

A **CRASH**  
**COURSE** IN  
MARYLAND  
*Accidents*

GREGORY P. JIMENO

(410) 590-9401

WWW.**MARYLANDACCIDENTATTORNEYS**.NET

A **CRASH**  
**COURSE** IN  
MARYLAND  
*Accidents*

GREGORY P. JIMENO

WORD ASSOCIATION PUBLISHERS  
[www.wordassociation.com](http://www.wordassociation.com)  
1.800.827.7903

Copyright © 2011 by Gregory P. Jimeno

All rights reserved. No part of this book may be used or reproduced in any manner whatsoever without written permission of the author.

Printed in the United States of America.

ISBN: 978-1-59571-664-4

*Designed and published by*

Word Association Publishers  
205 Fifth Avenue  
Tarentum, Pennsylvania 15084

[www.wordassociation.com](http://www.wordassociation.com)  
1.800.827.7903

## FOREWORD

# Why Write A Book?

I have seen it from the inside. I once worked for one of the big automobile insurance companies. I remember one day, a senior claims adjuster I was working with received a call that a new “bodily injury claim” had just been assigned to him and the injured victim was still in the local hospital. The adjuster decided that he wanted to make a quick settlement with the victim. We hopped in the car and drove to the hospital so that the adjuster could negotiate a settlement with the victim while she was in her **hospital bed**. The adjuster did not want the victim to hire a lawyer or understand how serious her injuries were, so he tried throwing money at her in the hospital before she knew any better.

This is what you are up against when you are involved in an automobile collision. Insurance companies will go to extremes to make sure that you are not provided with the proper compensation for your accident claim.

When I receive calls from new clients or people I know who have been involved in an automobile accident, they are intimidated by

the process of handling an automobile accident claim. They are worried about who is going to pay their medical bills, how they are going to get their car fixed and how they are going to be paid back for money they have paid out of their pocket because of the accident. Unless you have either worked for or against insurance companies in the past, dealing with them if you have been injured in an accident can be a daunting task. Hopefully, this book will help answer some of your questions.

Look at all of the lawyers advertising that they handle auto accident cases. All of their ads basically say the same things, such as “Free Consultation,” “We Are Compassionate,” “We Are Tough” and so on. Many law firms believe that if they use a fancy, eye-popping slogan, or show you pictures of car crashes or people in neck braces that this will somehow make you want to use their firm to handle your accident case.

With all of this attorney advertising being placed in front of you, in addition to receiving calls from insurance adjusters, being injured, making doctor’s appointments, missing time from work and worrying about who is going to pay for all of this, it can be overwhelming and chances are you have many more questions than answers.

At Jimeno & Gray, we do things differently than other firms. We believe that after an accident, you want information – not pictures or slogans. This is why I wrote this book, to give you some of the

information you need to move forward with your life following an accident. The information given in this book is based on what I have observed by representing accident victims during my years of practice. Hopefully, this information will guide you in the right direction.

Greg Jimeno  
Jimeno & Gray  
Attorneys at Law





## **DISCLAIMER**

# This Book Is Not Legal Advice

Please understand that the information in this book is not legal advice. I do not represent you and, thus, I am not your lawyer unless or until we enter into a written fee agreement. I can lay out the procedure for resolving auto accident claim in Maryland, but do not construe anything in this book to be legal advice about your case. Each case is different and an attorney can only give quality legal advice when they understand the facts involved in your case. As always, you should consult an attorney to discuss the specific facts about your individual case.



# TABLE OF CONTENTS

<b>FOREWORD</b> . . . . .	V
<b>DISCLAIMER</b> . . . . .	IX
<b>CHAPTER ONE</b> You Might Not Need An Attorney . . . . .	13
<b>CHAPTER TWO</b> 5 Rules To Follow If You Are Injured In An Auto Accident . . . . .	15
<b>CHAPTER THREE</b> 5 Ways You Can Hurt Your Auto Accident Case . . . . .	19
<b>CHAPTER FOUR</b> What Is Personal Injury Protection Coverage? . . . . .	23
<b>CHAPTER FIVE</b> Where Do The Proceeds Of The Accident Case Go? . . . . .	27
<b>CHAPTER SIX</b> Overview Of The Maryland Court System . . . . .	29
<b>CHAPTER SEVEN</b> The Process Of Resolving An Auto Accident Case . . . . .	31
<b>CHAPTER EIGHT</b> Who We Are . . . . .	33

**CHAPTER NINE**

How To Hire A Personal Injury Attorney . . . . . 35

**CHAPTER TEN**

Ways The Insurance Company Will  
Unfairly Treat Your Claim . . . . . 37

**CHAPTER TEN**

We Hope Your Case Is  
Not Worth A Lot. . . . . 41

**CHAPTER ELEVEN**

What Will An Attorney  
Do For Me? . . . . . 43

**CHAPTER TWELVE**

Why Accident Cases Are Different In Maryland . . . . . 47

**CHAPTER THIRTEEN**

What Does A Jury Consider When  
Awarding Damages? . . . . . 49

**CHAPTER FOURTEEN**

Common Misunderstandings About  
Accident Cases . . . . . 51

**CHAPTER FIFTEEN**

What Makes A Successful Auto Accident Case? . . . . . 53

**CHAPTER SIXTEEN**

Frequently Asked Questions . . . . . 55

**CHAPTER SEVENTEEN**

Sample Cases and Verdicts . . . . . 59

## CHAPTER ONE

# You Might Not Need An Attorney

You might not need to hire an attorney to settle your auto accident case. I'll say it again—you might not need an attorney to settle your auto accident case. I know that you don't expect an attorney to say such a thing, but it's true. For cases where there is minor property damage to your vehicle and the vehicle that hit you, where you have needed little or no medical treatment and where there are nominal medical bills, an attorney may not be able to add enough value to your case to justify the fee charged for their services. It is, however, important to know how the process works, even if you try to settle the case on your own.



## CHAPTER TWO

# 5 Rules To Follow If You Are Injured In An Auto Accident

### **1. Do not give a recorded statement to the adjuster from the insurance company for the person who caused the car crash.**

Give it some thought. Do you think that the other driver's insurance company wants to record your statement to somehow help you? No. Their insurance company wants to lock you into a statement so that they can later deny parts of your claim based on what you tell them in your statement. Some injuries do not flare up or develop symptoms until days or sometimes even weeks after the accident. The insurance company wants you to say you are feeling "fine" within a day or two following the accident before your symptoms get worse.

### **2. Seek immediate medical treatment if injured.**

I do not say this because it is good for your claim. I say this because it is good for you. I have seen far too many clients over the years try to tough out their injuries and take over-the-counter

pain relievers for a couple of days following the accident, only to wake up in excruciating pain in the middle of the night or not be able to get out of bed. Waiting to get your injuries treated can prolong your recovery.

### **3. Follow your doctor's orders.**

This should be common sense, but too often people do not listen to the treatment advice given by their doctor. It is also important not to miss any of your scheduled doctor's appointments and/or visits to your physical therapist.

### **4. Know the amount of your past and future medical bills and lost wages before trying to settle your case.**

By law, you are entitled to receive the value of all medical treatment you received and are expected to receive in the future as a result of the collision. In addition, the person responsible for causing your injuries is required to pay the wages you lost from work as a result of the accident. The insurance adjuster will not tell you to collect all of your medical bills and records so that you properly document the rightful value of your claim. In fact, the insurance company will try to knock down the value of your medical treatment to save their company money.



**5. Do not attempt to resolve your claim until you have finished medical treatment.**

It is impossible to know the true value of your auto accident claim until you have completed your medical treatment. Only after treatment is complete can you really evaluate the value of the medical services provided and what may be needed in the future to treat your injuries.



## CHAPTER THREE

# 5 Ways You Can Hurt Your Auto Accident Case

### **1. Listening to advice from people other than your lawyer.**

Some people can't resist. You tell them that you were in an accident and suddenly they tell you things that they think you should be doing. Or, better yet, they say something like, "I can't believe that your lawyer didn't tell you to do this, but you should..." Worse yet, some clients actually listen to legal advice from someone other than their lawyer – and follow it to their detriment. If you hired a lawyer, you did so for a reason. Lawyers are specially trained to understand the law and a lawyer's experience in dealing with auto accident cases and insurance companies should not be ignored. Ignore your lawyer's advice at your own peril.

### **2. Believing that this case is just like one your friend/co-worker/spouse/cousin/neighbor was involved in and you should get the same amount of money for your case.**

It might sound like a cliché, but every case is different. Every person has a different medical history and background and,

as a result, each person's body reacts differently to an injury. In addition, no two accidents are the same. There could be liability defenses in each case that could affect the overall value of the case. You can't base the value of your case on a settlement that someone else received.

### **3. Not being truthful with your lawyer about prior injuries or claims.**

Your attorney needs to know about your entire medical history. An experienced personal injury lawyer knows how to combat the typical insurance company arguments about your prior injuries. However, the attorney can only build your case if he or she is made aware of your injuries. You do not want your attorney learning about your prior injuries for the first time in deposition or at your trial.

### **4. Not being truthful with your lawyer about your current injuries.**

Insurance companies hire private investigators. They have computers. They can search your name on Google. They know about Facebook and YouTube. If you are exaggerating your injuries and tell your lawyer and the insurance company that you can no longer participate in certain activities because of the injuries you sustained in the accident, but the insurance company obtains pictures or videos of you that indicate otherwise, your case will

suffer a great blow. It does no good to be dishonest about your injuries.

**5. Not communicating or staying in touch with your lawyer.**

Lawyers are not mind readers. They do not know which doctors you have received treatment from because of the injuries you suffered in the accident. Your attorney does not know whether you have moved to a new house or apartment. It is very important that you keep in contact with your lawyer throughout your case.



## CHAPTER FOUR

# What Is Personal Injury Protection Coverage?

Most car insurance policies in Maryland have Personal Injury Protection, otherwise known as PIP, which can provide some payment for medical bills and a portion of wages lost as a result of the accident. PIP is a no-fault insurance protection, meaning that regardless of who is at fault in the accident, PIP coverage is available. One of the benefits of this coverage is that PIP benefits do not need to be repaid to the insurance company when the auto accident case is settled.

**INSURANCE TIP #1** – PIP protection is usually sold at \$2,500, \$5,000 or \$10,000 levels per person, per accident. This coverage can be extremely valuable to you in the event that you are in an accident. Speak to your insurance company about the PIP coverage on your vehicles and the cost of increasing your PIP coverage.

## **Uninsured Motorist Coverage**

As the name implies, uninsured motorist coverage can provide compensation to you in the event that you are injured by the driver of a vehicle who does not have insurance. In Maryland, uninsured motorist coverage also provides underinsured coverage as well. Let me explain by way of examples:

**EXAMPLE A.** Let's say you have an automobile policy with \$100,000 of uninsured motorist coverage and are injured in an accident where the driver of another vehicle was at fault. The at-fault driver does not have insurance. Therefore, you can make a claim against your insurance policy to pay damages up to \$100,000.

**EXAMPLE B.** Assume again that you have the same \$100,000 uninsured motorist coverage and are injured in an accident where the driver of the other vehicle was at fault. This time, the at-fault driver of the other vehicle has a \$50,000 limit on their automobile policy. If your case has a value of \$100,000, you could collect \$50,000 from the at-fault driver's insurance company and an additional \$50,000 from your car insurance company.

Depending on the nature of the case, there are special procedures you must follow in order to obtain a recovery under the uninsured motorist provision of your auto policy. It is important that you contact an attorney if you intend to file an uninsured or underinsured motorist claim.



**INSURANCE TIP #2** – Much like PIP coverage, uninsured motorist coverage protects you and/or your family or household members if injured in an automobile accident caused by someone else. You should contact your insurance representative to determine whether you currently have the appropriate amount of uninsured motorist protection.



## CHAPTER FIVE

# Where Do The Proceeds Of The Accident Case Go?

Many people are unaware of where the money goes following the settlement or trial of their auto accident case. First, of course, are attorney fees, in the event that you hired a lawyer. Second are the expenses associated with resolving the claim, such as costs to obtain medical records and reports. If a lawsuit is filed, there will be costs associated with conducting depositions and other discovery. If the case goes to trial, you may have to pay money to have expert witnesses testify on your behalf.

Finally, if your medical treatment was paid by your health insurance company or through government benefits, such as Medicare, Medicaid or worker's compensation, you may be forced to repay these entities out of the proceeds of your auto accident claim. If you are attempting to settle the case without the assistance of a lawyer, you must know whether any entity is claiming a lien on the proceeds of your case.



## CHAPTER SIX

# Overview Of The Maryland Court System

Maryland has two levels of trial courts. The lower level of trial court is known as the District Court. Some larger counties in Maryland have multiple District Court locations. The District Court hears cases where the total damages do not exceed \$30,000. At an automobile accident trial in the District Court, the plaintiff's medical bills and records may be introduced into evidence without the testimony of the plaintiff's treating physicians. There are no jury trials in the District Court and a District Court judge will make the final decision in the case. As a result, a District Court trial is short in duration and can occur with minimal expense to the plaintiff.

There is only one Circuit Court per county in Maryland. The more serious automobile accident trials are heard in the Circuit Court. The Circuit Court is the only court in Maryland where a jury trial can take place. In a personal injury jury trial, the jury consists of six people randomly selected from the Maryland Motor Vehicle

Administration records of the county or city where the trial is taking place. You and your lawyer will have a hand in selecting the jury. Keep in mind that in a jury trial, the jury and not the judge will determine whether the defendant is at fault in the accident and determine how much money in damages the plaintiff will be awarded. A plaintiff must generally hire expert witnesses, including treating physicians, to testify on their behalf.

## CHAPTER SEVEN

# The Process Of Resolving An Auto Accident Case

The first step in resolving your auto accident case is to decide whether you have a case where hiring an attorney would be necessary. If you hire an attorney, that attorney will obtain all of your medical bills and records related to the accident. The attorney will review the medical information as the claim proceeds, including monitoring your medical progress. The attorney may speak with your treating physician and/or obtain supplemental medical reports to make sure your injuries are properly documented and explained.

Once medical treatment is completed, an attempt may be made to settle the case with the insurance company. The attorney will discuss the strengths and weaknesses of the client's case and review any and all offers of settlement with the client. If the client accepts the settlement, the attorney will review the documents provided by the insurance company and will help the

client resolve the liens and assist in the payment of open bills and expenses.

If the settlement offer is rejected, suit will be filed. Here is the typical process involved in an automobile accident lawsuit:

- A complaint is filed in the appropriate court
- The defendant is served with a summons and a copy of the complaint
- The defendant files an answer to the complaint
- Discovery is conducted, including answering interrogatories and conducting depositions. Interrogatories are written questions that you want the other side to answer. A deposition is a live questioning of a person under oath. Depositions can only occur in a Circuit Court case
- The plaintiff and defendant could be required to designate and disclose their expert witnesses
- The court could attempt to resolve the case by forcing the parties to meet with a judge or other mediator
- If the case does not settle, a trial will occur and a judge or jury will decide the outcome



## CHAPTER EIGHT

# Who We Are

Jimeno & Gray is a small law office, and we like it that way. We believe that maintaining a small office is the best way to give our clients the personal attention they deserve. We do not advertise on television and you will not see our ads on the side of a bus. Because we are small and want to give personalized attention to our clients, we do not accept every case that comes through our door. When we meet with a potential new client at the initial consultation, we make sure that the case meets our criteria for acceptance. Here are examples of cases we will not take:

- If your combined past and future medical bills and lost wages are less than \$2,000
- If there is little to no damage to your vehicle or the vehicle that hit you
- If you were found to be at fault by the police, even though you believe that the police officer is wrong

- If the other driver was at fault, but you somehow contributed to the accident
- If you have significant pre-existing injuries to the part of your body injured in the accident
- If another lawyer has filed a lawsuit in your case

Some lawyers have stacks of business cards from their favorite doctors and chiropractors and set you up with “their people” before you even leave their office. We do not do that. The insurance companies know which medical providers are the frequent fliers, so to speak, and will devalue your claim based on who you saw for your treatment. While there may be times when asked that we will provide some information to our clients to help them obtain the specialty medical care they need, we do not keep doctors’ cards in our office. Judges and juries are becoming increasingly skeptical of auto accident cases where the client seeks treatment with the same provider with whom the majority of the lawyer’s past clients have sought treatment.

## CHAPTER NINE

# How To Hire A Personal Injury Attorney

The most important aspect of an attorney/client relationship is trust. If you do not have trust that your lawyer will obtain the best possible result for you, then you should find a different lawyer. If you leave your initial meeting with the attorney and you believe that they are too busy for you or that you would not feel comfortable working with that attorney, then you should go elsewhere. In a personal injury case, unlike most other cases, the attorney and the client are in the case together. Remember, if the client does not recover any money, neither does the attorney. Here are some other things to consider when hiring an attorney:

- Has the attorney taken a leadership role in the legal community?
- Has the attorney been recognized by their peers for their legal work?

- Does the attorney have experience actually handling automobile accident cases?

Will the attorney actually handle the case or refer your case to another law firm?

- Does the attorney participate in continuing education classes on personal injury cases? An attorney believing they know it all without continuing to learn as the law evolves can be making a terrible mistake.
- Does the attorney maintain membership in plaintiff trial lawyer organizations, such as the Maryland Association for Justice and the American Association for Justice?

## CHAPTER TEN

# Ways The Insurance Company Will Unfairly Treat Your Claim

Here is the harsh truth about insurance companies – it is not their job to pay you money. They are a business, and no matter how badly you are injured and no matter how much at fault the person is who caused the collision, it is still their business to try to minimize your claim. The insurance companies will stop at nothing to try to pay injured persons as little as possible. Here are some of the common tactics that insurance adjusters use to try to deny your claim or to justify not paying what your case is worth:

### **Their insured was not at fault in the accident.**

You would be surprised at the types of cases insurance companies have tried to contend that their drivers were not at fault. It does not matter if the police report finds their insured at fault, the insurance company will still try to deny the claim. Unfortunately in Maryland, the law supports the insurance companies' position.

Currently, Maryland is one of the last contributory negligence states in America. This means that if a judge or jury believes that you are as little as 1% at fault in the accident, you lose and do not recover a penny for your injuries.

**You had too much medical treatment.**

Even though you might have attended physical therapy, and had x-rays and an MRI that your doctor ordered, the insurance adjuster will often disagree and impose their own view of what treatment you should have received and how much you should have paid for it. But, they often have little to no medical data to support their position.

**You did not have enough medical treatment.**

If you do not participate in a course of physical therapy or chiropractic care (even if it was not prescribed by a doctor) or miss your scheduled appointments, the insurance adjuster will often attempt to minimize your injuries. See what happens here – too much treatment is bad and too little treatment is bad. This is why dealing with insurance companies can be so difficult.

**Your doctor/physical therapist/chiropractor charged too much for your treatment.**

Some insurance adjusters have an amazing ability to determine how much you should pay for your medical care and apply their own discount to your medical bills. Have you ever gone into a

store, told them that they are charging 5% too much and tried to pay what you think the item is worth? Me either. But somehow, the automobile insurance companies think that is exactly what they can do. And they will, if you let them.

**Your injuries are not related to the accident.**

Sometimes, insurance adjusters will rely on the fact that you had a prior injury to the same part of your body, regardless of whether it was many, many years ago. Sometimes, they manipulate the medical records to say that the pain and discomfort you began feeling only after the accident was somehow not caused by the accident. Fortunately, a personal injury attorney knows how to combat these arguments.





## CHAPTER TEN

# We Hope Your Case Is Not Worth A Lot

We at Jimeno & Gray know this is a strange thing for personal injury lawyers to say, but this is something we tell all of our clients at our initial meeting. Let us explain. The only way you will have a personal injury case that is worth a lot of money is if you have a serious or significant injury. Over the years, our firm has represented persons who have been seriously injured or the families of persons killed in auto accidents through no fault of their own. Unfortunately, those cases had great value. Fortunately, most persons involved in automobile accidents do not suffer catastrophic injuries.

We never talk value of a case during an initial client meeting because we do not know the nature and extent of your injuries or how they will affect your life in the future. With that in mind, everyone must understand that the value of the case is a direct result of the injuries and the impact of those injuries on your life.

Why don't we talk about the value of a case in the initial meeting? First, it is normally much too early in the claim to know the nature and extent of the injuries and what type of medical care will be needed in the future to treat your injuries. Any suggestion at this early point would be merely a guess. The second reason we don't discuss case value at the initial meeting is that the focus should not be on "how much money will I get," but, rather, obtaining the best possible medical care to treat your injuries.

## CHAPTER ELEVEN

# What Will An Attorney Do For Me?

A personal injury attorney does more than just go to court. In fact, the vast majority of personal injury cases end up in a settlement. In preparing your case for either a trial or settlement, here are some of the things that you can expect a personal injury attorney to do for you:

- Conduct a thorough initial meeting with you in order to get a clear understanding of how the accident occurred and the injuries you sustained as a result of the accident
- Obtain the names and addresses of your treating physicians, pharmacists and other medical providers
- Explain the insurance process to you so that you understand what will happen as the claim proceeds

- Contact all insurance companies involved in the case. An attorney will do this so that the insurance companies will stop contacting you
- Review your insurance policy to determine if there is a way to pay for all or a portion of your medical bills and lost wages while the claim is pending
- Review your insurance policy and make suggestions as to what types of coverage should be added in the future
- Request all available police reports and recordings of 911 calls made because of the accident
- If necessary, hire an investigator or accident re-construction-ist to review the accident scene and interview witnesses
- Collect potential evidence in the case, including photographs of the accident scene
- Obtain all of your medical bills and records related to the accident
- If necessary, obtain prior medical records for any injuries you have suffered prior to the accident
- Conduct a full and thorough review and evaluation of your medical records
- Conduct a full and thorough review of all of the legal issues in the case to determine whether there are reasons that a recov-

ery should not be made, such as contributory negligence and assumption of the risk

- Communicate with your treating physicians and request follow up or supplemental medical records
- Following the completion of your treatment, make a demand on the insurance company to attempt to settle the case
- If pre-suit settlement is not possible, file a complaint in the appropriate District Court or Circuit Court
- Serve the defendant with a summons
- Conduct discovery, including serving and answering interrogatories. If the case is in the Circuit Court, conduct all necessary depositions
- Attend all pre-trial conferences or mediations ordered by the court
- File all necessary pre-trial motions
- Issue all trial subpoenas to secure the attendance of all necessary witnesses
- Meet with you and your witnesses to prepare for trial testimony
- Prepare jury instructions
- Present the case before a judge or jury

- Obtain the settlement or judgment check from the insurance company
- Assist in resolving any outstanding medical bills and liens

## CHAPTER TWELVE

# Why Accident Cases Are Different In Maryland

Maryland is one of only a few states in the country that follow the rule of contributory negligence. Here is what this means to you. If a judge or jury finds that you were as little as 1% at fault in the accident, even though the defendant was 99% at fault, you are barred from any recovery. Most of the rest of the country allows for comparative negligence, meaning that if the jury finds that the defendant is 60% at fault and you are 40% at fault (because of speeding or other issues), you would still be able to recover 60% of your damages. The insurance companies are well aware that Maryland is a contributory negligence state and they attempt to use this arcane rule of law to deny claims.





## CHAPTER THIRTEEN

# What Does A Jury Consider When Awarding Damages?

Following the conclusion of a personal injury case, a jury will be instructed on the law before they begin their deliberations. Listed below are the factors that juries in Maryland are instructed to consider as they award damages for your injuries:

- The extent and duration of your injuries
- The effect that the injuries have had on your health and well-being
- The physical pain and mental anguish that you have suffered in the past and could suffer in the future as a result of the accident
- Whether you have sustained any disfigurement, humiliation and/or embarrassment because of the disfigurement

- The amount of medical and other expenses incurred in the past and the amount that could be incurred in the future as a result of the accident
- The loss of earnings in the past and the loss of earnings which could be incurred in the future as a result of the accident
- Whether you have sustained any noneconomic damages, including pain and suffering, pre-impact fright, inconvenience and loss of consortium

## CHAPTER FOURTEEN

# Common Misunderstandings About Accident Cases

- The insurance company for the person who hit you is required to pay your medical bills when they become due
- If you are hurt in an accident through no fault of your own, the other driver will have an insurance policy to provide for your damages
- There is a standard formula used by attorneys and insurance companies to determine your settlement
- Just sending a copy of your medical records to the insurance company will result in an appropriate settlement
- Juries in Maryland will give you a lot of money for your accident case
- The insurance company for the at-fault driver will not settle with you unless you provide them with a recorded statement



## CHAPTER FIFTEEN

# What Makes A Successful Auto Accident Case?

There are several elements that make up a successful personal injury case. Just because you are injured in an automobile accident does not mean that you have a personal injury case. The first step in proving a personal injury case is to show that someone else has either done something they should not have done or failed to do something they should have done. This is what is called establishing negligence. Without another person's negligent conduct, there is no requirement that an insurance company or the other driver involved in the accident pay you any money. Here are the types of acts which could demonstrate that the driver of the other vehicle was negligent:

- Speeding
- Failing to stop at a stop sign
- Failing to stop at a red light

- Unsafe lane change
- Failing to yield right of way
- Failing to reduce speed to avoid a collision
- Striking another vehicle from the rear
- Failing to properly use turn signals
- Turning in front of another vehicle

If negligence is established, you must have suffered some type of injury. If you make it through an accident and the only damage sustained is to the car in which you were driving or riding, congratulations. You are fortunate to have escaped serious injury. In most instances, a property damage only claim can be resolved with insurance companies without the assistance of an attorney. On the other hand, if you have been physically injured in an accident, you must be able to properly document your injuries through medical records or, if at trial, the testimony of your treating physician.

## CHAPTER SIXTEEN

# Frequently Asked Questions

We at Jimeno & Gray understand that a book cannot possibly answer every question you might have about your automobile accident case. However, we have found that there are some questions that are asked with such frequency that you might be asking these same questions right now. Below are some frequently asked questions about Maryland automobile accident cases.

### **I was involved in an accident and I was not at fault. Can I present my bills to the other driver's insurance company for payment?**

Automobile accident claims do not work the same as working with a health insurance company. If you are dealing with a health insurance company because, say, you went to the doctor for the flu, then you would submit your bills for payment. However, automobile accident claims are different. If you go to the doctor for treatment of your automobile accident injuries, your doctor would either bill your health insurance company or, in certain instances, bill you directly for your treatment. Following the conclusion of your treatment, you should submit the medical

bills to the at-fault driver's insurance company as part of the case settlement. You should also request payment for the negative impact the accident has had on your everyday life.

### **How long can I wait to file a lawsuit in Maryland because I was injured in an accident?**

In Maryland, the general statute of limitations for a negligence case, including an automobile accident, is three years. There are, however, exceptions to the general rule. It is important to consult with an attorney regarding statute of limitations questions.

### **Will my case go to court or will it settle?**

Statistics show that over 90% of automobile accident cases settle without the need to go to trial. If every automobile accident case went to trial, the court system would be overwhelmed. In order for a case to settle, all parties must enter into constructive negotiations and take reasonable positions. This includes plaintiffs, insurance companies, and, yes, even the lawyers.

### **If I file suit, how long will it take for my case to go to trial?**

The answer to this question depends on if your case is filed in District Court or Circuit Court, and the county or city where it is filed. In most circumstances, cases go to trial within one year.



## **Why do I need to hire a doctor to testify at my trial?**

Even though your doctor's medical records might make it clear that your injuries are related to the accident, Maryland law requires a doctor to testify in order to establish certain facts about your case. For instance, a doctor is typically needed in order to provide testimony about whether the accident caused or aggravated your injuries, whether your medical bills are fair and reasonable, and whether you will need any additional treatment. Keep in mind that in most District Court cases, Maryland law allows for certain legal requirements to be met using only your medical records. As a result, you may not need to call any doctors as witnesses.

## **What is the formula used to determine an automobile accident settlement?**

There is no formula used to come up with an appropriate settlement figure for your automobile accident case. There is no law that sets any kind of formula or guidelines for the appropriate value of your case. Insurance adjusters and personal injury attorneys are skilled at determining values based on the individual factors of the case. If there are differences of opinion as to the value of the case, the case should go to trial.



## CHAPTER SEVENTEEN

# Sample Cases and Verdicts

Here is a sampling of some of the personal injury cases Jimeno & Gray has handled over the years. Please keep in mind that every case is different and you cannot evaluate your case based on the results listed below. Just because we have had success in the following cases does not guarantee the same results in future cases.

- \$2,800,000 verdict in the Circuit Court for Anne Arundel County. Our client successfully sued the defendant for assault, battery and intentional infliction of emotional distress. After considering the nature and extent of our client's injuries as well as listening to the testimony of our expert witness, the trial judge was convinced of our client's substantial damages in this case. The verdict included an award of \$2,000,000 in punitive damages
- \$100,000 verdict in the Circuit Court for Baltimore City. Our client was injured after an insurance agent ran a stop sign and collided into the side of his vehicle. The client,

who had a history of back problems and had had prior back surgery, was required to undergo an additional back operation following the accident. In spite of our client's previous back injuries, a jury found that our client's surgery was related to the accident

- **Policy Limits Settlement.** Our client was struck from the rear and suffered injuries to her knees after striking her legs on the dashboard of the truck she was driving. In addition, the client suffered a back injury, which required medical treatment involving physical therapy. Without the necessity of filing suit, our client was offered the full amount under the at-fault driver's automobile insurance policy
- **Policy Limits Settlement Plus An Additional \$70,000.** A drunk driver struck our client while he was changing a tire on the shoulder of I-695, otherwise known as the Baltimore Beltway. While avoiding life-threatening injuries, our client sustained injuries to his leg and ankle, which required surgery. Jimeno & Gray obtained the maximum recovery under the automobile insurance policy of the at-fault driver in addition to over \$70,000 from the uninsured driver portion of the client's automobile policy
- **Policy Limits Plus An Additional \$80,000.** Our client, an 81-year-old woman, was moving her car to the side of the road to allow an emergency vehicle to pass. As she was doing so, she was struck by another vehicle. As a result of

the accident, our client suffered injuries to her neck. The injuries forced our client to undergo a 3 level cervical fusion. After filing suit, Jimeno & Gray was successful in obtaining the maximum recovery under the insurance policy of the at-fault driver plus an additional \$80,000 from our client's uninsured motorist coverage on her automobile policy

- **Policy Limits.** Our client, a Prince George's County police officer, was injured while riding his personal motorcycle. The driver of the other vehicle failed to stop at a stop sign and crashed into our client. Fortunately for our client, he was an experienced motorcycle rider who also taught motorcycle safety to other police officers. He escaped any life-threatening injuries. However, our client sustained a significant ankle injury. Without the necessity of filing suit, our client was offered the full amount under the at-fault driver's automobile insurance policy
- **Policy Limits.** Our client was the passenger of a vehicle that was struck from the rear by a truck owned by a landscaping company. The client suffered back injuries that required back surgery. Without the necessity of filing suit, our client was offered the full amount under the automobile insurance policy of the at-fault driver
- **\$105,000 settlement.** Our client's vehicle was hit by a vice president of a major grocery store chain, who failed to stop at a stop sign. Our client suffered multiple injuries, including

injuries to his arm and neck. Following the accident, our client underwent carpal tunnel release surgery in addition to several months of treatment for his back injuries. Suit was filed in the Circuit Court for Anne Arundel County and a settlement was reached after discovery was completed

- \$120,000 settlement. Our client was the passenger of a vehicle that was struck by two separate vehicles, one on the passenger side and one from the front. The client suffered a fractured jaw, which required her jaw to be wired shut. Our client also suffered facial, knee, neck and back injuries. Suit was filed in the Circuit Court for Anne Arundel County and a settlement was reached after discovery was completed

GREGORY P. JIMENO

(410) 590-9401

WWW.**MARYLANDACCIDENTATTORNEYS**.NET

WA