

# ON YOUR SIDE

SPECIAL EDITION

Volume 10

An informative presentation from your Pre-Paid Legal District of Columbia/Maryland Provider

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## ALL ABOUT PERSONAL INJURY

ILONA M. FISHER, MANAGING ATTORNEY & HEAD OF PERSONAL INJURY DEPARTMENT

Welcome to a very special edition of On Your Side, entirely dedicated to protecting your legal rights after an unforeseen or unfortunate event. If you are injured, as a result of someone else's negligent acts, you must know your legal rights. If you don't know your rights, you are certain to be victimized by the insurance industry.

Most people suffer injuries from car accidents, work accidents, slip and fall traumas, medical mistakes, dog attacks and lately, even from eating peanut butter. My clients often report that their lives were turned upside down in a split second. When an injury occurs and you need medical attention, the last thing you need to worry about is how to position yourself for a fight with an insurance company.

Recently, CNN's Anderson Cooper reported insurance companies use the three D's to fight paying billions of dollars in claims for injured persons; **delay, deny and defend**. Simply put, the strategy used by the major insurance companies is to delay your claim by not returning your calls, making you wait for answers and dragging their feet to see how long you will wait. Then they deny that you were injured, deny that the accident even happened, and deny your requests for compensation. Finally, when you finally have had enough and decide to sue them, the insurance industry will defend their decisions in long and costly courtroom battles.



Fighting the insurance giants seems hopeless, but it is not if you know the three C's.

1. **Call** - The worst thing you can do is to try to handle these claims yourself. Insurance companies train their claim handlers to make sure you do NOT get what is legally obligated to you. Do not make it easy for them. Call us at our toll-free number 1-800-223-8688.

2. **Cooperate** - Let us help you put your life back together. We will speak to the insurance companies, we will file all the necessary paperwork. We will take care of everything so that you can take care of your injuries and get your life back together.

3. **Compensation** - We will make sure you are justly and fairly compensated for your losses, whatever they may be: medical expenses, lost wages, pain and suffering or all of the above. We will protect your rights and give you peace of mind.

Not only will we make sure that you are fully compensated, but we will do so at a reduced legal fee, because as a member of Pre-Paid Legal Services, Inc., you are entitled to that. Simple as that.

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## COLLISION CORNER

### WHAT TO DO AFTER YOU'RE INVOLVED IN A CAR ACCIDENT BY JAMIE GLICK, ESQUIRE

As the old adage goes, "accidents happen." Unfortunately, we all get into motor vehicle accidents from time to time. They happen at the most inconvenient times and often in the most inconvenient places. However, here are some steps that one should always follow when and if you have the misfortune of being in an accident.

Your first priority is your health and that of your passengers. Make sure everyone in your car is ok. If anyone is injured, dial 911 immediately.

I have fielded many questions from members who ask how to go about getting relevant information such as insurance policies and addresses of the persons involved in an accident when there are injuries. The police are required to make a police report when injuries are reported. Depending on Jurisdiction, this report should be available within 7-10 days. The report will contain all the relevant information as to the drivers, their addresses and should state whom the officer determined to be at-fault, if anyone. This report will also contain insurance information. The police are only required to make a report if there is a serious injury or the vehicle is not driveable, but they can often be convinced to write a report.

Do not, under any circumstances, get into an altercation with the other driver. Remember, these are accidents and most of the time, the people who are involved have not meant to cause harm to you, your passengers or your vehicle. When confronted with an aggressive person, it may be best to wait for the arrival of the police.

While the police are on their way, see if the other driver is willing to exchange insurance information. Ask for their license and proof of insurance. If they do not have either, write down the license plate number and if you have a camera, take as many pictures of the accident scene as you can. If you do not have a camera, many cellular phones have cameras in them. Take pictures of both cars and the surrounding area where the accident took place. Photograph the areas of impact on the vehicles and the license plates. If you have visible injuries, try to take pictures of them.

Once the officer arrives, he or she will ask you if you are injured. This is not the time to be brave. If you feel any pain, in any part of your body, tell the officer. If you feel you need medical attention, allow the officer to call an ambulance. The most important thing you can do when you are injured in an accident, is to seek immediate medical attention. You will not do yourself or your case any good if you wait and try to "tough it out."

The next step is to contact your insurance company and put them on notice that you have been in an accident. This will open up a claim with the insurance company. Make sure you note the claim number and keep it handy. Now is also the time to contact Weinstock, Friedman & Friedman, P.A. and allow us to assist you with this matter

If the insurance company of the other driver contacts you, do not give a recorded statement. If you have already contacted Weinstock, Friedman & Friedman, P.A. tell the adjuster you are



being represented by counsel and give them our name and phone number.

Most importantly proceed with caution, adjusters are trained professionals. Make sure you know your rights.

An essential step is to call Weinstock, Friedman & Friedman, P.A. One of our skilled attorneys in the Personal Injury Department will walk you through the process under Title I and discuss the option of retaining the firm. The firm will assist you in obtaining a doctor's appointment if you request this. Once you see a doctor, make sure to follow the prescribed course of treatment. We can also assist you with a myriad of financial issues that arise such as rental car expenses, property damage and lost wages.

**If you follow what has been outlined above, your road to recovery will be more easily traveled.**

PRINT THE NEXT PAGE AND KEEP A COPY IN EVERY CAR IN YOUR HOUSEHOLD.  
FEEL FREE TO MAKE COPIES FOR FRIENDS AND FAMILY

**IF YOU HAVE AN ACCIDENT.. CALL  
WEINSTOCK, FRIEDMAN & FRIEDMAN, P.A.  
(800) 223-8688 - (410) 559-9020  
AND FAX YOUR ACCIDENT REPORT TO (410) 559-9009**

**Preliminary Accident Report**

Date \_\_\_\_\_ Time \_\_\_\_\_ (AM) (PM)  
 Location (be precise) \_\_\_\_\_  
 City/Town \_\_\_\_\_ State \_\_\_\_\_  
 Police Dept. Responding \_\_\_\_\_  
 Officer's name and badge # \_\_\_\_\_  
 Report # \_\_\_\_\_

**Your Vehicle**

Driver \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone Number \_\_\_\_\_  
 Date of Birth \_\_\_\_\_  
 Driver's License # \_\_\_\_\_  
 Owner \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone Number \_\_\_\_\_  
 Year, Make and Tag # Vehicle \_\_\_\_\_  
 \_\_\_\_\_  
 Damaged area \_\_\_\_\_  
 If not driveable, where was vehicle towed? \_\_\_\_\_  
 \_\_\_\_\_  
 Insurance Carrier Policy # \_\_\_\_\_

**Injured Parties**

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone # \_\_\_\_\_  
 Type of Injury \_\_\_\_\_  
 Where treated \_\_\_\_\_  
 \_\_\_\_\_  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone # \_\_\_\_\_  
 Type of Injury \_\_\_\_\_  
 \_\_\_\_\_  
 Where treated \_\_\_\_\_

**Vehicle #2**

Driver \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone Number \_\_\_\_\_  
 Date of Birth \_\_\_\_\_  
 Driver's License # \_\_\_\_\_  
 Owner \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone Number \_\_\_\_\_  
 Year, Make and Tag # Vehicle \_\_\_\_\_

Damaged area \_\_\_\_\_  
 If not driveable, where was vehicle towed? \_\_\_\_\_  
 \_\_\_\_\_  
 Insurance Carrier Policy # \_\_\_\_\_

**Description of the Accident**

Briefly describe what happened \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Witnesses**

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone # \_\_\_\_\_  
 \_\_\_\_\_  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone # \_\_\_\_\_  
 \_\_\_\_\_  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_

**WHAT TO DO IF YOU HAVE AN ACCIDENT...**

1. **STOP!! Investigate—do not leave the scene.**
2. **Set up flares and flags to divert traffic.**
3. **Help the injured. Do not move them unless it is imperative to do so.**
4. **Notify the Police and/or ambulance.**
5. **Be courteous.**
6. **Discuss the details of the accident with only the proper authorities, or your employer or their representatives. DO NOT ACCEPT RESPONSIBILITY.**
7. **Obtain names and addresses of any witnesses.**
8. **Protect your vehicle from any further damage.**
9. **Complete the driver's report above at the accident scene.**
10. **Keep a disposable camera in your car to take photos of the scene, damages and visible injuries.**

## FOCUS ON SUPPLEMENTAL COVERAGE

### THE ROLE OF UNINSURED AND UNDERINSURED MOTORIST COVERAGE IN MARYLAND BY SHANNON B. KRESHTOOL, ESQUIRE

Minimum levels of liability coverage are required under Maryland law. Unfortunately, there remain significant numbers of individuals driving automobiles in Maryland without insurance. Some may intentionally violate the law by having no insurance, and others may be cancelled for nonpayment or even be an excluded driver. Additionally, many choose to maintain only the minimum required coverage under the law. As a result, having adequate insurance coverage of your own is more important than ever.

**Uninsured Motorist** property damage coverage is mandatory in Maryland. If you are involved in an accident that is not your fault, and you maintain at least the minimum coverages required by law, your insurance company will pay to repair your vehicle and for other damages that you sustain if the at-fault party is either unidentified or uninsured.

**Underinsured Motorist** coverage is another essential part of your automobile insur-



ance policy. If you are involved in an automobile accident that is not your fault, and the other driver has insufficient coverage to pay your damages, this coverage should be utilized. It is important to note that this only benefits you if your level of coverage is greater than that of the other party. You are entitled to seek up to the difference in coverage between your policy and that of the at-fault driver, up to the level of damages you sustained. These damages include, but are not limited to, medical expenses, lost wages and pain and suffering. Unlike claims under your comprehensive or collision policies, your deductible is not applicable in this situation.

In some cases, however, there are two uninsured motorist coverage policies available to the personal injury victim, including the coverage on the vehicle involved in the accident and the injured party's own insurance coverage. Typically primary coverage rests with the vehicle involved in the collision and the victim's personal insurance would serve as excess coverage.

While purchasing additional insurance coverage increases your policy premium, there is no such thing as too much protection. A half a million dollars of coverage may seem like a lot, but in today's world it is not.

If you are injured in an automobile collision, due to someone else's negligence, we can assist you, under your Pre-Paid Legal Membership, to ensure that your interests are protected and you receive what you are entitled to. Weinstock, Freidman & Friedman, P.A. has a team of experienced personal injury attorneys who are here to help you.

### PERSONAL INJURY PROTECTION IN MARYLAND BY KIMBERLY SAXON, ESQUIRE

#### What is Personal Injury Protection?

Personal injury protection (also known as PIP) is a form of coverage available to anyone who is insured and involved in an automobile accident in the State of Maryland. PIP pays for your medical expenses and/or lost wages up to your policy limits. Under the law, PIP coverage can only be expressly waived by you, the policyholder. However, waiving PIP coverage is NEVER a good idea. PIP coverage is inexpensive and it is provided to you regardless of fault. For example, if a dog were to run into the road and you swerve to avoid striking the animal and sustain injury, you would still be entitled to PIP benefits to cover your medical expenses and lost wages, even though the accident was your fault.

#### How much will Personal Injury Protection cover in the event of an accident?

While the minimum limit is set at \$2,500, you may pay more for additional coverage. Since PIP pays for medical expenses and lost wages, it is a good idea to discuss increasing the minimum limits

with your insurance company. In addition, PIP is available to the insured regardless of any other sources of medical, hospital, or wage benefits already provided for under other insurance policies. PIP coverage for amounts in excess of \$2,500.00 can be purchased for nominal additional premiums for most customers. Med Pay coverage is also available to most customers and is usually very inexpensive and provides significant protection for unforeseen medical expenses.

#### Who is covered?

PIP coverage is provided to:

- a. Primary insured (if you have an insurance policy),
- b. anyone who resides in your house,
- c. anyone who is injured in an automobile accident while using your vehicle with your express or implied permission,
- d. anyone who is a guest or passenger and injured while in your motor vehicle,

- e. anyone who is injured in an automobile accident that involves your motor vehicle, such as a pedestrian.

Furthermore, each person in the automobile at the time of the accident is entitled to the full amount of benefits. For example, if your policy limit is \$2,500, then the driver, as well as any passengers will be covered for \$2,500 each for their medical expenses and lost wages..

#### Is there a deadline to apply for Personal Injury Protection?

The insured has one year from the date of the automobile accident to apply for PIP benefits. If the insured fails to apply for the benefits within that time frame, they will no longer be able to receive them.

**Do not waive your PIP coverage. It provides a lot of benefit for minimal cost .**

## FOCUS ON PROPERTY DAMAGE

### AUTOMOBILE ACCIDENTS—WHAT YOU CAN EXPECT TO RECOVER FOR YOUR CAR BY OWEN BLUM, ESQUIRE

Most often, in the event of a car accident, the insurance companies compensate the parties for the damage to their cars. The policies offered by insurance companies have different terms and different limits, and the process of making sure you're covered can be stressful. The insurance you have might not cover all of your cars, everyone driving those cars, and all scenarios in which those cars may be damaged. As a result, you may end up paying for damage to your own vehicle, even if you are not at fault in an accident.

Liability, collision, GAP and comprehensive coverage all serve a particular purpose in the event of an accident. The right types and the right amounts of insurance coverage give you peace of mind, and can assure that you won't have to dip into your



own pocket in the event of an accident. As your Pre-Paid Legal Services Inc. Provider Firm, we can help you make sure you have all the car insurance coverage you need through consultation and document review.

Even with the proper insurance in place, what you do after an accident is equally important. Mechanics, body-shop repairmen, and insurance adjusters make determinations as to how much to pay for your car. The decisions you make can also determine

what you recover for your car. Further, other property and improvements within the car must be addressed specifically.

Once you have been in an accident, it is important to take the correct steps as soon as possible. Insurance claims need to be made, estimates and repairs need to be performed, and documentation needs to be produced and distributed. Weinstock, Friedman & Friedman, P.A. can assist you by telling you what you need to do to get the insurance money you're entitled to as soon as possible.

Overall, what you can expect to recover for your car is a function both of what you do before an accident, and what you do after. Weinstock, Friedman & Friedman, P.A. can answer your questions and provide services, at all stages of this process.

### GAP INSURANCE BY JORDAN SELZER, ESQUIRE

GAP is a type of insurance you can obtain when you purchase a motor vehicle, designed to provide loan/lease payoff coverage. There is a sharp decline in value immediately following the purchase of a car. The amount owed on the vehicle will exceed the fair market value of the vehicle once driven off of the dealer's lot. This is known as "upside down" or negative equity. Thus, if a vehicle is involved in an accident and is a total loss, the owner will still owe money after receiving a total loss payout from an insurance carrier.

An insurance company is only

required to pay the fair market value of the vehicle, not the balance you owe on the loan. As such, any "GAP" that exist between the actual value of the vehicle and the amount of money you owe the lender or leasing company would be paid by GAP insurance. These policies are offered at a comparatively low cost and can potentially save thousands of dollars. The higher the interest rate, the larger the GAP. If you are involved in a motor vehicle accident that is not your fault, the at-fault party is not liable for GAP shortfalls. As such, it is very possible for you to be in an accident that is NOT your

fault and still owe money to pay for a car you can no longer drive. GAP coverage will pay for any money that you may still owe to the lender. When GAP pays then you don't have to pay.

Before purchasing a vehicle, please consider sending all of the paperwork to our office. Under Title I of your Pre-Paid Legal Services, Inc. membership, Weinstock, Friedman and Friedman, P.A., can review any sales contract and make suggestions including whether or not to purchase GAP insurance.

## WORKERS' COMPENSATION

### MANEUVERING THROUGH THE MARYLAND WORKERS' COMPENSATION MAZE ILONA M. FISHER, MANAGING ATTORNEY AND HEAD OF PERSONAL INJURY DEPARTMENT



What can you do if you sustain an injury at work? The question is simple, but the answer could not be more complicated. The answer is different depending on how you sustained the injury, when you were injured, how badly you were injured, how long you were out of work due to the injury, etc...

The Maryland Workers' Compensation process is outlined in the following chart. The chart itself is complicated. Imagine attempting to navigate through all the rules and filings, while in pain and suffering financial uncertainty from your work related injury.

It is vital to know your rights and benefits. Here are just a few of your legal benefits:

1. Money for the time lost from work due to your injury.
2. Money for any permanent disability, after your doctor releases you from care.
3. Money for mileage to and from the doctor and/or any medical related trip.
4. The right to be treated for the injury by a doctor of your choice.
5. Payment of all injury related medical expenses and prescriptions.
6. Lifetime medical expenses for all work related injury treatment.

7. Vocational rehabilitation services, such as job training and job placement.

It is important to know what your responsibilities are once you sustain an injury at work. These includes:

- Report the injury in a timely manner.
- See a medical professional immediately.
- File a workers' compensation claim within two years of the date of the injury, the sooner, the better.
- Keep track of your expenses.

The Workers' Compensation process can be long, tedious and often times adversarial. Make sure you have an advocate on your side who can help you receive the benefits that you are entitled to and who will protect your rights during this complicated process. As a member of Pre-Paid Legal Services, Inc., a team of skilled attorneys at Weinstock, Friedman & Friedman, P.A. is a phone call away. Do not wait to call and be represented.

It is vital to  
know your rights  
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injury at work

# WORKERS' COMPENSATION

## MARYLAND WORKERS' COMPENSATION COMMISSION CLAIM PROCESS

Diagram of the flow of an Employee Claim through the WCC

The filing of a claim is the first step in a process that generally results in the acceptance or denial by the carrier or self-insured employer that the workers injury, illness or fatality is work related.

If the claim is accepted, medical care is paid by the carrier or the self-insurer employer.

The worker also receives compensation benefits to partially replace the wages that would have otherwise been lost because of the injury.

The carrier or self-insured employer may deny the claim on the grounds the injury is not work related. Claims involving a dispute may end up in a hearing before the commission.

