



Client Handbook

BAM

BENZION & MARTINEAU
INJURY LAW

www.baminjurylaw.com



Welcome to **BAM** **BENZION & MARTINEAU** INJURY LAW

Thank you for trusting **Benzion & Martineau** with your personal injury claim. We have been where you are before as an accident victim, and we understand the frustration and pain you may be feeling right now. Though things are not ideal currently, all of us here are happy to meet you and get to know you. Each one of the cases that we accept is as unique and faceted as our clients and we hope that throughout this process we can get to know each other, and we can show you that we care.

Personal injury law is all we do at **Benzion & Martineau**. We are all passionately devoted to advocating for accident victims and improving their lives. Part of that includes working hard to represent you and protect your interests in situations that you may not be prepared for.

The end goal at **Benzion & Martineau**, however, is to obtain a substantial recovery for our clients. Our clients are the most important people in our office. At **Benzion & Martineau**, we pride ourselves on our experience and know-how in dealing with the complicated areas of personal injury and insurance law. Our attorneys and staff are educated at some of the leading law schools and universities in the nation. They stay current with the ever-changing legal landscape and laws, so that your case strategy is strong and covers all its bases.

At **Benzion & Martineau**, you will find caring individuals who “go that extra mile” to make sure you are getting the best, most strategic, and current legal advice available.

Finally, I want to personally assure you that all the resources of **Benzion & Martineau** will be put to work on your behalf. We provide knowledge, experience, and the good old-fashioned hard work needed to give your case its best chance of reaching a satisfying ending.

Again, welcome. You have made the right choice in selecting a personal injury law firm.

With best regards,



DANIEL BENZION



KIGAN MARTINEAU

Sus Abogados de **Lesiones** Personales



≡ OUR TEAM

Benzion & Martineau is a team of dedicated attorneys, paralegals, legal secretaries, and other support staff. Each one of us is an expert in our area and, together, we work hard for you to reach a settlement that is in your favor. In the meantime, we are also here to answer questions, guide you through the process, and give legal advice.

Every client we accept is unique, so our team tailors their legal approach and strategy specifically to each case. Because of this, it is necessary for you to work closely with the paralegal assigned to your case in addition to the attorney. Our paralegals are highly skilled legal professionals with years of experience in injury law. Paralegals perform many tasks that lawyers do, but they do not practice law or give legal advice. The lawyer/paralegal combination on your case is one of the most important factors in you having a successful outcome.

Communication is key in handling your claim and ensuring the best result possible for you. For this to happen, it is important that you keep your attorney/paralegal up to date on your medical treatment and other details that affect your claim. It is also imperative that you immediately notify **Benzion & Martineau** if your address or phone number changes. If your attorney and/or paralegal is not available when you call, one of them will return your call as soon as possible.

Teamwork, skill, and reliability – that's what you can expect from **Benzion & Martineau**.





☰ THE LEGAL PROCESS AHEAD

In the pages that follow, you will see various legal terms and processes that correspond with personal injury cases. We have tried to list these terms and processes in the order your case may potentially flow. Of course, the order may differ on an individual client basis – some will precede others, some will overlap, and some may not be necessary at all for your case.

At **Benzion & Martineau**, we feel that providing as much information as possible to our clients is best. We want our clients to be involved in the process and believe that transparency plays a big role in making you knowledgeable, aware, and comfortable at all stages of your case.

As always, we are here to answer any questions you may have regarding your case.

INVESTIGATION

Once **Benzion & Martineau** is retained, an investigation of your case begins. During the investigation, we obtain the accident report, contact witnesses, gather evidence, and verify insurance coverage.

The auto insurance companies hold a database of all the personal injury claims that have been made in the past. Be sure to let us know if you have made any claims before. This is not something to hide, but also not something to worry about.

NO-FAULT INSURANCE

If you were hurt in an automobile accident, and the car you were in was insured, you may be eligible for No-Fault Insurance Benefits.

No-Fault Insurance usually pays for three things:

1 – Medical Expenses: Usually the auto insurance company will pay the first \$3000 of your medical expenses. This is the minimum amount it will pay. You might be entitled to more if the policy allows it.

The auto insurance company is required to pay its limits before your health insurance company pays any benefits. If you exhaust the medical expense limit under the no-fault insurance benefit, your health insurance will then kick in. If you have no health insurance, please let us know. We can try to help make arrangements for your bills to be paid when your case is settled.

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

The limit for lost wage benefits is 85% of your gross weekly wage or \$250.00 per week, whichever is less. This benefit does not cover the first three days of missed work unless the disability continues for longer than two consecutive weeks after the date of injury.

There is a one-year limitation for this benefit. In other words, the maximum number of weeks paid is 52, regardless of continuing disability.

3 – Household Expenses: If the accident has caused you enough injury that you cannot perform your regular household chores or you need assistance, then you may be entitled to certain household expense benefits. The household expense benefit pays up to \$20.00 per day for services rendered or expenses incurred. There is also a one-year limitation for this benefit.

Ordinarily, you do not need an attorney for the no-fault benefits to kick in. At **Benzion & Martineau**, we typically do not charge a fee or percentage on those benefits. For that reason, it will be your responsibility to work with the insurance company yourself and be sure you receive your no-fault benefits. Of course, **Benzion & Martineau** is here to assist you if there is a problem or if the insurance company fails to pay the benefits to you.

PROPERTY DAMAGE

Included in this packet is **Benzion & Martineau's** free booklet **“Common Questions About Property Damage Claims”**. This valuable booklet guides the reader through the vehicle damage claims process and answers commonly asked questions regarding car repairs, rentals, and total losses. With the help of this informative guide, in most cases, you will be able to settle the vehicle damage claim on your own.





MEDICAL TREATMENT

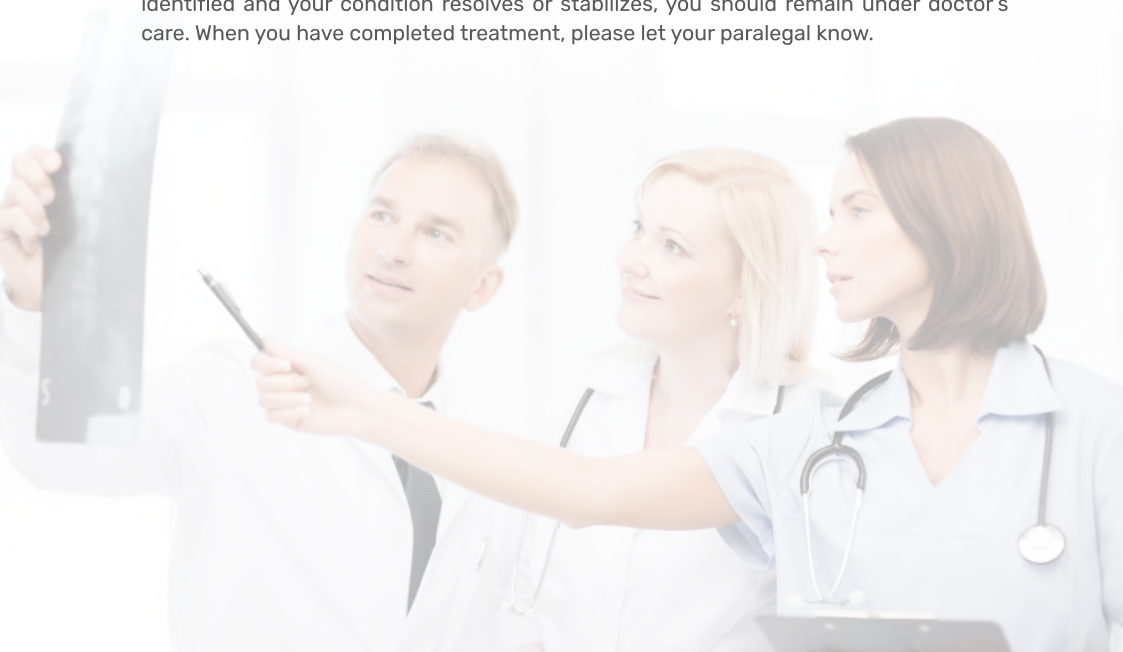
As the victim of an accident, you are going to be concerned with where to obtain medical treatment and who is going to pay for it. If no-fault or health insurance is not available, **Benzion & Martineau** will try to arrange for payment of medical services upon settlement of your case, so that you can receive the treatment you need in a timely manner.

To build your case, we will obtain a detailed description of your injuries from each physician who treated you. Throughout the process, your paralegal will stay in contact you to get progress reports periodically on how you are doing and how you are healing.

Please be sure to let your paralegal know if you have had any other accidents, injuries, major illnesses, or hospitalizations, before or after the accident. It is important that we keep the injuries related to your accident separate from any other medical issues.

Please be sure to keep all your medical appointments. If you fail to show up for an appointment, it is discourteous to the physician, but most importantly, very damaging to your claim. If you cannot keep your appointment, contact the doctor's office, and reschedule.

When you are in your doctor's appointments, it is important that you fully describe your injuries to the doctor, the symptoms you're feeling, and how these injuries have affected you and your daily life. Depending on the progress of your recovery, you may be referred to other doctors for specialized testing or treatment. Until all your injuries have been identified and your condition resolves or stabilizes, you should remain under doctor's care. When you have completed treatment, please let your paralegal know.





MEDICAL BILLS

When you have completed with your medical treatment, **Benzion & Martineau** will work to obtain copies of your medical records and bills directly from your medical providers. We may also request that you provide us with copies of your medical bills periodically in order to keep your file updated. Remember to hold onto your receipts for prescriptions and medical accessories such as a wheelchair or crutches that are related to your accident. You may provide us copies of those receipts as well.

Be aware, sometimes a doctor may require that you sign a lien to ensure payment of your medical bills from the settlement proceeds at the conclusion of your case. While this is mainly for the doctor's financial protection, it also allows them to treat you in a timely manner while you are injured and unable to pay.

LOST WAGES

Depending on the facts of your case, you may be entitled to present a claim for your lost wages from work. Please keep track of any time missed from work because you were under a doctor's no-work order, or at a medical appointment.

Please send us the information on the time you missed from work. We will document it with a statement from your employer confirming your work description, pay rate, and time lost from work that can be verified by your doctor.

If you are unable to work, make sure your doctor notes it in your medical records.

CASE EVALUATION

Determining the value of your claim requires an assessment of several factors. Some of the factors that are considered include: the nature and severity of your injuries, amount in medical bills, length of treatment, permanent impairment, loss of earnings, and damages for pain and suffering. Other variables could affect the value of the claim, as well, such as pre-existing medical conditions, comparative fault, and insurance policy limits.

No one can predict the value of your claim until all the evidence has been gathered. After considering all the factors, including the effect on you as an individual, we will provide you with the potential value of your case.

SETTLEMENT NEGOTIATION

Once you have completed your medical treatment and we have obtained all the records needed to document your injuries and losses, we will put together something called a demand and submit this to the insurance company. This is where we begin to seek a settlement of your case.

Most personal injury cases settle in this negotiation phase. We will advise you of all the settlement offers from the insurance company. If the offer is an amount which fairly compensates you, the case can be settled with your approval. It usually takes time to negotiate with the insurance company and to get them to make a reasonable offer on your case; so please be patient.

MEDIATION

Mediation is one method we may use to settle your case. In mediation, both sides submit their dispute to an impartial person, a mediator, who assists them in trying to reach a mutually agreed-upon settlement. Mediation can be a cost-effective way to resolve your case. Your attorney will explain the availability, costs, and benefits of mediation.

FILING A LAWSUIT

If we remain deadlocked in negotiations and your case cannot be settled, we will discuss with you the alternative of taking your case to court. The costs advanced by our office dramatically increases as your case progresses into litigation. These additional costs are considered as we discuss the pros and cons of accepting the insurance company's best offer or proceeding with litigation.





LITIGATION

In a lawsuit, you are the plaintiff, or the party who is suing. The responsible party, the insurance company, is the defendant, or the party being sued. Your lawyer must attend numerous meetings and hearings with the opposing attorney and judge. There are several phases of “discovery” as your case is prepared for arbitration or trial.

INTERROGATORIES

When your case is filed in court, each side has a right to submit written questions to the other side. The questions are called interrogatories and must be answered by you under oath. Your attorney and paralegal will assist you in answering these questions.

REQUEST FOR DOCUMENTS

After a lawsuit is filed, the defendant may request you to provide tax returns and other documents supporting your losses. Your attorney will review these requests with you.

DEPOSITION

Both the plaintiff and the defendant have the right to take depositions of the parties to the lawsuit and witnesses. During the deposition, the defendant’s lawyer will question you under oath before a court reporter about the accident and your injuries. Your attorney will meet with you before the deposition to prepare you and will be present to assist you.

INDEPENDENT MEDICAL EXAM

The defendant has the right to have you examined by a physician of their choice. The defendant will have to pay the cost of this examination.

ARBITRATION AND TRIAL

Several months after a lawsuit is filed, your case may be arbitrated. An independent attorney acts as the arbitrator during the hearing, much like a trial. Both sides present their case, and the arbitrator makes a final decision much like a judge’s ruling. In most cases, the decision of the arbitrator is binding and cannot be appealed or overturned even in a court of law.

As your arbitration hearing or trial date approaches, your attorney/paralegal team will explain what you can expect to happen and what is expected of you.



☰ HOW YOU CAN PERSONALLY HELP YOUR CASE

- Always tell us the whole story even if the facts are unfavorable to you.
- Let us know if you are thinking about bankruptcy. It will affect your case.
- Document your case by telling your doctor all the effects of your injuries.
- Keep us updated if your condition worsens or another accident happens.
- Be patient. We know this is a difficult time. We are working on your case.
- Don't sign anything, particularly releases, until you have checked with us first.
- Promptly provide us with documents we request, i.e. insurance policies.
- Keep track of the time you miss from work including for doctor visits.
- Keep a record of your pain, suffering and inconvenience from the accident.
- Don't talk to anyone about your case, unless authorized by our office.





☰ CONCLUSION

We hope this information helps you understand what we can do together regarding your personal injury claim. If you have any questions about any procedures, please ask your paralegal for an explanation. We appreciate the confidence shown in us and look forward to representing you.



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¡Hablamos Español!



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