**- Christian**

*“Please allow me to thank you and your staff for the very warm personal and professional experience at the Kohn Law Office; this was my wife's and my first time to need help from an attorney. You hear a lot of shark stories about attorneys but Mr. Kohn set us at ease immediately. He listened to our case and said he would take our case which gave us the hope that we needed. After working with Mr. Kohn for several months I was very happy with the results in my case. I sincerely appreciate his pragmatic approach in resolving my case. After working with Mr. Kohn I can say with no hesitation that he is a man of high integrity. I would not hesitate to recommend the Kohn Law Office to my friends and family. Thank you again.”*

**- Steven/Beverly N.**

*“For twenty-plus years, I have worked for medical providers in the area of personal injury liens which has caused me to interact with personal injury attorneys throughout San Diego County. Russell Kohn is tops for honesty, patience, attention to detail, trustworthiness, and communication. If you need an injury attorney, you will be wise to hire him. Many are not so deserving of a good review (to say the least) but Russell Kohn deserves the highest marks. He is excellent all around. (I am submitting this because too many people end up with bad representation just because they don't know how to choose or who to choose. We who work on the medical end of your injuries want you to have a good attorney!)”*

**- Margaret**

*“Thank you Suzanne for helping me with my case. A few lawyers turned me down thinking the case would not develop. They were wrong and Suzanne really helped collect all my data and bring a quick result. I was very thrilled with her efforts. I decided not to go to court because of personal reasons. The end of the case was wrapped up effectively and helped me move on to other issues. She listens and will cut straight to the point. I would definitely recommend Suzanne. She has everything organized and professional.”*

**- Mrs. P**

*“You and Erika are awesome, very professional at all times. We were always treated with respect. Very polite and friendly and we definitely feel that we received what was fair for our inconveniences. On a scale of 1 to 10 you guys get a 10. Since day one you heard us out & understood what we were going thru. You never pressured us, or made us feel uncomfortable. You found us the right help & care for Isabel & Suzy. Because of that they are doing better. You truly care about the wellbeing of your clients.”*

**- Raymond L., Jr.**

*“It was a tremendous relief to have such great, skilled people to work with. Russell and Suzanne were both very pleasant, knowledgeable, experienced and a pleasure to work with. I worked the most with Suzanne and was extremely satisfied with her work and professionalism. She is superb and I would gladly work with her again or refer to your office if ever needed! Thank you for a really great job!”*

**- Adrienne**

*“I was looking for a lawyer in my area and came across Russell Kohn, when a friend recommended someone else. I didn't realize that he was the partner of Mr. Kohn. Not only did I get the help needed to win my case but my attorneys went the extra mile to make sure every stone was uncovered and taken care of before the case was finished. I wouldn't hesitate to hire them again. They are good at what they do but their integrity speaks volumes.”*

**- Stacy**

*“After a nasty rear-end collision I contacted Russell "without recommendation" from an ad on a yellow pages phone app. Russell is a fantastic attorney and works with the best physicians who care about your health and recovery. He leaves no stone unturned when it comes to right and fair, he will make sure you are compensated adequately.”*

**- Norman**

*“From beginning to end all the staff was professional. My case was complex, but I believed I got the best result under my circumstances. The experience was positive and I was always very impressed and how prompt I received replies to any of my concerns. The process was rather quick, and I felt supported throughout all of it.”*

**- M. Connolly**



*“Suzanne made a realistic claim for me after a vicious dog attack and bites. She showed compassion and was very helpful. Always responded quickly to my calls.”*

**- Brenda**

*“Mr. Kohn is simply the best personal injury attorney in San Diego County. He helped me receive the settlement I deserved. Competent, efficient, and a highly skilled communicator, I couldn't be more pleased with the service I received from the Kohn Law Office. He receives my highest recommendation.”*

**- Jay**

*“I was satisfied and pleased with the quality of work, care, and concern. It was a tremendous relief to have such great, skilled people to work with. Russell and Suzanne were both very pleasant, knowledgeable, and experienced. Thank you for a really great job!”*

**- A. Nims**

*“I am satisfied with the results. Attorney Kohn treated us professionally, and I appreciate very much all of the help he did for my friend and I. It has been a pleasure to work with attorney Kohn. Thank you so much from the bottom of my heart and God bless.”*

**- Merle R.**

*“Attorney Kohn is an exceptional and meticulous professional who methodically processed my claim and garnered the greatest possible award without going to court...I appreciate his matter of fact approach to the legal process, I recommend him highly!”*

**- John**

*“Everything went real well for me. Attorney Kohn is a friendly person and made me feel at ease every time I was in his office. His secretary was friendly too. Both were very efficient.”*

**- Lydia M.**

*“They always keep you informed and also keep in touch and let you know what is going on with your case and also they will try to help you in any way they could. Thank you so very much for your help!”*

**- Brenda**

# TABLE OF CONTENTS

<b>ABOUT THE AUTHORS .....</b>	<b>11</b>
<b>MAXIMIZING DAMAGES IN YOUR PERSONAL INJURY CLAIMS IN CALIFORNIA .....</b>	<b>18</b>
<b>COMMON TYPES OF PERSONAL INJURY CLAIMS IN CALIFORNIA .....</b>	<b>21</b>
<b>WHAT ARE THE MOST DIFFICULT PERSONAL INJURY CASES TO HANDLE?.....</b>	<b>25</b>
<b>WHERE TO LITIGATE YOUR PERSONAL INJURY CLAIM.....</b>	<b>28</b>
<b>A STEP BY STEP BREAKDOWN OF THE PERSONAL INJURY RECOVERY PROCESS .....</b>	<b>32</b>
Maximizing Recoverable Damages In A Personal Injury Claim .....	36
Claims Representatives Will Always Offer	
A Lower Settlement Amount.....	38
Interrogatories Used In Personal Injury Claims.....	40
Depositions In Personal Injury Claims .....	41
Impact Of Personal Appearance On A Personal Injury Claim .....	43
Defense Medical Exams In Personal Injury Claims .....	44
Mediation In A Personal Injury Claim.....	45
<b>SHOULD YOU KEEP A JOURNAL OF EVENTS FOLLOWING AN ACCIDENT?.....</b>	<b>48</b>
Impact Of Social Media On Personal Injury Claims .....	49
<b>IMPORTANCE OF MEDICAL TREATMENT IN A PERSONAL INJURY CLAIM .....</b>	<b>50</b>
<b>INFORMATION THAT ONE SHOULD SHARE WITH A MEDICAL PROFESSIONAL.....</b>	<b>54</b>
<b>CHALLENGES THAT PEOPLE FACE IN PERSONAL INJURY CASES .....</b>	<b>57</b>
<b>IS GOING TO TRIAL ALWAYS FEASIBLE IN A PERSONAL INJURY SCENARIO? .....</b>	<b>60</b>

## ABOUT THE AUTHORS

---

### **Russell Kohn, Esq.**

As the founder of the Kohn Law Office, Attorney Russell Kohn has limited his practice to representing injured victims in personal injury matters since 1987. He is a lawyer for people, and does not represent businesses, corporations or insurance companies. He enjoys the personal and professional satisfaction that comes from helping injured people obtain full and fair compensation. He is a lawyer who empathizes with his clients, and takes the time to understand the unique effects of the injuries to the specific lifestyle of each client.



As an attorney for people, Mr. Kohn is attentive and responsive to his clients. Each client's case is personally handled by him, rather than by paralegals or office staff. He believes that a successful resolution of a case is only achieved if the client is satisfied with the result. He also believes that a satisfied client is one who is fully informed about the applicable law, facts, and available options. For this reason, he is always accessible to his clients by phone and office visits. He is trustworthy, experienced, and aggressive.

## **Knowledgeable Representation**

Mr. Kohn attended the University of Arizona in Tucson, Arizona where he obtained his Bachelor's Degree in accounting in 1981 and his Juris Doctor Degree in 1984. He was admitted to practice law in Arizona in 1984 and in California in 1985.

The experience and integrity he brings to each case has earned Mr. Kohn extensive recognition among his peers, including the distinction of being elected by his peers as President of the Bar Association of Northern San Diego County for 2004, and was thereafter elected to a three-year term as a director of the San Diego County Bar Association in 2005. He is among the top 5% of attorneys endorsed by Super Lawyers® Magazine in 2017 due to outstanding achievement. He has also achieved the “AV Preeminent™” rating by Martindale-Hubbell®, and is listed in the 2016 “Best Lawyers®” San Diego Publication.

For many years, Russell Kohn has had the distinction and privilege of acting as a temporary judge for the San Diego Superior Court presiding over personal injury settlement conferences, as well as small claims and traffic court cases. As of November 2015, he has been honored to be appointed to serve on the Board of Directors of the North County Bar Association's Lawyer Referral Service Program. In this position, he is able to advance public access to the judicial system.

## **Professional Associations And Memberships**

- ❖ State Bar of California, Member
- ❖ State Bar of Arizona, Member (presently inactive)
- ❖ Consumer Attorneys of California, Member
- ❖ Consumer Attorneys of San Diego, Member
- ❖ San Diego County Bar Association, Director, 2006 - 2008
- ❖ Bar Association of Northern San Diego County, President, 2004; Board of Directors, 2001 - 2003; Personal Injury Section, Chair, 1996 - 1998
- ❖ San Diego County Superior Court, Arbitrator and Judge-Pro-Tem
- ❖ Board of Directors of the North County Bar Association's Lawyer Referral Service Program

## **A Reputation for Outstanding Service**

Attorney Kohn has built a reputation for professional service based on his skill and knowledge as a hardworking legal professional.

## **Published Decisions**

- ❖ Don R. Hemphill v. Wright Family, LLC; et al., 234 Cal.App.4<sup>th</sup> 911 (2015) [Allowing injured tenant to recover attorney fees against negligent landlord]

## **Featured Speaker**

He has been a featured speaker on many occasions, including:

- ❖ Speaker, “Settlement Demands and Settlements in Multiparty Cases,” Personal Injury Section of the North County Bar Association, February 10, 2015
- ❖ Speaker, “An Introduction to and Roundtable Regarding Underinsured/Uninsured Motorist Arbitration,” Personal Injury Section of the North County Bar Association, July 8, 2014
- ❖ “How to Win a Soft Tissue Injury Trial,” National Business Institute, April 23, 2003
- ❖ “Personal Injury, People's Law School,” North County Bar Assn., 2002

## **Honors**

His professional history has earned him the following honors:

- ❖ Super Lawyers® list, 2017
- ❖ Member, The National Trial Lawyers Top 100 Trial Lawyers, 2014 - 2016
- ❖ Top Lawyers of San Diego, San Diego Magazine, 2014 - 2016
- ❖ AV Preeminent™ Rating by Martindale-Hubbell®
- ❖ AVVO® Rating of 10.0 Superb

## **Suzanne Skolnick, Esq.**

Attorney Suzanne Skolnick is a seasoned personal injury attorney who has been an advocate for personal injury clients in California for over a decade. She obtained her Juris doctorate degree from the University Of San Diego School Of Law after completing her B.A. in legal studies at the University of Massachusetts, Amherst.

Ms. Skolnick started as an associate at a small firm located in the Inland Empire. She quickly developed a reputation for hard work, ingenuity, and skill. She initially honed her civil litigation skills in the Superior Court for the County of Riverside, California. More recently, she practices in the North County San Diego branch of the Superior Court. She



is also admitted to practice before the United States District Court for the Southern District of California. As a panel attorney for San Diego Appellate Defenders, Inc., she had the opportunity to argue before a three-judge appellate court panel in the California Court of Appeal for the Fourth District.

Though Ms. Skolnick has achieved success in various areas of law, including, business and contract law, criminal appellate advocacy; and commercial landlord-tenant law,



she really enjoys being an advocate for people who need help recovering from life-impacting injuries.

Since its inception, the Skolnick Law Group has aggressively fought for the maximum recovery of victims injured in all manner of accidents. Ms. Skolnick's civil litigation practice focuses on representing those injured in the following incidents: car accidents, truck accidents, motorcycle accidents, passenger motor vehicle accidents, pedestrian accidents, dog bite attacks, slip-and-fall and other premises liability claims, and traumatic brain injury. The Skolnick Law Group additionally represents the families of those killed due to the negligence of another through wrongful death lawsuits.

Skolnick Law Group offers truly client-focused representation. Ms. Skolnick is always available to answer client questions or concerns, and devotes copious time and energy to developing the best means of achieving a full recovery for each and every client. She is here to help injured clients like you, so you can rest assured that your recovery is Skolnick Law Group's top priority.

Ms. Skolnick maintains a license to practice in the State of California, and serves clients throughout North County San Diego and Riverside County. She is a member of the North County Bar Association, the Riverside County Bar Association,

the Lawyers Club of San Diego, the Consumer Attorneys of San Diego, and the California State Bar Association.

Ms. Skolnick desires people to be able to retain a personal injury lawyer of her skill and dedication regardless of their financial means. As such, she handles all personal injury and wrongful death cases on a contingency fee basis, and does not receive a fee unless she obtains a recovery for her client.

### **Published Decisions**

- ❖ Don R. Hemphill v. Wright Family, LLC; et al., 234 Cal.App.4<sup>th</sup> 911 (2015) [Allowing injured tenant to recover attorney fees against negligent landlord]

# **MAXIMIZING DAMAGES IN YOUR PERSONAL INJURY CLAIMS IN CALIFORNIA**

---

---

You were injured by someone else. Your injury is painful and disabling, and interferes with your daily activities and your lifestyle. We feel your pain. We know what you want. You want someone to pay, and to pay BIG! We are with you. Since our fee is a percentage of your ultimate monetary recovery, we want you to win big. Specifically you want to maximize your recovery for non-economic damages, including pain, disability, physical suffering, inconvenience, mental and emotional distress, disfigurement, and loss of enjoyment of life. California does not have any statute or rule limiting how much you can be awarded for such damages. We say, “go big, or go home!” This book is a guidebook on how you can help your attorney obtain the maximum compensation for you for these subjective items of damages on your injury case.

Once you have retained your attorney, your first step is to provide your attorney with all documents and information that you think may be important to show how your injury occurred, and to show the effects of the injury. Don't wait to be asked! Volunteer the information to your attorney. Remember that photographic evidence is very important. Many times clients forget that they or their relatives have relevant cell phone photos, videos, or x-rays on CD Rom

disc. Imagine how helpful it can be toward increasing your pain and suffering damages for the adjuster and the defense attorney to see x-rays showing the broken bone and the hardware implanted to repair the bone. Below is a list of items that injured clients should always provide to their attorney immediately.

1. Scene videos and photographs;
2. Police reports;
3. Letters from insurance companies;
4. Statements by anyone concerning the incident;
5. Medical records, bills, and x-rays;
6. Names and addresses of all medical providers;
7. Loss of earnings documentation (pay stubs, doctor notes to be off work, etc.)
8. Invoices and records showing payment to people who did your work or your household chores.
9. A written description of how the injury has effected your life;
10. Names and addresses of people who can attest to your physical condition before and after the injury;

11. A list of prior injuries and treatment;
12. A list of any criminal convictions;
13. Anything else you think might help increase the value of your claim.

Again, don't wait to be asked by your attorney. Think of these things before you even meet with an attorney. The attorney will be very impressed that you are so prepared!

## COMMON TYPES OF PERSONAL INJURY CLAIMS IN CALIFORNIA

---

The most common type of cases that we handle in California are auto negligence cases, where a client is injured because of another driver's fault or negligence. That is probably 80% or more of the business that we do. One would think auto accident cases would be easy to resolve, but they're not. Even when they are clear cut rear-end auto-accidents, there is still usually resistance from the insurance companies. It comes down to the value of the injury and whether or not the particular mechanics of the crash could have caused those injuries.



We also see a lot of premises liability cases, such as slip and falls and trip and falls, having to do with a defect in a sidewalk or a walkway. Premises cases come in all sorts of shapes and sizes. We also get a lot of calls having to do with people who slip and fall at grocery stores, which is usually caused by wet liquid on the floor. Recently we had a case where a man hit his head on a pipe that was too low over a walkway in a hotel garage and it caused him to lose his balance, fall and break his hip. In that case, we got into

issues about whether a building code was violated by not leaving enough head room over the walking surface.

There is another premises liability case we are handling having to do with an injury that occurred from holes at a park. The question is whether or not the city should have taken better care in maintaining the property. By California law, the owner of a property has a duty to the people to ensure their property is kept in a reasonably safe condition. However, many property owners do not conduct safety inspections.

There was a recent appellate case involving Kmart claiming it did adequate inspections by telling all employees to keep an eye out for any dangers in the store aisles. The Court held that this was inadequate. The store has to have a policy involving reasonable safety checks to be done at certain intervals. Just telling every employee to keep an eye out for danger, allows the employees to shift the blame to other employees. What happens is that no one ends up keeping an eye out for dangers.

A lot of premises liability cases involve commercial insurance carriers with large policy limits, whereas in auto accident cases you could end up with someone who doesn't have any insurance or very minimal policy limits.

In auto accident cases with serious injuries, adequate insurance is a major concern; whether the policy limits are going to cover the injury or not. Premises liability cases don't have that issue. It's usually a business owner that we are going after and there is usually enough insurance to cover the damages for our clients.

Another type of personal injury case that we like to handle is dog attack cases. There's something in California known as "strict liability" involving dog bite incidents. There's no such thing as one "free" dog bite. In these particular cases, you do not have to show negligence at all, merely that a bite occurred. In cases without a bite, the dog owner can still be found negligent and therefore liable for injuries from a dog attack.

Dog bites can cause very severe injuries including torn skin, infection, and scarring. Juries tend to award large compensation for permanent scarring.

We also handle product defect cases, which typically will involve the legal concept of strict liability as well. Again, negligence does not have to be shown if the injury causing product has a design



or manufacturing defect. Some of those cases involve defective hip and knee implants. Generally those cases end up being consolidated into one court for purposes of



litigation. They are called “mass tort cases”, because they involve defects that affect many people. If they are not settled, they’re sent out for separate trials. However, the manufacturer of the product wants the cases consolidated for the pre-trial phase, so that it doesn’t have to incur the cost of separate discovery, such as depositions and responding to written interrogatories. These cases can take a long time to resolve. There are also, of course, product liability cases that don’t injure a mass of people, and those may be just one client who had a bad result with a product.

## WHAT ARE THE MOST DIFFICULT PERSONAL INJURY CASES TO HANDLE?

---

One of most difficult personal injury cases involves when an injury is to a specific area of the body, where the client also had a pre-existing condition. In other words, they already had knee problems and the accident caused further aggravation of the condition. Those cases tend to be more difficult to settle because you have to get all prior medical records and then compare how they were doing before the accident as to how they are doing now after the accident. It may take testimony from people who knew how they were doing as far as their daily activities before the accident and compare that to how they now handle daily activities after the accident.



Often cases that are more difficult to handle and to settle are resolved in litigation. A lot of the premises liability cases can be complicated to settle short of litigation, because they often involve the property owner contesting liability and issues of negligence. Therefore, it is not like rear end collision cases, where it is pretty clear who is at fault for the incident.

Premises cases often require the assistance of experts to opine on the issue of whether there was negligence and the injured party's comparative fault for the injury. Usually, in premises liability cases, the argument from the defense is that the injured victim should have seen the condition that caused the injury or should have been aware of it. That then leads to an argument about what percentage of fault should be attributed to the person who actually was injured.

In the example given earlier regarding the client hitting his head on a pipe, and as a result falling and breaking his hip, one argument the defense can make is that the pipe was visible and our client should have seen it. Therefore, the defense argues that the injured person bears a good majority of the fault for his own injury. We have to go to bat for those clients, to prove there was a reason why he didn't observe the defect in the property.

Difficult cases are expensive to litigate, because they often require the services of expert witnesses. One type is the human factor expert who can testify to what a reasonably prudent person observes when they are walking on a premises or crossing an intersection. A human factors expert can determine whether a condition is dangerous to a person acting in an expected manner.

Another area where experts are needed can be minor impact auto accidents. In many of those cases, we need to retain biomechanics experts to prove what types of injuries could result from the forces generated. We also may need to have an accident reconstruction expert to prove what the change in velocity of the victim's vehicle was at the time of the collision.



This calculation will determine the forces from which the biomechanic expert can determine the likelihood of injury.

## WHERE TO LITIGATE YOUR PERSONAL INJURY CLAIM

---

In deciding where to litigate a personal injury claim, the first step is to evaluate whether the damages are significant enough to warrant filing in Superior Court.

The California small claims court limit has been increased up to \$10,000 for personal injury claims. Therefore it makes it more worthwhile for people with smaller claims that can't resolve them through settlement, to take their cases to these courts. Here, they may not have to battle with attorneys and can get a quick result for very inexpensive filing fees. Litigation costs are also very small and the injured victim doesn't have to go through deposition or answer interrogatories. Therefore, in these smaller injury cases, we recommend that people take their case to small claims court if they can't get a decent settlement amount from an insurance adjuster.



To get an attorney involved, the value of the case has to be large enough to justify an attorney taking a third or more of the settlement or recovery as a contingency fee. Most personal injury attorneys handle cases on a contingency fee, which

means they get anywhere from 25% on up of the recovery or settlement of the case and these fees are not usually recoverable from the defense. A common misconception people have when working with a personal injury attorney is that they assume that the attorney's fees are going to be recoverable if they win, but in most injury cases they are not.

There are some personal injury cases where the injured person's attorney fees are recoverable from the party at fault. We had one recently where we represented a tenant injured on his landlord's premises. Following a verdict for our client, we sought to recover our client's attorney fees by filing a motion. The trial judge denied our motion for attorney's fees and we appealed that decision and won. The reason we won that appeal was because we uncovered a provision in the tenant's lease agreement that allowed attorney's fees to be recoverable in any action arising from the tenancy. Most often, however, in personal injury cases, it's the American rule that applies, which means that each side pays their own attorney.



Another common misconception about working with personal injury attorneys is that clients think that the attorney is going to pay all the costs; win or lose. You have

to be careful. Some attorneys are willing to advance all of the costs. However, you need to read the attorney's fee agreement to make sure you know who is going to be responsible. Also, clients should understand that if you lose the case, the defense can ask the injured plaintiff to pay their costs. We consider this adding insult to injury. Most plaintiff attorneys are not going to pay these defense costs. Thus, clients need to know they could be on the hook for a lot of money if they lose at trial.

It is a financial risk to go to trial. A client needs to go over the risks with his or her attorney and discuss what happens if they lose so the client understands what the financial responsibility will be if they reject a settlement offer and go to a trial on the case and then lose.

Another misconception that clients have about personal injury cases is they assume they will not have to participate much. They assume that the attorney can take care of everything and testify on their behalf and present the case for them. However, the truth is that that may be how it is in England, but it's not how it works here in America.

In California, the client needs to testify and the attorney can't ask leading questions. The client needs to be fully prepared for deposition and trial to testify on their own. The attorney can't testify on a client's behalf. When we have that situation

arise, of course, we do spend a lot of time counseling our clients and advising them how to best present themselves and their testimony. We review what their responses will be to anticipated questions at their deposition or trial so that they are adequately prepared to present their story through testimony when it comes time to do so.



# A STEP BY STEP BREAKDOWN OF THE PERSONAL INJURY RECOVERY PROCESS

---

It all starts when someone makes a claim with the insurance company for the party at fault. If the party at fault is self-insured, they usually have a claims company handle it. The first question that usually comes up is whether or not to give a **recorded statement**. Most claims representatives will want a recorded statement from the injured victim. We don't have any problem with doing that. We believe that the person who is going to decide what amount to offer should have the opportunity to talk to the injured person. We prepare our injured clients for these statements so they can talk about their injuries and the effect that those injuries have on their life. We think it adds value to the client's case if the insurance claims adjuster actually speaks to our client, rather than treating it as just another faceless claim mixed in with all the other claims that the adjuster is handling.



We are present during the statement to keep the questioning relevant and unintrusive. Statements are given either by a conference call or in person. If a client is going to handle the case on their own, they should be wary because that

statement can be used against him or her at a later time. Thus, it is very important to prepare ahead of time before giving a recorded statement to a claims adjuster.

For example, if someone says something different from what was said in the statement it is going to be very damaging later on. A person should definitely prepare, and that's what we do with our clients. We prepare them so that they can give their best presentation when giving the recorded statement.

The next thing a claims representative usually asks for is a signed **medical authorization** to get medical records for the treatment received related to the injury. In our practice, we routinely receive overly broad authorization forms that claims representatives send requesting medical records for “any and all” medical professionals, treatment dates, and all conditions for which the injury victim has seen the medical professional.

We don't recommend that our clients sign those forms. In some cases we will allow an authorization. However, it has to be specifically tailored to an injury, time and condition for which the injury being claimed relates to. If the client is still getting treatment and we don't want those providers to be bothered with responding to medical records requests by claims representatives, we generally won't allow it. Generally

we don't give that information out until we send a settlement demand package to the claims representative when we're ready to settle the case.

Again, however, there are exceptions to every rule. For instance, in a premise's liability case there may be medical payments coverage that the business has and we may need to submit medical records and bills in order to get those bills paid through the medical payments coverage.

Keep in mind, fault doesn't always need to be proven in order to get compensation for medical treatment. That's something to think about when you have an injury from a slip and fall or trip and fall. There may be medical payments coverage that applies regardless of who is at fault.

Further, another good reason to hold off on giving the medical information is because insurance companies will want to jump on the injured victim pretty quickly with an offer of settlement that's usually pretty



low. This is sometimes long before the client really has a full idea of what the nature and extent of their injuries are. It's important in terms of maximizing the client's recovery that they don't hurry their treatment along, or shorten it and try to settle before they really know the full extent of

their injuries. This prognosis usually cannot be given by a doctor until the client has reached maximum medical improvement after treatment. Proper treatment can require a lengthy course of physical therapy, appropriate diagnostic studies such as x-rays and or an MRI, and other types of treatment or even surgery.

In terms of maximizing the client's recovery and not settling a case too soon without knowing the full extent of the injuries, an attorney can really help. We are able to get our clients medical treatment when they don't have health insurance or they don't have any other way to pay for medical treatment. We want to make sure they get the care that they need so that we can get the final prognosis that we need to maximize the recovery in the case.

We have a stable of medical professionals that are willing to handle a case on what's known as a "lien" basis, where they wait until the case is resolved to get paid. That includes everything from orthopedic specialists, neurosurgeons, pain management doctors to chiropractors. Often an injury victim cannot get that kind of help on his or her own and that's one big reason why injury victims call us for help.

## ***Maximizing Recoverable Damages In A Personal Injury Claim***

---

Another important aspect to maximizing damages is to determine how the injury has impacted the client's quality of life. Often, injured victims who don't have attorneys may think that what they're entitled to is just medical expenses being paid and loss of earning. However, there is a much larger component to personal injury cases. It is known as "general" damages or "non-economic" damages, which includes the loss of enjoyment, quality of life, pain and suffering and inconvenience damages. That is the damage component that we maximize for our clients.

It's important to find a way to convey all of those damages. Often, it comes out at trial through the testimony of the family or friends of the individual who was injured. When an attorney is trying to prepare a case for settlement, he or she can prepare a video of statements of family and friends in order to convey that information to the claims adjuster. There are many ways of conveying these non-economic damages, such as through photographs in the client's possession of their activities before the injury, and photographs of their injuries. A creative attorney can use



many techniques to emphasize just how devastating the injury was to the individual and why their case is worth more than a garden variety injury case.

We make a settlement demand in most of our clients' cases before litigation starts. We want to see if the client's case can be resolved out of court. After the doctor concludes that the client has reached a point of maximum medical improvement, we prepare a settlement demand letter for the claims adjuster that includes medical records and bills that verify the extent of the injury and damages. We want to see what the best offer is before taking the case to court most of the time, as long as the statute of limitations is not right around the corner.

In California, there is generally a two year statute of limitations to file a personal injury claim that people need to be aware of for most injury cases. There are however many exceptions to this rgenral rule. For example, medical malpractice has a shorter time limit, and cases against government entities have different time limits and pre-litigation claims procedures.

The ball is set in motion for settlement by making a good settlement demand. That demand should be higher than the lowest settlement amount that the client is willing to accept, because the claims adjuster will ordinarily respond with a

lower settlement offer. This starts a negotiation dance between the claims adjuster and the injured party's attorney.

---

***Claims Representatives Will Always Offer A Lower Settlement Amount***

---

Claims adjusters will always offer a lower amount than the injured party's initial settlement demand amount. Next there is the negotiation to reach a settlement that each party can live with. We recommend sending that initial settlement demand for a number that's on the high side of reasonableness, and negotiating to



a dollar amount that's within our view of a reasonable value of the case. If that can't be achieved, then we recommend litigation, if that's where the client is willing to go. It's always up to our client as to whether or not to litigate a case. They should know that generally most attorneys' fees increase when litigation is filed because of all the extra work involved in a lawsuit. That's also a consideration as to whether or not to accept the last and best settlement offer by the claims representative before litigating.

Once the lawsuit is filed, in order to maximize the client's recovery, the focus really has to be on obtaining proof of the facts to prove our client's case at trial. This is done through a process called "discovery", which includes depositions and

written questions. The plaintiff has the burden of proof. Therefore, it is important to get the necessary work done and obtain the evidence before the trial date. It is also very important to respond to the opponent's discovery requests appropriately and timely. This is necessary to ensure so that you aren't blocked from proffering evidence that you want to use at the trial because you didn't share the information with the defense during the discovery process.

Another way that we help our clients is to guide them through the discovery process, which includes responding to interrogatories, which are written questions, as well as responding to document production requests and requests to admit the truth of matters, and attending their deposition. We also must evaluate the records subpoenas the defense sends out to obtain our client's medical and employment records, to make sure they are not overbroad and asking for items that invade our client's privacy rights.

We also prepare our clients for each of the areas of litigation in a way that maximizes their monetary recovery. We obviously don't recommend an injured client go through a lawsuit without an attorney. It's too difficult and there are too many procedures to know about. There's too much study that would go into it for someone to handle on their own. You'd pretty much need to become a lawyer.



However, this book aims to show the many ways that an injured person can help their attorney to maximize their compensation in a lawsuit. So let's get started!

### ***Interrogatories Used In Personal Injury Claims***

---

The first thing that the defense attorney does when they get a case is that they answer the complaint and then they send out written questions called “interrogatories.” They want answers to those written questions before they do anything else, such as taking a deposition. One of the most important questions in that document asks what prior injuries or conditions the person had to the same areas of their body that they are now claiming to have been injured in the subject incident. In California it's form question 10.1. A great deal of thought needs to be spent on answering that question truthfully and fully. If it's answered incorrectly it can come back to haunt the client later on in deposition or at trial and destroy their credibility which is vitally important to them being likable to a jury.

The biggest factor for maximizing damages is to have a likable client, a likeable plaintiff. We don't want there to be any discrepancies in the answers to the written questions that could create a lack of credibility to the client. Also, in the



answers to the written questions the client needs to itemize all of the injuries sustained from the accident. Everything needs to be included that will later be discussed at a deposition or trial. Answering interrogatories is probably the hardest part of the pre-trial litigation. It takes a lot of time and effort from the client and from the attorney who has to review the client's answers and have them typed up into a nice neat format to send out.

It's important to be straightforward and honest with the attorney about all prior and similar conditions. A person needs to provide as much information as possible about the injuries. Often times, we will have clients who think, "I did have some back pain but that was 20 years ago," and they might be inclined to not list that on the answer to 10.1. The best advice is that it is far better to disclose and leave the argument to the attorney as to the relevancy of a 20-year-old back pain complaint than to not disclose that information. It can come back later and make it appear that you are evasive or trying to hide something. If it's that irrelevant then why hide it? That's often our advice to clients on the 10.1 series of questions.

---

### ***Depositions In Personal Injury Claims***

---

After answering the written questions, the next step is the deposition. We will take a lot of time with our clients to

prepare for this process. We want to make sure that we refresh their memory about the accident and the treatment, including the doctors that were seen and the timeline involved. We make sure our clients are prepared to answer all the ways in which the injury has affected their life. The biggest part of the claim is the damages for the adverse effect to one's life. We want to make sure that we spend a lot of time going over that so our clients know how to best answer questions about how activities were affected by the injuries, and how to describe the pain.

We go over all of that and spend a lot of time with our clients before the depositions talking about those things and maybe even doing a demonstration where we show what types of questions will be asked and the responses that can be given.

At a deposition our client needs to be likable and try to gain a rapport with the attorney who is asking the questions. Our client needs to remain pleasant and personable and never show anger even if the questioner is intentionally trying to see if he can provoke an angry response.

## ***Impact Of Personal Appearance On A Personal Injury Claim***

---

Depositions almost never used to be video recorded. Now, we find that they are frequently recorded and those clips from the deposition may eventually make their way into the trial and in front of a jury. Therefore, we counsel our clients about what their appearance should be at the time of the deposition even though it's being taken in an informal setting. It may very well end up in front of a jury down the line, so we want to make sure that our client looks the part of an upstanding and deserving individual.



At the deposition the attorney who is asking the questions is going to give a summary to the insurance claims representative. He or she will relay what happened at the deposition, the type of appearance injured person made, and whether he or she should be offered money in order to settle their case. Additionally he will indicate what type of witness they would make if the case goes to trial and if the jury would like the person. We want that summary to the claims representative to be as positive as possible about our client. That will help maximize the recovery in the case for settlement.

## ***Defense Medical Exams In Personal Injury Claims***

---

The next step in a case is that the defense usually wants the injured party to be seen by one of their doctors. In California the defense gets to choose their doctor to do the exam. Clients will have to go through a defense medical exam if they're claiming continuing residual injuries.

Again, we need to prepare the client for the exam, including the types of questions that the examining doctor is going to ask. Usually those doctors are very biased toward the defense. Very rarely do we find that the doctor hired by the defense is even-handed and advocates for our client. We inform the client to be wary of a wolf in sheep's clothing. The doctor may come off as being very friendly and nice, and act as though they're going to help the client. But they are not there to help or treat the injured person. They have no medical duty to the client, and they know who is paying them.



We sometimes will send a nurse to attend those exams with our client just to ensure that there's no funny business going on by the doctor, and that he's only examining areas that need to be examined. However, we tend to run up against the same defense doctors here in the San Diego

County area, and these doctors generally have it down to a science. They know exactly what they need and they don't take a long time doing the exam. It usually doesn't take more than half an hour to 45 minutes for the entire procedure. The client needs to be prepared. They need to review just like they were going to go to a deposition because the doctor may ask a lot of those same questions again about their injuries.

---

### ***Mediation In A Personal Injury Claim***

---

The last thing that can happen before a trial is a mediation. It used to be that there were arbitrations in California, but they were not binding on the parties so they fell into disfavor. We no longer have arbitrations in personal injury cases, unless it's an uninsured motorist case or if the defense for some reason proposes to stipulate to a binding arbitration instead of a trial. Therefore, mediation is usually the next step and it is usually held in the office of a retired judge or an experienced personal injury attorney.

Mediation is informal, and no testimony is given. Sometimes the parties don't even see each other during a mediation. It really depends on the mediator's style. The mediator shuttles back and forth between the sides. One side is the defense attorney and their claims representative. The other side is the plaintiff and the plaintiff's attorney. The mediator conveys the settlement proposals from one side to the other.

It's helpful to have a third neutral person involved because they can see settlement possibilities that the parties can't see on their own. The mediator's job is to avoid the posturing that the parties have with each other so that the case can be resolved. This is where Attorney Russell Kohn's 30 plus years of experience really comes into play. He knows the mediators in town and knows their ability to get the insurance carriers and their claims representatives and their defense attorneys to take a different view of the plaintiff's case. A skilled mediator can command a high hourly fee, and is worth it!

Unless you know how experienced and skillful a mediator is, a plaintiff may be suckered by a defense attorney to agree to a mediator who just wants to help the insurance company get a case settled. They are not inclined to really work hard for the plaintiff's side, or at least view the plaintiff's case from a more favorable perspective. When you have someone who does know the mediators in town and can help in terms of picking a good mediator for the case, that definitely plays a huge role in maximizing the client's recovery in a mediation. Since mediation is the best last attempt at getting a recovery before trial expenses are incurred, it is an important step in the litigation process that we are able to leverage for our client's benefit.

The client's role at mediation is really just to accept or reject offers. We usually don't have clients testify at mediation. They don't talk about their injuries unless we decide that we think that would be helpful to maximize their damages. There's very little in the way of pre-mediation planning that needs to be done between us and our clients. The only planning really is on what type of settlement amount we should be aiming to recover.

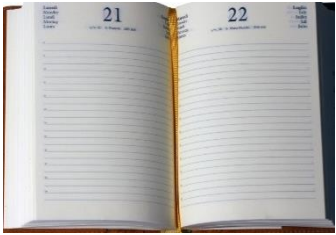
The best opportunity to get the case settled is that of mediation, where you have a neutral person involved who can get between the two parties and see if the case can settle. If we can't get the case settled there, then we are looking at trial.



# SHOULD YOU KEEP A JOURNAL OF EVENTS FOLLOWING AN ACCIDENT?

---

When it comes to whether or not someone should keep a journal of events following an accident, we feel that it cuts both ways. It's nice if the client keeps a record of some important things, but what we find happens is that the clients tend to stop keeping that journal or diary. Then



it can be argued by the defense that they stopped keeping the journal or diary because they weren't having issues any longer. That's the impression that it can give and we don't like to have to explain to the defense or jury that the client just got tired of keeping a daily record of their complaints. Therefore, we don't recommend a daily journal but we do suggest clients write down important things that happened to them that they want to remember.

That being said, however, in cases where there is scarring involved, keeping a record of photographs showing how the wound is healing over time, is definitely something that we recommend that our clients do. It helps to document the injury and the length of time that the client has had to deal with these appearance issues, and what they look like at specific times. It's helpful in terms of

having a visual, assuming a case goes to trial, for a jury to look at and think about.

### ***Impact Of Social Media On Personal Injury Claims***

---

Clients need to be aware that during their treatment and during the litigation of their case, they should be very wary about posting things on social media that can be taken the wrong way. We recently had a client deposed for over seven hours, a lot of which involved reviewing her social media posts, and the videos that she posted. This client happens to be a musician and continued to perform. They talked to the client a lot about being able to do those activities. Recently there's been a lot of occasions where the defense will hire an investigator to go out and video tape the injured party. They like to use those videos at trial to make the injured party look less credible. Those videos are called "sub rosa" videos.

Clients need to be aware that in everything that they do, those activities could be documented and later used against them. It's okay if the client admits to doing activities, but if the client denies that they're able to do a certain activity, and the defense has a video of them doing said activity, that could pretty much destroy the value of the case. That's one reason, we need our clients to be honest about what they can and can't do, and just be aware of posting things on social media that tend to show that they're not hurt.

## IMPORTANCE OF MEDICAL TREATMENT IN A PERSONAL INJURY CLAIM

---

If you have an appointment scheduled with your doctor, make sure you show up. Do not skip them and do not cancel last minute. It all goes into one medical record and it is all visible later. Skipping appointments can come across appearing that maybe the individual is not as injured as they claim to be. The thought is, if they were that bad off, they would be going to see the doctor. Keeping doctor's appointments is very critical and needs to be done. Also, along the same lines, is not allowing huge gaps in medical treatment to occur. If you've been to the emergency room because of a collision for example, and you wait four weeks before you go see another doctor, it can have the appearance that you are not suffering from the same injury.



Additionally, clients need to be proactive about getting the correct medical care. In this day of HMO plans where the doctors prefer not to treat members since they are not getting paid for it, clients must be persistent in asking for referrals to therapy and specialists. When a client's physical therapy's coming to an end, and the client knows they are still having significant problems, they have to be proactive in making sure they get the additional treatment they need.

Don't sit around and wait and see how things are going to be, tell your doctor, "Hey I've done the physical therapy but I'm still hurting. What else can be done?" Let us repeat again, try to avoid having any gaps in treatment.

Also clients need to know that the law has changed in California regarding the amount that can be recovered for medical expenses. The former rule was that you could recover the reasonable value of medical expenses. The new rule is that you can only recover what was paid for your treatment or the reasonable value, whichever is less. Thus, if your insurance negotiates a reduced cash payment with your medical provider, now the defendant gets the windfall created by your own insurance plan. You paid the premiums, but the defense gets the benefit. We don't think it is fair, but the California Supreme Court thought it was.

The case that changed the rule involved an injury victim Becky Howell (who was a friend of ours!) who went to trial in Vista. There was a big dispute over whether or not the plaintiff could recover only the amount that was paid for her medical bills by her health insurance company or whether she could recover the reasonable value which was claimed by the plaintiff to be more than what



NON-INVASIVE CARDIO	3689.00
EKG/EMG	1259.00
RADIOLOGY-GENERAL	340.00
PHARMACY-MAIN	1795.35
EMERGENCY-HOSPITAL	2779.00
PRE HOSPITAL EMS	253.00
C.T. SCANNING	2714.00
MAGNETIC RESONANCE	6963.00
TOTAL CHARGES:	36027.35

was paid on the medical bills by the insurance company. The dispute in that case was about \$190,000. Initially the Court of Appeals ruled in favor of the plaintiff, that what was paid by the insurance company was a collateral source and was irrelevant for the issue of reasonable value of the medical expenses.

The case went to the California Supreme Court, which decided otherwise, and held that an injured person could only claim the amount that was actually paid in monetary form to resolve her medical bills. The question is whether to submit your medical bills for payment to your health insurance, if the defendant gets the windfall of having your medical bills reduced through your foresight and insurance premiums. If you don't pay the bills and the doctor's willing to wait, a lot of times you're better off because you can argue the reasonable value is the amount of the bills. Jurors tend to value non-economic damages by the amount of a person's economic damages. Thus, it helps maximize non-economic damages to have higher medical bills. However, for various reasons, you may opt to have your insurance pay your bills. Usually, the insurance company will negotiate a much lower price than what was actually billed. There are a lot of reasons why medical providers agree to lower cash payments, including non cash benefits. The California Supremes did

not care about non cash benefits! Apparently, they think that medical providers are patsies who will take whatever money they are offered. Who knew!

Attorneys often decide to completely waive claiming medical expenses at all, because they think it throws an anchor. It's going to anchor the non-economic damages lower if the medical expenses are low in a case. It's a psychological thing that if a jury sees low medical expenses they may award less for non-economic damages.

It's a matter of opinion but our opinion is that we prefer to have higher medical expenses that we can claim in order to not throw an anchor on our case for non-economic pain and suffering type damages.

## **INFORMATION THAT ONE SHOULD SHARE WITH A MEDICAL PROFESSIONAL**

---

---

Someone injured in an accident should try to provide a sort of “laundry list” of all of the injury/pain complaints that can be related to the collision or the slip and fall, etc. If a client focuses just on that one area of their body that’s bothering them the most initially when they see the doctor, there is a tendency for it to get locked in on that body part later on, making it more difficult to prove injuries to other areas of the body which also arose from the accident. A laundry list of complaints avoids the trouble that can arise if another part of your body ends up being the more critical injury in the case later down the line.

Therefore, try if you can to tell your doctor all of the parts of your body that are bothering you, even if something is not as significant as the other. Also in terms of recounting all of the facts that led to the injury, you don’t need to go into great detail with your doctor. Often we read medical records and the doctor’s summarized version of the events is completely wrong as to the mechanism of injury or facts about how the incident occurred. Doctors aren’t there to have everything in their records particularly accurate. They are there to diagnose and treat.

If you as an injured party go into your doctor knowing they might get some of the details wrong, its best to leave extensive details out. Just give the doctor the basic facts when you're talking about how the incident occurred (for example, "injured in car collision"). That should be sufficient. You don't need to talk about the force of the impact, or how many people were involved or any of that kind of information. Simply focus on the main facts about the incident and the laundry list of parts of your body that are bothering you from the incident.

Medical records are a defense attorney's reason for living. The defense attorneys and adjusters sift through the records to find anything they can use to impair the injured victim's credibility or show that the injury is not as severe as claimed.

We're going through that right now in a case where our client initially denied having prior conditions. The defense sent subpoenas out to medical providers that show the client telling the providers that she did have similar prior conditions, and that really impairs the client's credibility. The client, of course, denies that the medical provider got it correct and that she really didn't have that condition.

It's hard to overcome discrepancies between what appears in the client's medical records and the client's own testimony regarding the medical condition. Doctors have too many patients to be

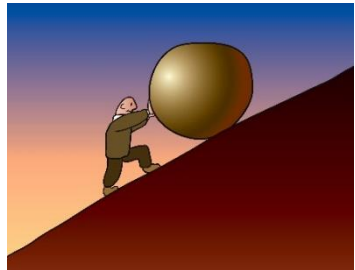


able to independently recall the details of each patient's medical condition. As a result, doctors rely upon their records significantly when called to testify. Thus, client's need to realize that their doctor is likely going to take the stand and testify that what the medical records say is what the client told him or her. Since a medical professional's patient records will be sifted through very carefully by the defense, it's important that clients know that when they first go in for medical treatment. Don't assume that because your doctor appears to listen intently to your health concerns that the doctor is also reporting everything accurately in your medical chart. Again, by keeping your conversation with the doctor to a minimum and focused purely on the parts of your body that are hurting without providing extraneous details about the incident, you will help your doctor be a more accurate reporter of your injury.

## CHALLENGES THAT PEOPLE FACE IN PERSONAL INJURY CASES

---

Often access to care is one of the biggest challenges that people face in personal injury cases. We have a lot of clients who don't have health insurance. For those clients, inability to obtain healthcare due to the cost of a doctor's visit or x-ray is a huge hurdle right from the beginning. Those clients that have been injured and don't have the ability to pay a doctor out of pocket usually can't afford



health insurance either which could have helped them to get the care they need. One of the benefits of hiring our offices is that we do have doctors who are willing to treat patients on a "lien" basis. Treatment on a lien is when the medical provider agrees to be paid out of any settlement or recovery that the injured victim gets on their case, rather than requiring payment at the time of each office visit. For many injured clients, they're facing a whole new set of expenses that are being added to their budget that they never anticipated they would have, including doctor's appointments; co-pays; traveling to and from doctor's appointments; and child care for their children while they are off at the physical therapist's office. To make matters

worse, many clients facing these new financial hardships are also off work due to the injuries from the accident.

All of these expenses are things that represent a big challenge to an injured victim. Again, this is something that we can help our clients with most of the time. There are companies that provide funding while a case is pending. Obviously, those companies charge interest on loans that they advance to a client. For some clients, having the ability to obtain a loan advance on their case is a very important piece of the puzzle. It allows them to be able to assert their personal injury claim without throwing themselves and their family into dire financial straits. If the injured client stays off work and gets the treatment they need, they can present an injury claim and get back to work properly healed.

Our offices can get our clients in touch with the right lenders who can help them with their finances during the pendency of the case, which is a huge benefit. Often companies that provide legal funding like that will agree to get paid at the end of the case, out of any settlement or recovery. That's another way that it's helpful to have an attorney involved because the attorney has the relationship with these companies where documents can be signed to make sure that everyone can benefit from the arrangement. If the client is off work for an extended period, we obviously help them apply for disability benefits as well.

It is a benefit to the client if they can pursue disability benefits through the state of California. The biggest benefit of this is that the state of California does not get reimbursement of what it has paid out in disability benefits from any settlement in a personal injury case. Obviously if the injury is bad enough to require Social Security Disability (“SSD”) we have attorneys that we can refer our client to, to initiate a claim. We don’t handle SSD in our office. However, having been a member of the North County Bar association for over 20 years and president of the organization back in 2004, I know many attorneys in the area in various areas of practice. We can set the client up with those attorneys to help them in any way they need in areas that we don’t handle.

## **IS GOING TO TRIAL ALWAYS FEASIBLE IN A PERSONAL INJURY SCENARIO?**

---

---

Trial is going to take a lot of time and effort and it takes a lot of communication between the client and the attorney. The attorney will probably want to spend some time with the client at their home. He or she will want to see how they handle their daily activities and how they live, so they have a better understanding for the ways in which the client's life has been altered by their injuries. There is a lot of preparation that goes into trial, even more than the preparation for a deposition.

The injured person is going to need to appear in front of 14 people, 12 jurors and 2 alternates, and tell their story. That's not easy for a lot of people to do. A lot of clients actually end up in tears on the witness stand because public speaking is one of the most feared things in a person's life. If they have to talk in front of people they freeze up. We are able to help our clients overcome such fears, by using focus groups where we can have clients come and talk in front of people so they can experience what it's like to talk in front of people about their injuries and how their injuries affected them.

We also suggest clients actually go to court and watch a trial to see how it works. That will help them be more at

ease when they're actually taking the witness stand. Just like at deposition, we prepare the client for the expected defense positions as well as what they can expect as far as questions they may be asked. If the client knows what's coming, then nothing should be a shock. Clients need to know what the defense is claiming.

We've been through enough injury litigation to know pretty much what the defense contentions are going to be. Thus, we can prepare our clients to make their best impression in front of a jury. A client should be prepared for sitting in front of those 12 to 14 people for possibly a whole week, maybe longer. Clients should expect to attend court during the entire trial.

It's also helpful if our clients have people sit in the gallery and show their support. A jury needs to know that this case is important. It helps the jury view the case as important, if they think that the outcome is going to affect many people.

We hope that this book has provided some helpful tips on how you can be successful on your injury claim, and help your attorney to guarantee that you win BIG!!

# DISCLAIMER

This publication is intended to be informational only. No legal advice is being given, and no attorney-client relationship is intended to be created by reading this material. If you are facing legal issues, whether criminal or civil, seek professional legal counsel to get your questions answered.

## **Kohn Law Office**

2170 S. El Camino Real,  
Suite 201  
Oceanside, CA 92054  
(760) 721-8182  
kohnlawoffice.com

## **Skolnick Law Group**

2888 Loker Avenue East  
Suite 110-F  
Carlsbad, CA 92010  
(760) 585-7092  
skolnicklawgroup.com

# Win Big On Your Personal Injury Case

How To Help Your Attorney Maximize The Value Of Your Injury Case



## Russell S. Kohn, Esq.

As the founder of the Kohn Law Office, Attorney Russell Kohn has limited his practice to representing injured victims in personal injury matters since 1987. He is a lawyer for people, and does not represent businesses, corporations or insurance companies. He enjoys the personal and professional satisfaction that comes from helping injured people obtain full and fair compensation. He is a lawyer who empathizes with his clients, and takes the time to understand the unique effects of the injuries to the specific lifestyle of each client.

As an attorney for people, Mr. Kohn is attentive and responsive to his clients. Each client's case is personally handled by him, rather than by paralegals or office staff. He believes that a successful resolution of a case is only achieved if the client is satisfied with the result. He also believes that a satisfied client is one who is fully informed about the applicable law, facts, and available options. For this reason, he is always accessible to his clients by phone and office visits. He is trustworthy, experienced, and aggressive.



## Suzanne C. Skolnick, Esq.

Attorney Suzanne Skolnick is a seasoned personal injury attorney who has been an advocate for personal injury clients in California for over a decade. She obtained her Juris doctorate degree from the University Of San Diego School Of Law after completing her B.A. in legal studies at the University of Massachusetts, Amherst.

Ms. Skolnick started as an associate at a small firm located in the Inland Empire. She quickly developed a reputation for hard work, ingenuity, and skill. She initially honed her civil litigation skills in the Superior Court for the County of Riverside, California. More recently, she practices in the North County San Diego branch of the Superior Court. She is also admitted to practice before the United States District Court for the Southern District of California. As a panel attorney for San Diego Appellate Defenders, Inc., she had the unique opportunity to argue before a three-judge appellate court panel in the California Court of Appeal for the Fourth District.

Though Ms. Skolnick has achieved success in various areas of law, including, business and contract law, criminal appellate advocacy, and commercial landlord-tenant law, she really enjoys being an advocate for people who need help recovering from life-impacting injuries.

## Kohn Law Office

2170 S. El Camino Real,  
Suite 201  
Oceanside, CA 92054  
(760) 721-8182  
kohnlawoffice.com

## Skolnick Law Group

2888 Loker Avenue East  
Suite 110-F  
Carlsbad, CA 92010  
(760) 585-7092  
skolnicklawgroup.com



Price: \$14.95