

A faint, light-colored background illustration of a pair of scales of justice, with a central column and two pans hanging from a horizontal beam. The scales are centered behind the main text.

12

Secrets

THE INSURANCE ADJUSTER
WON'T SHARE WITH YOU

The logo consists of the letters 'B', 'A', and 'M' in a bold, blue, sans-serif font. The letter 'A' is replaced by a solid gold triangle pointing upwards.

BAM

BENZION & MARTINEAU
INJURY LAW

www.baminjurylaw.com



Thank you for reading

If you or a loved one has been injured in an accident, you will probably get a call from an Insurance Adjuster.

This pamphlet provides you with Twelve Secrets the adjuster won't tell you.



BAM BENZION &
MARTINEAU
INJURY LAW

DANIEL BENZION

KIGAN MARTINEAU

Your Personal Injury
Lawyers



Secret N° 1

≡ THIS ACCIDENT WASN'T MY FAULT, BUT I AM STILL SUFFERING FROM SOME OF THE INJURIES. WHAT CAN I EXPECT FROM THE CARELESS DRIVER'S INSURANCE COMPANY?

The other driver's insurance company will probably call you. Their insurance adjuster may even offer to pay your medical bills and lost wages to get a quick settlement. But **DON'T BE FOOLED**, you may also be entitled to money for your pain and suffering, and changes in your lifestyle. At **Benzion & Martineau**, we can help you decide how much they should pay.

Secret N° 2

≡ EVERYBODY KEEPS TALKING ABOUT “PIP” OR “MED-PAY”. WHAT IS THAT?

Sometimes the adjuster will use the words “PIP” or “Med-Pay”. Most but not all insurance policies include this coverage. Whether or not the accident was your fault, the insurance company to the car you are driving or riding in will pay Med-Pay/PIP benefits to you. To get these benefits, you should call your own insurance company (or the insurance covering the car you were in). If you were a pedestrian, call the insurance company of the car that hit you.

Ordinarily, you do not need an attorney to receive these benefits, and these benefits should be paid no matter who was at fault for the accident.



PIP or Med-Pay insurance usually pays for 4 things:

1. Medical Expenses: Usually the insurance company will pay the first few thousand dollars of your medical expenses. This is the minimum amount they will pay. You could be entitled to more if the policy allows for it.

2. Wage Loss: If you were employed at the time of the accident and lost time from work because of the accident, you are probably entitled to lost wage benefits.

3. Household Expenses: If you are unable to perform your regular household chores, or need assistance, you may be entitled to certain benefits.

4. Death Benefit: In case of a death, the heirs are probably eligible for a death benefit, plus funeral expenses.

IMPORTANT: The careless driver's insurance company must generally pay your insurance company back for the PIP/Med-Pay benefits paid to you. If you are not careful, however, you might accept a settlement, thinking that all the money goes in your pocket - only to learn that a significant amount of the settlement actually goes to the insurance company to repay these benefits.

**SOUND COMPLICATED?
IT IS. BE SAFE. CALL US.**

A person wearing a grey polo shirt and grey pants is using two silver crutches to walk. Their right leg is in a white cast and is being supported by the crutches. The background is a plain, light grey wall.

Secret N° 3

≡ THE ACCIDENT CAUSED SOME PRETTY BAD INJURIES. I AM NOT SURE WHAT THE FUTURE HOLDS, BUT THE INSURANCE ADJUSTER WANTS ME TO SIGN A SETTLEMENT NOW. WHAT SHOULD I DO?

It's almost always a big mistake to settle too soon. The careless driver's insurance company may be required to pay all medical bills and lost wages – past and future. Before we settle cases, we contact your medical team to get an estimate of future medical expenses and possible changes to your lifestyle due to the accident. On the other hand, if you wait too long, your claim could potentially expire. Be safe. Call us and we will help you figure out the best settlement plan.

Secret N° 4



POLICY



Click here for more information

Click

≡ I AM CONFUSED. THE INSURANCE ADJUSTER IS TALKING ABOUT ALL DIFFERENT TYPES OF INSURANCE: UNDERINSURED COVERAGE, UNINSURED COVERAGE, AND LIABILITY INSURANCE. WHAT DO I DO?

That's where **Benzion & Martineau** steps in. There are many different types of insurance. Depending on your unique circumstances, you may be entitled to benefits from more than one policy. You may be offered to sign a release by the other driver's insurance adjuster. Be careful – you may be signing your rights away to benefits from other types of insurance that you and your family are unknowingly eligible for. Let **Benzion & Martineau** read any documents before you sign.

A woman with long dark hair, wearing a brown leather jacket, is looking down with a distressed expression, holding her hand to her forehead. In the background, the front end of a white car is visible, showing significant damage to the hood and bumper area.

Secret N° 5

☰ THE INSURANCE ADJUSTER SAYS THE ACCIDENT WAS PARTLY MY FAULT, SO HE WANTS ME TO MAKE A LOWER SETTLEMENT. CAN HE DO THAT?

Well, yes and no. according to law, your settlement and recovery gets reduced by the percentage of your fault. For example, if you are 10% at fault, your settlement or recovery would be reduced by 10%. Likewise, if you are 30% at fault, your settlement or recovery is reduced by 30%. If you are 50% or more at fault, the law states you unable to make a claim against the other insurance.

IMPORTANT: Do not assume the adjuster is right if they claim you are partially at fault. Call **Benzion & Martineau** – we will review the facts of your case without obligation.



Secret N° 6

≡ I WAS A PASSENGER INJURED
≡ IN AN ACCIDENT CAUSED BY A
≡ FRIEND. CAN I STILL RECOVER
≡ WITHOUT CAUSING MY
≡ FRIEND FINANCIAL
≡ HARDSHIP?

Yes. Even if a friend or a family member caused your accident, you can usually be fully compensated. A claim can be made against the insurance company with nothing out of pocket of your friend or family member.

Secret N° 7

LAWSUIT

☰ IN THE PAST, MY FAMILY HAD USED A GENERAL PRACTICE ATTORNEY FOR WILLS AND FAMILY LAW ISSUES. IS IT REALLY NECESSARY TO RETAIN AN ATTORNEY WHO ONLY PRACTICES IN ACCIDENT & INJURY LAW?

At **Benzion & Martineau** we work daily with numerous insurance companies and keep current with the unique and ever-changing laws and regulations affecting personal injury cases. We have a substantial amount of experience and only handle cases like yours. We also treat clients like people – not just another case file.



Secret N° 8

MY MEDICAL BILLS ARE MOUNTING AND MY GOOD CREDIT IS BEING JEOPARDIZED. WHAT CAN I DO TO STOP POSSIBLE LAWSUITS AND JUDGMENTS?

Benzion & Martineau can often negotiate with your medical providers to delay collection actions until you get your settlement. Sometimes we can even help you find other available medical insurance that you did not know about.

Secret N° 9



I THOUGHT ABOUT NEGOTIATING MY CLAIM ON MY OWN. HOW DO I KNOW IF THE INSURANCE ADJUSTER'S OFFER IS FAIR AND REASONABLE?

You don't. The fair settlement value of your case is dependent on many factors and considerations. Remember, the insurance adjuster works for the insurance company – not for you. The adjuster's job is to get the lowest possible settlement. Our attorneys are knowledgeable, experienced and advocating for you. Our job is to get the highest possible settlement for you.



Personal Accident Claim Form

To expedite your claim, please (1) complete this form, (2) present the relevant documents to the Insurance Office as soon as possible. Thank you.

A. POLICY DETAILS

Policyholder/Insured's
Full Name

Policy No.

WHY DOES THE INSURANCE ADJUSTER RECOMMEND THAT I NOT HIRE AN ATTORNEY?

This is probably because insurance settlements handled without an attorney tend to be significantly cheaper for the insurance company. Some people make settling their claim a “do it yourself” project to save money. However, a good attorney can often point out rights and remedies you are entitled to (which the insurance company is not likely to tell you about). When it is time to negotiate, a well-prepared attorney will be able to demand a much larger settlement using his or her knowledge of your unique case and injury law – both of which the adjuster will not be able to compete with. Let the professionals at **Benzion & Martineau** help you through this complicated process.



SHOULD I HIRE A LAWYER NOW OR WAIT FOR THE INSURANCE COMPANY TO MAKE ME A FIRST OFFER?

You have every right to wait for the insurance company's offer before calling an attorney. However, in the meantime:

- › The insurance company will want to take recorded statements from you and other persons involved in the accident.
- › You will want to have appropriate representation to safeguard your interests in this phase of the case.
- › The insurance company may also attempt to make use of medical release forms which they are not entitled to use.
- › Information a lawyer might use to benefit your case may become unavailable or lost by the time you seek legal counsel.

The insurance company is working on the case within days of the accident occurring. You should also have appropriate representation as soon as possible so that your interests are safeguarded.

At **Benzion & Martineau**, if we take your case, we guarantee that we will get more money for you (even after our fee has been deducted) than any amount you have already been offered by an adjuster, or we'll take no attorney fee.

Secret N° 12



☰ IF I HIRE AN ATTORNEY, DOES THAT MEAN MY CASE WILL END UP IN TRIAL?

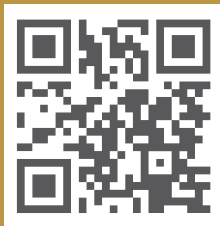
No. Most cases are settled without a trial. In fact, less than 5% of such cases end up in a trial. But, if the insurance company knows that you and your lawyer are ready for a trial, they often will pay more in settlements. Sometimes we resolve cases through arbitration or mediation – both of which are much faster and less stressful than a trial.



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