



What Insurance Companies Don't Want You to Know

THE
CORSON & JOHNSON
LAW FIRM

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What Insurance Companies Don't Want You to Know

Personal injury cases are intended to make the injured party whole again, which means covering medical expenses, property damage, lost income, and damage to the person's life.

Insurance companies use a "3D" strategy for responding to claims:

- Delay
- Deny
- Defend

Insurance companies *delay* significant claims because a delay almost always benefits them. Some injured people will die, some will go bankrupt, and some will have other bad things happen to them that will result in their claim being dropped or diminished. In the meantime, the insurance company makes money by investing the funds that should go to the injured person.

Insurance companies *deny* claims because they bet that the injured person will take what is offered for fear that, if they don't accept it, they will get nothing at all. Insurers hope the injured party won't wait, or won't prosecute their claim, and will take what they are offered. Injured people walk away from billions of dollars that should rightfully be theirs, but which insurers now keep for themselves.

Insurance companies *defend* claims as part of their pattern of delay and denial. When insurance companies use their "3D" strategy, people are shortchanged.

9 Rules Insurance Companies Play By:

When you or a loved one has been injured, you don't want to worry about who is going to pay medical bills, lost wages and other losses. And the last thing you want is to be taken advantage of by an insurance company. To be treated fairly, you need to know the rules.

1. Insurance company profits have been at record levels. Insurance companies are profit-driven corporations whose goal is to make money, even if it means minimizing rightful claim payments. Insurance claim denials and underpayments are at an all-time high.
2. There is not a single federal law that makes it illegal for insurance companies to defraud policyholders.
3. The insurance regulations in most states are inadequate to protect the rights of consumers. Here in Oregon, for example, there are unlawful insurance practice laws on the books, but consumers cannot directly enforce those laws in court; they are toothless.
4. Insurance companies are immune from antitrust laws.
5. Insurance companies count on people not knowing about time deadlines, both statutes of limitations (time periods for making court claims set by law), and internal insurance company deadlines for times to respond or to appeal decisions. A failure to act in a timely manner can become a complete barrier to recovering compensation.
6. Insurance companies count on people giving up too easily. They know that a certain percentage of people will accept denials or small settlement offers.
7. Experienced adjusters are assigned to every case by the insurance company to gather evidence. Frequently, they will appear to be friendly, with the injured person's interest at heart. Remember, their main purpose is to help the insurance company to dispute the claim and to minimize any settlement.
8. Insurance companies have enormous advantages over the average person, including their great wealth, and their thousands of trained adjusters, expert defense lawyers, and expert witnesses and consultants.
9. Insurance companies do not want you to hire an attorney, because the recovery will usually be higher.

5 Rules Every Injured Person Should Know:

1. *Insurance companies share information on every claim.*

Insurance companies track all claims against any insurance company. If you have a pre-existing medical condition, no matter what insurance company dealt with it, how old it is, or even if it was paid, the condition will be revealed. To help your case, let your attorneys know about any injuries, addictions, or medical problems before and after your accident. Good cases are lost because the insurance company argues that the problems were caused by an earlier or later injury or medical condition.

2. *Keep your own records for all medical, out-of-pocket expenses and lost income.*

Medical and other expenses are an important part of a personal injury case, so good records of these expenses must be kept.

Many people won't ask for their medical records. They are *your* records about *your* condition—not the doctors'. Get copies of all medical records including all prescriptions and medicines taken and the bills or receipts for them. It is sometimes helpful to save bottles or containers of medicine.

Retain all bills which relate to your claim, including medical expenses, hospital expenses, drugs and medicines, therapy, appliances, home health care or aides, and anything else needed in your recovery. If possible, pay bills by check or credit card, so that a complete record may be kept. If this is not possible, be certain to obtain a complete receipt with the bill heading on it, to indicate where the receipt came from and the party issuing it.

Keep a complete record of all lost wages. It is often helpful to obtain a statement from the employer outlining the time lost, the rate of pay, the hours worked per week, the average weekly income and any losses suffered as a result of the incident. Where possible, also obtain other types of evidence such as ledger sheets, copies of time cards, canceled checks, check stubs, vouchers, or pay slips.

3. *Take notes. Lots of them.*

Subject to your attorney's approval, keep a daily record of experiences—both physical and emotional—after the incident, even if they seem mundane and ordinary. Describe what you do when you get up in the morning, what type of work and effort do you put into your job and what non-work activities you do

during any part of the day—exercise, reading, movies, etc. Then describe the changes in work life, your play life, and life as a family member. This will help to show how life has changed as a result of the incident.

Include notes on medical treatments, therapy, appliances, hospitalization, change of doctors, change of medications, symptoms, recurrence, setbacks, disabilities, and inconveniences.

4. *Don't talk. Don't sign.*

You should not discuss your case with anyone—and that includes employers, coworkers, distant relatives, neighbors, the individual or company at fault, and even friends. And definitely not the other party's attorneys or insurance company. Conversations may be recorded and used against you. It's best to talk only with your attorney.

Do not sign any documents without your attorney's consent. If you get any letters from anyone in connection with your case, mail or fax them to your attorney immediately. Keep a copy.

Before making a report to your own insurance company, consult with your attorney to familiarize yourself with what type of coverage is found in your policy. This can be coverage concerning liability, medical payments, property damage, uninsured or underinsured drivers, or any other claims under your policy.

Remember at all times that you may be under surveillance and subject to being photographed or filmed by the adverse party.

5. *Don't throw any evidence away. It might be important.*

Be certain to keep anything that might be used as evidence in your case, such as shoes, clothing, glasses, photographs, defective machinery, defective parts, or foreign substances which may have been a factor in the incident that caused your injury.

Take photographs of all motor vehicles, machinery, appliances, etc., that may be connected—directly or indirectly—with your accident.

Making sure the law works for everyone.

The Corson & Johnson Law Firm specializes in representing people who have suffered severe injuries or death caused by defective products or wrongful conduct.

One of the important services we provide our clients in the difficult time following an accident or injury is our expertise and guidance through the complex judicial process. The more insight we can provide into the workings of the system, the better prepared our clients are for the challenges of the legal process. The attorneys of The Corson & Johnson Law Firm are dedicated both to making sure that their clients receive fair compensation, and also to working for changes—sometimes through new laws and regulations—that will prevent further injuries and deaths.

Both Lara Johnson and Don Corson are members of the American Association for Justice (AAJ) and the Oregon Trial Lawyers Association (OTLA), and are admitted to the Oregon state and federal courts.

Lara is on the OTLA Board of Directors and is also a member of Oregon Women Lawyers. She has written and lectured on nursing home neglect and abuse, and is also published on claims against government entities.

Don is recognized by Best Lawyers in America in personal injury, medical negligence, and product liability law. He is a Fellow of the American College of Trial Lawyers, a member of the American Board of Trial Advocates, and a past President of OTLA. Don is rated “AV” by LexisNexis Martindale-Hubbell’s rating system.

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