

**PRESENTED AT**

**2017 The Car Crash Seminar**

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## **A Day in the Life of a Car Wreck Defense Lawyer**

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## **Defending Car Wreck Cases:**

### **A Day in the Life.....**

(Representing the defendant in a car wreck case – from

Initial Assignment to Closing the file)

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### **The Initial Referral:**

#### **First Contact with Insurer:**

The Friday afternoon phone call:

“I’ve got a new assignment for you....”

Conflict Check: **Mandatory:**

Obtain Clear Guidance on the Claims Representative’s Expectations:

National Company Objectives: Advise Claims **IMMEDIATELY** where requested handling may be in conflict with Texas Law:

#### **First Contact with Client (insured)**

“I turned that over to my insurance company....”

“Isn’t it the law that.....”

“It ought to be the law that.....”

#### **Initial Client Meeting & First Evaluation for the Insurer:**

##### **Client:**

Candid discussion of expectations.

Dispel any concerns or misconceptions. (“You are looking out for the Insurance Company”)

##### **Claims:**

First Conversation with the carrier after the first ‘in person’ contact with the Defendant.

Photograph: Consider politely asking for a photograph of your new client ‘for the file’. It can be useful to personalize the client in the eyes of the adjuster. (Note a similar recommendation for Plaintiff at time of deposition).

Impressions of the Defendant as a prospective witness. Remember that to the Claims Representative the entire matter is represented by a file, digital or paper, or both, and possibly photographs. With the increasing use of Software Programs to 'assist' carriers with evaluating their exposure, personalization in individualization of each case becomes increasingly difficult.

The Defense of the Case: ***On Paper*** vs. Real World (Claims Adjuster's Perspective). Inform and advise the Claims Representative of how the 'Real World' case may differ from the Digital Representation. Work to bring the differing perspectives into alignment.

#### **Insurance Carrier's New Line of Business:**

Carriers are always looking to be the 'One Stop Shop' for their customers. New Lines of Business can include:

1. Boats
2. Motorcycles
3. Powered 'Footwear' (Hover Boards – Segues)

Invest the time to learn the nuances of these new lines of coverage. If it moves, it can be the subject of a lawsuit. Be prepared.

#### **Default Judgments:**

Often your first contact with the file is a default judgment; try to find the easy route back to a 'New Trial'.

Take whatever steps possible to ensure coverage (which likely is in jeopardy as a result of the Default.

If the 'easy way' doesn't work, be wary of possible conflicts and coverage issues.

#### **Deposition:**

"I already told the Insurance Company what happened, why do I have to tell it again...?"

"I gave a written statement"

"I gave a recorded statement over the telephone"

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