

*The Ultimate Guide To  
Accident Cases in Virginia*

**Five Deadly Sins  
That Can Wreck Your  
Injury Claim**

*Avoid them and you may have a shot at winning.*

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**If you are a Virginia resident, you can order the full hard copy version of *The Five Deadly Sins That Can Wreck Your Injury Claim* for FREE by [clicking here and filling out the form.](#)**

**In addition to the full version of The Accident Book, you will also receive a copy of *The Truth About Lawyer Advertising*, information about our verdicts and settlement, and an informational DVD.**

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**Understand that ordering this book does NOT make you a client of BenGlassLaw. The information about our verdicts and settlements is not used as a guaranteed barometer of success for your own case. Each case is different and the result of yours will certainly differ from the results of others.**

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## ***Fewer Cases—More Time For You***

We are “different.”

We don't rely on a high volume of cases generated by massive TV and Yellow Page advertising. We don't claim to handle every type of law under the sun. We don't want to. We don't need to.

Each year, we accept a limited number of injury, accident and disability cases from the hundreds of people who ask us to represent them. We are not a “TV advertising personal injury mill.” We do not allow paralegals and assistants to negotiate your case with the insurance company. Fewer cases mean more time for you and, we believe, better results overall.

Since 1983, BenGlassLaw has represented accident, injury, and disability claimants throughout Virginia. Most of our cases are referred to us by former satisfied clients and by other attorneys and health care professionals. If we accept your case and you are not local to us, we will come to you, anywhere in Virginia.

Sometimes the best advice you can get when you are thinking about a lawsuit is that you do not have a claim that can be won. If that is true, we will tell you. We'll also tell when we think you are better off handling a claim yourself—without an attorney. But, if your case passes our test and we accept it, you can be assured that you will receive personal attention. We will represent you aggressively, keep you up to date on what is happening in your case, and give you advice as to whether you should settle your case or go to trial.

We will explain all fees and costs to you fully before we start working on your case. Together, as a team, we will decide on the best tactics for your case.

*Ben Glass,  
Fairfax, VA*

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## **Foreword**

### **Why THIS Book?**

I wrote this book because, if you are like most people, this is the first time you have been in an accident. You have questions. You are getting calls from the insurance company representatives, wanting to ask “just a few questions.” The insurance company may be pestering you to sign their forms “so we can get the records and handle this for you.” They may even have already offered you money to settle your claim.

You started your search for an attorney, but found that most attorney advertising doesn’t give you any useful information at all about *how to find the right lawyer* for your case. All of the ads say “hire me, we don’t charge a fee unless we get you money,” but then you realize that ALL personal injury lawyers say that. You soon realized that ads that showed fistfuls of cash, gory accident scenes or platitudes like “We Care For You” or “We Are Aggressive” are 100% meaningless. (Don’t you expect that your attorney will care for you?)

Here Are Some Other Meaningless Headlines You Might See In the Yellow Pages  
(Ask yourself: Does this headline help me figure out if this is the right lawyer for me?)

- o Serious Injuries, Serious Results
- o “Why Me?”
- o Can You Get a Lawyer Who Cares?

- o All Accidents and Serious Injuries
- o Accidents and Injuries (Wow, that's original!)
- o We're the Law Firm that Cares About You
- o Legal Help for the Seriously Injured

( I won't even mention the ads that have, as a headline, the firm name! How useful is that?)

I wrote this book for ***you***. So that you could have good information in the quiet of your own home BEFORE you hire a lawyer and before you talk to the insurance adjuster. (Hopefully, you haven't signed forms yet!) You may not even need a lawyer to settle your claim.

## **MYTHS YOU MIGHT HAVE HEARD FROM FRIENDS, NEIGHBORS AND RELATIVES**

- If you write the insurance company a letter and are reasonable, you will get a reasonable settlement proposal.
- When you are in an accident and the insurance company calls you to ask for a recorded statement, you have to give them a recorded statement or they won't settle with you.
- All lawyers who advertise that they handle accident cases have the same ability, tools and experience to handle your case.
- The insurance company for the person who hit you is obligated to pay your medical bills as they become due.
- All lawyers charge the same fees in injury cases.
- The court system is some sort of lottery that will help you get rich.
- Just because there has been an accident and it wasn't your fault, there must be some insurance company that will pay for your bills, lost wages and injuries.

- If a lawyer refers you to a doctor, that is a good idea.
- Juries in Virginia are generous.
- There is a formula for determining settlement value

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## ***Tricky Insurance Companies, Meaningless Lawyer Advertising and Frivolous Lawsuits***

I am sick and tired of insurance companies taking advantage of people before they have a chance to talk to an attorney. For years, one major insurance company encouraged claimants to not even talk to an attorney before settling the claim. They used fear (the lawyer will take one-third of this check we're about to pay you just for talking to them) to dissuade people from getting good advice.

Guess what? You may not need an attorney to represent you in your case! No one, however, should settle a case without understanding "the system." Typically, for example, the insurance adjuster isn't going to tell you that you ***might*** have to turn around and take the check they just paid you and pay it to your health insurance company. They don't care about you.

That adjuster just wants to close the file and get you to release all of your claims.

Here are some other tactics I've seen insurance companies use just to wear you out and get you to go away:

1. **Deliberate delay.** They know that often you are in a financial squeeze. Even if you have good health insurance, the fact that you aren't working may make it difficult to pay co-pays and deductibles. The insurance company knows you are getting dunned by the doctors, so they take their time with your claim

2. **Requesting Unnecessary Information.** Insurance companies will insist that you track down every little piece of information before “we can evaluate the claim.” Even if the information they are now asking for would not add a penny to their offer, they are happy to wait another six weeks for you to track it down. Meanwhile, they are earning interest on the money they are NOT paying you.
  
3. **Disputing Medical Treatment.** Even though I’ve never met an adjuster who went to medical school, they seem to know just what treatment is right for you! Usually, they “know” that you were overtreated because “our computers say you should have been better by now.”
  
4. **Nickel and Dime the Medical Charges.** Think about it. If they shave just 5% off your claim and can do that to the millions of claims made each year, they get richer.
  
5. **Misrepresenting Insurance Benefits.** This is a big one. They tell you that there’s only \$100,000 in coverage. We file suit and “magically” find an umbrella policy! Don’t you think they knew that just by looking on their computers before we filed suit? Of course, they did.
  
6. **Acting Like Your Friend and Making False Promises.** Watch out for the adjuster who befriends you, shows up at your house and promises to pay your future medical bills. This is a tactic to stop you from hiring a lawyer. (Believe me, they won’t come around to your house once you have a lawyer.) Those future medical bills? Well, they’ll pay them until their computer says “too much, too much, this claim is costing us too much.”

“Allstate Had a Stated Goal of Reducing Attorney Involvement in the Claims Process To Achieve a Higher Rate of Return on Settlement Claim.”

The Washington Supreme Court hammered Allstate several years ago for its “Quality Service Pledge.”

The Pledge said: Because you have been involved in an accident with an Allstate policyholder, we will provide you with quality service. . . . Your claim representative is dedicated to carrying out this Quality Service Pledge.” Allstate’s internal rules directed the adjuster to act as the individual’s claim representative for unrepresented claimants.

An injured woman settled her case with Allstate based on the Pledge and on the fact that the adjuster gave her extensive “help” in settling her claim. Later, the woman tried to return the \$25,000 Allstate had paid her. Allstate said “no, you signed a full release.”

The Court, in allowing the injured woman to proceed with her bad faith lawsuit against Allstate, said that Allstate had a stated goal of reducing attorney involvement in the claims process to achieve a higher rate of return on settlement claims.

It said:

Here, Allstate’s claims adjuster’s conduct fell below that standard when she advised the Joneses to sign a release of liabilities, did not properly advise the Joneses that there were potential legal consequences of signing a settlement check and a release of all claims or refer them to independent counsel, and did not fully disclose the conflict of interest she presented

Jones v. Allstate Insurance Co., 146 Wash.2d 291 (2002).

I wrote this book so that you can be empowered.

I am also sick and tired of outrageous lawyer advertising where lawyers with a reputation for handling hundreds of cases at a time make promises that can't be kept or equate your injury to "cash, cash, cash." Did you notice that almost all of the attorney ads in the Yellow Pages claim personal injury expertise? There are lawyers who NEVER go to court, settling each case for pennies on the dollar. The insurance companies know who they are, *so should you.*

Frankly, I am also tired of lawyers who file frivolous lawsuits, because frivolous lawsuits hurt everyone by delaying real claims from getting to court. If you are looking for a lottery win, look elsewhere. If you are looking to never have to work again because someone tapped you from behind at a red light, look elsewhere. My firm handles legitimate claims for legitimate claimants. No "quick cash for your pain" here. Sorry.

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