

THE FRIDAY LAW FIRM  
430 Church Street  
Sulphur Springs, Texas 75482  
(888) 8TEX-LAW  
(903) 885-2900  
www.fridaylawfirm.com

**VEHICLE COLLISION CLIENTS - DO NOT DISCUSS ANY ASPECT OF THE COLLISION OR YOUR INJURIES WITH THE DEFENDANT OR THE ADJUSTER FOR THE DEFENDANT'S INSURANCE COMPANY. SIMPLY PUT, ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU TO REDUCE THE VALUE OF YOUR CLAIM.**

## **INSTRUCTIONS FOR INJURED CLIENTS OF THE FRIDAY LAW FIRM.**

### **INDEX**

- 1. Preserving The Evidence**
  - a. Physical Evidence**
  - b. Witnesses**
  - c. Investigation**
  
- 2. Resolving Your Property Damage Claim, Including Your Automobile**
  - a. If You Are Represented by an Attorney**
  - b. If You Are Not Represented by an Attorney**
  - c. Loss of Use**
  - d. Releasing Your Automobile**
  
- 3. Documenting Lost Income**
  - a. Documents From Your Doctors**
  - b. Documents From Your Employer**
  - c. Lost Employment**
  - d. Federal Tax Documents**
  - e. Self-employed**
  - f. Other Reimbursable Expenses**
  
- 4. Medical Treatment**
  - a. Which Doctors Should You See**
  - b. How To Get to Your Appointments**
  - c. How To Pay For the Medical Treatment**
  - d. Tracking Your Medical Expenses**
  - e. Cooperate Fully With Your Doctor**
  - f. Documenting Medical Treatment**

- 5. Your Insurance**
- 6. Using Helpful Resources**
  - a. Medicare and Medicaid**
  - b. Age Sixty-five or Over**
  - c. Indigent**
  - d. Long Term Inability to Work**
  - e. Job Training**
  - f. Work Assistance**
  - g. Counseling**
  - h. Other Sources**
- 7. Communicating With Your Attorneys**
  - a. Your Contact Information**
  - b. Important Changes in Your Life**
- 8. Controlling Case Costs**
  - a. What You Can Do**
  - b. What We Will Do**
  - c. Questions**
  - d. Areas of Practice**
  - e. Our Legal Obligation To The Client**
  - f. Complaint Resolution**
- 9. Settlement**
- 10. Litigation**
  - a. Filing Suit**
  - b. Discovery**
  - c. Alternate Dispute Resolution/Mediation**
  - d. Trial**

## **1. Preserving The Evidence**

### **a. Physical Evidence**

Take photographs of all visible injuries, physical location of the incident related to your injury and any product or vehicle involved. If you have taken photographs, get them developed or forward the film for developing to us as soon as possible. If you are unable to take these photographs, let my office staff know and we will take them for you. Sometimes doctors will photograph your injuries for their files. If this happens, let us know so we can obtain copies of the photographs taken by the doctors. If your injury involves a product, maintain the product in its original condition or let my office know where the product is located. In short, you must keep and store everything pertaining to your incident or injury, including the actual clothing you were wearing when you were injured. If your injury requires the use of a cast, brace, or other medical appliance, save it for evidence in trial. Keep every prescription bottle filled. This makes for a great exhibit for the jury, if trial is necessary regarding the amount of medication you have taken.

### **b. Witnesses**

Get the names, work and home addresses and all possible phone numbers for anyone that is a witness to the incident.

### **c. Investigation**

Furnish us with name, address and telephone number of any person, government agency, or other organization which may have investigated your accident. Furnish us with a copy of any accident reports in your possession or incident reports you may have received or turned in to anyone. Know that in most cases, investigating is being done by the defendant or the defendant's insurance company. This sometimes results in surveillance of you, and others that come to see you at home or work. Commonly defendants and insurance companies videotape you for days at a time, run background checks on you and others that come to your home as well as questioning your friends, family and neighbors about your injuries. Always follow your doctors restrictions. If your doctor says you should not be working, it is difficult to explain how you are mowing your yard, playing golf, or whatever you would normally do if you were not injured. If you suspect you are being followed or videotaped, let us know immediately.

## **2. Resolving Your Property Damage (Vehicle Collision Cases)**

### **a. If You Are Represented by an Attorney**

If we are retained as your attorneys regarding your injury claim, we will assist you with your property damage claim at no charge, unless we have to file suit to recover your property damage. Unless you have experience in the automobile industry appraising automobiles, do not try to personally negotiate your property damage claim with the defendant or their insurance company. Direct all communications regarding your property damage claim to our office and avoid speaking with the defendant or the insurance adjuster for the defendant's insurance company. If you

have collision insurance, we may file a claim on your behalf under this coverage of your auto insurance policy.

**b. If You Are Not Represented by an Attorney**

If you do not have collision insurance coverage (and you have not retained us to represent you), only discuss the value of the vehicle and expenses associated with your property damage. Questions from the adjuster regarding liability and injuries are not appropriate and should not be answered. One possible solution to this issue is to have someone you know, maybe a friend or family member negotiate the property damage claim with the defendant's insurance company.

**REGARDLESS OF WHO ASSISTS YOU WITH YOUR PROPERTY DAMAGE CLAIM,  
LIABILITY ISSUES AND YOUR INJURIES SHOULD NOT BE DISCUSSED WITH THE DEFENDANT OR THE  
DEFENDANT'S INSURANCE ADJUSTER.**

**c. Loss of Use**

If your vehicle is not a total loss, you should also be reimbursed for your loss of use of the vehicle. This will require you to keep track of the number of days you have been without your automobile.

**d. Releasing Your Automobile**

If your car is at a storage facility, or tow yard, you should have it moved as soon as possible to keep the vehicle from accumulating storage fees. If you are asked to consent to move the vehicle, in most instances you should give your consent to have it moved.

**3. Documenting Lost Income**

**a. Documents From Your Doctors**

If you have been unable to work, you will need to document your inability to work through your doctors and employer. This is done by discussing with your doctor what problems you are having doing your job. Additionally, you should discuss with your doctor what your job description includes in terms of bending, lifting, carrying, pushing, pulling, standing, hours of work and any strenuous activities you are required to do when working. If you are taken off of work by your doctor, be sure to ask him for documentation for your employer. Provide my office with all documentation you receive from your physician that limits or restricts you from work. Additionally, give us a copy of any statements releasing you to go back to work. If you are instructed to remain off work by your doctor, you should get a statement from your doctor every time you go to the doctor. If the doctor releases you to return to work, and you think you should not return, at least try to work, and then return to the doctor if you are unable to do your work. If you are able to work, go to work.

**b. Documents From Your Employer**

In relation to your employer, be sure they know as soon as possible why you are

having to miss work. Provide them with documentation from your doctor if he or she took you off work. Request all documentation regarding the number of days you were unable to work related to this incident. We will need to know how much you are paid, and the amount of money you lost due to your inability to work. If vacation or sick time was used, we need documentation to prove the amount of vacation or sick time you used related to this incident. If this incident or your injury has affected promotions or increases in pay that you were expecting, you must furnish us with that information as well.

**c. Lost Employment**

If you apply for any job, you must disclose any injuries you have to the potential employer. If you are denied employment because of your injuries, let us know so we can document your total lost wages related to this incident.

**d. Federal Tax Documents**

In most instances, an insurance company may not require a you, as a condition of settling a claim, to produce your federal income tax returns for examination or investigation. However, if we have to file suit on your behalf to collect your lost income, we will need your W-2 forms and federal income tax returns for the three calendar years before you were injured. If for some reason you have not filed tax returns within the three calendar years before you were injured, you must let us know immediately. Recovery of lost income for you becomes much more difficult if you have not filed tax returns. It may be necessary for us to get you in touch with a certified public accountant to get your tax returns caught up.

**e. Self-employed**

If you are self-employed, your lost income claim will be based on the actual cost of hiring someone to replace you while you are disabled, or the reduction in your net income caused by your inability to work.

**f. Other Reimbursable Expenses**

If you have to hire someone to assist you at work or at home, for a job you could have performed yourself if you were not injured, you may be entitled to reimbursement for this expense. In this situation, it is helpful to have your inability to perform the work you hired someone to do, documented by your doctor in writing.

These types of jobs include, but are not limited to yard work, various household work, babysitting or other jobs that are necessary to take care of you or your immediate family. Provide us with receipts, canceled checks or any other documentation that documents who performed the work and how much you paid for the work.

**4. Medical Treatment**

**a. Which Doctors Should You See**

If you need medical treatment, we recommend that you go to the doctor of your choice, preferably that you or a friend or family member has gone to in the past and

that you trust. You will need to have your injury fully evaluated, and you will have to complete your medical treatment before you settle your claim. We do not recommend particular doctors or any particular course of medical treatment. Upon your request, we will try to assist you in getting examined by the doctor of your choice and receiving the medical treatment you need. If you do not know a doctor, we can give you the names of doctors who have cooperated with our office in treating our clients in the past.

**b. How To Get to Your Appointments**

If at all possible, you should make arrangements for your transportation to and from your doctors appointments. Document the mileage so we can request reimbursement for the transportation. If you need transportation for medical treatment, we can arrange upon your request a taxi service or some other form of transportation for you. The cost of this personal taxi service or other transportation, however, will be deducted from your portion of the settlement along with your other unpaid medical bills.

**c. How To Pay For the Medical Treatment**

Let us know immediately if you cannot afford to go to the doctor. If you have medical insurance, you should pay as much of the hospital and doctor bills as possible with that insurance. If you have any questions regarding this subject, please contact our office. Most of the time, your insurance company will require reimbursement out of your portion of the settlement for the medical bills that they have paid. We will determine if and to what extent your medical insurance company is entitled to be reimbursed for what they paid and pay it out of your portion of the settlement with your authorization. Otherwise, we will assume that this is a matter which you are handling yourself. If you do not have insurance and you are unable to pay your doctors' bills, contact their offices, let them know that you are concerned, and work out minimum payment schedules with them no matter how small the payment may have to be. We cannot expect them to cooperate with us if you do not cooperate with them. If you do not have medical insurance or the funds available to pay for your medical treatment, we can usually arrange for it to be done on credit. Unless you request otherwise, we assume that we have your permission to assure the hospitals, doctors and other health care providers that they will be paid in full out of your portion of the settlement for their medical treatment if you cannot pay them at this time. Due to our working relationship with your health care providers, we will not attempt to negotiate a discount of their bills at the time of settlement. Regardless of the outcome of your case, you will always be responsible for paying for your healthcare.

**d. Tracking Your Medical Expenses**

Obtain all medical, hospital, and drug bills and give a copy of them to us. Keep an up to date list of all of your medical bills. This list should reflect how much has been charged by each health care provider, how much of the bill has been paid, who paid it, and how much, if anything, is still owed to each healthcare provider. You should check this list at the time of your settlement to confirm that all of your medical bills are being paid out of your settlement.

**e. Cooperate Fully With Your Doctor**

Do not miss scheduled appointments with your doctor and do not stop medical treatment before the doctor releases you. One of the hardest assumptions to overcome is that if you were hurt, you would have gone to the doctor. When you miss scheduled appointments or stop medical treatment before the doctor releases you, the assumption that is made by insurance adjusters and jurors is that you didn't need to see a doctor because you were not really hurt. Follow all of the doctor's instructions, and see the doctor as often as is medically necessary. If you must miss a scheduled appointment, let your doctor know immediately. Your doctor's reports and testimony will determine the outcome of your case. For a doctor to help you, you must tell the doctor about any relevant pre-existing conditions or prior injuries. If the doctor has told you not to engage in an activity, do not do it. You may re-injure yourself or prolong your treatment if you attempt to do activities you should not be doing. If the doctor releases you from therapy and you are still in pain, return to the doctor for further treatment until the pain goes away or until you are referred to another doctor. The type and amount of medical treatment you receive is an indication of the seriousness of your injuries.

**f. Documenting Medical Treatment**

Advise us of all the doctors you see, and notify us in advance if you change doctors or if you plan to see a new doctor. Keep a list of every place you go for medical treatment after your accident. The list should include the date you went there, and what type of medical treatment you received, regardless of whether it is related to your accident. We will need this list to go to court. Notify us if there is a change in your medical condition or if you are released by the doctor.

**5. Using Your Insurance**

If you have medical insurance or automobile insurance, use it. Most policies have exclusions if you do not put them on notice of your injury soon after it happens. For this reason, you should immediately contact your insurance companies and advise them that you have been injured. However, do not give a recorded statement to anyone without contacting us first. Keep in mind, your case may take a couple of weeks or several years depending on the complexity and legal issues we face. For this reason, using the insurance you have available can relieve some of the financial burden you will endure. Your insurance company may be entitled to reimbursement out of your portion of any settlement and we will advise you of any right they may have. However, you should use all available insurance coverage while you are recovering from your injuries. So that we may assist you regarding your recovery, provide us with a copy of your medical insurance policies or plan summaries and any Explanation of Benefits you receive from any insurance company. If you were injured in an auto accident, provide us with a copy of the auto insurance policy for the car in which you were riding, the personal auto insurance policy of the driver of the car in which you were riding, and your personal auto insurance policy. We will check to be sure you are receiving all of your insurance benefits.

**6. Using Helpful Resources**

**IF YOU ARE RECEIVING GOVERNMENT BENEFITS OR ARE ELIGIBLE FOR GOVERNMENT ASSISTANCE BASED UPON FINANCIAL HARDSHIP (I.E., MEDICAID, S.S.I.), YOUR SETTLEMENT MAY PRECLUDE YOUR ELIGIBILITY FOR FURTHER ASSISTANCE. PLEASE NOTIFY US IN WRITING OF ANY GOVERNMENT BENEFITS WHICH YOU ARE RECEIVING AND BE SURE TO DISCUSS YOUR OPTIONS WITH US BEFORE ACCEPTING A SETTLEMENT.**

**a. Medicare and Medicaid**

If you are eligible for Medicare, Medicaid, or any type of government program that will pay your medical bills, use it. Whenever a government program pays for part or all of your medical care, it may require that you reimburse it out of your portion of any settlement. This is particularly true if you receive financial assistance for medical care through Medicaid, Medicare, or the Veterans' Administration. We will determine the existence and the amount of any such government liens and pay it with your authorization, otherwise we will assume that this is a matter which you are handling yourself. In this regard, you should send us a copy of any Explanation of Benefits or E.O.B which you receive from Medicare.

**b. Age Sixty-five or Over**

If you are sixty-five years of age or older, you are eligible for Medicare through the Social Security Administration. For more information call (800) 772-1213.

**c. Indigent**

If you are indigent and you cannot afford medical care, contact the office of the Indigent Care hospital of your county or in the county courthouse. If you do not qualify for the Indigent Health Care Program and you cannot afford medical care, call the Texas Department of Human Services at (800) 252-8263 for information regarding your financial assistance.

**d. Long Term Inability to Work**

If you are unable to work for more than twelve continuous months and you need financial support, contact the Social Security Administration.

**e. Job Training**

If you need job training or rehabilitation services in order to be able to work, contact the Texas Rehabilitation Commission.

**f. Work Assistance**

If you are able to work but you do not have a job, contact the Texas Employment Commission. (Please note that they will require that you sign a form which states that you are ready, willing, and able to work and that form will be admissible as evidence in your trial. Therefore, you should note on this form any physical limitations or restrictions which your doctor has placed on you for purposes of employment.)

- g. Counseling**  
If you need emotion or psychological counseling, contact the Texas Department of Human Services. In East Texas, you can also contact the Andrews Center at (903) 597-1351.
- h. Other Sources**  
If you need basic medical information by telephone you may want to call TeleCare at (800) 535-9799, or HealthFirst at (800) 648-8141.

## **7. Communicating With Your Attorneys**

- a. Your Contact Information**  
We must know how to get in touch with you at all times. If any of you contact information changes, notify us immediately. This includes changes in your address, telephone number, or place of employment.
- b. Important Changes in Your Life**  
Notify us if you are contemplating divorce or filing bankruptcy since these circumstances significantly affect how we prosecute and settle your case. Unless requested by you, we do not attempt to divide settlement proceeds between you and your spouse. Feel confident to contact our office should you have any questions concerning your case. Should a situation arise in which you are not certain of the proper action, we ask that you contact our office for assistance and guidance.
- c. Questions**  
A specific legal assistant is always assigned responsibility for helping the attorneys with your case. If the attorneys are in court or otherwise unavailable when you call our office, ask for the legal assistant assigned to your case. The legal assistant is trained to help you or to get the answers to your questions. If they are unable to answer your questions, please let them know that you would like to speak to the attorney assigned to your case.
- d. Areas of Practice**  
Larry Friday is a board certified specialist in personal injury by the Texas Board of Legal Specialization. Although we specialize in representing injured clients, we do assist clients in family and criminal law as well. If you or a friend or family member need an attorney for any reason, we would be happy to discuss their case with them, free of charge and if we can not help them, we will try to find the best attorney for their type of case to refer them to.
- e. Our Legal Obligation To The Client**  
When we are hired, our only legal obligation is to the client that hired us and signed a contract for our legal services. We are not legally obligated to represent your spouse, children or any other family member unless they sign a contract for us to represent them as well. In some cases, the spouse, children or parents of our client may be legally entitled to compensation for any damages which they may suffer as a result of our client's injury. Although your spouse, children or parents may have a

claim, we do not recommend pursuing those claims unless your injuries and debilitating. No spouse or other family member should assume that we represent them or that we will prosecute their claim as part of your claim. If your spouse, children or parents intend to pursue a claim related to your injuries, they must file suit within two (2) years from the date you were injured and have the defendant served reasonably soon after suit is filed. In some medical malpractice cases and cases involving minors, exceptions exist to the two year statute of limitations.

**f. Complaint Resolution**

If you have a complaint about any aspect of your case or how your case is being handled, I want to know about it. Please contact Larry Friday as soon as possible. I can be reached at the office during normal business hours, toll free at (888) 8-TEX-LAW or locally at (903) 885-2900. If necessary, you are welcome to call me at home at (903) 885-2569.

**8. Controlling Case Costs**

**a. What You Can Do**

Case costs are paid by our firm, but if we recover damages on your behalf, those expenses are reimbursed from your portion of your recovery. Therefore, it is important that you assist us in controlling case costs. One way this is achieved is by providing us with a copy of any medical bills related to your accident. If we have to request the bills directly from your medical provider, they will charge us for the same bills you are sent at no charge. Another way to control case costs is to provide us with your federal income tax returns if your injury resulted in you losing more than 3 months of income. If we have to order these documents from the Internal Revenue Service, we will have to pay a fee for the documents. If you have taken photographs, be sure we are provided a copy. If we do not need to take additional photographs, that will save you money in the long run.

**b. What We Will Do**

Normally, we will have on staff a licensed insurance adjuster, investigator and a paralegal to reduce legal expenses to you. They can provide assistance to our office that we would normally have to pay outside companies more money to complete. These professionals work exclusively for our firm and the cost of their services are much less than market rates.

**9. Settlement**

If and when any settlement offers are made, we will contact you and advise you what we believe to be in your best interest. Although we advise you of the reasonableness of the offer and risks associated with litigation, the ultimate decision to settle or proceed to trial is retained by you.

**10. Litigation**

**a. Filing Suit**

At this phase of litigation, we will have to prepare the lawsuit against all possible defendants and timely serve a copy of the suit on all defendants. It is important that we know of each potential defendant in your case and how to locate them. We will investigate your case and determine who the likely defendants are. However, if you know of possible defendants or where possible defendants may be found, be sure you have forwarded that information to us. Once suit is filed, the attorney fees typically increase to 40% or 45% of the total recovery depending on the type of case you have. Please review your contract to determine which percentage your case involves.

**b. Discovery**

Once suit is filed and the defendants are served, the discovery phase of your case will begin. During this phase, the attorneys exchange documents, questions, answers to those questions and depositions of parties and witnesses where necessary. This process may take several months or up several years in extreme cases. This process helps the attorneys determine who is responsible for your injury and what value to place on your case.

**1. Written Discovery**

Written discovery is submitted in the form of written questions, written requests that the opposing party admit or deny facts relevant to your case and requests that the opposing party produce documents, photographs and any tangible item that may assist in the determination of liability and damages caused by the incident at issue in your case. Each party is given between thirty (30) and fifty (50) days to respond to these requests depending on when they received the request. If the opposing party does not adequately respond to the various requests, the judge of the court where your suit is filed may be asked to force or compel the party to respond completely. Furnish us with the correct name, address and telephone number of at least four of the best witnesses to testify about how your injuries have affected your life. Typically these witnesses are family members, friends, neighbors, co-workers, and employers. You will need to Explain to these potential witnesses that we need their assistance to verify your damages or as character witnesses on your behalf. It is possible that they will have to testify in the form of a deposition or at trial, so be sure they are willing to do so, prior to furnishing us with their names. We will need all identifying information for those witnesses, including name, home and work address and home and work phone numbers. The opposing side is entitled to know something about your background, particularly if it is relevant to your damages. Be prepared to fully disclose your employment and medical history for the last ten years, any other significant injuries or illnesses, any other lawsuits or claims, and any arrests or convictions. If there is anything which you do not want disclosed, let us know as soon as possible. We are also entitled to let the jury know something about your background. Furnish us with a copy of your resume or a written account of any noteworthy activities or accomplishments.

**2. Depositions**

Once written discovery is substantially complete, the attorneys may want to take depositions and ask questions of parties and witnesses that will aid them in determining liability and damages. A deposition is typically attended by the attorneys, the deponent or person answering the questions, a court reporter and sometimes a videographer. It is important to know that during the deposition, the questions and the answers are being recorded and can be used in trial. For this reason, it is important that you be prepared for your deposition by getting plenty of rest the night before. The deposition is normally the opposing attorney's first opportunity to evaluate you as a witness, including your appearance and credibility. You can expect many personal questions to be asked of you and you should be prepared to answer them unless we instruct you not to answer. Many personal questions asked in the deposition will not be admissible in trial, unless you are dishonest in your response. In summary, be prepared, dress appropriately and be honest. If your deposition gets scheduled, we will discuss the process in more detail with you when necessary.

**c. Alternate Dispute Resolution/Mediation**

Alternate dispute resolution is the process of resolving legal problems by using alternative methods outside of a trial. Several types of alternative dispute resolution exist but for most cases, mediation is the preferred method. Mediation is the process of meeting at some neutral location and having a retired judge or experienced attorney hear the issues of the case. Most mediations consist of meeting in a joint session where all parties, attorneys and the mediator are present. The attorney or a representative for each party is given an opportunity to speak about the issues they feel need to be presented to the mediator. Once all parties have presented their issues, the parties are divided and taken to separate conference rooms. The mediator then discusses his thoughts and concerns about the case privately with each party and their representative. This gives everyone involved a chance to focus on your case. If all parties can come to a decision about the value of your case, the case is settled. If all parties do not agree on the value of the case, the case can then be tried in court and the comments that were made by the mediator and in mediation are confidential and not to be discussed in trial. Most judges now insist that cases are mediated before the case will be given a trial date. This is done mainly because a high percentage of cases settle in mediation and a trial date is not needed. If your case is scheduled for mediation, we will discuss the process in more detail with you when necessary.

**d. Trial**

This is the last phase of the litigation process. Your case could be tried to a judge or a jury. Most cases are presented to a jury and this portion of the instructions relates to a jury trial. The typical jury trial consists of jury selection, opening statements, your case in chief, the defendants' case in chief, closing arguments and then the jury deliberates and renders a verdict. Jury selection is also known as Voir Dire. At this stage, each attorney will ask a series of questions to the entire jury panel with our firm asking questions first. The attorneys for each defendant will then ask follow up

questions. Depending on the responses from the panel, the attorneys will strike potential jurors that each attorney feels would not be fair and impartial to their client.

The first 6 jurors in county court or 12 jurors in district court will be the jury in your case. The next stage is opening statements. That is where the attorney for each party gives a brief description of the facts that they believe will be presented during the trial. Your case in chief is the next step, which is when our firm will present evidence in your case that we believe will prove who is responsible for your injuries and what the extent of your injuries are. This is done by admitting documents and calling witnesses we believe will prove your case to the jury. The defendant's case in chief is then presented. They will introduce documents and witness testimony they believe best presents their defense to liability and minimizes the extent of your injuries. The attorney will then make closing arguments starting with our firm. The attorneys for the defendant will also make a closing statement as well. The last stage is the jury deliberation and reaching a verdict.

**PLEASE KEEP IN MIND, EVERY CASE IS DIFFERENT AND VARIATIONS FROM THIS INSTRUCTION SHEET WILL OCCUR IN YOUR CASE. THIS IS INTENDED TO GIVE GENERAL INSTRUCTIONS FOR CLIENTS OF THE FRIDAY LAW FIRM.**