

What To Do If You Are Injured In An Accident With A Company Vehicle

Answers to 5 Questions
You are Sure to Ask and
3 You May Not Know to Ask

By S. Clark Harmonson

Dear Reader,

Thank you for making the choice to get this special report.

Every year, thousands of people like you are injured in accidents involving company vehicles like 18-wheelers and company trucks, vans and buses. You might even be surprised how many of your neighbors and people in El Paso have gone through exactly what you are dealing with right now.

You should know that there is a path for you. I also have a piece of good news for you... By getting this report, you've taken the first of several steps you need to a successful outcome. You could have ignored this information and kept on sifting through all the random pieces of information available for you online.

Instead, you now have a comprehensive resource about injury claims involving company vehicles.

Recently we helped our client Lizeth settle a company vehicle claim against a television production company who was in the region filming a popular national television show. An employee of the production company was driving a large RV and ran a red light in downtown and plowed into our client. We were able to get Lizeth's case settled and put a significant sum of money in her pocket after we filed a lawsuit against the production company and the driver. While the results of each case depend on their own unique facts and circumstances, Lizeth's story is one of many that we have handled at Harmonson Law Firm.

Once you've looked through this report, you should feel free to call us to discuss the facts of your accident. My hope is that you will look to us for help when you need it. We are excited to serve you.

Sincerely,

S. Clark Harmonson

P.S. We are just a phone call away at (915) 229-2222.

Make sure you mention that you downloaded this report, and we'll answer whatever questions you may have!

5 Questions We Regularly Hear from Callers About Company Vehicle Accidents

1. How is a company vehicle accident different than a typical car accident?

The most important thing you should know is that accidents involving company vehicles are different than a “normal” car accident with another driver.

A company vehicle, sometimes called a commercial vehicle, is any vehicle, including a truck, van, car or bus that is owned by a company and used by the company’s employees or agents of the company. Examples include 18-Wheelers, dump trucks, cargo vans, delivery trucks, corporate automobiles and construction vehicles.

In any claim or lawsuit involving a company vehicle, we always look to hold the employer of the negligent driver liable for your damages, harms and losses. Companies have “deeper pockets” than those of their employees and we always look to hold the company primarily responsible for your injuries. Did you know that a company is liable to pay for the damages caused by the conduct of its employee when the employee is working in the course and scope of his or her employment? A company can also be responsible for negligent hiring, training and supervision if the employee has a bad driving record or is not properly trained on the rules of safe driving.

Another key difference in a company vehicle accident is the amount of insurance available to take care of your injuries and lost wages. In a typical car accident case, the other driver most likely has the minimum amount of liability insurance, \$30,000 per person in Texas. In a typical work vehicle accident case, the insurance is much higher than the minimum limits. We have seen insurance limits of \$1,000,000 or higher. In a major crash, the increased limits can help our injured client get necessary medical treatment and surgeries when needed that may not be available in a typical car accident case.

2. When should I talk to a lawyer?

If you were injured in an accident with a company vehicle, the time to call a qualified personal injury lawyer is right now. Let me tell you a story about my friend John. John is a smart lawyer and he used to work for a big law firm that defends trucking companies. At John’s defense firm, someone was always on call, 24 hours a day, 7 days a week, 365 days a year just in case there was a truck accident involving one

of his clients. It was not unusual for John to get a call in the middle of the night to investigate a crash involving his trucking company client's driver. He would actually go to the crash scene to interview witnesses, preserve evidence and do whatever action was necessary to protect his trucking company client. Nationwide, sophisticated trucking companies hire attorneys just like John to quickly investigate and help their clients limit their responsibility to pay for the damages their driver has caused.

All kinds of companies, not just trucking companies, will do whatever it takes to pay you nothing or as little as possible for your injuries when an employee causes an accident. That is why it is important for you to hire your own lawyer early in the process. When you hire Harmonson Law Firm, I will go to work immediately to protect your interests. We will put the company and their insurance company on notice that you are now represented. From that moment forward, you won't have to deal with pesky adjusters and confusing insurance forms. I will begin the process of gathering evidence like getting witness statements, taking photos, and hiring experts to help with the investigation if needed. We will research the company and its driver to determine the driver and the company's history and driving record.

3. How will I pay my medical bills?

The financial realities of a car accident are real and immediate. Many of our clients do not have health insurance and one visit to the ER after a crash can put a person in serious financial jeopardy. Even if you have great health insurance, many hospitals and other healthcare specialists don't like to accept your health insurance or will try to collect money from you out of your settlement. How are you going to handle all of these bills?

A good lawyer can help you through the financial stressors of a car accident while you are waiting to get paid from a settlement or judgment. Our firm has worked with every hospital in this region to make sure that hospital bills are paid out of a settlement instead of by our injured client directly. A good lawyer can also help you get on a payment plan to stop further collection efforts when a provider insists on some form of payment.

We can also help get you medical care where the doctor provides medical care immediately and agrees to wait to get paid until the case ends. Medical funding companies may also pay for needed medical care like expensive surgeries. Funding companies work by paying the provider directly and then collecting for payment out of the settlement or judgment funds. Our firm will work with funding companies and

with your health insurance company as needed to assist with funding necessary medical care for your injuries.

4. Should I cooperate with the insurance company and their adjuster?

You will receive a call from an insurance adjuster for the company that caused the accident and your injuries. Beware! The insurance adjuster's job is to deny or minimize your claim. **You should not attempt to negotiate with the insurance adjuster without the help of your attorney.** The stakes are simply too high in an accident involving a company vehicle to attempt to settle the claim on your own. Here are a few of the tricks that the insurance company will try to use on you.

The insurance adjuster will always try to get you to give a recorded statement. The adjuster will tell you that the claim cannot be settled until you have given a recorded statement. That is simply not true. We routinely advise our clients not to give a recorded statement. We settle cases every single week where no statements are given.

The insurance adjuster will try to take your statements out of context or will try to minimize your injuries in the statement. If the case ever goes to trial, "everything you say will be used against you." The recorded statement is a simple trick to allow the insurance company to minimize or deny your claim.

The insurance adjuster will also try to get you to sign a lot of forms when they contact you. Beware of signing these forms. A medical authorization is always included in these packets. If you sign the medical authorization, you are giving the insurance company "carte blanche" to look into your past medical history. They will use these medical authorizations to gin up any type of excuse to claim you had a pre-existing condition that was the cause of your injuries. The insurance company may also try to sneak waivers or releases into the documents that they want you to sign. Read everything and assume nothing. Don't sign the forms!

5. How much is my case worth?

This is naturally a very good question, because we all want to know what the bottom line is. The truthful answer is that when we initially meet with a client, there is no simple answer to this question. *Be wary of an attorney that tells you otherwise or makes promises about how much money he or she can get you.* What a good lawyer can guarantee is that the lawyer will work his or her hardest to get you the absolute maximum amount of money for your case. I think of "Three S's" when determining the amount of money a case is worth.

- **Severity of the Injuries:** Simply put, the worse you are hurt, the more money your case will be worth.
- **Severity of Wrongdoing:** The worse the company and the company driver's conduct, the more money your case is worth. We are always on the lookout for bad conduct on the part of the company and its driver.
- **Severity of the Crash:** Generally speaking, the worse the collision, the more the case will be worth.

A reasonable settlement offer should include all of your medical bills, lost wages and a significant sum for pain and suffering and your other harms and losses. If the company and its insurance company is not willing to fairly pay you in a settlement, a good lawyer is ready, willing and able to take your case to trial. Our firm regularly files lawsuits against companies whose drivers negligently injure our clients to help insure that our clients are paid fairly for their injuries.

Answers to 3 Questions You Should Have Asked

1. Are all lawyers the same when it comes to company vehicle accidents?

Choosing a lawyer is perhaps the most important decision you will make in your car accident claim. There are over 100,000 lawyers currently licensed in Texas. Lawyer advertising is everywhere, on TV commercials, on the internet, on the sides of buses and on billboards. Many of these lawyers promise to be tough and aggressive but don't have the experience or expertise to take on a company vehicle accident case. Many accident victims fall prey to good advertising.

A good lawyer can literally be the difference maker in the value of your case. Here are some pointers to consider when choosing the right lawyer for your company vehicle accident case.

- **Don't hire a generalist.** The lawyer you choose should not "dabble" in personal injury law. The law is simply too complex and the claims process too intricate to be handled by a lawyer or firm that doesn't specialize in personal injury work.
- **Avoid "case runners" at all costs.** Go running and screaming from any lawyer who calls you out of the blue. We call these lawyers and their representatives "runners." Running a case is unethical, illegal and can get an attorney disbarred. Many lawyers work with shady "injury clinics" that will pose as a representative of the insurance company calling to set you up for an appointment.
- **Look for an experienced personal injury attorney.** As a rule of thumb, your lawyer should have 10 years of personal injury experience and devote 100% of his or her practice to representing injured people. Do your homework online and look for a lawyer that has significant verdicts and settlements, has jury trial experience and who has good reviews from former clients and other lawyers. I trained under a mentor lawyer for almost 10 years before I started my own personal injury practice. During that time, I put in my time learning the ropes of how to investigate, prepare and prosecute all aspects of personal injury cases, from the initial consultation through trial and appeal.

2. What is a contingency fee contract and how much is your fee?

We do not charge our clients any money up front. We only charge a fee if and when there is a settlement of your case or if we collect on a judgment after a lawsuit has been filed. If we are unable to get you money for your car accident, then there is no fee for our services. This type of arrangement is known as a contingent fee. A contingent fee shifts the risk of loss onto the attorney so that you do not have to worry about paying me on an hourly basis. My firm also advances all case expenses. Those case expenses are then reimbursed to the firm if and when there is a successful settlement or collected judgment.

At Harmonson Law Firm, we charge the following contingent fees:

- 35% if the claim is settled before a lawsuit has to be filed
- 40% if there is a lawsuit filed but it is settled before trial
- 45% if there is a trial or an appeal of the case.
-

The increased fee is based on the fact that as the longer the case goes on, the more time and money the firm has to spend on the case. The fees that we charge are in keeping with the standard fees charged in the industry. The most important question you should be asking is not how much the fee is, but whether I have chosen the right attorney to represent me for my case. Choosing a law firm is probably the single most important decision you will make. Picking an inexperienced attorney or an attorney that does not have the financial ability to go the distance with the insurance company and their lawyers could mean the difference in a maximum money recovery and a mediocre recovery or worse.

3. Why is my health insurance company entitled to a portion of my settlement?

Remember signing a bunch of forms when you signed up for your health insurance? Me neither. Well, even if you don't remember, you did. Deep in the agreement with your health insurance is a subrogation clause. Subrogation is a fancy legal word that means you have to pay your health insurance company back when you receive a settlement from the at fault driver. How much depends on the type of health insurance you buy and the source of your recovery.

If you receive government benefits like Medicaid or Medicare, then Medicaid and Medicare have what we call a "super lien" on the settlement. These liens typically apply to all sources of recovery, whether you receive money from the at fault driver

or from your insurance (like UM/UIM or PIP). We deal with Medicare and Medicaid and are generally able to negotiate a discount.

If you have a health insurance policy that is governed by the federal law known as ERISA (large employers sometimes have ERISA plans), then the health insurance company has a lot more rights to assert a lien on your settlement. One thing that we are able to ascertain is whether the health insurance plan is a “self-funded ERISA plan”. If it is not, then the plan would be subject to our Texas state laws which allow for a discount.

One of my most important jobs as a personal injury lawyer is to negotiate with hospitals and health insurance companies and Medicaid and Medicare when a settlement has been proposed. I negotiate using the law on my side. It is absolutely crucial that your attorney knows how to deal with subrogation and liens in order to maximize the amount of money they put in the client’s pocket at the end of the day. That is why I have studied these laws and even written a legal article on the topic.

Call us at (915) 229-2222 if you have any additional questions about your company vehicle accident claim. We would love to hear from you, and your question may also help us improve future versions of this guide!

How It Works

You may feel lost with worry about what to do after the accident. You are no doubt in pain. Your vehicle needs repairs or is totally destroyed. An insurance adjuster is calling you repeatedly trying to get you to make a statement and you are not sure that you should agree. The hospital just sent you a bill for several thousand dollars in the mail. You don't know who to go to for help for your injuries. You are unsure if your health insurance is going to cover your medical bills or you might not have health insurance in the first place. Who is going to help you get through all of this? One or more of these concerns has prompted you to look into hiring a lawyer to help you deal with all of these issues. Here is what you can expect after hiring our firm to help with your company vehicle accident case.

1. Getting You the Right Medical Care

The most important consideration is to help you get medical attention and treatment for the injuries sustained in the accident. Our goal as injury lawyers is to make sure that you receive the best medical care possible, whether that injury is catastrophic or minor. If you do not have medical doctors and therapists, we will work with affiliated physicians, facilities and therapists to get you all of the medical care that you may need after an accident. A good injury lawyer will work with orthopedic surgeons, physical therapists, and sometimes chiropractors to get help for spinal injuries. There are other specialists like neurologists and neuropsychologists to help with traumatic brain injuries.

2. Helping You with Your Damaged Vehicle

My team and I will assist you in getting your vehicle repaired by the negligent company's insurance company. If your vehicle is beyond repair, then the insurance company will declare your vehicle a "total loss". If the vehicle is declared a total loss, then the insurance company must pay you the fair market value of the vehicle before the accident. If not a total loss, you are entitled to repairs and a rental during the repair process.

3. Establishing Liability of the At Fault Driver and Insurance Coverage

We will obtain the accident report and review it to uncover any issues. We will undertake any investigation that is necessary to establish the other driver's fault. That might mean talking to witnesses, speaking directly with the responding officer,

reviewing or taking photos of the accident scene, and inspecting the vehicles involved and going to the scene of the accident to take measurements.

I will then send a letter to the at fault party and their insurance company to notify them of the claim. I will also send a letter to your automobile insurance company to determine if there is any coverage that may help with your medical bills and lost wages, like PIP or Uninsured/Underinsured Motorist protection. I will then work with the insurance adjuster by telephone and other communication with the goal of having the insurance company for the at fault driver admit that their insured driver was at fault (for settlement negotiation purposes) and verify that the insurance policy is in effect and covers your damages.

4. Pre-Lawsuit Settlement Negotiations

If liability is accepted by the insurance company, the next step we will often undertake is to attempt a pre-lawsuit resolution of your claim. *However, in certain circumstances, for example if you are catastrophically injured, we may skip this step and file a lawsuit immediately.* We will not attempt to settle your claim unless and until you have either fully recovered from your injuries or have met maximum medical improvement. This is not a quick process. If we attempted to settle your case before you are done with your medical treatment, you might miss out on injuries that were uncovered during your treatment. We will not want to miss any item of damage that can be claimed for you in settlement negotiations. A quick settlement is almost always a bad settlement.

Once your medical treatment is completed or I have a full picture of your medical damages and injuries, I will attempt to settle your case prior to the filing of a lawsuit. We will prepare a comprehensive pre-lawsuit demand package to the insurance company that summarizes all aspects of the case including a summary of how the company was negligent and how the accident caused you damages, harms and losses. You will be involved in this process and we will not settle a case without your advice and consent.

5. Filing of a Lawsuit and Taking the Case to Trial If Necessary

If your claim cannot be settled with the insurance company for the at fault company and its driver or the need otherwise arises to file a lawsuit without pre-lawsuit negotiations, we will promptly file a lawsuit on your behalf. The process of filing a lawsuit is an intensive and time-consuming process. It can take more than a year

and often times longer to finish the lawsuit process. These are the steps that will happen in your lawsuit:

- **The lawsuit is filed** and the defendant(s) have to respond.
- **The parties to the lawsuit exchange written discovery** like written questions called interrogatories and requests for production of relevant documents. During this phase, you will have to meet with your lawyer and staff to answer questions and supply documents to the other side.
- **Depositions take place.** This is where you will have to go to a court reporter's office and give testimony under oath to the other lawyer. We will have the same opportunity to depose the at fault driver, any witnesses and your medical providers.
- **Mediation occurs** after the above discovery takes place. Mediation is a court ordered settlement conference. A neutral person, called a mediator, will help both sides to attempt to settle the case before going to trial. The mediator chosen is an experienced lawyer or former judge that has extensive experience with personal injury lawsuits. This process is non-binding and confidential. Most but not all cases that are in the lawsuit phase settle at mediation.
- **Trial takes place** if the parties are not able to settle the case. The trial will be in front of a jury and both sides will try to win the case to their benefit. A jury of 12 people will decide the issues of who is at fault and how much money to award for damages and injuries.
- **Appeal.** If there are significant legal issues in the case, you might have to have the case appealed to a higher court. This is a rare occurrence, but it can happen if there was some error or irregularity in the trial that need to be ruled by a higher court.

We hope we have helped answer some of the questions you may have. Want to meet with us to discuss your case and how this process could help you reach a successful resolution? [Call us at \(915\) 229-2222](tel:9152292222) to arrange a free consultation.

The End Result

Below you will find testimonials of people who have gone through the process you just learned about. As you will discover, it doesn't have to be difficult, and help is available to you. Please keep in mind that past results do not guarantee future success and the results obtained for every case depend on the facts of that case.

“Clark has represented me on two separate occasions and both times I've come out with a smile on my face. He and his staff are very professional yet friendly and courteous. They answer all your questions and will respond to you quickly. I felt comfortable and never uneasy like some people do when they speak with attorneys. I recommend him to all my coworkers who may need representation and if the need ever arises again you can bet your bottom dollar I'll be calling Clark once again.”

Mario

“I was so grateful and amazed with the service and treatment I received from this law firm and staff. Mr. Harmonson takes the time to speak to you and explains everything you need to know in detail. I appreciate the fact that Mr. Harmonson will go out of his way to speak to you and answer any questions as well as return any phone calls promptly. I would receive updates on my case and his assistant Rosie was a doll. Everyone is very polite and very professional, I will definitely recommend Harmonson Law firm to anyone in need of a professional honest attorney.”

Joanne

“After my husband's motorcycle accident and his back was broken we were both lost and wondering what to do next. When we met Clark, he explained everything from the beginning and kept us up to date of what the process will be and where we were at during the process. Clark is an excellent lawyer and if I could recommend any lawyer for a personal injury case I have multiple cards of his in my wallet ready to pass out. He is very thorough, kind, and really cares! Clark is the best lawyer around, and we did our homework before meeting him. Clark came to our house due to my husband's condition and Clark also followed up at least 1-2 times per week checking on how we both were doing as well as keeping us posted of what will come. I thank Clark for coming into our lives, he is truly a heaven sent!”

Angelic

Our team at Harmonson Law Firm is standing by to help you. As a matter of fact, we look forward to your call and the chance to serve you as we have served others in our community. While we certainly can't guarantee any results, we may be the right law firm for you. *The best way for us to find out is by calling us at (915) 229-2222* to arrange a free consultation.