

***A Consumer Protection Guide for  
Accident Cases in Florida***

**Seven Mistakes  
That Can Wreck Your  
Florida  
Accident Case**



Florida Accident Attorneys

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*A Consumer Protection Guide for  
Accident Cases in Florida*



SEVEN MISTAKES  
THAT CAN WRECK YOUR  
FLORIDA ACCIDENT CASE

*Don't Let The Insurance Company Take  
Advantage of You!*

**WHETHER YOU HAVE BEEN IN AN ACCIDENT  
OR NOT, THIS BOOK CONTAINS VALUABLE  
INFORMATION FOR YOU!**

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## About this Book

This book was written to be an, informative, easy to read, consumer protection guide for everyone on the road in Florida, whether on foot, on bike, or behind a wheel of any kind. This book is formatted to be easy to read, or just skim, from cover to cover, with highlighted points of interest and focus. This book is *not* meant to give legal advice, but rather to educate the reader about accidents and how to protect themselves beforehand or in the event of.

This book is intended to help you:

- Be *cautious of insurance adjusters* and avoid being taken advantage of after an accident.
- Prepare for and learn how to get your *medical bills and lost wages paid*.
- Learn how to get your *vehicle repaired* (car, truck, motorcycle, or bicycle).
- Figure out if and when you need to *hire an attorney* to represent you.
- Figure out how to *select an experienced attorney* to help you get the best results.
- Give you tips on how to *plan ahead* and buy the *appropriate insurance protection*.
- Learn much more about the world of accidents and how to be prepared as best you can in the event of one.

**This is a consumer protection guide. It is not intended to give legal advice for any individual case. While some of the suggestions and recommendations contained in the book may apply 99% of the time, your case may be the exception to the rule. It is essential to consult an experienced attorney about your particular situation.**

## Quick Hits

Here are 15 Quick Hits found in this book:

**1. Insurance adjusters are trained professionals and they are not always on your side.** They are trained to save the insurance companies, their employers, money in any way they can. See Chapter Three: *How The Insurance Company May Try To Take Advantage of You*, and Chapter Eleven: *Seven Mistakes That Can Wreck Your Florida Accident Case*

**2. Purchase adequate insurance protection for yourself and your family before you are in an accident.** It may not be as expensive as you may think, especially considering the consequences of being uninsured or underinsured on the road in Florida. See Chapter Twelve: *Insurance: Laws, Recommendations, Factors, and Tips*

**3. After an accident scene is cleaned up, the evidence gets cold, and if there is no police report, pictures, or witness contacts, then it is nearly impossible to recreate the crash scene.** See Chapter Eleven: *Seven Mistakes That Can Wreck Your Florida Accident Case* and Chapter Two: *What Steps You Need to Take After an Accident*

**4. Get medical care as soon as possible if you are in an accident, and do not miss your doctor appointments.** Insurance adjusters know that jurors expect seriously injured accident victims to go to a doctor right away and on a regular basis. See Chapter Two: *What Steps You Need to Take After an Accident*, and Chapter Eleven: *Seven Mistakes That Can Wreck Your Florida Accident Case*

**5. Do not lie or withhold information, you will be caught, and it can be devastating to your case and credibility.**

Always be honest with your doctors and attorney. See Chapter Eleven: *Seven Mistakes That Can Wreck Your Florida Accident Case*, and Chapter Ten: *Top Ten Mistakes Accident Victims Make When Dealing With Doctors*

**6. All lawyers are not equal.** If you feel that you have a serious personal injury case, then consult an experienced and qualified personal injury lawyer to help you right away. See Chapter Seven: *Top Six Tips You Need to Know About Lawyer Advertising*, and Chapter Five: *How to Choose the Right Attorney for Your Accident Case*

**7. You have not won the lottery just because you were in an accident and were injured!** This is a myth. Be smart and protect yourself. See Chapter Fourteen: *Top Ten Accident/Insurance Myths*, and Chapter Twelve: *Insurance: Laws, Recommendations, Factors, and Tips*

**8. It is not always necessary or advantageous to go to trial (or to even hire an attorney).** However, it is important that the insurance adjuster has respect for your attorney and sees him or her as a big trial risk. See Chapter Five: *How to Choose The Right Attorney for Your Accident Case*, and Chapter Nine: *The Legal Phases of an Injury Case*

**9. Keep a cell phone with camera, notepad and pencil in your vehicle's glove compartment in case of an accident.** Contact our office for your free Glove Compartment Accident Kit today. See Chapter Two: *What Steps You Need to Take After an Accident*, and Chapter: Eleven: *Seven Mistakes That Can Wreck Your Florida Accident Case*

**10. In Florida, the victim is required to prove that they were injured in an accident.** See Chapter Ten: *Top Ten Mistakes Accident Victims Make When Dealing With Their Doctors.*

**11. If your injuries are not documented in your medical record, it will be difficult to prove to the insurance company or to the jury that you were injured.** See Chapter Eleven: *Seven Mistakes That Can Wreck Your Florida Accident Case*

**12. Be careful and do not solely rely only on TV, social media or Yellow Page advertisements when choosing an attorney.** See Chapter Seven: *Top Six Tips You Need to Know About Lawyer Advertising.*

**13. You will not always be protected by the State of Florida or the other driver, after an accident, even if you are completely innocent and legitimately injured!** Only you can protect yourself by planning ahead and having adequate insurance. See Chapter Twelve: *Insurance: Laws, Recommendations, Factors, and Tips*

**14. Beware: Your required Personal Injury Protection (PIP) insurance could be exhausted by the time you leave the emergency room.** See Chapter Twelve: *Insurance: Laws, Recommendations, Factors, and Tips*

**15. There are many myths that circulate about accidents and insurance companies.** These myths are not true. You need to familiarize yourself with these myths so that you are properly informed. Chapter Fourteen: *Top Ten Accident/Insurance Myths*

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## **Foreword**

A serious injury can be devastating to your life. This book is based upon over 40 years of legal experience in helping injured people in Florida get their lives back together after an accident. We wrote this book with the intention of being of service to the general public and to our clients. It is our desire that this book will educate people about the dangers of being on the road and the pitfalls that may be encountered after an accident and how to avoid them.

We hope you find this book to be helpful!

## Introduction

Everyday we talk with clients and hear terrible stories, really heart breaking stories, and often stories that could have had a better outcome if the client had been prepared and informed ahead of time. This book is a consumer protection guide; it is not a book for lawyers. It is written to provide the reader a summary of some of the biggest mistakes people make after being injured in an accident in Florida. It is best to read this book before you are in an accident so you can be prepared. However, **even if you did not get this book before you were in an accident and did not plan ahead, this book will help you from becoming a victim a second time.**

Accidents and insurance are very complicated. However, you can educate yourself and make good informed choices. That is the purpose of this book; a consumer protection guide to help you get a fair shake if you were involved in an accident and/or to allow you the peace of mind to know that you have done all you can to plan ahead in the event of one.

We have been helping the injured in Florida for over 40 years and because of this we would highly recommend that you read through this book, take any actions that may be needed, and then put it somewhere close at hand for future reference. We also suggest that you take the time to request other copies of this book for your family and friends so they can take advantage of this valuable information too.

## **Why We Wrote This Book**

Hello and thank you for taking the time to read this book. We are Jeffrey Meldon and Carey Meldon and we have been helping injured people in Florida get a fair shake from the insurance companies for over 40 years. We know firsthand how devastating an accident can be. It can turn a person and their family's lives upside down, through no fault of their own. It makes us angry when we see legitimately injured people being taken advantage of by the intimidating and powerful insurance companies. It is upsetting when we see the devastation caused by an injured person's mistakes before they became injured, from not having the proper insurance protection or as a result of missteps taken after their injury. There are a variety of common errors that we have seen accident victims make, including errors: at the scene, with the insurance company, with their medical care, with their choice of attorney, and in a number of other vital areas. These mistakes can end up wrecking an individual's legitimate personal injury case. For the most part, (overall), these errors could have been avoided with some basic information, and guidance, thus our purpose for writing this book.

Since we started helping the injured in Florida over 40 years ago, work from which we find great satisfaction and enjoyment, we have seen people be taken advantage of by the insurance companies and get less than they deserve due to the inexperience of their lawyers. We felt a need to speak out and pass on some of our experience and knowledge to consumers, as a community service.

This book was also written to help injured people find a qualified attorney who can provide effective representation, when necessary, in order for them to have the best shot at getting the justice they deserve. Some of the attorneys that advertise on TV, social media or in the Yellow Pages are experienced personal injury lawyers, but many are not. Some will give you personal attention, others will not. Some are respected by the insurance companies, while others are not (See Chapter Five on why this is so important). We hope that this book shines some light on the importance of having experienced and qualified representation.

**WARNING: We must caution you and state that the information contained in this book is not to be considered legal advice for your injury case.** It is meant for informational and educational purposes only. Every situation and case is different. We can give you legal advice only after you have agreed to hire us AND we have agreed in writing to accept your case.

A serious injury can be devastating to your future. Make sure you are properly prepared and informed for such an event, do your homework, so that you do not become a victim a second time. **We hope you find this book helpful!**

## **Chapter One**

### **What is a Personal Injury or Accident Case?**

**When you are injured because someone else was careless or negligent, you may have a personal injury case.** A *personal injury* case can result from either a car or truck, a motorcycle or bicycle accident, or if a person or business causes someone to be injured because a dangerous condition existed at their store or on their property. A *wrongful death* case is when the negligence or carelessness of another has caused someone to die. A *medical malpractice* case is when someone is injured or dies because of the carelessness of a doctor or hospital.

**Basically, a personal injury case or claim is just what it sounds like, an injury that occurs to your person (body), mind, or emotions, and not your property, due to someone else's carelessness.** For example, if you are in a store and a large box falls off a rack causing you to break your leg and also break your watch, you may have a personal injury claim against the store owner for your physical damage (the broken leg), but not for the damage to your watch; that would be a property damage claim against the store owner.

A personal injury from a car or truck accident is any type of claim where a person has been injured due to someone else's carelessness. As with the watch in the above example, if only your car or truck was damaged, then you don't have a personal injury claim – however, you may have a property damage claim. If both you and your vehicle have suffered injuries, then you have two claims, personal injury and property damage.

Many personal injury lawyers, including us, do not handle a property damage claim unless the person has also suffered injuries. **This means, if you are in an accident and only your car was damaged and not your body, you may be wise to settle the claim on your own.** (See Chapters Four and Eight).

The law has a special name for someone whose carelessness causes injury or death, it is called being “negligent.” People, corporations, and governmental groups can all be held responsible for their actions or negligence.

When the accident was the fault of someone else, then the injured party may be entitled to monetary compensation (money) from the person who was careless. Before you are awarded any recovery for your injury, it must be proven that the careless person or business that caused the accident was actually negligent. This is called “proving liability” or “responsibility”. This is what personal injury lawyers do.

**A personal injury victim may have legal rights to financial compensation or recovery of damages (money) for:**

- **Past and future medical expenses**
- **Past and future lost wages**
- **Pain and suffering**
- **Loss of enjoyment of life**

Lawyers who have experience representing injured victims are called personal injury lawyers. They know how to: gather evidence to support your claim, how to talk with the insurance

adjusters, how to help you avoid the mistakes that can ruin your case, and when to bring in the experts necessary to prove the true magnitude of your injuries. A skilled personal injury lawyer may also help you prove your injury case even if the other party claims you were at fault. By using investigators, accident reconstruction experts, and witness interviews, your lawyer can often prove who caused the accident and convince the insurance company or jury of what really happened.

**A top notch attorney should have an in depth understanding of many different fields of study, such as: medicine, vocational rehabilitation, bio-mechanics, economics, engineering, and accident reconstruction. Personal injury attorneys must also be very skilled at negotiating with insurance companies and have excellent trial skills in the court room for you to be treated fairly by the insurance industry.**

## **Chapter Two**

### **What Steps You Need to Take After an Accident**

There are several *very* important **Do's** and **Don'ts** that you should follow immediately after an accident and in the weeks following an accident. Please see below.

#### **Immediately after an accident:**

##### **Do These Things:**

- **REPORT** the accident immediately to the nearest police department (call 911). The police will conduct an initial investigation that should include basic accident reconstruction and the interviewing of witnesses. They will also document important information about the other party and their insurance company.
- **RECORD** the names and address of all witnesses to the accident (before they leave the scene) and take pictures of the accident scene. It is important to keep a cell phone with camera, notepad and pencil in your glove compartment. You can contact our office for a free Glove Compartment Accident Guide.
- **WAIT** for the Emergency Medical Service (paramedics) to arrive on the scene so they can examine you.
- **GO** to the hospital or doctor immediately. A delay in getting medical treatment can hurt your case as well as create the risk of making your injuries worse. Be honest about your injuries, nothing will damage your claim faster than being caught in a lie.
- **NOTIFY** your insurance company.

### **Do Not Do These Things!**

- **TALK** with the other person's insurance company until you have consulted with an attorney.
- **SIGN** any insurance company documents, papers, or medical authorizations without speaking with an attorney.

Within the next few weeks after an accident:

### **Do These Things:**

- **SEEK** follow up medical care with a doctor who has experience in treating accident injuries. Be honest with your doctor about all your prior injuries and accidents.
- **EDUCATE** yourself, do your homework, on how to select the best attorney for your case, one who can effectively represent you.
- **CONSULT** an experienced personal injury attorney about your case, if you are injured. Be honest with your lawyer. Your lawyer needs to know the good, the bad, and the ugly about your case to properly represent you!
- **AFTER** consulting with your attorney, submit the forms necessary to get your medical bills and lost wages paid. Your attorney can help you with this.
- **REFER** insurance company calls to your attorney.

- **TAKE** notes before your doctor's appointment so you can be sure your doctor accurately documents your progress in your medical records. You may want to write it down before hand and give it to him or her at your office visit. Beware: If the information is not in your medical chart, it is difficult to prove your injury.
- **FOLLOW** your doctor's advice regarding your treatment.
- **REMEMBER**, pain and disability can often trigger depression and anxiety. Get treatment, and talk to your doctor if you are experiencing these problems.
- **MAKE** sure your doctor knows if your injuries are affecting your ability to work.
- **KEEP** track of all the medical treatments, visits, and procedures you received after your injury. We suggest you make a file with dates, so you can provide all the necessary information to your lawyer.

### Do Not Do These Things!

- **EXAGGERATE** or minimize the extent of your injuries or symptoms to your doctor.
- **HIDE** information from your lawyer. Again: Your lawyer needs to know the good, the bad, and the ugly about your case to properly and successfully represent you!
- **SIGN** anything without consulting your attorney.
- **TALK** with your doctor about your lawsuit or your lawyer's advice.
- **STOP** your medical treatment too soon.

## **Chapter Three**

### **How the Insurance Company May Take Try To Advantage of You.**

**BEWARE: The day you were injured you entered a war zone**– And the insurance company is NOT on your side in the battle. Insurance companies have spent billions of dollars in the media over the last 30 years, to convince the American public that the justice system is out of control and that people who file law suits are getting millions of dollars for minor injuries.

Insurance companies have created a story that is false and have sold it to the American people. The story is called, “Tort Reform.” It is a story based on the premise that runaway verdicts have created the need to:

1. Limit the maximum amount of recovery that a person involved in an accident can receive; no matter how serious the injuries.
2. Reduce the average payout to every injured person.

Insurance companies sell this story to us by telling us that Tort Reform will allow them to keep insurance rates low. When in fact: insurance companies just keep getting fatter and fatter, insurance rates continue to rise, and the average person who buys into their fairy tale does not realize that they have been hoodwinked until they are in a serious accident and only want to be treated fairly.

Unfortunately this “fairy tale” spread by the insurance industry has had an enormous negative influence on juries and their verdicts. Juries today are highly skeptical of anyone who files

a lawsuit that claims money for “pain and suffering.” The insurance companies have also painted a picture of lawyers taking minor “soft tissue” injury claims and getting hundreds of thousands of dollars for these cases. *This is a myth.* However, these myths can be a huge obstacle to achieving justice in a personal injury case because many people who wind up on juries believe in the falsehoods spread by the insurance industry. The success the insurance companies have had in tainting the minds of jurors has convinced them that it pays to make low settlement offers (money to compensate for your injuries and expenses) until it is proven to them that a person is ready, willing, and able to go to trial. *Only when the insurance company knows that a person has carefully selected an attorney who has the experience and skills necessary to go toe-to-toe with them, will they even consider giving a fair shake in a serious injury case.*

In truth, the insurance companies are among the most profitable businesses in the world. They own the tallest buildings in the biggest cities and the auto insurance industry has been recording record profits for many years. However, they want to make more money, and the way they make more money is to raise insurance rates and pay out less on settlements and verdicts, thus earning greater profits. In short, their business is to take money and keep it by paying out as little as possible. This is why they have created the fairy tale called “Tort Reform.”

**Beware: You are not on an even playing field with the insurance company.** Insurance claims adjusters receive extensive training in how to save their company money and not necessarily in how to examine a claim and pay a fair settlement.

They do this all day every day. It is their job! It is the way they feed their families and pay for their homes. In short, they are professionals in this field and you are not. It has nothing to do with how smart or successful you are in other areas of your life. Insurance adjusters have the advantage because they settle claims for a living. In fact, many insurance companies reward their adjusters with bonuses or promotions based on how much money that person saves the company rather than how many claims they settle. They are not bad people; they are just doing their job.

**Here are some of the common tactics used by insurance companies that you need to be very aware of if you have been injured in an accident:**

- **The insurance adjuster may immediately call you to take a recorded statement regarding your injuries.** *Be careful, the objective of the adjuster is to get you to make statements that may hurt your case later on.* For example, you may have broken your wrist and hurt your neck in an accident, but the day after the crash, when the insurance adjuster calls you, the only thing that is bothering you is your broken wrist. Later, after you have stopped taking the pain medications that they gave you at the hospital for your wrist, you realize that your wrist will heal, but your neck may not. It is also common for the adjuster to take statements from people who have been prescribed heavy pain medications and who are not thinking clearly. Later on the insurance company will use this recorded statement or notes taken by the adjuster to cast doubt on your neck injury claim (or whatever other legitimate injury was caused by the accident).

- **The insurance adjuster may tell you not to hire an attorney.** In fact, the very nice insurance adjuster may offer you a small settlement in exchange for releasing your claim forever. They often suggest that, if you hire an attorney, any money you receive will just go to the lawyer. Adjusters have even been known to threaten, to “deny,” or to “low ball” your claim if you hire a lawyer.

**WHAT TO DO - Simply thank the adjuster for calling, tell him or her that you don't want to make any statement and that you don't want him or her to call back. Ask for his or her name, phone number, case claim number, and tell the adjuster you will call back when you are ready. You do not have to be rude, but you do need to be firm. If you have already hired an attorney, give the adjuster the name and phone number of your lawyer and request that all calls go through your lawyer's office. If you have not yet hired an attorney, and plan to discuss your case with an attorney, then save this information and give it to him or her at your first meeting.**

**WHAT TO DO** - In a minor case, you may decide to settle your case without a lawyer. However, we recommend that this should not be done without first reading this book and consulting with an attorney. Before deciding to settle the case on your own, you should ask yourself this question: Why is the insurance adjuster telling me not to consult with an attorney? Remember, adjusters get paid for making low settlements and they know that on average the injured party receives 36 times as much when represented by an attorney.

- **The insurance adjuster may ask you to sign medical authorization forms to obtain all of your medical records.** These forms are usually drafted to allow the insurance company to obtain all of your medical information and will not be limited to your medical records regarding this accident. These medical authorizations allow the insurance company to go on fishing expeditions for any other past medical problems that might be completely irrelevant to the pain you are experiencing. In fact, this medical authorization form will allow them to go back and obtain private medical information even if it is 20 years old. If you have ever seen a psychologist, counselor, or psychiatrist in the past, this release form authorizes them to get all of these personal records as well.

**WHAT TO DO - Do not sign any medical authorization forms until you have consulted with an attorney. Do not become a victim again by having your privacy invaded. While some of your past medical records may be relevant to your personal injury case, many are not and the insurance company may not be entitled to them under the law. An experienced personal injury attorney knows what medical records to provide to the insurance company and when to present them.**

- **The insurance adjuster may misrepresent insurance policy benefits.** Sometimes, the adjuster will not give you accurate information about the amount of insurance coverage that is available to you. This misinformation could come from both the adjuster of the at-fault person as well as your own insurance company. For example, your own insurance adjuster may *not* tell you about all of the Uninsured Motorist (UM) coverage you are entitled to or that they failed to obtain the proper UM rejection forms when you bought your insurance. Additionally, in Florida, both the owner and the driver of the vehicle are responsible for damages caused in an accident. And, sometimes a business may be responsible if the driver of the vehicle was on a business mission, even if they were not driving a company vehicle. **The insurance adjuster may use this misinformation to entice you to accept a lower settlement than would otherwise be warranted.**

**WHAT TO DO – If you have serious injuries, make sure you consult an experienced Florida personal injury attorney that can investigate all the insurance benefits available before agreeing to any settlement and signing any papers.**

- **The insurance adjuster may cut off your necessary medical treatment prematurely.** Under Florida law, the insurance company has the right to hire their own doctor to determine whether or not they should continue to pay for your medical bills under your own Personal Injury Protection policy (PIP). They have certain doctors who are “hired guns” and for 99% of people they examine, these insurance hired doctors determine that little or no future medical treatment is necessary. The insurance company will then write you a letter saying that your future benefits are terminated. In many cases, the insurance company does this even when your own treating medical doctor determines that you do need future medical treatment.

**WHAT TO DO - Hire a lawyer who is experienced in fighting the Florida insurance company PIP scams! There are tactics that can be used in the so called “independent medical evaluation,” such as: having a videographer present, only bringing legally required information to the examination, and not allowing the doctor to interview you endlessly in order to get information that helps the insurance company, (who, remember, is the doctor’s employer).**

- **The insurance adjuster may use delay tactics to wear you down.** The insurance adjuster knows that you need money if you are out of work and have medical bills piling up. They know that your household expenses, such as: mortgage or rent payment, car payment, credit card payments, utility bills, are getting further and further behind. They know many people, at some time, will throw up their hands and say, “enough!” and accept the insurance company’s “low ball” offer.

**WHAT TO DO - An experienced Florida personal injury attorney can advise you on strategies to keep from being taken advantage of, it is not hopeless. Get help! Don't give up.**

- **The insurance adjuster may have you placed under surveillance.** Insurance companies are notorious for trying to make a legitimately injured person appear healthy. Just because you can drag your garbage can to the curb, do some housework, and maybe a little yard work, does not mean that you are not going to “pay” for it later by having more pain. Many injured people have to “work hurt” to put food on the table for their families.

**WHAT TO DO - Look for any suspicious persons around your home or at work (particularly if you have been released to work with light duty restrictions by your doctor)! Follow your doctor's orders and prescribed activity limitations, even if that means getting some help from family and friends. Do not exaggerate your injuries, as it will only hurt your case.**

- **The insurance adjuster may act as your friend.** The insurance claims adjuster may befriend you and make it appear that she or he is looking out for your best interest, when in fact they are not! Sometimes the adjuster will give you advice about the type or frequency of your medical treatment and then be unwilling to pay for all your medical expenses. Sometimes the claims adjuster encourages you to get back to work immediately even though your own doctor has advised you otherwise.

**WHAT TO DO - Remember the insurance adjuster is trying to save their company money on your claim. This creates an immediate conflict of interest. Follow your doctor's orders!**

## **Chapter Four**

### **Do I Need to Hire an Attorney to Help Me With My Accident Case?**

**You definitely do *not* need an attorney for every small injury case.** In fact, you may be better off not hiring a lawyer and may even have trouble finding an experienced lawyer to take your small injury claim. This is because in cases where there is little or no property damage, the injuries are minor, and/or medical bills are less than a few thousand dollars—the attorney fees and costs might leave you little or nothing after paying your medical bills. It has been our experience, in small cases, the person alone may have just as good a chance at recovering a settlement near or equal to what an attorney could get and without the expense of a lawyer.

**BEWARE: It is important to know that many people, who are injured in an accident, think that their injury is only temporary and that they will be fine in a couple of weeks. Therefore, they do not seek medical or legal assistance only to regret it down the road.** Many times, however, these seemingly minor injury cases turn out to be permanent and even require major surgery. This is very common for head, neck and back injuries. If you break your leg or arm in an accident, and are rushed to the emergency room and require surgery to insert a rod or plate in your body, then you know right away you have a serious injury and need a lawyer. However, some other injuries may not be so obvious right away, as with head, neck, and back injuries. It is always better to be safe than sorry. Remember, initial attorney consultations are free; so take advantage of them and arm yourself with the information you need to make the right choices.

## **BEFORE YOU DECIDE ON WHETHER TO HIRE AN ATTORNEY**

**Did you know that a 1999 study found that insurance companies pay higher settlements to injured people who use an attorney than to those who do not?**

**It is true! In 1999 the insurance industry performed a study to find out if people who had accident claims received more money in settlements by using an attorney than those people who settled on their own. The study was performed by the Insurance Research Council (IRC), a non-profit organization that is supported by leading property and casualty insurance companies across the United States.**

*The IRC found that people who used an attorney received on average 36 times more money in settlements than those individuals who settled on their own.*

**BEWARE: Often, accident victims are told by the insurance adjuster that they should not hire a lawyer because they will receive less money in settlement if they do. This study shows that this simply is untrue.**

## **Chapter Five**

### **How to Choose the Right Attorney for Your Accident Case**

Choosing an attorney to represent you is an important and daunting task. If you have recently looked through TV, social media or the Yellow Pages of your local phone book, then you have probably noticed that it has page after page of lawyer ads including many full page ads. Mostly saying the same thing: “Free Consultation,” “No Recovery, No Fee,” “Aggressive and Honest,” “Experienced.” So how can you determine which lawyer in your local community is the best for your case?

**First of all, it is of vital importance to hire an attorney that concentrates his/her practice in personal injury.**

There are two main reasons for this:

- 1. The world of personal injury law in Florida is very complex and specialized. This is a complicated area of law that requires a lawyer who handles accident cases regularly, on a full time basis, and has extensive experience. For example, in the medical world, would you go to a general doctor for a hip replacement? No, you would find an orthopedic surgeon that specializes in hip replacements and does many of them every week and is current on all the latest technology and techniques.*

*2. Insurance companies know who the attorneys are in your area that handle accident cases and know of their settlement and trial histories. **The insurance companies then use this knowledge to evaluate their “risk” of having to pay out money in a claim based upon the attorney in a particular case. (For more explanation on this see Tip #6 below.)***

Here are some tips on how to determine who is a good personal injury lawyer in your area and what questions to ask potential lawyers. These guidelines and pointers should make your search and choice easier.

1. **Read** Chapter Seven in this book to learn what you need to know about lawyer advertising.
2. **Get** a referral from an attorney that you know, if possible. He or she will probably know someone who concentrates in the area of personal injury.
3. **Be cautious** of an attorney who actively solicits you, either in writing, or in person, just after your accident. Actually, in Florida, this is not only rude and disrespectful, but it may be against the law.
4. **Understand** that to be listed in a local bar association lawyer referral service, an attorney has signed up and paid a fee. Some of these referral service listings do not even bother to cross check or verify the attorney's experience with the type of case that is being referred.

5. **Choose** not only an attorney who concentrates in personal injury cases, but one who understands the particular medicine involved in your case. For example, if it is your spine or neck that was injured, then ask the attorney you are interviewing about his or her knowledge of the spine. Does he or she have available charts in the office or models of the spine?
  
6. **Choose** an attorney who is willing to go to trial, because:

- **Essentially, insurance companies are in the business of “risk.” This means that they accept your money with the promise that they will pay you money if you should ever encounter certain risks of harm or damage.**
- **The risks are usually low, which is why insurance companies earn enormous profits.**
- *Insurance companies want to pay out as little money as they can. This means, when an insurance claim is filed, the insurance company will only pay out the smallest possible settlement before trial. **Unless**, however, they feel there is a strong “**risk**” involved for their company if the injured person should file a lawsuit, go to trial, win, and be awarded even more money. It is all based on the insurance company’s perception of its own “risk.”*
- **Attorneys who are willing to go to trial increase the insurance company’s possibility, or “risk,” of having to pay out even more money in compensation, at the jury’s discretion, than any former settlement offer(s).**

- **Insurance companies keep lists of the personal injury attorneys who are willing to, and do, go to trial.** *Basically, the insurance company will pay more money to settle a case out of court if there is a greater chance that the attorney will try the case in court.*
- **So, this is why having an attorney with a reputation for going to trial can actually increase your chances of avoiding trial.**

7. **Here are some other important topics on which to question a potential attorney:**

- **Experience** – it goes without saying, the longer you have been practicing a particular area of the law, the more you will know about it. Experience is a big factor in most cases.
- **Experience** in actually trying cases. Have they won any significant verdicts or settlements? **Remember, it is not always necessary to go to trial, but it is important that a claim's adjuster has respect for your attorney and perceives him or her as a big "risk."**
- **Make sure** the lawyer you are interviewing has the *financial ability* to present your case effectively; many times it is necessary for a personal injury lawyer to advance a significant amount of money for expensive experts and technology to prove a case!
- **Find out** how the attorney's office is set up, and how it functions. Who will be working on your case? Who negotiates cases with the insurance adjusters? Is the support staff adequate? Does this attorney take

all cases that come in his or her door, or are they selective? How much time does the lawyer actually spend on a case or does he or she hand it over to paralegals? **Beware**, there are some attorneys that pride themselves on having a big stack of cases and not necessarily on the results of each case, or some that spend most of their time signing up cases and little time working on the case.

- **Publications** of the attorney. Have they written anything pertinent to trial or personal injury law?
  - **Do they teach** other lawyers?
  - **Do they teach** at a law school?
8. **Ask** the attorney if he or she is licensed in the state where your case will be filed. Insurance companies know who is not licensed, and therefore, cannot actually try the case, so you will be at a disadvantage when it comes to negotiations. Also, laws vary from state to state.
9. **Ask** the attorney how they will keep you informed about the progress of your case? *Communication to and from your attorney's office during this process is vital not only to your peace of mind, but for the case as well.* Who would you talk to if you have questions or concerns? In our practice, every case is assigned a designated case manager who the client can call at any time, and who is in contact with the client regularly. Clients can also schedule a phone or office conference to talk directly with us about their case. (We schedule phone calls or office conferences to allow us to work without frequent interruptions. The scheduling of calls or conferences also allows us to speak with

clients and be able to focus on their questions. Overall, we have found it to be a win win situation.)

10. **Choose** an attorney who is both competent and who you feel comfortable with.
  
11. **Remember**, just because a lawyer is likeable, does not mean that he or she will be the most qualified attorney to help you win your case. It is important that you like your attorney, or at least respect him or her; however, it should not be the only basis for your hiring decision.

## **Chapter Six**

### **What Does A Personal Injury Lawyer Do?**

Here is, more or less, a complete list of tasks that we do in our office in order to work up a personal injury, wrongful death, slip and fall, or other serious accident case in order to get the best results possible. *Every case is unique*, and not all of these tasks may be required or relevant for every case. They include:

- **Initial** interview with the client.
- **Educate** client about personal injury claims.
- **Gather** evidence and records from the accident to support the claim including: crash report, medical records, and bills.
- **Analyze** the client's own automobile insurance policy to see what coverage is available to pay for the client's damages and losses.
- **Begin** initial investigation of the client's claim, including: gathering witness statements, photographs, diagrams, and physical evidence.
- **Analyze** the legal issues such as comparative negligence and assumption of the risk.
- **Obtain** and review medical records (past and present) and/or talk with the client's physicians to fully understand the client's condition.
- **Obtain** specific reports from experts to support the client's claim.
- **File** any necessary claim forms.
- **Analyze** client's own health insurance or governmental benefit plan to see whether any money must be repaid.

- **Analyze and address** the validity of any liens asserted against the client's settlement recovery (various healthcare providers, insurers, governmental agencies may file liens seeking reimbursement for benefits already paid to or on behalf of the client).
- **Contact** the insurance company to put them on notice about the claim and conduct periodic discussions with the insurance company about the case so that the appropriate reserves are set aside to settle the case.
- **Conduct** negotiations with the insurance adjuster in an effort to settle the claim.
- **Decide** with the client whether to negotiate with the insurance company or to file a lawsuit.
- **Prepare and draft** the summons and complaint to file in court, if a lawsuit will be filed.
- **Perform** investigation to locate the defendant so that personal service of the summons and complaint can be achieved.
- **Arrange** for personal service of the summons and complaint on the defendant as required by law.
- **Prepare and draft** written questions for information from the other side (called interrogatories and requests for production).
- **Prepare** the client for his/her deposition.
- **Prepare** for and conduct the deposition of the defendant and other lay witnesses.
- **Meet** with client's physicians to prepare for their own deposition requested by the defense attorney.
- **Prepare** to take the deposition of the defendant's experts, including medical experts.

- **Prepare** the client for their medical examination by the defendant's medical experts.
- **Produce** to the defendant all of the pertinent data for the claim, such as medical bills, medical records, and tax returns.
- **Review and analyze** the client's medical records and billings.
- **Hire** other necessary experts to support or prove the client's claim, including: other physicians, economists, engineers, vocational experts, etc.
- **Review and analyze** expert reports about the case.
- **File** necessary documents in court as required by the judge, including: witness lists, trial readiness, pretrial conferences, etc.
- **Prepare** client and witnesses for trial.
- **Create and prepare** exhibits for trial.
- **Organize** records and other documentary evidence intended to be introduced at trial.
- **Prepare** for mediation or arbitration by organizing records and other documents for submission to the mediator or arbitrator.
- **Research** and write briefs and file motions to keep out or let in certain evidence at trial.
- **Create** mock trials or focus groups to prepare for trial.
- **Go** to trial and try the case over the course of several days, or longer, in front of a judge and jury.
- **Analyze** the verdict and research any issues that may have come up in trial.
- **Write** briefs or motions following the verdict to obtain post-trial relief, including motions for attorney fees, or to overturn the verdict.

- **Analyze** trial record to determine if appeal is warranted, if either side has solid grounds to appeal the case.
- **Research and write** briefs and motions if appeal is filed.
- **Negotiate** subrogation claims asserted by the client's insurance company, workers compensation carrier or governmental agency that provided benefits to the client.
- **Negotiate** medical bills for the client.

## **Chapter Seven**

### **Top Six Tips You Need to Know About Lawyer Advertising**

If you're on social media, watching TV or flipping through the Yellow Pages, you will find many attorneys who advertise that they handle personal injury cases. Most of these ads are all the same; talking about free consultation, a list of the types of cases the attorney handles, a picture of the attorney, a phone number, and a slogan implying that the attorney is experienced and tough with insurance companies. *This can be confusing!* Although social media, the Yellow Pages or TV may be one place to get the names of attorneys, remember the following information when it comes to lawyer advertising. **Please note, it is also important to keep this information in mind when interviewing an attorney to handle your case.**

1. There are no enforceable rules that prevent a lawyer from advertising for personal injury cases, even if he or she has never handled a personal injury case before. The Florida Bar has rules that regulate advertising, but they do not investigate what experience the lawyer has in a particular area of law.
2. The TV, social media and the Yellow Pages *do not verify* the information contained in their attorney ads. Sometimes ads can have inaccurate or misleading information.
3. The lawyer you see in the advertisement *may not even work on his/her cases*. Some lawyers just run advertisements and refer the cases out to other attorneys in

exchange for a referral fee. Such a lawyer essentially acts like a referral broker.

4. If a lawyer has a big Yellow Page ad or is on Social Media and TV all the time, it *does not* necessarily mean the lawyer is super successful in the handling of their cases. Some lawyers operate a “volume practice” for the purpose of making a small amount of money on a lot of cases. Their goal is to settle as many cases as possible in the least amount of time, regardless if the settlement is for the amount of money the case is really worth.
5. Some lawyers *do not* even do any of the work on their cases themselves. *They have a legal assistant or paralegal do all the work, and sometimes even let them negotiate the case with the insurance adjuster!* The only time the lawyer ever looks at the case is when it has settled and the lawyer wants to collect his fee.
6. Be careful of lawyer ads that create unjustified expectations. Just because the lawyer indicates that they “play hard ball,” are “aggressive” or “get settlements fast” *may not* mean that they are willing to do what is necessary to get the best results in a case.

**BEWARE: Do not rely solely on TV, social media or Yellow Page ads when choosing an attorney.**

## **Chapter Eight**

### **How Do I Get My Medical Bills Paid, Lost Wages Recovered and Car or Truck Fixed?**

Under Florida law, vehicle owners and drivers are required to have \$10,000 of Personal Injury Protection (PIP) and \$10,000 of Property Damage insurance. PIP insurance pays 80% of medical bills and 60% of lost wages, up to \$10,000. If a person's medical expenses and/or lost wages exceed \$10,000, the additional amount will either come out-of-pocket or be recovered from the person that caused the accident (if they have adequate insurance).

In 2012 the Florida Legislature amended the PIP statute so that you can only get \$2,500 in medical benefits unless you have an "*Emergency Medical Condition.*"

100% of property damage to a person's vehicle can be collected from the person that caused the accident, up to the limits of their insurance policy, which is typically \$10,000. For more information on this important topic, please see Chapter Twelve: Insurance: Laws, Recommendations, Factors, and Tips.

## Who do you talk to in order to get your insurance benefits?

Many insurance companies have three different adjusters to handle an accident claim.

- **The Property Damage Claims Adjuster:** It is his/her job to determine the amount of money they will pay to get your vehicle fixed or if it should be totaled.
- **The PIP Adjuster:** It is his/her job to get your medical bills and lost wages paid as described above.
- **The Bodily Injury Claims Adjuster (or Uninsured Motorist Claims Adjuster):** It is his/her job to pay for all out of pocket expenses for past and future medical bills, lost wages, and compensation for pain and suffering.

**The Property Damage Claims Adjuster:** This is the representative from the other person's insurance company that will want to inspect your car or truck and write up a repair estimate. If the vehicle is drivable, you should make arrangements for them to see it at a time and place that is convenient for you. If your vehicle is not drivable, the insurance adjuster can go to the storage lot and prepare an estimate. You may also have to talk with your own insurance company's property adjuster if the other party is uninsured or their adjuster is giving you a "low ball" offer.

**The PIP Adjuster:** In Florida, your PIP benefits are paid by your own insurance company, regardless of who was at-fault in the accident... this is why Florida is called a "no-fault" insurance state. In order to get your PIP benefits there are certain forms that need to be completed. If you are represented by an attorney, he or she can make sure the forms are

properly prepared and submitted. Your employer will have to cooperate and fill out forms so the insurance company can verify your income or lost wages. You can get these forms from your insurance company or your attorney. Your doctor will have to also submit forms to the insurance company in order to get paid.

**The Bodily Injury Claims Adjuster:** *If you have an attorney, you do not want to be speaking with this person!!!!!!* (See Chapter Three!) If you are representing yourself without an attorney, this is the person who you will talk with to make a settlement in your case. Proceed very carefully!

**Here are some of the problems you may run into:**

- 1. The person that caused the accident may not have anything but the minimum insurance coverage required by Florida law.** Although you have a right to sue the person for your damages, Florida law provides extensive protection to debtors, and in most cases you will never see a penny from the other person. In most cases, the only way to collect your damages is if the at-fault driver has adequate insurance or if you have purchased Uninsured Motorist coverage to protect yourself in these circumstances. (See Chapter Twelve)
- 2. The damage to your vehicle exceeds the \$10,000 of property damage coverage the other driver is required to purchase.** The only way to collect on property damage above \$10,000 is if you have purchased Collision Insurance coverage or if the other driver purchased more than \$10,000 of Property Damage coverage.

3. **You owe more on your car or truck loan than the vehicle is worth.** This is called being “upside down” on a loan. For example, if you owe \$20,000 on your car loan, but the fair market value of your car is only \$15,000, you will have to pay the \$5,000 difference out of your pocket, even though the other person was at-fault. The only way to avoid this is to have purchased insurance called “Gap” coverage.
  
4. **Your doctor may require you to pay the 20% not paid by your PIP insurance out of your own pocket.** The best way to protect yourself is to also purchase at least \$5,000 worth of Automobile Medical Payments coverage.
  
5. **You can not immediately (and may never) collect the remaining 40% of your lost wages that are not covered by your PIP insurance.** This is why you should have Uninsured Motorist coverage.

**(Please read Chapter Twelve, to get our recommendations on buying insurance coverage for you and your family)**

## **Chapter Nine**

### **The Legal Phases of an Injury Case**

This chapter is a brief summary of the basic steps for most personal injury cases, especially those involving serious injury. The process of a personal injury case can be lengthy with many important decisions along the way. It is important to have an experienced lawyer on your side at every phase of the process in order to have the best chance of getting the best results possible. To help you understand the process, we have summarized the procedures that are normally taken in our office.

**I. Determine if there is a case.** Immediately upon accepting a personal injury case, the lawyer begins an investigation centered on the “three legs” of an injury case. Just as a stool needs three legs to be able to stand upright, a personal injury case has three legs to support a claim. The three vital legs or aspects that must be proven and documented are:

- 1. Who was at-fault?** *It is crucial to begin an investigation immediately after an accident occurred before any evidence is destroyed or altered.* Just because the police officer gave a ticket to the other person, does not mean that the other person’s insurance company will accept responsibility for the crash. Insurance companies may try to blame the victim for causing or contributing to the accident. Florida is a comparative negligence state which means that more than one person can contribute to causing an accident. **Because of this, it is of vital importance to immediately and thoroughly start an accident investigation before**

**the evidence gets cold.** There are three main aspects to this part of the investigation:

- *The Vehicles involved* – An Accident Investigator may be required to examine the car or truck, take photographs, inspect the car, and take measurements to determine crush damage and other important information. The “black box” of a car can be used to determine speed and other factors as well. In serious injury cases, it is important to also hire an Accident Reconstruction Engineer immediately to evaluate the vehicles from an engineer’s expert perspective.
- *The Scene of the accident* – This is vital and often requires an Accident Investigator to visit the scene in person in order to: photograph, inspect, measure skid marks, and look for other factors such as bushes or trees or anything else that could have contributed to the accident. It is of vital importance to do this ASAP. An Accident Reconstruction Engineer may also be needed to evaluate the scene in significant injury cases.
- *The Witnesses* – Any witnesses to the accident need to be interviewed by an Accident Investigator. It is also important to interview all witnesses as soon as possible, before they become hard to find or their memories fade.

2. **Were there any injuries caused by the accident?** *It is a must to document any injuries caused by the accident.* To do this, the following documents are required:

- *Medical records after the accident* and any records from before the accident, EMS reports, hospital records, records from the first doctors seen to the doctor seen most recently, and everyone in between.
- *Medical records prior to the accident* are important to assemble and review to determine what injuries are new and what problems were preexisting.
- *Doctor's evaluation of injuries* suffered in the accident.
- *Medical bills* from the accident also help to determine the extent and seriousness of the injuries.
- *Under Florida law*, in order to be compensated, it must be established by a doctor, that there is one or more: a permanent injury, significant scarring, or a loss of a bodily function, as a result of the accident in order to recover for pain and suffering, loss of enjoyment of life, and other similar damages. (You can still recover your out of pocket expenses, such as past medical bills, and loss of income and property damage.)

### 3. What insurance is available for compensation?

- Insurance coverage for the at-fault parties, including the owner of the vehicle, driver, and employer (when appropriate) needs to be requested in writing; according to the guidelines of Florida law and then evaluated.

- **All possible insurance coverages that may be available to the victim are also evaluated, such as: Uninsured Motorist coverage, health insurance coverage, PIP, and Medical Payment's coverage. There are many different ways you may qualify for these benefits... and all of them must be evaluated. An experienced personal injury attorney knows of all the possible ways to find these potential benefits.**

**II. Now that it has been established that there is a claim to be made, a “Demand Package” is compiled, and sent out.** A Demand Package is a compilation of all records and is sent to the insurance company. This Demand Package is on average one to two inches thick and can be several hundred pages in length, consisting of these types of documents:

- Crash report
- Photographs of vehicles and scene
- Property damage reports
- EMS report
- ER records
- All doctor reports
- All diagnostic tests including X-rays and MRIs
- Medical bills
- Prior medical records
- Final medical evaluations
- Expert witness reports

- Witness statements
- Evaluation of future medical expense
- Evaluation of loss of future earning capacity
- Statement regarding the effect of the accident on the victim and family members

**This “Package” includes a letter from the attorney that summarizes all the facts and information about the case and “Demands” that the insurance company pay a certain amount of money within a certain period of time (on average 30 days).**

**III. Negotiations now begin between your lawyer and the insurance adjuster.** After the insurance company receives the Demand Package and evaluates the claim, they then will make an initial offer to settle the case. Sometimes this initial offer will be the maximum limits of the insurance policy and will be accepted by the client. Other times, they will offer less than the full policy limits and the negotiations are now in full swing. The lawyer will consult with their client about the strengths and weaknesses of their case and make recommendations on how to proceed now. The final decision is always up to the client, but it is important to listen to the lawyer’s advice (another reason to get an experienced attorney). At this point, negotiations and offers to settle can go back and forth numerous times until an offer is accepted (a settlement) or a lawsuit is filed.

**Advantages to settling a case without a lawsuit, outside of court:**

- **Lower attorney fees and costs**
- **Money is obtained immediately**
- **Avoiding the stress involved in a drawn out lawsuit that can take years**
- **Life goes on and plans for the future can be made**
- **Guaranteed outcome**

**IV. Filing a lawsuit:** If the insurance company's highest offer is rejected by the client, the next step is to file a lawsuit known as a "Complaint." The lawyer will serve the Complaint on the defendants (the people legally at-fault for the accident and injuries). In Florida, more than one person can be held legally responsible, such as the owner and driver or employer. Florida also has "comparative negligence" which means that more than one person may have contributed to causing an accident and that everyone needs to be served with the Complaint.

**Filing a lawsuit means that the case will be scheduled to be presented and argued in a trial in front of a judge and jury to decide what is just.** To do this there is more information to be gathered to prove or try a case to a jury:

- **Interrogatories** or questions for all parties
- **Requests or subpoenas** to produce records or other information from all parties involved and all witnesses, including doctors

- **Depositions** or sworn statements taken by the attorneys for both sides of the case and for all potential witnesses
- **Motions** may need to be filed in this process

**V. Mediation is ordered in the case management conference by the judge in most cases in Florida.** *99% of personal injury cases in Florida will be ordered to mediation before a case can be tried before a jury.* Mediation is when both sides sit down together in a conference room with a mediator. Mediators are usually an attorney or a retired judge who have special training in helping to settle cases. Present in the mediation are the lawyers for all sides (insurance companies hire an attorney to defend them) and their clients, an insurance company adjuster, and the mediator. Both sides take turns explaining their side of the case and can present exhibits, if desired. Negotiations then begin with each party going to a separate room. The mediator then performs a type of “shuttle diplomacy” going back and forth between the parties trying to arrive at a settlement.

If a settlement is reached in mediation the insurance company will write a check to the injured person within 2 to 3 weeks, then the lawsuit is dropped, and the case is over.

**VI. Trial in front a judge and jury.** If a settlement was not reached in mediation, a date is set for trial. **A trial itself can last from a few days to a few weeks depending on the number of witnesses and how long they are on the witness stand. A trial can cost as much as \$50,000 to \$100,000 dollars to present.** A jury consists of six people plus one or two alternate jurors selected by the attorneys. **These six “strangers” will**

**decide the case (give a verdict) and how much money (if any!) is to be awarded.** There is no way to accurately predict what a jury will decide. Attorneys and insurance companies use their past experience to make educated guesses regarding the outcome of the case. **This is another reason to get an experienced attorney to help you decide if your case should go to trial.**

**VII. Appeals can follow after the jury verdict.** Appeals can attack the rulings of the judge, the jury verdict, and in some cases the conduct of the lawyers. Appeals can take years to resolve. If the appellate judges order a new trial, the whole process starts over.

## **Chapter Ten**

### **Top Ten Mistakes Accident Victims Make When Dealing With Doctors After an Accident**

Many of the mistakes reviewed here have been discussed in other Chapters of this book. However, because we often see legitimately injured people make these mistakes and then be unable prove their case and not receive the compensation they deserve, we felt it would be helpful to repeat them again in one dedicated chapter. Here are mistakes you do NOT want to make if you want to win your personal injury case:

1. Failing to Seek Immediate Medical Attention after a Traumatic Event

**In Florida, the victim is always responsible for proving that they were injured in an incident.** Insurance companies and juries often believe that if you were not hurt badly enough to seek immediate medical attention then, you were not hurt badly enough to be compensated. It is important to seek medical care and not just ignore the pain or think it will get better with time. Imagine how you would feel if you ended up going to trial over your accident, only to hear the attorney for the insurance company open his argument with, **“He didn’t even see a doctor for two weeks!”**

## 2. **Failing to Be Totally Honest About Your Past Medical History and Habits with Your Doctor**

Doctors or health care providers will ask you if you have had any previous injuries or illness before your accident. It is very important to be honest when answering these questions. It is important because it will allow the doctor to make a more accurate diagnosis and then be able to prescribe a more therapeutic course of treatment for you. Also, not being fully honest will only hurt your legal case. If you provide your doctor with incomplete information, their medical opinions could be rejected by the insurance company and by a jury. Another thing to be honest about is the extent of damages to your vehicle. For example, do not tell your doctor the car was “totaled” when it was only scratched. It will all catch up with you and destroy your case. **Be Honest!**

## 3. **Talking With Your Doctor About Lawsuits or a Lawyers Advice**

Your doctor’s job is to focus on your medical care. He or she does not need to know about your legal issues. Not only is it unnecessary to share this information with your doctor, it can negatively impact your medical care and your legal case. Most doctors do not want to be involved in a lawsuit, and may even be unwilling to provide treatment or reach important conclusions if they know you are involved in one. **Remember: Whatever you say in confidence to a doctor is *not* confidential once you file a personal injury claim!**

#### 4. **Missing or Showing up Late for Medical Appointments**

Insurance companies and juries get to see your medical records. When you skip a medical appointment, your medical record just says “NS” which means “No Show.” You may have had a very good reason for not showing up for an appointment, but generally excuses, no matter how valid, usually, do not make it into the record. More than one or two “No Show” entries could make it look like you were not committed to getting better or that you were feeling fine. Skipping appointments or showing up late for appointments could also irritate your doctor. Irritated doctors do not make good witnesses for their patients. If you need to cancel an appointment, make sure to call at least 24 hours before, if not earlier, and reschedule. You don’t want the insurance company’s lawyer saying, **“It must not have hurt that much; he didn’t even show up for his appointments.”**

#### 5. **Failing to Get Your Pain Accurately Documented in Your Medical Records**

**Insurance companies and juries will not believe you are in pain just because you say so.** They need to read about your pain in your medical records. When insurance companies and juries review your records, they will be looking to see how soon you reported pain after an injury and how long you continued to report that pain. One easy way to make sure your pain and limitations make it into your chart is to write them down before your appointments (or keep a daily journal) and give it to your doctor at your visit. Keeping a journal is also helpful for times when you may be having a good day on the day of

your visit and you tell the doctor you are “much better,” but for the last two weeks you may not have been able to get out of bed. Do not exaggerate, be honest.

## 6. **Failing to Inform Your Doctor if Your Injury is Affecting Your Ability to Work**

Insurance companies and juries will not believe that your injury affects your ability to work just because you say so. If your injury is affecting your ability to work, it is important to tell this to your doctor and get it into your medical records. Again, keeping notes to give your doctor can be a very good idea.

## 7. **Failing to Take Medications as Prescribed**

There is a reason why doctors prescribe a particular type of medication for a particular period of time. It is important to follow your doctor's recommendations. If you are having side effects or problems with the medication, call your doctor and speak with him or her about it. Do not play doctor with your medical care. **Do not put yourself in the position where you may have to admit that you chose not to follow your doctor's advice.** It can be devastating to your claim.

## 8. **Stopping Medical Treatment Too Soon**

Insurance companies and juries often believe if a person stops getting medical treatment for an injury, the injury must be all better. They also believe that big gaps between treatments suggest that someone must have healed from

one injury and suffered a new injury unrelated to the first. If you have an injury that is affecting your ability to function, you should seek medical treatment until you are healed or until a doctor tells you that there is nothing more that can be done to improve your condition.

## 9. Failing to Follow Treatment Recommendations Related to Depression or Anxiety

Often pain or disability can cause depression or anxiety. This is real and common and can respond to medical intervention. It is also important to talk to your doctor about these symptoms so it is in your medical record and to follow any treatment prescribed by your doctor. ***Remember: If it isn't in your medical records, it is difficult to prove to insurance companies or juries that this "suffering" exists at all!***

## 10. Failing to Keep a Personal Medical File

It is important that your lawyer knows every medical care provider you have seen and every procedure that you have done after an injury. It is also important that you keep track of all doctors' orders, treatments, referrals, and work restrictions. The easiest way to do this is just to make and maintain a file folder to help yourself, your lawyer, and your case by keeping track of all your medical care.

## **Chapter Eleven**

### **Seven Mistakes That Can Wreck Your Florida Accident Case**

For over 40 years we have been representing people injured in accidents. In this chapter, We have compiled a list of seven common mistakes that have wrecked personal injury claims for thousands of Florida accident victims.

#### **1. Waiting Too Long to Seek Medical Attention**

**Problem:** Many people do not seek medical attention at the scene or go to an emergency room because it is too big of an inconvenience or hassle. Who wants to wait hours for the ER staff to get to you when you have other responsibilities to take care of? Other things, such as your car, your family, your job, and your appointments may seem more important at the time, to be just put on hold while you go get medical attention. You may decide to wait a week or two to see if your sore neck or back get better on their own. However, this thinking can kill your case. The insurance company will try to say that if you were really hurt in the accident you would have gone to the ER immediately or at the very least have seen a doctor the next day. **Many jurors also believe this and expect to see immediate complaints of pain and injury in the medical records of a person claiming to be injured.**

**HERE ARE OUR SUGGESTIONS:** *If you think you may be injured, stay at the scene for the EMS (paramedics) and go to the hospital ER to get checked out. If this is impossible, go to an Emergency Care Center or to your own doctor the next day. Remember: Often it may take a few days until you feel any pain. You must go and seek medical attention as soon as you realize that you may have been injured. Do not try to “tough it out” and take over the counter medications or some old pain pills you may have in your medicine cabinet.*

## 2. Not Calling the Police and Not Gathering Sufficient Information at the Scene

**Problem:** Accident victims often do not call the police and then it is very difficult to prove their case. **The insurance company may dispute the facts of the case without verifiable documentation from the police.** Not calling the police can also be against the law. In Florida, any accident that causes \$500 or more in damages or results in an injury must be reported to the police.

**HERE ARE OUR SUGGESTIONS:** It is important to call the police so they can document the crash evidence and determine who was at-fault. Although the police can make mistakes, they are usually correct and their crash report will go a long way to establish liability (who is responsible) for the accident. It is also important to call the police to the scene so they can interview witnesses and get contact information, as well as the information about the other driver and owner of the other vehicle. These details can help you win your case.

There are also important things **YOU** can and should do at the scene besides calling the police. You should get any witnesses names, phone numbers, and addresses. Sometimes a witness may leave before the officer gets there, so make sure to have a notepad and pencil in your glove compartment. It is also important to take pictures of the scene for proof of where the accident occurred and the damage done. Remember: Once the debris on the road is cleaned up, the crash scene can never be duplicated. Call the police to the scene and keep a cell phone with camera in your glove compartment along with a notepad and pencil or pen. Contact our office today to request your free Glove Compartment Accident Guide!

### 3. Giving Too Much Information to the At-Fault Driver's Insurance Company Right After an Accident

**Problem:** The insurance adjuster for the other side will call you right after the crash and ask you to give a “recorded statement.” Right after the accident you may be taking pain medication or have not yet started to feel the full effects of the accident when the adjuster is calling and trying to pin you down and asking you to describe any and all problems you are having. This statement may be used against you at a later date. Adjusters may also try to make it seem like you caused or contributed to the crash based on some technical rule of the law. Insurance adjusters have been trained on how to interview you and they may easily wind up putting words in your mouth, and again, they may use this “recorded statement” against you, saying that you admitted part or full responsibility for causing the accident.

**HERE ARE OUR SUGGESTIONS:** *Do not talk to the other person's insurance adjuster right after an accident. Instead, get their name, phone number, and claim number and save it to give to your attorney. If you already have a lawyer, tell the insurance adjuster to contact your attorney regarding your case.*

### 4. Waiting Too Long Before Hiring a Lawyer

**Problem:** Once the evidence gets cold, vehicles destroyed, and/or witnesses disappear, your case may be permanently damaged. Many people get much less

than they deserve because while they were trying to recover from serious injuries the insurance company was investigating the case, and evidence was being destroyed and witnesses lost.

**HERE ARE OUR SUGGESTIONS:** *Do not be a victim twice, hire a lawyer right away to protect you and your rights. As soon as you realize you are not feeling quite right you need to talk to a lawyer immediately. Your lawyer can get an accident investigator out right away to examine the scene, the vehicles and interview witnesses before they are lost or destroyed or memories fade. A good personal injury attorney can also spot potential problems and anticipate defenses from the insurance company early on in the progress of the case and avoid or minimize their effect on the injured person's claim.*

5. Hiding Past Accidents and Injuries From Their Lawyer and/or Doctors

**Problem:** The insurance industry has an extensive data base and they will find out about any prior accidents you have had. They will also find out about all your prior medical records. **Hiding information from your lawyer or doctor can be devastating to your personal injury case!!!** Failing to give 100% accurate information can ruin a case as well. You may not want to complain when you see the very nice doctor so you minimize the facts of the crash by calling it a “minor fender bender” or minimize your injuries by stating that they are “not that bad,”

or maybe you exaggerate the facts or symptoms. Your doctor and lawyer need accurate information to take care of you effectively.

**HERE ARE OUR SUGGESTIONS: It is extremely important to be honest with your doctors and lawyer at all times. They must have accurate information about your prior medical history, how many prior accidents you have been involved in, and what is really hurting you.**

#### **6. Failing to Show up for Medical Appointments or Having Gaps in Treatment**

**Problem:** Insurance adjusters know that jurors expect seriously injured accident victims to go to a doctor on a regular basis or else they will think, “how badly could this person have been hurt?” and then not award them any compensation for their injuries or damages. When the insurance adjuster sees “No Shows” (missed appointments) in a medical record, he or she knows that they may not have to pay out much, if any, money to the injured party if the case goes to trial. Having gaps in treatment, and/or not getting medical care for long periods of time, have the same effect on jurors and adjusters. They often interpret this to mean that you were not badly hurt or that you have healed from the injuries caused by the accident.

**HERE ARE OUR SUGGESTIONS:** *It is critical to the success of an injury case to follow your doctor's orders and show up for all scheduled appointments. If you absolutely can not make an appointment, then you must call and cancel the appointment in advance and reschedule right away. It is also important to continue medical treatments on a regular basis and not have any long gaps in your care.*

## 7. Misrepresenting Level of Activity

**Problem:** You may have to do things around the house or at work after an accident just to get by. The insurance company may conduct surveillance with video cameras or miniature cameras to prove you are not telling the whole truth about your level of activity. **When you are caught “exaggerating,” “misrepresenting,” or “lying” about your level of activity, your case will sink like a lead balloon.**

**HERE ARE OUR SUGGESTIONS:** **Get friends or family to help with chores around the house. Be honest with your doctor and lawyer about your activity level. Do not destroy your credibility – Tell the truth!**

## Chapter Twelve

### Insurance: Laws, Recommendations, Factors and Tips

**THIS IS PROBABLY THE MOST IMPORTANT CHAPTER IN THE ENTIRE BOOK!**

**Insurance must be purchased before you are in an accident. Day in and day out people are shocked when we have to tell them that they are going to have to pay tens of thousands of dollars or more of their own money in out of pocket expenses even though they did not cause the accident and the at-fault party complied with the Florida insurance laws. People are upset when they find out that they are going to have to pay for someone else's mistake. It is heart breaking to see how in one second a person's life can be devastated because they failed to plan and purchase adequate insurance!**

When you have been in an accident, it is *too late* to plan ahead for all the problems you may be facing because of **poor or inadequate insurance protection!** In this chapter we are going to discuss what insurance Florida law requires to legally get behind the wheel of a vehicle and what insurance you really need to protect yourself. *We cannot stress the importance of this chapter and our recommendations enough.* **Remember:** The only time to take advantage of this information is *before* you are in an accident. In 2006 there were 214,000 accidents in the state of Florida. More than 75% of the people causing these accidents had little, if any, insurance

to pay for the serious injuries they inflicted. Florida has some of the worst laws in the country when it comes to protecting the innocent person injured in a crash.

**BEWARE:** Neither the state of Florida nor the other driver can be depended on to protect you – only you can plan ahead and protect yourself and your family.

**Here are the minimum requirements for car insurance in Florida:**

- 1. You must have \$10,000 worth of Property Damage coverage to pay for the other person's car repairs if you were at fault (this does NOT pay for your own auto damage if you were at fault).**
- 2. You must have \$10,000 worth of Personal Injury Protection (PIP) to pay for some of your medical bills and lost wages (Florida is a no-fault state and your own insurance company must pay 80% of your medical bills and 60% of your lost wages up to \$10,000).**

*In 2012 the Florida Legislature amended the PIP statute so that you can only get \$2,500 in medical benefits unless you have an "Emergency Medical Condition."*

**That is it!** Nothing more is required in Florida to get behind the wheel and drive down the road. *If that isn't scary enough, over 75% of people on the road only have this minimal required insurance or very low bodily injury liability limits and many have none at all and are driving illegally!*

We estimate that less than 25% of drivers on the road today have adequate Bodily Injury Liability insurance.

So if you think you will be taken care of if you are in an accident, chances are you will *not* unless you had planned ahead and had taken care of yourself and your family by buying adequate insurance. **BEWARE: Even if you are completely innocent in an accident, you can get stuck with thousands or even hundreds of thousands worth of medical bills, loss of income, and a permanent injury that can devastate the rest of your life.**

Here are our recommendations on what auto insurance you need to protect yourself:

1. You need to purchase **Collision Insurance**. If you do not have Collision Insurance you will have to pay out of pocket to repair or replace your vehicle if:

- **The damage to your car is more than \$10,000**
- **The at-fault driver is driving illegally with no insurance**
- **You caused the accident!!!**

2. You need to purchase **GAP Insurance** to protect yourself if your car is worth less than the amount of your bank loan, which is called being “upside down” on a loan, (this often happens the minute you drive a car off the car lot if you got a loan for close to the full purchase price). If you do not have GAP insurance you will have to pay the difference out of your own pocket if:

- **Your car is totaled and you owe more to the bank than the car is worth**

3. You need to purchase **Medical Payment Coverage** (\$5,000 recommended minimum) to protect yourself for this reason:

- **To cover the percentage that PIP does not pay (PIP only covers 80% of medical bills you are responsible for the remaining 20% of medical bills) and more.**

4. You need to purchase **Bodily Injury Liability (BI)** (\$100,000 per person/\$300,000 per accident recommended, or more if you have substantial assets) coverage to protect yourself if:

- **You were at fault in an accident and caused serious injury (this will protect your personal assets).**
- **You need to purchase UM coverage (see #5 below) and in order to be eligible to get UM coverage, you must first have BI Liability Insurance.**

5. You need to purchase **Uninsured/Underinsured Motorist Coverage (UM)** (\$100,000/\$300,000 recommended minimum and make sure to get “stacked” coverage if you have more than one car. See #6 below) to protect yourself if:

- **The at-fault party has little or no liability insurance and your case is worth more than the amount of insurance the other person has. (For example: If you have a \$100,000 case and the other person only has \$10,000 of liability insurance, you can collect the remainder due to you from your own insurance company if you have at least \$90,000 of UM insurance.)**

6. We recommend you purchase “**Stacked**” UM. If you have two or more vehicles on the same insurance policy you are eligible to get additional UM or “stacked coverage” at

a very low cost. (For example: If you have 3 cars on the same policy each with \$100,000 BI, you can purchase up to \$300,000 of stacked UM coverage for a very small additional premium and greatly expand the protection to you and your family.)

- **This gives you a lot more insurance coverage at a very low cost**

### **Other insurance factors you need to know about:**

\*If you have health insurance, it will kick in after PIP has been used up or “exhausted” to pay your medical bills. It may also pay the other 20% of medical bills not paid by PIP.

### **BEWARE OF TWO THINGS:**

1. **When your health insurance takes over you may be stuck with a large co-pay depending on your policy.**
2. **After your case is settled, your health insurance company may want part of your settlement to cover what they have spent on your medical bills.**

Only an experienced lawyer knows what the health insurance company is entitled to and how to negotiate with them. **Personally, we could write a whole book about this one topic; this is one of the more complex areas of the law, so make sure to get experienced help!**

Just because you have planned ahead and purchased UM coverage with your own insurance company (even if you have been a loyal customer for 20 years) does not mean the insurance company will easily part with their money. You probably will need an attorney in serious injury cases to get a fair shake from your own insurance company. **However, at least with UM coverage you have an insurance company with lots of money to go after rather than some deadbeat driver with little or no insurance, so it is worth buying UM.**

### **Final Tips:**

- 1. All of these insurance recommendations may sound expensive, but you may be surprised to find out it costs a lot less than you think, especially if you have a good driving record.**
- 2. Avoid the so called “low cost,” “we insure everyone” insurance companies, and get competitive pricing from major companies.**
- 3. UM insurance is the best deal going, considering that 75% of drivers on the road have little or no insurance, and we have personally seen many serious injury cases where there is no available insurance and the person is just out of luck.**

## **BIGGEST MELDON LAW INSURANCE TIP OF ALL TIME:**

Buy the proper insurance **BEFORE** you are in an accident to protect yourself and your family. The consequences of not being adequately insured can be devastating.

## **Chapter Thirteen**

### **How Can You Determine the Value of Your Personal Injury Case: Or, What is My Case Worth?**

People often ask us to tell them what we think their personal injury case is worth. We have to explain to them the many variables that go into answering that most important question. One of the first things we need to find out is how much insurance is available. For example, if a personal injury case is worth \$100,000 but there is only \$10,000 available in insurance coverage, then the case is more than likely only worth \$10,000, because that is probably all they are going to get. On the other hand, if they have \$250,000 worth of insurance coverage, but have minor injuries with no surgery, their case will usually be worth much less than \$250,000. An injury lawyer experienced in navigating the accident insurance world knows how to weigh all factors discussed in this chapter and many more factors before making recommendations.

**BEWARE: Unless you are in the business of evaluating and settling cases for a living, you should look to an experienced personal injury attorney for guidance!**

**When deciding what a case is worth, insurance companies and jurors consider factors such as:**

- **Who** was at-fault?
- **How much** damage was done to the vehicles involved in the crash?
- **How serious** are the injuries to the person making the claim?

- **If** the injured person was not wearing a seat belt, could their injuries have been prevented by seat belt use?
- **How much** are the person's medical bills?
- **How many** of those bills were paid by insurance?
- **Does** the injured party have to repay the insurance company that paid their medical bills?
- **What** out of pocket expenses does the injured party have?
- **Did** the person have surgery; how serious was the surgery; what was the outcome of the surgery and how much did it cost?
- **How much** are the projected future medical bills going to be?
- **Is there** any surgery recommended by the doctor but not yet performed and what will it cost?
- **Did** the person lose any income because of the accident?
- **What** will be the projected loss of future income?
- **Did** the person have any prior or preexisting medical conditions that were clearly not caused by this crash?
- **How** does the person present themselves: likeable, truthful, and have they done everything to help themselves recover from their injuries, etc.
- **Who** are the parties on the opposite side that you are bringing the case against?
- **Was** the injured person married and, if so, how was the spouse affected by the injuries?
- **In** a wrongful death case, *who* are the "survivors," according to Florida law, and *how* were they affected by the death, both emotionally and economically?

These are just some of the factors that help determine what a personal injury or wrongful death case is worth. In addition to all the factors mentioned so far, there are many strategies employed by the insurance companies to settle cases for less than full value.

**OUR RECOMMENDATION TO YOU: If you have what may be a serious injury, it helps to get legal advice early on to avoid making a mistake.**

**Final Tip:** It is usually wise to wait until you have recovered as much as possible from your injuries (maximum medical improvement or MMI) before you try to determine the value of your case and negotiate a settlement. However, this does **not** mean you should wait to hire an attorney until you reach MMI as this may take months or years to achieve, and it would then be too late. **You can only settle your case one time, so it is important to have a clear idea of what your case is worth before final settlement negotiations.**

## **Chapter Fourteen**

### **Top Ten Accident/Insurance Myths**

Every day we hear “myths” about personal injury cases and the insurance industry. So, we have compiled a list of common “myths” or untruths that you should be aware of.

#### **Here are The Top Ten Accident/Insurance Myths:**

1. **You must give** a recorded statement to the adjuster for the at-fault party’s insurance company or your claim will be denied.
2. **You must sign** a medical authorization at the request of the at-fault insurance company (so they can go on a fishing expedition) or your claim will be denied.
3. **If you** make a claim for Uninsured Motorist (UM) benefits, your insurance company will raise your insurance rates. Remember, you only have a UM claim if the other driver was at-fault.
4. **If you make** a claim for PIP it will raise your insurance rates. Remember Florida is a no-fault state – you must get PIP and Medical Payment benefits from your own company, if you were at fault or not.
5. **If you submit** a reasonable settlement demand to the insurance company you will get a reasonable settlement offer.

6. **If you file** a claim with your own insurance company they will treat you better than the at-fault driver's insurance company.
7. **If you get** into an accident that was not your fault, there will be enough insurance to pay for all your bills, lost wages, and injuries.
8. **You can expect** the same settlement that your friend (cousin, neighbor, or co-worker) received for his or her accident case with similar injuries.
9. **You will get your money** from the jury or insurance adjuster for all your past and future medical bills, and loss of income, because your doctor says you were injured.
10. **You will get rich** if you are in an accident because; the court system is like winning the lottery for injury claims.

**BEWARE: These are all mistruths, lies, myths; whatever you want to call them. They are just not true!**

## About My Practice

I, Jeffrey Meldon, founded Meldon Law in 1971 in Gainesville, Florida, in a small downtown office shared with another young lawyer and a secretary. Within three years my practice had grown and I added another attorney and three full time legal assistants.

Back then, lawyers could not advertise in the Yellow Pages, the internet (as it did not exist) or on TV, advertising was by word of mouth. To a great extent this is still how most of our clients find us today, through former satisfied clients or their families, friends, other lawyers, or people in the community who know how I and my associates practice law.

My office is still in downtown Gainesville, and it has grown! I now have attorneys working with me. Between the three of us, we have over 75 years of legal experience and collaborate together regularly to develop optimum strategies to win our clients' cases. I also have twelve support staff; each case manager has an average of 20 years of legal experience. The office works as a team to fully prepare each and every case. In our practice, *only lawyers negotiate with insurance adjusters*, not paralegals or secretaries.

In our office, *we do not take short cuts*. We hire experienced people and everyone in our office has up to date legal research, technology, and training. *We spare no expense in hiring the best experts to prove the cases that we work on. We also do not take every case* that comes through the door. Doing this allows us the time needed to give our full attention, and necessary

resources, to work towards getting the best possible result for each case. Primarily, we accept cases where someone has been seriously injured or killed in an accident as a result of someone else's negligence.

Our office accepts cases on a contingency fee basis: "no recovery, no fee." We do not charge for an initial consultation and case evaluation. Not only do we only get paid an attorney fee if the case is won, we also advance all the costs of preparing, investigating, and prosecuting a case. Sometimes these costs can amount to \$50,000 to \$100,000 or more. This is one reason we are selective in deciding which cases we accept.

We know accidents cause stressful times, frayed nerves, pain, and frustration. Our goal is to minimize these stresses as much as possible through a system of communication with clients, client education, and an ongoing staff education, improvement, and motivation program. ***In our law office, the client comes first.*** Our staff is dedicated to treating people with the respect and dignity that they deserve, and nothing less.

Each case is assigned to an experienced case manager who assists the attorneys in collecting all of the essential information we need, while helping to ensure that the client is not in the dark about his or her case. The client can talk with the case manager at any time. We are glad to schedule a phone conference or an in-office meeting to fully answer all of the client's questions. This procedure allows us to work on a case without continual interruption and to give full attention to our clients and their cases.

After many years of practicing law, I, Jeffrey Meldon, still enjoy going to my office, to help my clients get the justice they deserve, and working with my law partner and son, Carey Meldon, my associates and my exceptional staff.

## **Contact and Free Newsletter From Meldon Law**

You can contact Jeffrey Meldon or Carey Meldon at Meldon Law:

1-800-373-8000

or online at: [www.MeldonLaw.com](http://www.MeldonLaw.com) or

[jmeldon@meldonlaw.com](mailto:jmeldon@meldonlaw.com)

[cmeldon@meldonlaw.com](mailto:cmeldon@meldonlaw.com) to:

- **Obtain additional copies of this book**
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## About the Authors

### **JEFFREY MELDON**

Florida trial lawyer, Jeffrey Meldon had his first jury trial in 1972 and has been in the courtroom ever since. Mr. Meldon was born in Cleveland, Ohio. He graduated from Ohio State University in 1966, and earned a law degree (J.D.) from Case-Western Reserve University Law School in 1969.



In 1970, he moved to Gainesville, Florida, one year later was admitted to the Florida Bar and opened the Law Office of Jeffrey Meldon, now Meldon Law.

Mr. Meldon regularly teaches other Florida lawyers in trial law seminars and has actively organized and chaired many of these seminars. He has been involved in Florida Bar activities for many years and served on the Florida Bar Traffic Court Rules Committee from 1992 until 2002 (Chairman 1999-2000). He was on the Rules of Judicial Administration Committee from 1999 until 2000. Starting in 2002 until 2007 he was a member of the Florida Bar Civil Procedure Rules Committee. Mr. Meldon taught at the University of Florida Law School in the trial advocacy program and he was an active lecturer and chaired seminars for the Florida Bar and other organizations.

Although Mr. Meldon lives in Gainesville, Florida, he represents severely injured people all over the state, with the majority in North Central Florida.

Mr. Meldon concentrates his practice in the area of personal injury and wrongful death; he regularly attends seminars to stay up to date on emerging trends and technology in these fields of law.

Mr. Meldon has been a member of both the Florida Justice Association and the American Justice Association (the two most important personal injury trial lawyer groups) for many years; he utilizes their resources to provide the best representation for his clients.

**Jeffrey Meldon is a proud life member of the Multi-Million Dollar Advocates Forum, a prestigious group of trial lawyers throughout the country.** Membership is limited to attorneys who have won multi-million dollar verdicts awards and settlements for their clients. Less than 1% of U.S. lawyers are members of the Forum.

Mr. Meldon is very proud of the talented group of professionals that work with him at Meldon Law, most of whom have been with him for many years. Mr. Meldon is passionate about his work and finds great satisfaction in helping injured clients put their lives back together.

Mr. Meldon's son, Carey, a former prosecutor in Daytona Beach, Florida is a partner in the law firm. His daughter, Jessica, is an attorney in Miami, Florida, concentrating her efforts on directing non-profit organizations.

**CAREY W. MELDON**

Carey Meldon is currently a partner with Meldon Law Firm. Before joining the firm in 2009, he practiced law in Daytona Beach with the State's Attorney Office for almost four years. During his employment as an Assistant State Attorney, he personally handled thousands of criminal cases ranging from misdemeanors, DUI(s)



and capital felonies. In 2008, the 7th Judicial Circuit State's Attorney's Office promoted Carey to the Special Prosecution Unit where he handled high profile sex crime cases, including sexual battery, child pornography and molestation investigations.

Born and raised in Gainesville, Carey attended the College of William and Mary where he played on the Varsity Tennis Team and focused his education on the subjects of History and Economics. He later studied law at Stetson's College of Law. One of his life highlights was having his grandfather, Stetson Law Alum Maurice Wagner, present him with his diploma. After many years, he has returned to his hometown to work with his father, Jeffrey Meldon.

Carey's interest is in trial practice involving criminal defense and personal injury cases. The main focus of his

current practice is helping people who have been seriously injured in accidents.

- Assistant State Attorney for 4 years.
- Has personally handled thousands of criminal cases ranging from misdemeanors to capital felonies.
- Was a member of the 7<sup>th</sup> Circuit State Attorney's special crimes prosecution unit, giving him extensive courtroom experience.
- His interest is in trial practice involving DUI and other criminal cases.
- Member of the Florida Association of Criminal Defense Lawyers.
- Member of the National Association of Criminal Defense Lawyers.
- Florida Bar Traffic Court Rules Committee member, in 2010.
- Florida Bar Traffic Court Rules Modernization Sub-Committee member in 2010. (The committee that is rewriting the Traffic Court Rules.)
- Lorman Seminar Lecturer, "Florida DUI Update," July 29, 2010.
- Rossdale Group Webinar Lecturer, "Criminal Law & DUI," August 11, 2010
- Member of the Florida Justice Association

- Florida Bar Seminar Lecturer, Case Law Update, in 2015
- FACDL- Blood, Breath and Tears Seminar Lecturer in 2015
- Member of the United States District Court for the Northern District of Florida
- Member of the National College of DUI Defense
- Member of the James C. Adkins
- Jr. American Inn of Court
- Member of the Florida Bar
- Former Member of the Traffic Court Rules Committee



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Florida attorney, Jeffrey Meldon has been representing people injured in accidents since 1971. He lives in Gainesville, Florida and handles personal injury cases all over Florida, mostly in North Central Florida. He is a frequent lecturer and teacher for the Florida Bar, the University of Florida Law School, and other groups in the area of trial practice.

He has also been heavily involved with the Florida Bar committees that help write the rules governing the practice of law in the State of Florida. His weekly radio program, "Law Talk Live", is the longest continuous running legal affairs program in the southeastern United States.

Meldon Law values service to the community and founded the Jeffrey Meldon Scholar-Athlete Program in 1997 to recognize outstanding achievement by high school seniors in North Central Florida. Every year he awards 34 scholarships to deserving high school students.

Jeffrey Meldon is a proud member of the Multi-Million Dollar Advocates Forum which is a prestigious group of trial lawyers in the U.S. Membership in this Forum is limited to attorneys who have won multi-million dollar verdicts and settlements for their clients; fewer than 1% of lawyers in the country are members.



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