



How You Start Determines How You Finish: A Guide for Oregon Injury And Accident Victims

Use this guide to understand how to determine if you have a case and why consulting a personal injury attorney is an important action to take when pursuing a personal injury claim.

Accidents are traumatic. Victims are harmed physically, emotionally, and financially.

Routines are disrupted as you try to figure out how to get everyone to and from critical medical appointments, school, and work. Employed providers may miss work and worry about how to make ends meet in the meantime.

At first, the insurance adjusters assigned to your case appear friendly and empathetic. However, the moment they realize that you're not going to rush into accepting a hasty, lowball offer according to their best interest, their attitudes and behaviors abruptly shift. Suddenly the insurance adjuster is no longer in a hurry to respond to your case and can disappear for long periods.

All of this piles onto injuries and compounds the stress.

**As you try to navigate
your medical, emotional,
and financial recovery
there's one question
that aches to be
answered: When will life
return to normal?**



To Restore Your Peace, Take These Actions – In Order – Immediately:

1. (Auto-related accidents only) Notify your own auto insurance (regardless of who's at fault), **ONLY** for the purposes of obtaining a Case Number.
2. Cease Communication with **All** Parties related to the accident or case except for health care providers (and your choice of auto body shop, if applicable).
3. Coordinate medical treatment strictly within your health insurance's network to remain "in-network" at all times, to the best of your ability, to retain as much of your settlement as possible. Medical bills threaten to wipe out your compensation.
4. Notify all **relevant** healthcare providers from whom you still seek medical treatment related to the incident, injury, and/or accident.
 - a. Provide these medical treatment providers with your insurance Case Number, if applicable.
 - b. Taking this action will remove your necessity to make co-pays for your treatment.
 - c. We can help with tips on how to preserve and retain the maximum amount of your settlements by structuring your medical billing in specific ways. using **The 4-4-8 Method™**.
5. Read the "4 Burdens Of A Qualifying Case" section to help you determine the extent to which leveraging law firm expertise could help you build a bigger settlement.

How You Start Determines How You Finish

Communicating directly with insurance companies seems harmless but often results in victims jeopardizing their cases and **forfeiting thousands without even knowing it**. Initially, your primary point of contact is with a lower-level insurance adjuster whose objectives are to:

- Set the initial value of your case, known as a “**reserve value**” or “**reserve limit**” - which is often established within the first communication but is very difficult for non-attorneys to increase once set.
- Get your case “off the books” as quickly and as cheaply as possible.

The insurance adjusters will act sympathetically at the start, like a friend willing to hear your side of the story to side with you, but they are **NOT** your friend. The insurance company and its adjuster assigned to your case **DO NOT** represent your interests - they are ultimately tasked with securing a small, fast settlement. Their initial lowball offers are made quickly before you have completely healed so they won't have to pay for damages associated with a full recovery - including property, health, and missed wages.



2 Pre-Qualifiers of A Personal Injury Case

1. A human has been injured and/or property damaged (does not include pets)
2. The incident must have occurred within the previous 2 years, or 24 months

Proving the 4 Burdens of A Qualifying Case

While most cases never go to litigation (trial in court), to obtain your **max settlement faster™** we'll still need a strong case. To qualify for a valid injury case in the state of Oregon, there are **4 burdens we must prove**. These include:

1. Duty of Care

- We must prove there is a reasonable expectation for people or entities (like governments, companies or organizations) to act or refrain from acting in a certain way OR that there is a **legal obligation** to conform to a certain standard of conduct for the protection of others against foreseeable risks of harm.
- For example: A driver has a duty to operate their vehicle safely - maintain control of the vehicle, keep a proper lookout for hazards, obey traffic laws, and generally drive in a safe and responsible manner.

2. Breach of Duty / Negligence

- We must prove there is **negligence**, or a failure to meet the standard of care expected to prevent foreseeable harm.
- For example: If a driver speeds, runs a red light, texts while driving, or drives under the influence of alcohol or drugs, they breach their duty as a driver. If this **negligence** leads to an accident causing injury or damage, the driver can be held liable for the resulting harm.
- **IMPORTANT NOTE:** If a responsible party cannot be identified or does not exist, it is not possible to file a legal case. For example, in a hit-and-run scenario, if the driver remains unidentified, the victim cannot pursue a case. A case requires the identification of an individual or individuals who have been negligent or breached their duty.

3. Recoverable Damages

- We must prove that there are injuries, lost wages, and/or property damages. Claiming “damages” refers to the injured party’s entitlement to be compensated and restored, as much as possible, to the position they would have been in had the harm not occurred.
- Damages refer to **compensatory injuries**, both economic and non-economic.
 - **Economic damages** refers to tangible losses with clear monetary values, such as: medical expenses (past and future), lost wages and reduced earning capacity, property damage, and out-of-pocket expenses related to the injury.
 - **Non-economic damages** refers to intangible losses that are harder to quantify, such as: pain and suffering, emotional distress, loss of enjoyment of life, loss of consortium (impact on relationships), and disfigurement.

In order for damages to be **recoverable**, two conditions must exist:

- We must be able to identify the “at-fault” or responsible party, thus answering the question of **“WHO is responsible?”**
- The “at-fault” or responsible party must have financial assets (i.e., insurance, money, property of value, etc.) with which to compensate you for injuries, lost wages, and/or property.

If the person responsible doesn't have insurance coverage, money or valuable assets with which to compensate you, there may not be any money to recover for your losses

4. Causation

- The legal concept that establishes a **link** between a defendant's actions (or lack of action) and the harm suffered by the plaintiff. Causation answers the question: **“Did the defendant's actions directly cause the plaintiff's injuries or losses?”**

**Unsure About the Merits of Your Case Or
Whether You Should Settle Based On An Offer
In Hand? Ask Us.**

541-694-8008



Skip the Courtroom Drama: 3 Reasons Settling Your Personal Injury Claim is a Win-Win

Most personal injury claims never see the inside of a courtroom. Why? It boils down to a simple equation: time + money + risk = settlement. Here's the breakdown:

- **Time: Trials are marathons, not sprints.** Discovery alone can drag on for months, with depositions, document exchanges, and expert witness preparation. Add pre-trial motions, jury selection, and the actual trial itself, and suddenly years have passed. Settlements? They can be reached in weeks or months, saving everyone involved invaluable time.
- **Money: Trials are expensive.** Lawyer fees escalate, expert witness fees pile up, and court costs mount. For defendants, a multi-million dollar jury verdict is a nightmarish financial prospect. For plaintiffs, even a win can come at the cost of depleting resources. Settlements offer a predictable, fixed cost, avoiding the gamble of a drawn-out legal battle.
- **Risk: The courtroom is a gamble.** Juries are unpredictable, and even seemingly strong cases can collapse under cross-examination. For both sides, settling removes the gamble of "win or lose." Defendants avoid the potential for a much larger payout, while plaintiffs secure compensation without the anxiety of an uncertain verdict.

Here are a few more compelling stats to support our logical explanation above:

- According to a 2017 survey conducted by Nolo.com, only about 4% of their readership's cases went to litigation
- According to Westlaw Edge's Litigation Analytics, fewer than 1% of personal injury cases filed in federal court from 2019 - 2023 were decided by a jury

Get On the Phone with The Injury Law Firm with a Proven Plan

1. Get Your **FREE** Case Evaluation
2. We'll Implement The 4-4-8 Method™ Together
3. Move On with Your Max "Free and Clear" Settlement Faster

