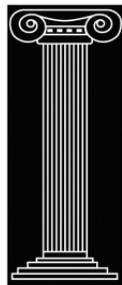


Is What You Know About Injury Claims Accurate?

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IS WHAT YOU KNOW ABOUT INJURY CLAIMS ACCURATE?

Misconception No. 1 -I have no claim if the responsible party has no insurance.

WRONG - In Wisconsin and in most states, if you have automobile insurance, you have coverage that pays in situations where the other party does not have insurance. However, in those situations, your own insurance company steps into the shoes of the responsible party and will treat you as though you are any other claimant, not a policyholder. Uninsured motorist coverage may even apply in hit and run situations or other situations in which there has been an injury but the identity of the responsible party is unknown.

Misconception No. 2 - I am limited to recovering only the amount of the responsible party's insurance limits.

WRONG - Your own insurance policy may, in addition to uninsured motorist coverage, have what is called "underinsured motorist coverage". In these situations, depending upon the amount of the respective policies, you may have additional coverage for the injuries from your own insurance company. Again, in those situations, your own insurance company will treat you as though you are any other claimant.

Misconception No. 3 - My injuries are serious and the responsible party's insurance limits are low so the insurance company will automatically pay policy limits.

WRONG - The insurance adjuster's job is to get you to sign a release that will release the responsible party and his or her insurance company for the lowest amount of money possible. Insurance companies make millions and millions of dollars and they do not make that much money by paying policy limits simply because responsibility is clear and damages are high.

Misconception No. 4 - There is nothing to lose if I try to handle the claim myself. If I do not think I am being treated fairly or if the insurance company does not offer enough money I can always hire an attorney.

WRONG - While you are waiting and seeing what the insurance company will do witnesses are moving, forgetting what they saw or heard, or worse, dying, accident scenes are changing due to road construction and improvements, building interiors and exteriors are changing, police officers are changing jobs and moving on, etc. You can be assured that the insurance company, which has at their disposal, insurance adjusters, investigators, etc., is working on your claim on a daily basis to help prove their defense. Although they may be communicating with you and may be perfectly friendly and cooperative, behind the scenes, they are doing their job which is to keep your damages as low as possible and to make their defense of your claim as strong as possible.

Misconception No. 5 - The responsible party's insurance company will pay my medical expenses in cases where the accident was clearly caused by their insured.

WRONG - Even with medical insurance you may not have all of your medical bills paid in full or, you may not have medical insurance which means you may have a substantial amount of unpaid medical expenses. Regardless, the other insurance company, except in very rare and extreme circumstances, will not pay any of your uninsured or unpaid medical expenses until you sign a legal document promising that you are accepting payment in exchange for releasing the responsible party from any further liability or payment. This means that, although your medical bills may get paid, you will not be able to get any additional compensation for all of the pain, suffering and agony you and your family have gone through due to no fault of your own.

Misconception No. 6 – The settlement check I receive from the insurance company will be in addition to their payment of all medical expenses and my lost wages at the time of settlement.

WRONG – Except in very rare circumstances, your settlement check will be all the money that you are going to receive. You will have to pay the medical bills from the settlement. From the settlement money, any company that has paid medical expenses for treatment of the injuries received in the accident will have what is called a “right of subrogation”. This means that they may have a right to come after you to get their medical expenses paid from the settlement check that you receive. This could be at the time of settlement or it could come months or more after all of the settlement money has been spent.

Misconception No. 7 – If my child, my loved one or I are injured we are only entitled to receive payment of our medical expenses.

WRONG – If you, a loved one or your child are injured as a result of the negligence of another you are, regardless of whose insurance company or companies are paying the damages, entitled to compensation for all of your out of pocket expenses, including uninsured medical expenses, prescriptions, chiropractic care, care inside and out of your house because you are unable to do so, the reasonable value of services that are provided by others, lost wages, loss of use of vacation or sick leave time as well as payments for future losses such as your inability to work as you did before the accident. In addition, they are obligated to pay for the pain and suffering and any permanent injuries that they caused. Finally, under certain circumstances they are also obligated to pay for the loss of the relationship between loved ones caused by a motor vehicle accident.

Misconception No. 8 – I cannot afford to talk to an attorney to see if I have a case.

WRONG – First, most experienced personal injury attorneys will discuss your case for no charge. If you choose to retain the services of an experienced personal injury attorney, they will offer to represent you on either an hourly basis or a contingency fee. On an hourly basis, you pay for the attorney’s services by the hour regardless of the outcome. On a contingency fee case, you pay for the lawyer’s time from a percentage of the recovery. If no recovery, there is no charge for services. Of course, under either arrangement, there is generally a charge for costs and disbursements which will be explained to you at the time of your initial conference. To talk to an experienced attorney should cost you nothing.

Misconception No. 9 – My insurance agent will give me good advice on what I should do if I am in a car accident.

WRONG – First, an insurance agent is not an experienced personal injury attorney. Second an insurance agent’s income depends upon how much money an insurance company, that they write insurance for, pays out in claims. Also, many insurance agents write insurance for multiple companies. Insurance agents’ loyalty rests with the companies that write their paychecks. Their advice will generally steer you away from seeking the services of an experienced personal injury attorney. Also, only an experienced personal injury attorney can answer your questions and protect your legal rights.

Misconception No. 10 – My insurance rates will go up if I hire an attorney.

WRONG – Your insurance rates are based upon many factors of which none have to do with whether or not you are injured in a car accident and hire a personal injury attorney. Many companies simply rate your insurance based upon the number of accidents you have within a certain time period. Whether or not you retain the services of an attorney should have no affect on your insurance premiums.

Misconception No. 11 – My friends and co-workers have lots of free advice so I do not need an attorney.

WRONG – When you are injured in an accident you will have friends, family members and others who have a variety of advice. Remember, these people are not experienced personal injury attorneys and although they may have been injured in an accident and may have used an attorney they are not a trained professional. Also, everybody's accident and case is different. No two personal injury cases are identical. Do not rely on the advice of non-professionals when it comes to your legal rights when you are injured in an accident.

Misconception No. 12 – My injuries are so minor that no attorney will take my case.

WRONG – First, although not all automobile accidents injure occupants there are many times when the extent of your injuries are unknown until weeks or months after your accident. Without talking to an experienced personal injury attorney immediately after your accident, you may tell the insurance company certain things which may prevent you from collecting compensation for your injuries at a later date. Also, just because you did not break any bones or have any disfigurement does not mean that your case has no value. Before you decide on whether or not to proceed with the case, make sure to speak with an experienced personal injury attorney.

Misconception No. 13 – The insurance adjuster will treat me fairly, a personal injury attorney is only looking to personally profit from my case.

WRONG – The insurance adjuster is hired to do a job for an insurance company and often times will minimize the extent of your injuries and the impact they have had on your life. On the other hand, an experienced personal injury attorney is willing to devote hours and hours of work on your case oftentimes with no guarantee of payment. An experienced personal injury attorney is committed to getting you the best results that you are entitled to financially compensate you for what you have gone through as well as what you may experience in the future.

Misconception No. 14 – Personal injury attorneys are the cause of high insurance rates and clogging our court system.

WRONG – Your insurance rates are high because insurance companies make profits. Although insurance companies continue to make profits your insurance rates very seldom, if ever, go down. On the other hand, our court system is clogged with corporate litigation, criminal litigation and other litigation that has nothing to do with your personal injury claim. Most personal injury claims settle without the need of even filing a lawsuit while others settle after the case has started but well before trial. The statistics prove that insurance rates are not linked to the number of personal injury claims and that personal injury lawsuits are not the reason for delays in our legal system.

If after reading this article you need to meet with an attorney who is experienced with personal injury claims, make sure to call our offices at (866) 455-2993 to schedule an appointment today!



ABOUT THE AUTHOR

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WISCONSIN BASED ATTORNEY MARK KRUEGER HAS OVER 23 YEARS EXPERIENCE AS A TRIAL ATTORNEY.

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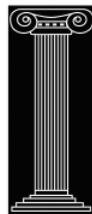
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