

Jackson and Wilson

Important Information for Victims of
Personal Injury and Wrongful Death



THE TRUTH ABOUT YOUR CALIFORNIA PERSONAL INJURY OR WRONGFUL DEATH CASE

Learn how to protect your legal rights
and MAXIMIZE your settlement or verdict

JACKSON AND WILSON, INC.

TIPS FOR INJURED CONSUMERS

Questions or Comments About This Book?

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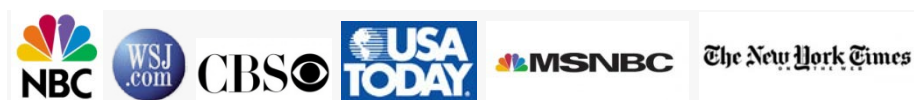
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25 Years of Reported Cases, Commentary, Opinion, and Legal Analysis...

The list includes... The Associated Press, CNN, USA Today, The San Francisco Chronicle, CBS, CBS2.com, Washington Examiner, Los Angeles Times, NBC, New York Times, Mercury News, MyFox11.com, BikerNews.com, CBS5.com, Denver Post, The Orange County Register, The California Daily Journal, Arizona Republic, Tucson Citizen, The San Diego Union-Tribune, MacNewsWorld, Ecommerce Times, ExecSense Presenter (ExecSense is the world's largest and most exclusive publisher of webinars led by top business, legal, medical and financial executives), Cleveland's "The Advocate Radio Show"...



Introduction

*"Information is the currency of democracy."
- Thomas Jefferson, Third US President, Architect and Author*



The reason we wrote this book is to help people just like you. We wanted to take our 25 years of experience and show you exactly what you need to do to protect your legal rights and find, hire, and interview the best lawyer for you and your family.

The fact of the matter is that it can be extremely challenging for people who need a lawyer to know how to find an experienced lawyer they can trust. With more than 1,000,000 lawyers in the United States (20% of them are located in California), it can be an overwhelming task to know where to start. After all, some lawyers write contracts and others practice bankruptcy law. Others handle nothing but criminal defense and some focus on estate planning. Some are very good and unfortunately, others abuse alcohol, drugs, or even have criminal records.

Although many personal injury victims, just like you, try to seek justice, most are not aware of the great myth that there is actually “liberty and justice” for all. The truth of the matter is that most people simply do not know how to protect their legal rights or can’t afford to protect themselves. Because of this, they are denied justice.

That’s unfortunate because it doesn’t have to be that way. Now here’s some good news. Under the right circumstances and with a skilled lawyer, it is still possible to force the system to deliver justice.

We feel the "insider information" found in this book will help you make smart decisions so that you can get all of the justice you and your family deserve in your personal injury or wrongful death case.

So where do you start? How can you find the right lawyer for you?

The tough part for most consumers is trying to figure out which lawyers are the good ones. Lawyers come in all shapes and sizes. As with any profession, you get the good with the bad. That's what makes the information in this book so useful.

Look, back in the early 1980's when we first started law school, we thought most lawyers were the same and basically did the same thing. We were under the general impression that once you graduated from law school and passed the bar, you'd be trained well enough to provide clients with quality representation and successfully take cases to trial. Nothing could be further from the truth!

As law school progressed and while gaining experience clerking for many different attorneys, we eventually realized that as with doctors and other professionals, smart lawyers specialized in specific areas of law. Only with a great deal of effort and over a long period of time is a lawyer able to perfect his or her skill, ability, reputation, and success rate. We learned that a good tax attorney was not necessarily an effective trial attorney and also noticed that an attorney's ability to draft an air-tight contract for the sale of a business did not also mean that same attorney had strong negotiating skills in the conference room when handling a possible settlement in a complicated products liability case.

Out of all the different areas of law, what grabbed our attention and touched us emotionally was helping victims of personal injury and wrongful death. This is called personal injury law. An area of law that's all about helping people harmed because of the wrongful conduct of others. The idea of "championing the right to equal justice for all" really hit home for us in both our heart and soul.

Helping clients find peace in their devastated lives makes us feel good and for the past two decades, has kept us passionate about practicing personal injury law. We like helping others and we like putting our legal talents hard to work to make a difference in the lives of our clients.

As far as we know, this type of book has never before been written and so we hope you find its content useful and enlightening. When it's all said and done, we believe you'll find the advice found in this book as being brutally frank and straightforward. We're not going to sugarcoat our message or any of the information we pass along to you in these pages.

The truth of the matter is that the information in this book is so unique and honest that some lawyers may not agree with our philosophy of sharing this information with the general public. But no worries, these lawyers are probably the same guys and gals that you would never want to hire in the first place.

Most people have never had to hire a lawyer. They don't know where to start and they don't know what questions to ask or qualifications to look for. This book was written to help solve these problems and to show personal injury victims how to find, interview and hire the "perfect" lawyer to help them win their case!

For example, here's a statistic most people are not aware of. Did you know that out of all of the lawyers in the U.S., less than 5% have obtained the highest "AV" rating in ethics and ability by the 140+ year old independent company of Martindale-Hubbell? Furthermore, most consumers are also not aware that less than 5% of all U.S. law firms are listed in the Martindale-Hubbell Bar Register of Preeminent Lawyers. Both of these independent ratings are conducted without the lawyer or law firm knowing that they are being reviewed by their peers (other lawyers and judges in the local community). And here's something every consumer should know-lawyers are not allowed to spend money to "purchase" a positive rating. The Martindale-Hubbell ratings are truly an independent system consumers can and should use and trust when researching and selecting a lawyer.

Regardless of where you live, this book will show you how to find, interview and hire a legal stud and even more important, will help you avoid the legal duds. The further you drill down into and read this book, the more you'll understand why we truly believe that hiring the "wrong" attorney to handle your personal injury case (or any other case for that matter) will get you the same kind of results as putting a screen door on a submarine. The end result is extremely predictable and probably disastrous!

One fact many injury victims are not aware of is that most lawyers who practice law simply do not know how to protect your interest and maximize the value of your personal injury case. One reason is that a majority of lawyers don't practice plaintiff personal injury or wrongful death law. They handle contracts, criminal defense, estate planning, bankruptcy, and other worthwhile and needed legal services.

Of those lawyers who do promote themselves as personal injury lawyers, truth be told, many have never settled a big case or even taken a case to trial. Worse yet, some personal injury lawyers have never even set foot inside a courtroom door!

The challenge for most personal injury victims is how to find such an experienced and highly rated personal injury lawyer. The two questions we hear most is, "How can I find the right lawyer for me?" and "How do I know the lawyer I'm thinking about hiring is an experienced personal injury lawyer?"

Because you only have one chance to investigate, prepare, negotiate and eventually settle or try your personal injury or wrongful death case, it's critically important that you "get it right" the first time. There are no second chances!

The purpose of this book is to give you valuable information which will allow you to make smart decisions when finding and hiring a personal injury and wrongful death lawyer.

We've tried to write this book in a way that is easy to read and understand. The truth of the matter is that we wrote this book so that you would have good information and know exactly what questions you need to ask any attorney you are interviewing with the intention of possibly hiring for your personal injury case. We also wanted to give you important information you need to know before you ever discuss the facts of your case with an insurance company claims adjuster.

Please be advised and understand that it is not the purpose of this book to try and get you to hire our law firm. Frankly, we're glad to say that because of the hard work and effort we've put in to building our firm and strengthening our client and referral relationships over the past 25 years, we have a very successful and busy law practice.

While the primary reason we wrote this book is to help a person or family find a good lawyer in their home town, another reason we took the time and trouble to write this book is to save you (and us) valuable time.

You see, until this book was written, we were always required to try and explain all of this important information to a potential new client during an office meeting or short telephone call which, because of the vast amount of material involved, is similar to trying to give someone a haircut over the phone... it just can't be done. By presenting this information in the form of a book, we do not need to have to worry about forgetting to tell you something during a rushed office meeting or phone call. You can take your time and read all this information on your own schedule.

Additionally, this book also allows us to share valuable information with people who have minor cases that we simply don't handle. It truly is a win-win tool providing the injured consumer with valuable information you may not be able to get anyplace else.

So, we suggest that you read this book carefully and put to use all of the suggestions and information found in its pages. Use the checklist and resources found at the back of the book to make smart decisions when looking for and hiring a lawyer.

After you've read this book, get a highlighter and read it again marking up all the sentences and paragraphs you find useful. Share this powerful material with your family and friends so that they can make smart legal decisions too. After all, remember what Thomas Jefferson once said, "Information is the currency of democracy."

As we mentioned above, we have to make sure our time is spent wisely with serving our existing clients. We limit our practice to helping victims of major catastrophic injury and wrongful death cases. We do not and cannot represent people involved in minor accident cases.

This is not to imply that minor accident victims are not hurt and do not have rights. They do and they should take steps to protect their rights. Just as a surgeon makes a decision to limit his or her practice to heart or brain surgery (rather than knee or ankle), we too made a professional decision, many years ago, to focus our attention and efforts to help people and their families in matters involving major catastrophic injury and wrongful death cases.

Please keep in mind that although we don't handle small accident cases, we know many very good lawyers who do. Lawyers who are well respected and who have set up their offices in a slightly different fashion so that they can accommodate minor injury victims. If you've been involved in a minor accident and don't know what to do next, simply give us a call and we'll be happy to share their names and numbers with you.

That being said, we do want to help as many people as we can and honestly believe this book is the best way to accomplish our goal. Most of the information we would discuss and go over with you in our office is referenced in this book.

Read this book from cover to cover and you'll know more about your rights than most people who have already been through the entire personal injury or wrongful death claim, litigation, and trial process. You may even know more about personal injury or wrongful

death law than a new attorney taking on his first personal injury case. This book is just that good!

We've written this book to answer these questions and many more. To give you information you can put to use right away to help protect your legal rights and to help you find a well respected and experienced personal injury and wrongful death lawyer to help you with your important case.

We trust you will find this information valuable and useful. Call us with any questions or needs. Also visit our web site (JacksonandWilson.com) for more good consumer tips and information.

TIPS

1. Use these information, resources and tools in this book to find a good lawyer. Information is "power" so use the power in this book to protect your legal rights!
2. If you need help finding a good lawyer in your city or state, give us a call. We'd be glad to help!

Why You Need a Good Lawyer- Rabbits and Lions

Which one are you?

Chapter

1

Why is it important to have an experienced lawyer help you with your personal injury or wrongful death case? Because whether you realize it or not, trying to handle your own personal injury case without the help of a lawyer is like putting a baby bunny rabbit into a cage with a hungry, full grown lion. The outcome is going to be fairly predictable.

Look, when it's all said and done, you need to know, understand and appreciate the fact that insurance companies are in business to make money. Each year the major insurance companies earn billions of dollars in profits and their claims adjusters earn huge end-of-year bonuses for minimizing what they pay out in claims and maximizing how much money they help the company executives put in their pockets.



Most claims adjusters are highly trained professionals. Despite what they may tell you over the telephone, their goal is to do what's best for their company, not what's best for you.

As with any profession, you get the good with the bad. The tough part for you is to try and figure out which type of claims adjuster you are dealing with.

The problem is that both the good and bad claims adjusters receive hundreds of hours of specialized education about how to handle the claims process. They are also taught how to "become your best friend" and how to minimize the amount of money they pay out to you on your claim.

The very worst claims adjusters pull out all the stops and dirty tricks to try and avoid paying any money on your case. They're so good at manipulating the situation that most victims don't realize that the smiling claims adjuster is stabbing them in the back with a sharp knife while using his other hand to give them their small and insignificant settlement check.

Experienced and cagey adjusters use their training to try and get you to settle cases early during a claim and for an amount substantially less than what you may be entitled to. They are instructed to try and get an injured person or his family to sign a written and binding full

and final settlement release before all of your injuries are diagnosed, before you have fully recovered from all of your injuries and, before all of your future medical treatment and bills are reasonably determined by your doctors and other specialists.

Insurance claims adjusters are highly trained to do whatever they can to get claims settled early and for pennies on the dollar before all of your damages have been determined. They are also trained at doing this without you ever knowing about it.

We've had injury victims call us after they've settled their case. They never took the time to talk to or hire a lawyer before settling their case. They've spent all of their settlement, and now need more money. They continue to have medical problems and now can't afford the expensive care or treatment.

In some instances, we've talked to clients and their friends who have told us they entered into what they thought was a good settlement only to find out later that their case was worth hundreds of thousands and even millions of dollars more. Frankly, for obvious reasons, these stories make us sick to our stomach.

We know that because of the low settlement, the client is now forced to live the rest of his or her life with a debilitating injury and has no funds to pay for much needed medical treatment. We also know that the insurance company did not negotiate at arm's length with the injury victim and instead placed its own best financial interest before everyone else.

When this life-changing realization happens and the injury victim asks for our help, in most cases, there's nothing that can be done to help because of the binding written settlement agreement they were forced to sign when accepting the earlier settlement payment.

You see, when you settle your case incorrectly and find out later that you need more treatment or surgery, too bad. If you are later fired because you can't do your job and because of this, lose earnings or worse, the ability to work at any job in the future, too bad. Unless these factors have been included in the settlement negotiations and supported by expert opinions and testimony, you've waived your right to this compensation forever!

What we've seen over the past two decades is victim after victim calling our office for help after they settled their case with the insurance company years earlier. Tragically, when this happens, there's generally nothing we can do. It's too late. The case is closed.

Even though we are unable to help these victims who have already signed written settlement agreements and releases, we can try to help other people being taken care of by big insurance and avoid having an unfair result happen to them. What we can do and what we feel we need to do is stand up on top of our desks and shout out as loud as we can that injury victims need to be careful and smart about protecting their rights. Victims need to get their questions answered and be made aware of their legal rights so they can make smart long-term decisions.

What we can do is make sure that if you or a loved one has been hurt and is in the process of bringing a claim for damages, you need to know that it's OK to level the playing field and to make sure you fully understand the extent of your injury and what kind of treatment or surgery you will require. What we can do each and every day is to share this book with as many people as we can to work as hard as we can to protect all of the injured rabbits in the world from all of the hungry and mean spirited lions.

Look, our simple and straightforward recommendation is not to talk to any insurance representatives or investigators until you've found, interviewed and hired an experienced personal injury and wrongful death lawyer to answer all your questions and help you with your case. Our recommendation is to not provide any oral or written statements to anyone. We also insist that you not sign any documents until you know exactly what your important rights are.

Our advice is to make sure that before you even think about settling a case, you fully understand the extent of your injuries and fully appreciate whether or not you are going to have any future long-term problems or medical needs. Information is power and when used correctly, it can help you avoid becoming the main course inside the cage.

TIPS

1. Don't talk to anyone from the insurance company until you've gotten all your questions answered by an experienced lawyer.
2. Don't ever trust a lion. If you do, chances are you will end up the main course.

Three Ways to Find a GREAT Lawyer

Chapter

2

Finding the "Right" personal injury lawyer can make a HUGE difference in the outcome of your case.

Making sure you have an experienced and well respected personal injury or wrongful death lawyer representing and protecting your legal interest is one of the most important things you need to do to protect your legal rights!

Selecting a lawyer who has the ability and expertise to help you with your case will maximize your chances of a successful outcome. Choosing an experienced lawyer who has an excellent reputation will make the other side's insurance company and defense attorney think twice about how they will handle your claim and case. Getting the right lawyer to protect your legal interest will help you maximize the value of your case and get the results you not only expect, but are also entitled to.



During the hiring process, we believe there are 9 important questions you need to ask every attorney you interview. Later in this book, we'll not only give you the questions to ask, we'll also share the exact answers each lawyer should give you. Because you only have one opportunity to settle your case or to take your case to trial, we think it is important for you to know each question and each answer. Nothing should be left to chance.

Before we get in to these 9 specific questions (found in the next chapter of this book), you need to first make sure that you are meeting with an experienced personal injury attorney who has a strong passion for your case and who specializes in representing people and families involved in personal injury and wrongful death cases. This means the attorney who is good at what he or she does and is passionate about helping victims. We're talking about a trial attorney who enjoys practicing law and enjoys taking cases to trial.

Why is this important? Because skill, ability and reputation for trying cases are all important when it comes to investigating, litigating, settling or trying a personal injury case. Successful trial attorneys carefully balance and implement focus, expertise, perseverance, native ability and an affinity for negotiation and litigation that frankly, not every lawyer can muster.

It's important to understand that the lawyer you eventually hire to handle your case is actually working for you... not the other way around. Your best interest should always come first.

Sure, it's very important to follow your lawyer's advice, but first you need to locate, interview and actually retain an attorney who has an opinion actually worth listening to.

So, What's The Best Way To Find A Good Lawyer? Well, here are our favorite 3 ways...

Approach No. 1- Personal Referrals From Qualified Sources

First of all, keep in mind that the right personal injury attorney for you is someone who not only can provide you with the right answers to all the nine questions found later in this book, but is also someone you are comfortable with and can trust. If the attorney has made a good first impression with you, there's a pretty good chance that he or she will also make a good first impression with the other side (insurance companies and defense attorneys) and if necessary, also to a judge and jury. But how do you find this attorney? What resources are available?

The first thing we recommend that you do is look for an attorney who is recognized as being one of the "experts" in your town or area. Someone who meets all of the qualifications described in this book, and then some.

If you have friends or family who you respect and who were very satisfied with experiences they had with a personal injury attorney, you may want to start there. If you know a good lawyer who handles other types of legal matters (for example, estate planning or criminal defense), ask him or her for the names and numbers of the top 2 or 3 personal injury lawyers in town. Good lawyers know who they would hire if they need the "best" personal injury lawyer in their area and most lawyers would be happy to share these names with you.

Friends at work and even company supervisors or bosses may also be able to provide you with one or more names. Personal referrals are a great way to go. We have an excellent database with the names of highly rated personal injury attorneys all across the United States. Feel free to contact us if you would like a couple of names of attorneys to interview and direct your nine questions to.

Approach No. 2- Martindale-Hubbell and AAJ

If you are unable to get a personal referral from a trusted friend or professional acquaintance, go to the Martindale-Hubbell (martindale.com), American Association for Justice (justice.org), The National Trial Lawyers (thenationaltriallawyers.com) or AVVO (avvo.com) web sites and do a search for a personal injury or wrongful death attorney in your area. At the Martindale site, limit your search to "AV" rated lawyers. As mentioned

below, a top "AV" rating is a good indicator of the lawyer's ability, reputation and ethics. It identifies a lawyer and firm as having (1) very high to preeminent legal ability and (2) the highest level of expertise, experience, integrity and overall professional excellence.

Did someone you trust in Approach No. 1 give you a couple of names? Use the above web sites to research each lawyer and find out what their ratings are.

Approach No. 3- Contact Your Local Attorney Organization (Bar)

Another good way to find an experienced lawyer is to contact your local bar association (your local lawyer organization) and ask them for the names and numbers of the past two presidents of that organization. Next, contact the law offices of these individuals and ask the question, "Do you handle personal injury cases?" If not ask, "Who would you hire to represent your family in a personal injury case?"

These lawyers are extremely busy. While you may not be able to speak with the attorney directly, his or her secretary or assistant should be able to share the names and numbers of outstanding personal injury lawyers with you who practice in your home town.

TIPS

1. Just because someone "knows" and shares the name of a lawyer with you doesn't mean that lawyer is any good at practicing law or trying cases. Use the above steps to investigate further.
2. Regardless of who is recommended to you, make sure you are comfortable and "connect" with your lawyer. Being involved in a personal injury or wrongful death case is time consuming, challenging and stressful. It's important that you're comfortable with the lawyer you select to protect your interest. In fact, having the right lawyer can really help reduce the stress.

Nine Questions You NEED To Ask Every Lawyer

How to find out if the lawyer you are thinking about hiring is a legal stud or a legal dud.

Chapter

3

We've you how to find a good lawyer. We've also spent time explaining why you need to avoid becoming dinner for a hungry lion.

Let's assume you've followed our steps and have found one or more lawyers that seem to be just right for you. What should you do next?

Schedule an Office Appointment

We believe you should call the lawyer and set up an office appointment. While you don't need to talk directly to the lawyer to set up an appointment, your actual meeting should be with the lawyer himself as opposed to meeting with a paralegal or legal assistant.



Why? So that you can meet the lawyer and get a good feel for what he or she is really like. Meeting with a law clerk or paralegal will not allow you to do this.

After spending a few minutes getting to know each other, ask the lawyer if it would be alright to ask him a couple of questions. Pull out this book and ask the following questions.

After you ask each question, listen carefully to the answers. Watch the lawyer as he answers your questions. Does he look you in the eye? Is he confident? Does he make you feel comfortable? Do you feel like you trust him?

Question No. 1: “How Long Have You Been Practicing Law As A Licensed Attorney?”

The attorney's answer to this question is important and can be very revealing. It literally takes many years to become proficient in the legal profession. We recommend that you make sure any attorney you are thinking about hiring has, at a minimum, at least 10-15 years of substantial litigation experience in personal injury and wrongful death matters.

Sure, there are exceptions to this rule and we know of several very good, ethical attorneys with less than 5 years of experience. What they lack in settlement and trial experience they make up for with intelligence, drive, passion and the wherewithal to associate in experienced counsel to help them with trial. Unfortunately, these "exceptions" are far and few between and frankly, why take a chance? Let's move on to the next question...

Question No. 2: “What Percentage Of Your Practice Is Devoted To Personal Injury And Wrongful Death Cases?”

For the past 10-15 years of his or her practice, at least 90% of the attorney's time should have been focused on representing personal injury clients in major catastrophic injury and wrongful death cases. Why not 100%? There are two good reasons.

First, the reality of the situation is that good personal injury and wrongful death trial lawyers (trial lawyers also make the BEST negotiation and settlement lawyers) are hard to find and most experienced attorneys will handle the litigation needs of past clients and friends in other areas of law such as business, criminal or estate planning litigation. They find it interesting and challenging to take on other cases and help people succeed in other areas of law (it's a competitive nature that top lawyers have and frankly, it's difficult to hold back).

Second, we truly believe that the experience and knowledge gained in taking these other types of cases to trial allows a personal injury attorney to gain new insight to various "outside-the-box" litigation approaches he or she may not normally be exposed to during personal injury litigation. In the long run, this can prove to be very beneficial to the client in a personal injury case.

We've taken various trial techniques we've learned in civil, business and criminal trials and successfully used the approaches in complicated personal injury cases and trials. In our opinion, this made a huge difference in the ultimate favorable outcome to our clients in these cases.

Another way to look at and evaluate the answers to the above two questions is by looking at the following metaphor. Let's say, God forbid, you need open heart surgery. How would you like to be the very first patient that particular surgeon has ever operated on? Not a pleasant thought is it? The fact of the matter is that you want YOUR surgeon to be a successful specialist in performing open heart surgery and also one who has done the procedure hundreds and even thousands of times before. As with medicine, in law it's important to get things done right the first time. There are no second chances.

Here's something else to think about. Believe it or not, the successful handling of a catastrophic injury or wrongful death case is many times more complicated than what your heart surgeon is required to do during surgery. Bypass surgery may take several hours (with the surgeon actually involved “hands on” for only 30-45 minutes), your legal case may take months or even years. The surgeon may be required to make dozens of important decisions

during the procedure. Your lawyer will be required to make hundreds, and even thousands, of legal and procedural decisions during the handling of your personal injury case.

Why in the world would someone who's life is turned upside down because of a serious personal injury or wrongful death ever settle for anything less than the best? The answer to this question is that most consumers simply just don't know any better. Now you do! Be smart and be thorough when it comes to selecting your personal injury attorney.

Question No. 3: “How Many Court And Jury Trials Have You Had And What Were Your Results?”

Have you had any court trials? How about jury trials? When was the last trial you had? How many of these trials involved serious catastrophic injury or wrongful death? What were the results and verdicts?

Many years ago when we first started to practice law, we read an interesting statistic. Apparently, most California lawyers have only tried an average of 3 trials during their entire career. As supported by the facts and contrary to what you watch on television, most lawyers are not trial lawyers.

In our opinion, the handling and trial of a personal injury or wrongful death case demands a much higher level of expertise and commands a great deal more pre-trial and trial related work and effort than most other types of legal cases. For example, in criminal cases, rarely will the prosecution or public defenders do their own pre-trial preparation (they each have huge governmental support staffs to help them with the work). In work comp and bankruptcy practices, in most cases the "trials" are actually hearings which only take a couple of hours or days.

In a catastrophic injury or wrongful death case, there are generally many complicated and intertwined issues involving medical treatment and bills, loss of earnings, property damage, liability, expert testimony, health insurance, civil liability, procedure, negotiation, settlement, damages, jury, trial and appeal issues. On almost a daily basis, a personal injury lawyer literally holds the value and quality of a client's life in his or her hands and there truly is no greater burden, challenge or privilege. The right personal injury lawyer will recognize this fact and step up to the challenge.

The lawyers that do handle and try other types of cases are all incredible lawyers and we tip our hats to each and every one of them, especially when it comes to juggling the high volume of cases many are forced to handle. Having said that, we believe that a catastrophic injury or wrongful death case, litigated all the way to trial, is substantially more work than the above types of cases and, exponentially more difficult. So when you ask your potential attorney how many cases (or more specifically, personal injury and wrongful death cases) he or she has taken to trial, make sure you get a clear and accurate response.

Because insurance defense attorneys and insurance companies all know which personal injury lawyers try their cases and get the best results for their clients, you want to be represented by an attorney who has a strong reputation for obtaining consistently large settlements and judgments.

Question No. 4: “Will I Be Interacting Directly With You Or Someone Else In Your Office?”

The attorney you hire should have the time to meet with you in his or her office and talk with you over the telephone. The attorney you hire should be the attorney appearing in depositions, hearings and court on your behalf. The attorney you hire should be the attorney who will negotiate on your behalf and if necessary, take your case to trial.

Here's a little unknown truth that many people are not aware of. After you meet with the senior partner during your initial consultation, many busy law firms have secretaries, law clerks and paralegals do all the work on the file and young inexperienced associate lawyers work the file, negotiate, and even appear in court on your behalf. The senior attorney or partner may rarely work on or look at the file.

This is an ugly truth that many clients are not aware of. Now you are!

For this reason, if your initial consultation is scheduled with a clerk, paralegal or new associate attorney because the "experienced" partner does not have time to meet with you, we strongly suggest that you turn and run the other direction as fast as you can.

What we've observed about these types of law firms is that your file will not get the attention it deserves. In more cases than not, the left hand does not know what the right hand is doing. The last thing you need is to have your file used as a "test" or "learning" case for a new non-lawyer paralegal or associate.

While standard paperwork can and should be delegated and handled by an experienced and trained support staff, it is important that you establish a personal "one on one" relationship with the actual attorney who will be handling your case. Make sure that any written retainer agreements you agree to sign clearly spell out that the attorney you are retaining is the attorney who will be handling your file and personally representing you during the entire litigation process and trial. As a courtesy, we're always willing to review other attorney's retainer agreements and advise you on whether or not they not only comply with California law, but also have your best interest in mind.

Question No. 5: “Are You "AV" Rated By Martindale-Hubbell And What Other Awards Or Ratings Have You Received?”

"Yes" is the only answer you should settle for. Most consumers are not familiar with the "AV" rating but this is why it is so important. According to the 140-year-old independent company named Martindale-Hubbell, an "AV" rating identifies a lawyer and firm as having (1) very high to preeminent legal ability and (2) the highest level of expertise, experience, integrity and overall professional excellence.

What is key about this rating is that the actual independent review and rating of an attorney is made by other attorneys and judges in the local community. The attorney who is being reviewed does not even know the process is taking place. You can't pay to get "AV" rated. Your reputation and experience are all that matters.

By presenting an attorney with an "AV" rating, Martindale-Hubbell is making the statement that other attorneys and judges in your community clearly believe that the "AV" rated attorney consistently "shows a demonstration of the highest professional and ethical standards." Isn't that the kind of lawyer you want protecting your interest?

Once again, while there are many good lawyers practicing law who have not yet been awarded an "AV" rating (only about 5 out of 100 receive this honor during their legal career), unless you know the attorney personally, why take a chance with someone who is not highly rated by his or her peers? You can easily confirm an attorney's rating status by going to www.martindale.com

Question No. 6: “Are You An Active Member In The Local, State And National Trial Lawyer Organizations? How About Your Local Community?”

Good personal injury trial attorneys share tips, tools, information, and techniques with other attorneys across the state, country and world. It's important for your attorney to be "plugged into" these organizations so that you can benefit from the exchange of information.

In Orange County, we have the Orange County Trial Lawyers Organization. At the state level, we have the Consumer Attorneys of California. Nationally, many excellent personal injury and wrongful death trial lawyers belong to the American Association for Justice.

All of these organizations and their members work hard on a daily basis to educate personal injury attorneys and consumers on issues involving their important consumer rights. We share information, pleadings, discovery and documents via personal relationships, conferences, meetings, web site memberships and email lists.

When it comes to community service, find out if your potential lawyer is active. What groups or organizations is he or she involved with? For many reasons, it's extremely important for

your lawyer to be "connected" to his or her local community. Interacting with other lawyers, experts and even judges outside the courtroom and in a community service setting will directly and indirectly foster new relationships and strengthen old friendships.

Question No. 7: “Can You Provide Me With The Names Of 5-10 Past Clients Who Are Willing To Share Their Experiences With Me About Your Representation And Firm?”

You can sit all day in the attorney's office and listen to the attorney tell you just how great he or she is when it comes to handling a personal injury case or taking a wrongful death case to trial. While the attorney may be very convincing, you just might find out that the truth is slightly different than the story you're being spoon fed.

If fact, you may want to read the free report posted at our blog entitled, “Sometimes Things Are Not as They Appear When it Comes to Lawyer Advertising” which discusses how some lawyers are so persuasive, they could sell ice to Eskimos.

In any case, how do you know if the lawyer you are meeting with is being honest with you? It depends. Frankly, we believe it's much smarter, and better, to independently and objectively confirm the lawyer's abilities by talking with some of his or her past clients.

We suggest that you ask for a list of 5-10 names and numbers of past clients you can contact for a reference. These are people who have already agreed to have you contact them to independently to confirm what you've been told or have read about the attorney.

It is not OK for the attorney you are interviewing to respond with something like, "my cases are confidential and I can't disclose this information." The defense attorneys and insurance companies know what cases the attorney has handled and so should you. If you get this kind of response, be very cautious.

Good lawyers have plenty of happy and satisfied clients who are more than willing to share their experiences with you. The smart attorneys have already made arrangements to share client names and numbers with you. If the attorney does not already have a list available, we guarantee that he or she will put one together in no time if they are truly interested in handling your case. If the lawyer doesn't have a list, that's OK. Give her a day or two to provide you with the list.

Question No. 8: “Do You Have Testimonials From Past Clients And Other Attorneys Which I Can Take With Me And Read?”

Client testimonials are an excellent way to see what people have to say about the lawyer you are meeting with. Good lawyers with satisfied clients will have plenty of written client

testimonials for you to take with you and review. If an attorney does not have, or cannot give you client testimonials, you need to ask, “WHY NOT!”

It's true that some very good attorneys simply do not take the time to ask for testimonials but on the other hand, how do you know if this is the case with the attorney you are sitting across from. The attorney may not have testimonials because simply put-- he does not have any happy clients. Just as with the unbiased Martindale-Hubbell "AV" rating discussed above, getting independent third party confirmation and validation as to the attorney's ability and a client's experience with that particular attorney is simply the smart way to go.

Question No. 9: “As My Case Works Its Way Through The Legal System, Will You ALWAYS Look Me In The Eye And Tell Me What You HONESTLY Think And Believe As Opposed To What You Think I Want To Hear?”

We believe that an attorney needs to be honest with his client. Why? Because if you have a good case, you want your lawyer to tell you. And if your case is weak or has other difficult legal challenges, you need to know about each problem when they happen.

You always want your lawyer to be truthful and honest with you concerning his assessment of the case and your options. The last thing you ever want is to have your lawyer tell you what she thinks you want to hear rather than the truth and what you really need to hear.

When it comes to getting advice from your lawyer, honest opinions and feedback are absolutely necessary. It's not unusual for us to tell 18 out of every 20 incoming potential clients that we don't think they have a strong case and that we can't help them. We'll tell the potential client why we feel the way we do and we'll also share advice. But if they don't have a case that we can help them with, we simply share our honest thoughts, say “thank you” and suggest alternatives. End of story.

How's that for being brutally honest!

You see, it's in the your best interest to know where you stand and what the pros and cons are with your claim. You need to hear the truth—good or bad—whether you like it or not.

TIPS

1. You only get one chance to settle your case or take it to trial. Make sure to use these 9 questions to find out whether you or sitting across from a legal stud or legal dud!

What is a California Personal Injury Case?

What are your rights and what damages are you entitled to?

Chapter

4

R eal cases. Real issues. A few examples of personal injury cases...

A Walk in the park

Our client was enjoying a beautiful day walking his dog on a leash at the local park. Without warning, they were both attacked by another dog. A minute later, our client was missing his finger and his dog clinging to life...



Special Forces "Superman"

After 25 years in the special forces, our client was honorably discharged and back home with his family. He had managed to serve his country without serious injury. But all of that was about to change. While riding his daughter's motorcycle, he was struck and seriously injured by an inexperienced 16 year old driver who wasn't paying attention and turned directly in front of him...

Bad Neighbors

Neighbors had tormented our clients for years. They tossed trash over the wall and yelled and screamed at our clients when they walked or drove through the neighborhood. Our clients' tried to make the most of their bad situation. Then, one day, the neighbor struck our client's little dog with a bat. Not only was the dog seriously wounded, but our clients experienced severe emotional distress over this misguided and inexcusable conduct...

These are real personal injury cases. Each is different and unique. When someone is harmed as a result of another person or company's wrongful or illegal conduct, the injured person normally has a personal injury claim that he or she may assert in a court of law. The injury can be physical and emotional.

The wrongful conduct may be caused by simple negligence or involve intentional, willful, wanton or reckless conduct. In some instances, a party may be strictly liable for injury to another without the injured person having to show any wrongdoing by the other party.

Several good examples of what a personal injury case might include are as follows...

Automobile Accident Injuries- Each year in the United States there are more than six million motor vehicle accidents. Annually, approximately 10,839 people will die in drunk-driving crashes – one every 50 minutes.

Motorcycle Accident Injuries- Each year, about 4,000 riders sustain fatal injuries in motorcycle accidents. Another 76,000 are injured. Statistically, about 12 motorcycle riders are involved in fatal accidents each day with another 208 riders sustaining injury on U.S. roadways.

Large Truck Accident Injuries- On an annual basis, there are about 5,000 large truck related fatal accidents in the United States.

Slip and Fall Injuries- Most people are not aware of the fact that slip and fall injuries are the second leading cause of injuries in the United States. On an average, they account for about 16,000 deaths every year.

Dog Bite Injuries- Each year across the United States, almost 5,000,000 people are bitten or attacked by dogs and 334,000 dog bite and dog attack victims require emergency medical treatment.

Spinal Cord and Paralysis Injuries- Every year, about 11,000 Americans experience spinal cord injuries, adding up to 200,000 people living with spinal cord injury disability in the United States.

Burn Injuries- Each year in the United States, about 4,500 people die from severe burn injuries. Another 45,000 people are hospitalized. Up to 10,000 people in the United States die each year of burn-related infections. When you look at the total numbers, more than 1.1 million of our citizens experience some type of burn injury each and every year.

Head and Brain Injuries- About 1,000,000 Americans experience major head trauma and brain injuries each year.

Drowning- For any given year, there is one drowning of a child for every 11,000 residential pools in the United States. What this means is that in a country with 6 million pools, roughly 550 children under the age of ten drown each year.

Medical Malpractice- It is conservatively estimated that about 90,000 people lose their lives annually in the hospital because of medical malpractice. Medication errors affect almost 1.5 million people each year.

Other personal injury cases include animal attacks, boat and watercraft accidents, brain injuries, construction accidents, hazardous products, insurance bad faith cases, medical malpractice, product liability, professional malpractice, railroad accidents, and wrongful death cases.

What Damages are Available in a California Personal Injury Case?

In most catastrophic personal injury cases, a victim may be entitled to monetary compensation (money damages) for bodily injury and pain and suffering from the person or company whose negligent or wrongful conduct caused the injury. This includes any wrongful conduct whether caused by an intentional act or a momentary lapse in judgment, a mistake or simple negligence.

Injuries caused by intentional, willful, wanton or reckless conduct may also allow an injured party to receive punitive damages which are designed to punish the responsible party. Over the past two decades, we've handled both types of case.

The primary damages you may be entitled to if you are a victim of personal injury are called compensatory or actual damages. These damages are intended to provide reimbursement or payment to you for your past and future "out of pocket" expenses or losses. Please keep in mind that an expert is normally required to help prove the full extent of your recoverable damages.

The most common compensatory damages include the following:

Medical Expenses- Past and future bills and expenses for health care services from an ambulance or emergency providers, hospitals, doctors, medication, and related services from nurses or other health care providers related to your injury, care and treatment.

Lost Earnings- If you were unable to work for a period of time after the incident, you are entitled to recover reimbursement of all lost wages.

Impaired Earning Capacity- Any reduction of your ability to earn a living (can't do the same job anymore) is recoverable. In many instances, an expert economist is retained to help determine what the actual loss of income is.

Future Medical Expenses- All reasonably necessary future medical care and treatment is recoverable. Again, this is normally proven with the help of experts.

Pain and Suffering- These damages are awarded to compensate an injury victim for all past and future pain and suffering related to the incident and injury.

Mental Anguish- Personal injury victims who have sustained extreme mental or emotional suffering or distress are entitled to compensation. In some cases, this may also include someone who has witnessed the severe injury or death of a loved one.

Loss of Consortium- If, because of a personal injury, the victim's spouse is unable to enjoy the benefits of marriage (companionship, affection, comfort, or sexual relations), a claim for monetary damages may be sought. Please note that these claims will normally "open the door" to many privacy issues.

Loss of Society and Companionship- In wrongful death cases, these damages are awarded to an heir for the loss of love, comfort, and companionship.

Property Damage- Any damage to a vehicle or personal items may be recovered by the victim in a personal injury case.

What is the Standard of Proof in a California Personal Injury Case?

The standard of proof in the United States is typically preponderance of the evidence as opposed to clear and convincing or beyond a reasonable doubt. Because proving a case beyond a preponderance of the evidence (slight tipping of scales) is usually easier than a criminal prosecution (beyond a reasonable doubt), personal injury cases are handled in the civil court system. In California, 9 out of 12 jurors must find in favor of the plaintiff.

Are There Any Special Time Limits to Asserting a California Personal Injury Case?

Yes there are. Time is of the essence in many personal injury actions. In civil personal injury cases, most states have a strict statute of limitations which means that court proceedings must be properly commenced within a certain period of time after the incident or the victim will lose his or her right to bring a claim.

Other time sensitive issues and areas of possible concern involve preserving evidence and identifying defendants, insurance coverage and assets. This normally requires retaining investigators and experts to commence investigations and evaluations as promptly as possible. In fact, our office has a checklist of more than 140 items that we review in every new case that comes in to our office. For these reasons alone, most personal injury victims need to understand that hiring an experienced personal injury lawyer should not be delayed.

Can a Person Who Causes Harm to Another Human Being be Prosecuted for Both the Criminal Harm and the Civil Personal Injury?

The answer is yes. In some instances, a civil and criminal case can both be filed at the same time. People who are charged with the crimes of assault, battery, attempted murder and even murder are many times also sued in the civil courts from personal injury and wrongful death. False imprisonment and fraud are other crimes that sometimes involve civil actions.

In these cases, we work with the District Attorney's Office to coordinate their prosecution of the crime with our handling of the civil personal injury case.

From a Lawyers Perspective, What Does it Take to Be a Good Personal Injury Lawyer?

Well, first of all it takes many years and many cases to "learn" how to properly handle and persuasively argue a personal injury case. Personal injury cases can be difficult to litigate and the available damages are not always provable through the use of experts, formulas or statistics.

The skill of a lawyer can make or break your personal injury case. Most victims are not aware of the fact that the amount of compensation you may be entitled to receive is many times related to the ability of the lawyer working on the file.

Only after many years of settling and trying cases is a lawyer able to learn the best way to convince an insurance company, judge or jury to award the maximum amount of damages you are entitled to. When it's all said and done, the final recovery is normally related to your lawyers persuasion and trial skills.

Make sure to use the information found in this book to find and interview your lawyer. Ask the "9 Questions" found in an earlier chapter to help make sure you're meeting with the right personal injury attorney.

What Are the Steps in a Personal Injury Case?

When you or a family member is involved in a personal injury, it's extremely important to act quickly and make smart decisions from the very beginning of your case.

Being seen and properly diagnosed by an experienced and well respected health care provider shortly after your accident or injury is important for two reasons.

First, making sure you get proper medical treatment is important to your short and long-term recovery. Second, it's absolutely necessary in personal injury cases to have your doctors properly document (medical records, reports, photographs, x-rays, CT/MRI

scans...) all of your injuries and treatment. This record or history will be used to confirm all of your injuries and injury related issues later in the claim, litigation, or trial process.

Doctors such as orthopedic surgeons, neurologists, physical therapists and chiropractors may be needed to help you recover as fast as possible. Economists, life-case planners, as well as experts in vocational rehab are sometimes necessary to help calculate, explain and prove your financial losses.

If you don't have a doctor or don't know who to see, most experienced lawyers can recommend a good doctor in your area who is not only well respected, but also someone who will agree to see you on a lien basis. What this means is that you will not have to pay your medical bills until after your case is concluded.

Investigation and Protecting Evidence

When it comes to investigating the incident that caused your injuries and damages, it's important to keep in mind that evidence can be difficult to locate as time passes.

Objects get moved or removed from the accident scene. Skid marks wash away with rain and other evidence such as broken asphalt, walls, and buildings get repaired or replaced. Damage to vehicles may get repaired before being photographed and the memories of defendants and witnesses fade over time (or after being coached by the other side). In some cases these people simply "disappear."

To avoid having this happen to you, photographs and video should be taken and all evidence preserved. Investigators should be used to talk to and record the statements of the people involved in your incident and to interview all witnesses.

In most cases, experts in areas such as accident reconstruction or bio-mechanical engineering should be retained and used to review the facts and help establish liability, force of impact, and damages in your case.

Claim and Lawsuit Filing Deadlines

In almost every case, you only have a certain period of time to file a claim or lawsuit. If you fail to properly file or serve the required legal documents in a timely fashion, you will forever lose your legal right to pursue a claim or case against the responsible party. The requirements and time period you have to file a claim against a governmental entity such as a city, county or state is different than when dealing with a private party or company in a slip and fall or automobile, motorcycle, or large truck accident case. Medical malpractice cases also have their own unique requirements and limited time periods to take action.

Legal Documents

Legal documents called claims, pleadings, and motions are normally prepared and filed with the court to protect your rights and maximize your chances of obtaining a full and complete settlement or verdict. Settlement demand packages are also sometimes necessary to attempt settlement of a case before the need for a lawsuit becomes necessary. Mediation, arbitration and trials are all used to obtain a final decision (called a verdict or judgment if trial is necessary) in a personal injury and wrongful death case.

Who Pays in a Personal Injury Case?

When it comes to recovering damages in most personal injury cases, experienced lawyers look to the responsible party's liability insurance company. If the person who caused your injuries was employed with a company at the time he or she caused the harm and, was in the scope and course of employment, we may also pursue a claim against the employer company based upon a legal theory of respondent superior (the employer is liable for the wrongful conduct of its employees while on the job).

Other theories of liability may also be reviewed and pursued which might include a dangerous or defective product claim against the manufacturer or a maker of one of the vehicles parts or components (defective brakes, tires, unsafe/exploding gas tank design...).

If you were injured in an automobile collision and the other party has insufficient insurance or no insurance at all, you may be entitled to bring an uninsured motorist or underinsured motorist claim available against your own insurance company. In these circumstances, we will also use experts to undertake an asset background check to see whether or not there is any real property, bank accounts, home equity, or other significant assets to cover your losses. In many cases where the other party was either uninsured or insufficiently insured, we've been able to use these techniques to get payment on a large judgment against the other side.

The bottom line is that no settlement should take place and no settlement releases should be signed until you have full and complete answers to all of the above questions and issues.

TIPS

1. Filing a personal injury claim is serious business. You only get one chance to obtain justice. It's important you know what your legal rights are and what damages you are entitled to.
2. Before settling your personal injury case, make sure your lawyer tells you exactly what your net recovery will be after attorney fees and expenses. The last thing you need at the end of your case is an unexpected surprise. Get this information in writing BEFORE you give your lawyer authority to settle your case.

What is a California Wrongful Death Case?

Your "keys" to the courthouse door

Chapter

5

There is nothing more tragic than an untimely death of a loved one. When this happens, it's important to completely understand all of your legal rights and remedies.

Here are several of our cases...

The Weekend Family Ski Trip

The family was on their way up to Big Bear for a weekend ski trip. It was raining and the highway was wet and slick.

Without warning, a semi tractor trailer truck was traveling too fast on the same wet highway and lost control. Unable to stop, it broadsided the family of five. The mother and father were killed instantly. The three children seated in the back of the van survived and are now required to spend the rest of their lives taking care of themselves.



The Afternoon Picnic

In another case, an 18 year-old high school track star and his family decided to cool off and spend a hot summer day at a local private lake. While swimming, this young athlete experienced severe cramping and drowned.

The lifeguard in the tower was not paying attention and failed to observe this young man in distress. Despite members of the general public viewing what was happening, the lifeguard also failed to notice this young man eventually sink below the surface of the lake until he was told by bystanders. Unfortunately, it was too late. Safety experts found the lifeguard at fault for violating about a half dozen safety policies and procedures.

The above wrongful death cases are real. They accurately depict how unfair wrongful death cases are and, how quickly they can take place. Tragically, these types of cases happen almost every day.

In fact, most people are not aware of the fact that every five minutes in the United States, there is a wrongful death. This equates to more than 100,000 children, teenagers and adults sustaining untimely deaths each and every year. A majority of the traffic related wrongful deaths involve teenage drivers between the age of 16-21.

Good lawyers bring wrongful death cases to help provide for the long-term support of the surviving family members. In California, a Wrongful Death normally involves a claim against a person or company who is legally responsible for the death of an individual. The claim is brought in a civil action, usually by close relatives (legal heirs) as provided by statute.

The death must have been caused, in whole or in part, by the defendant's conduct. It must be shown that the defendant was negligent or acted with intentional, willful, wanton or reckless conduct. In some limited instances, a party may even be strictly liable for the death of another without the surviving heirs having to show any wrongdoing by the other party.

Who Can File a California Wrongful Death Case?

California's wrongful death laws permit certain individuals with a designated relationship to the victim to file a wrongful death claim. Although exceptions do exist, in California the following people may bring a claim in court for the wrongful death of a loved one:

The victim's surviving spouse, children, issue of deceased children, registered domestic partner, dependent putative spouse, dependent stepchildren, dependent minors living in the victim's household for at least six months, and dependent parents. If there are no heirs as described above, then claimants include those who would be entitled to inherit the victim's estate under the law of intestate succession: Parents, whether or not they were dependent; if there are none, then siblings or children of deceased siblings; if there are none, then grandparents; if there are none, then children of a deceased spouse. If none of these relatives exist, the next of kin may file a wrongful death suit.

A wrongful death victim's personal representative can also maintain a wrongful death action on behalf of the individuals listed above. A personal representative is a person appointed by the probate court to handle the wrongful death victim's assets, or estate.

What is the Difference Between a Wrongful Death Case and a Survival Action?

In a wrongful death case, which is a separate statutory cause of action in California, the specified heirs are entitled to recover damages on their own behalf for the unique loss they have sustained by reason of the victim's death. Wrongful death damages are not part of the victim's estate.

Another important distinction is the statute of limitations period, which in a survival action runs for two years from the date of the injury, or for six months after death, whichever is later. An action for wrongful death, in contrast, must be brought within two years from the date of death. A wrongful death action may be joined and tried together with a survivor action when both actions arose out of the same wrongful act.

What Damages are Available in a Wrongful Death Case?

Available damages, depending on the evidence, may include economic damages such as financial support the decedent would have contributed to the family during the lifetime of the decedent or the plaintiff; loss of gifts or benefits that plaintiff would have expected to receive from decedent; funeral and burial expenses and the reasonable value of household services that decedent would have provided.

Non-economic damages may include a loss of decedent's love, companionship, comfort, care, assistance, protection, affection, society, and moral support; a loss of the enjoyment of sexual relations and the loss of decedent's training and guidance.

In a survival action, the cause of action "survives" the death of the person and passes to the person's successor in interest, who could be a surviving family member or the personal representative of the estate. Damages recoverable are limited to the loss or damage that the decedent sustained or incurred before death, including any penalties or punitive damages that the decedent would have been entitled to recover.

This includes damages personal to the decedent, such as medical expenses, and lost wages. However, a jury is not permitted to consider the grief, sorrow or mental anguish of the heirs, the poverty or wealth of the heirs, or the wrongful death victim's pain and suffering.

In some cases, punitive damages are recoverable in a survival action if the victim survived the accident, however briefly, or if the property of the victim was damaged or lost before death. The only time the elements of survival or property damage are not necessary to obtain punitive damages is when the wrongful death resulted from a homicide for which the defendant has been convicted of a felony. In many cases, the survival action may be joined with the wrongful death claim and litigated at the same time. A loved one who witnessed the death of another may have a separate cause of action for emotional distress.

What is the Standard of Proof in a California Wrongful Death Case?

The standard of proof in the United States is typically preponderance of the evidence as opposed to clear and convincing or beyond a reasonable doubt. Because proving a case beyond a preponderance of the evidence (slight tipping of scales) is usually easier than a criminal prosecution (beyond a reasonable doubt), wrongful death cases are handled in the civil court system. In California, 9 out of 12 jurors must find in favor of the plaintiff.

Are There Any Special Time Limits to Asserting a California Wrongful Death Case?

Yes there are. Time is of the essence in many wrongful death actions. In civil wrongful death cases, most states have a strict statute of limitations which means that court proceedings must be properly commenced within a certain period of time after the incident or the victim's family or heirs will lose their right to bring claims.

Other time sensitive issues and areas of possible concern involve preserving evidence and identifying defendants, insurance coverage and assets. This normally requires retaining investigators and experts to commence investigations and evaluations as promptly as possible. In fact, our office has a checklist of more than 140 items that we review in every new case that comes in to our office.

For these reasons alone, most personal injury victims need to understand that hiring an experienced wrongful death lawyer should not be delayed.

Can a Person Who Causes the Death of Another Human Being be Prosecuted for Both Murder in the Criminal Courts and Wrongful Death in the Civil Courts?

The answer is yes. In some instances, a civil and criminal case can both be filed at the same time. People who are charged with the crime of murder are many times also sued in the civil courts for wrongful death.

In these cases, we work with the District Attorney's Office to coordinate their prosecution of the crime with our handling of the civil wrongful death case.

From a Lawyers Perspective, What Does it Take to Be a Good Wrongful Death Lawyer?

Well, first of all it takes many years and many cases to "learn" how to properly handle and persuasively argue a wrongful death case. Wrongful death cases can be difficult to litigate and the available damages are not always provable through the use of experts, formulas or statistics.

The skill of a lawyer can make or break your wrongful death case. Most victims are not aware of the fact that the amount of compensation you may be entitled to receive is many times related to the ability of the lawyer working on the file.

Only after many years of settling and trying cases is a lawyer able to learn the best way to convince an insurance company, judge or jury to award the maximum amount of damages you are entitled to. When it's all said and done, the final recovery is normally related to your lawyers persuasion and trial skills.

Make sure to use the information found in this book to find and interview your lawyer. Ask the "9 Questions" found in an earlier chapter to help make sure you're meeting with the right wrongful death attorney.

What Are The Steps in a Wrongful Death Case?

When you or a family member is involved in a wrongful death, it's extremely important to act quickly and make smart decisions from the very beginning of your case.

In many instances, heirs of wrongful death victims need and seek out professional counseling to help with their very emotional loss. If you don't have a health care professional you can turn to for help, most experienced wrongful death lawyers can recommend a good professional in your area who is not only well respected, but also someone who will agree to see you on a lien basis. What this means is that you will not have to pay your medical bills until after your case is concluded.

Investigation and Protecting Evidence

When it comes to investigating the incident that caused the wrongful death, it's important to keep in mind that evidence can be difficult to locate as time passes.

Objects get moved or removed from the accident scene. Skid marks wash away with rain and other evidence such as broken asphalt, walls, and buildings get repaired or replaced. Damage to vehicles may get repaired before being photographed and the memories of defendants and witnesses fade over time (or after being coached by the other side). In some cases these people simply "disappear."

To avoid having this happen to you, photographs and video should be taken and all evidence preserved. Investigators should be used to talk to and record the statements of the people involved in your incident and to interview all witnesses.

In most cases, experts in areas such as accident reconstruction or bio-mechanical engineering should be retained and used to review the facts and help establish liability, force of impact, and damages in your case.

Wrongful Death Claim and Lawsuit Filing Deadlines

In almost every case, you only have a certain period of time to file a claim or lawsuit. If you fail to properly file or serve the required legal documents in a timely fashion, you will forever lose your legal right to pursue a claim or case against the responsible party.

The requirements and time period you have to file a claim against a governmental entity such as a city, county or state is different than when dealing with a private party or company in a

slip and fall or automobile, motorcycle, or large truck accident case. Medical malpractice cases also have their own unique requirements and limited time periods to take action.

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Who Pays in a Wrongful Death Case?

When it comes to recovering damages in most wrongful death cases, experienced lawyers look to the responsible party's liability insurance company. If the person who caused the wrongful death was employed with a company at the time he or she caused the harm and, was in the scope and course of employment, we may also pursue a claim against the employer company based upon a legal theory of respondent superior (the employer is liable for the wrongful conduct of its employees while on the job).

Other theories of liability may also be reviewed and pursued which might include a dangerous or defective product claim against the manufacturer or a maker of one of the vehicles parts or components (defective brakes, tires, unsafe/exploding gas tank design...). As you can imagine, each case is different.

If the wrongful death was caused by an automobile collision and the other party has insufficient insurance or no insurance at all, you may be entitled to bring an uninsured motorist or underinsured motorist claim available against your own insurance company. In these circumstances, we will also use experts to undertake an asset background check to see whether or not there is any real property, bank accounts, home equity, or other significant assets to cover your losses. In many cases where the other party was either uninsured or insufficiently insured, we've been able to use these techniques to get payment on a large judgment against the other side.

The bottom line is that when it comes to resolving a California wrongful death case, no settlement should take place and no settlement releases should be signed until you have full and complete answers to all of the above questions and issues.

TIPS

1. Wrongful death cases are emotional and tragic. What we've found over the past 25 years is that a good lawyer can step in and immediately help protect the family's rights allowing grieving family members to do what needs to be done and to start the rebuilding process.
2. There is a substantial range in the dollar amounts obtained in wrongful death settlement and verdicts across the country. We believe the "difference" in value is primarily a result of the lawyer's ability and effort. There's no magic formula for determining the value of a wrongful death case. Whether it's fair or not, we believe the final figures that families receive for the wrongful death of a loved one many times directly reflect a lawyers ability to persuasively argue the facts.

What are Contingency Fees?

Your "keys" to the courthouse door

Chapter

6

In most legal matters, we are proud to offer our services to you on a contingency fee basis. Having said that, many people are not aware of what exactly a contingency fee is.

A contingent fee is a fee for services provided where the fee is only payable if there is a favorable result. The law defines a contingent fee as "a fee charged for a lawyer's services only if the lawsuit is successful or is favorably settled out of court...contingent fees are usually calculated as a percentage of the client's net recovery."

For many injured consumers, the contingent fee is their key to the courthouse doors. It makes it easier for people to protect and pursue their civil rights—especially in personal injury and wrongful death cases. If the right attorney is selected, a contingent fee is an excellent way to hire one of the best lawyers in your state without having to pay his or her up front retainer or hourly fee.

Truly a win-win for the consumer.

Because of the high risk involved, few attorneys will take cases on a contingency basis unless they feel the case has good merit. And when you think about it, that makes perfectly good sense.

The Contingent Fee Structure

A client is not charged attorney fees if he or she loses the case. If the client recovers damages from settlement or a favorable verdict, the attorney receives a previously agreed to fee from the recovery.

The attorney's permitted fee varies depending on the country, and even local jurisdictions. The percentage allowed is subject to the ethical rules of professional conduct, and in many circumstances, statutory limitations. Depending on the age of the client and type of case, the range is normally someplace between 33.33% to 40% in the State of California. When representing minors, the fee is limited to 25% and a judge's approval is required before the case can be finalized.



The Advantages of a Contingent Fee Structure

A contingency fee arrangement provides access to the courts for those who cannot afford to pay the attorneys fees and costs of civil litigation. Contingency fees also provide a powerful motivation to the attorney to work diligently on the client's case.

When you think about it, in other types of non-contingency fee cases (where the client pays the lawyer an hourly rate), it makes little economic difference to the attorney whether the client has a successful outcome to the litigation. On the other hand, we've found that with contingency fees cases, lawyers "partner" with their clients and by necessity, assume the financial risk of litigation. The end result is that the number of speculative or unmeritorious cases are reduced.

In the United States, contingency fees are the standard in personal injury and wrongful death cases. They are less common in other types of litigation. Most jurisdictions in the United States prohibit working for a contingent fee in family law or criminal cases, as made clear in Rule 1.5(d) of the Model Rules of Professional Conduct of the American Bar Association.

It's interesting to note that in addition to the United States, contingent fees are also allowed and utilized in many other countries such as Australia, Brazil, Canada, the Dominican Republic, France, Greece, Ireland, Japan, New Zealand, the United Kingdom and the United States.

TIPS

1. Most consumers are not aware of the fact that contingency fees are negotiable. Now this doesn't necessarily mean that the lawyer you are thinking about hiring will be interested in agreeing to a reduced fee, but he or she may be open to discussing the issue. It never hurts to ask!

2. Remember that you generally get what you pay for. What do we mean by that? Well, just because a lawyer may agree to a lower contingency fee, that doesn't necessarily mean that your recovery will be higher. In fact, the truth is probably just the opposite!

Many inexperienced lawyers will agree to a lower fee but the final settlement or verdict of your case may be lower. Experienced lawyers may not be so willing to reduce their fees to get your business but that's OK. Chances are, they will obtain a MUCH higher settlement or verdict which will easily offset the slight increase in fees and substantially increase the amount of your net recovery. Go with the more experienced lawyer every time!

3. In California, contingency fee agreements must be in writing. Never leave your lawyer's office with a copy of the agreed to retainer in your hand.

Our Senior Partners

Experience, passion and honesty.

Chapter

7

Our senior partners are experienced and well respected. They enjoy what helping people and treasure the opportunity to practice law.

Mitch and Lisa each have more than two decades of individual experience helping injured consumers, just like you, with their personal injury and wrongful death cases. Their clients receive excellent service and consistent solid results because of the experience, reputation, and resources Mitch and Lisa bring to each and every case.

It's difficult to get to know someone from simply reading about them in a book or on a web site. We think the best way to get a good feeling or idea about whether or not they are the right lawyers for you is to simply give them a call and talk to them on the phone. Usually in the first couple of minutes you can tell if there's a "connection" and whether or not you'd like them to take a closer look at your case.

With this in mind, here's a bit more information about our Senior Partners, Mitch Jackson and Lisa Wilson.



Lisa M. Wilson



Lisa is a true "California girl" who was born and raised in the high desert town of Lancaster, California. She is one of three daughters and while growing up, her parents owned and operated a well known dairy distributorship servicing many Southern California cities and towns.

The Wilson family was very active in the local Lancaster community participating each year in numerous community service activities and all the big fundraisers. In high school, Lisa was a multi-sport scholar athlete and to this day her jersey still hangs in her high school gym.

Lisa started her college career playing volleyball at Long Beach State and then transferred to the University of Southern California. At USC, Lisa developed an interest in the law and studied journalism and sports information. She also pledged the Kappa Kappa Gamma sorority. In 1982, she graduated with a major in journalism and minor in sports information.

Before law school, Lisa worked with a prominent sports agent believing she would eventually enjoy a career representing professional athletes. While in law school, Lisa won the prestigious mock trial championship and also had the opportunity to study law abroad at Cambridge University in England.

Lisa graduated from Western State School of Law in 1986 and worked for several years at large and prestigious law firm practicing insurance defense. Overtime, Lisa realized that her interest in the law focused more on helping victims of personal injury and wrongful death rather than representing and defending insurance companies and big business. She also had a keen interest in owning her own business and law firm.

Eventually, Lisa made the jump to the “other side of the fence” and in 1988, she and Mitch joined forces and became partners in the firm of Jackson & Wilson, Inc. That year, she and Mitch were also married and today, she remains an active and full time senior partner in the nationally recognized firm.

Past and present activities, organizations, and recognitions include the following:

- “AV” Rated by Martindale-Hubbell (highest rating in ethics and ability)
- Martindale-Hubbell Bar Register of Preeminent Lawyers (only 5% of all law firms)
- The National Trial Lawyers (the Top 100 Trial Lawyers from each state)
- Private Arbitrator and Mediator
- Orange County Bar Association (OCBA Masters Division)
- Orange County Trial Lawyers Association
- American Association for Justice
- California State Bar
- American Bar Association
- Consumer Attorneys of California
- Multiple time member of the Million Dollar Advocates Forum (obtained one or more verdicts or settlements in excess of \$1,000,000)
- Past President of Monarch Beach Rotary Club and Paul Harris Fellow
- Lisa has also litigated and resolved numerous seven figure cases including one of Orange County’s largest first party insurance bad faith cases.

Jon Mitchell “Mitch” Jackson



Mitch was born in Tucson, Arizona. For almost 30 years his parents and family owned and operated the Saddle and Surrey Guest Ranch, an internationally known resort destination.

At the ranch, Mitch's parents entertained guest from around the globe which included Walt Disney, John Wayne, 60 Minutes commentator, Morley Safer, and tennis stars Poncho Gonzales and Rod Laver.

Mitch's family was active in promoting tourism in Arizona. His mother was featured on the cover of Newsweek magazine and his father served the community by being involved with numerous local and national organizations such as Rotary, the Chamber of Commerce, and most of the major Travel Associations.

Mitch grew up riding horses, hunting and fishing. In high school, he played football and baseball but his true interest gravitated to motocross, scuba diving in the Sea of Cortez, and competing as a ranked tennis player throughout Arizona and California.

After high school, Mitch attended the University of Arizona and studied civil engineering for two years. His internal passion for business, marketing, and the law, eventually led to Mitch transferring over to the business school and graduating with a degree in business administration. During college, Mitch paid the bills by waiting tables and tending bar at the ranch. On the weekends, he earned his expert hang gliding pilot rating and spent most of his time flying high above most of the mountains in Southern Arizona.

After graduating in 1980, Mitch took a front desk management position at Caesars in Lake Tahoe, California. After meeting and getting to know several local lawyers on the ski slopes, Mitch's interest began to change and soon law school became his calling.

Mitch attended and put himself through Western State School of Law and during this time, he clerked for many different lawyers and firms. He found his calling and passion when he started working as a law clerk for a personal injury lawyer. It was then that Mitch knew that he wanted to use the law to help and protect injured consumers and their families for the remainder of his legal career.

Mitch was admitted to the California Bar in 1986 and immediately opened up his own practice representing victims of personal injury and wrongful death. As mentioned above, Mitch and Lisa combined forces in 1988 and since then, have never looked back. Twenty five years later they have been fortunate to have had the opportunity to make a positive difference in the lives of thousands of people and their families.

Today Mitch and Lisa continue to practice law on a full time basis. They enjoy mentoring new lawyers on litigation and trial practice. In their spare time, both Lisa and Mitch are

actively involved in Rotary International and enjoy supporting their two children in school, community service and athletics.

Past and present activities, organizations, and recognitions include the following:

- Orange County 2009 Trial Lawyer of the Year [nominated again in 2011]
- Southern California Super Lawyer
- “AV” Rated by Martindale-Hubbell (top rating in ethics and ability)
- Martindale-Hubbell Bar Register of Preeminent Lawyers (less than 5% of all firms)
- AVVO “Superb” 10.0/10 rating
- Nominated CAOC 2011 "Street Fighter of the Year"
- Law Dragon- “Top Rating”
- Judge Pro Tempore- Orange County Superior Court
- Appointed Arbitrator- Orange County Bar Association
- Appointed Arbitrator- Orange County Superior Court
- Private Arbitrator and Mediator
- Orange County Bar Association
- Orange County Trial Lawyers Association
- American Association for Justice
- The National Trial Lawyers (The Top 100 Trial Lawyers from each state)
- California State Bar Association
- American Bar Association
- Consumer Attorneys of California
- Multiple time member of the Million Dollar Advocates Forum (obtained multiple verdicts and settlements in excess of \$1,000,000)
- Successfully passed written exam offered by the National Board of Trial Advocacy (NBTA) for Trial Attorney Certification (qualifications- extensive trial experience, formal recommendation by numerous opposing trial counsel and trial judges)
- Past President of Monarch Beach Rotary Club and Paul Harris Fellow. Mitch has also served as an Assistant District Rotary Governor for Rotary District 5320. In 2010, he was nominated by his club for the award of “Business Rotarian of the Year”
- Daily Journal Profile- Mr. Jackson’s litigation talents, techniques and wrongful death trial verdict profiled in the July 28, 1995, edition of the California Daily Journal

TIPS

1. There is no substitute for experience. Make sure any lawyer you hire is extremely experienced in the area of law that you need help with.

Our Firm

Established and respected.

Chapter

8

It's important for you to know that we represent people, not big corporations and insurance companies. Our daily focus involves protecting the injured, the wronged, and the voiceless, not large businesses that routinely trample, abuse, and exploit the rights of the less fortunate.

The drive and motivation devoted to leveling the playing field for our clients and their families against the self-serving goals of corporate greed and higher profits is what has kept this law firm going strong for the past two decades. It's also what is going to keep us going for another 100 years!

When it comes to protecting individual rights, we provide a very personal service to people and families experiencing catastrophic injury and wrongful death. We make sure victims of civil wrongs are fully compensated while at the same time, holding all wrongdoers accountable for their actions.

The bottom line is that we always want to make sure that every person and family we help gets 100% of our undivided attention and effort.

Bad Things Happen to Good People

The truth of the matter is that each and every day, bad things happen to good people. We understand and appreciate the fact that people and families experiencing personal injury and wrongful death suffer extreme harm and damages. In most instances, it's a life changing event. Many victims are concerned or worried about what's going to happen next and others find it difficult to sleep at night.

Although many personal injury victims, just like you, try to seek justice, most are not aware of the great myth that there is actually "liberty and justice" for all. The fact of the matter is that families experiencing a serious personal injury or the wrongful death of a loved one have no idea just how difficult it can be to take on the big insurance companies and legally recover all the damages they are entitled to. Most people simply do not know how to protect their legal rights or can't afford to protect themselves. Because of this, they are denied justice.



That's unfortunate because it doesn't have to be that way. You see, there's a right way and wrong way to handle your case.

We practice law because we truly want to help others. It's just that simple. We invite you to take a couple of minutes and review this information carefully.

Read the client and attorney testimonials. Take a look at our case results. Watch the videos and listen to the audios on our web site. We hope that after you take the time to do this, you'll truly appreciate that you've found the right lawyers to answer your questions and help you with your case.

So consider this our personal invitation for us to get to know each other better. Please visit and connect with us at our [web site](#) and also on [Facebook](#), [Twitter](#), [LinkedIn](#), [Google+](#). You can even watch videos at our site or by visiting our Youtube Channel entitled, "[California Lawyers](#)". While you're at it, also make sure to join thousands of other past clients and friends and get on our [VIP email list](#) and [Blog RSS feeds](#) (we share legal updates and tips that will help you protect your important legal rights).

Client Testimonials

Here's an easy way to find out what other people think and have to say about the lawyer you're thinking about hiring.

Chapter

9

Receiving positive feedback from our clients truly means the world to us. Below are several testimonials from past clients and other lawyers.

One of the finest law firms in California is Jackson & Wilson. This law firm combines great legal skill and massive compassion for those who are victims of catastrophic injuries and deaths. They are not intimidated by the size of the corporation they are suing, or the size of the law firm that is defending the case. Integrity and dedication are the two words that best describe this terrific law firm."

-- Thomas V. Girardi, Girardi & Keese.

"Jackson & Wilson came highly recommended to us from a Superior Court Judge who is a good friend of ours. We were pleased with both the high level of professionalism and the constant concern for our best interest. We were always kept well informed of the status of our case. We feel highly confident in referring Jackson & Wilson to others."

-- Mr. Chris B (Local contractor and Laguna Niguel family man)

"Lisa Wilson provided us with excellent legal service. Going into a lawsuit I didn't know what to expect. Lisa answered all my questions and was always available to speak to me. She kept me informed and did exactly what she said she would do. I am very happy with the service she provided."

-- Jacqueline Solovy 949-458-8312

"He (Mitch) has tremendous litigation skills. I've never known another lawyer more prepared or focused. He has the ability to dissect a case much like a skilled surgeon, with absolute calm. Nothing seems to rattle this guy or distract him from his goal on a case, which of course, makes him extremely tough to beat. He's also one of the most ethical lawyers I've ever know."

-- Attorney Charles H. Giampolo, former Head Counsel for Fortune 500 Company Wyle Electronics



"Lisa was extremely professional and answered all of our questions and addressed all of our concerns. Whenever we called, she either took our call or returned our messages promptly with an update. She went above and beyond to make sure we received a fair settlement. We would definitely recommend and use her in the future."

-- John and Shelly F.

"Mr. Jackson and his legal team should be the first choice for anyone seeking assistance with an unusual or complex legal matter. I've dealt with numerous attorneys over the past 22 years working for a major insurance company and I can honestly say, none are as professionally competent or care more about customer service than Mr. Jackson"

-- Senior Claims Manager- Major Insurance Company

"When you think of lawyers, compassion and concern are usually not the words you think of first, but with Mitch, those words are a first priority! And after you find out what a great guy he is, you find out what a dedicated bulldog he is in the courtroom and what a great lawyer he is to have in YOUR corner! If ever you need one of the greatest guys and best lawyers in the area, you would be doing yourself a disservice by not consulting with Mitch FIRST!!!"

Stephen Gomez, President/CEO, Interactiva Marketing Group, Inc

"I just wanted to thank you, once again, for all the hard work and time that was spent on our case throughout the years. In my very honest opinion, I have always felt that you had all of our best interest at heart. So on behalf of my son Cameron and myself, I want to whole-heartedly Thank-You for being a very Caring and Compassionate Human Being...U ROCK!!!! Lol..."

May God Bless you and your Family Always,

-- Camille & Cameron

"I've known Mitch for several years. We first met when he would stop by my parents' donut shop to buy donuts for the soccer and baseball players he coached.

Unfortunately, several years ago I was involved in an automobile accident. Despite treating with several different doctors, my injuries were not getting any better. The insurance company for the responsible party was also bothering me. I needed help.

I called Mitch and he went to work to immediately made things better. At my request, he recommended several good health care providers and they provided treatment without me having to pay any money up front. With their help, I eventually recovered.

After the other side's insurance company tried to "low ball" me with an insulting settlement offer, Mitch recommended that I allow him to file a lawsuit and aggressively litigate my case. He did and when it was all said and done, he obtained almost 5 times more than the original settlement offer. With the help of Mitch and his team of experts, I was able settle my case and move on with my life.

Mitch kept my updated on the status of my case and always was clear about what he recommended that I do next to protect my interest. I trusted his opinion and knew he always had my best interest in mind.

If you have a question about your personal injury or wrongful death case (or any legal question for that matter), I strongly recommend that you contact Mitch with your questions!"

-- Miranda Kong

"The best professional service in this country—that is Jon Mitchell Jackson. I have never seen or heard of an attorney so much devoted to his client and work as Mr. Jackson. He has dedicated himself to his profession and to his client. His character and professionalism is beyond anyone's expectation. He is a kind and wonderful individual with a gift of care and kindness."

-- Al Amiri (949) 955-9112

"I had the pleasure of trying a case against Mitch last year. I say pleasure because although he was clearly a zealous advocate for his client, he was also a gentleman and a professional. Mitch was always prepared to ethically handle the factual and legal issues that the case presented. If I had a claim, I would want Mitch to handle it"

-- Dan L.- Defense Attorney/Senior Partner, Orange County, California.

"I referred a complicated medical malpractice case to Jackson & Wilson in my first year of law practice. The firm kept me up-to-date on its status and very promptly paid the referral fee upon settlement of the case. The situation was a win-win-win for everyone! I trust Jackson & Wilson with any and all of my future referrals."

-- Brian T. Pedigo, Esq. www.Pedigolaw.com

"I have known Mitch Jackson and Lisa Wilson for over twelve years. They are aggressive and competent attorneys who excel at obtaining maximum recoveries for their clients. I have referred several clients to them over the years and will continue to do so. I have found Mitch and Lisa to be very ethical!"

-- Mr. Doug C.- Senior Partner Defense Attorney, Orange County, California

"I have known Mitch Jackson and his partner, Lisa Wilson, for many years, first as parents and friends and then as leading attorneys specializing in the very tough area of personal injury and wrongful death. Mitch and Lisa are top performers. They truly set the standard for highly ethical, values based, attorneys and they are at the top of their game. We have referred Jackson & Wilson on many occasions and their reputation is exploding beyond the regional area. If ever we need attorneys to represent our family or friends in a difficult matter, Mitch and Lisa are the ones we'll go to first - and only."

Dave Santore/ Santore Partners

"Mitch is ahead of the curve when it comes to marketing his business through the web. He has a large following that listens to what he says because he is a legal expert with years of experience. Mitch helps people in Orange County that have been seriously injured and his case results speak to the commitment that he puts forth on a daily basis to help people heal financially, mentally and physically"

--Jim Folliard, Partner at Fairfax Video Studio LLC, Owner at Gearshift Productions LLC

"My compliments to Jackson & Wilson come from opposing their firm in several cases. They are aggressive for their clients, but they accomplish their results with the utmost in professionalism. While collegial to their opponents, there is no question their clients always come first."

-- Mr. Tom M.- Defense Attorney, Orange County, California.

"Mitch Jackson is profoundly helpful, professional and exceptionally knowledgeable in legal matters! I called upon Mitch's expertise to help me through the legal process of a lawsuit. Despite that my matter was small, that didn't stop Mitch from wanting to help me. He is extremely busy but was always available to take my calls and never made me feel like I was bothering him. He is very helpful, answered all my questions promptly, and knew exactly the steps to take to head me in the right direction. It was because of Mitch that my suit resulted in a win."

-- Crystal

"I highly recommend Mr. Jackson. This attorney is a rare find. He is one of the few lawyers that truly puts the client first. I found him to be honest, ethical and above board. I can't say enough good things about him. He handled my case perfectly! I would be happy to personally recommend him to anybody. Thank you Mitch. You did a great job for me."

-- Becky D. rrrturner@msn.com

"As an opponent of Jackson & Wilson, my legal skills have been put to a test. As a friend of Mitch and Lisa, I know they are as caring and sincere as they are skilled professionals."

-- Greg A.- Defense Attorney, Orange County, California.

"I retained the services of Jackson & Wilson to help me in an auto accident case. Lisa was honest and helpful answering all of my questions about what I could expect over the duration of the process. She made sure I was fairly compensated and kept me updated on all developing situations. I am sure that without her representation, I would not have been justly served by my insurance company or any of the claims representatives. Thank you!"

-- Ms. Angela H.

"Over the fifteen years my professional business association with you has developed substantially during both my independent practice of law and as an inside Corporate Counsel to my client constituency. Over the years I have received only the best responses from clients and friends of mine that I have referred to your law firm. As you know, my longstanding association with the Wyle companies has allowed me to give good advice to employees when related to personal injury problems and legal situations they face. That good advice in the areas of personal injury has always been "Give Mitch a call, he'll take care of you." Thank you for the longstanding professional and personal relationship and thank you for treating my clients and friends in a top-notch professional manner when handling their cases. All the best."

-- Charles G. - General Counsel, Legal Dept., VEBA Electronics Group

I've known Mitch Jackson for 20 years working on community projects through our Rotary club. I have found Mitch to be enthusiastic and eager to help. Mitch often takes the lead as Chairman and organizes a project through to the finish. Mitch is a real team player, and you definitely want him in your corner standing up for the right principles and taking positive actions on your behalf. Mitch is connected with many other professionals that make the law firm as outstanding as it is. He is a born litigator and a Good American!

-- Mary Jeffries, Broker/ Corniche Properties

"I have enjoyed a long standing relationship with Jackson & Wilson. Mr. Jackson and Ms. Wilson have always handled my referrals with competence, integrity, and fairness."

--Jeff D. - Senior Partner/ Defense Attorney

"I've known Mitch, Lisa, and their firm, Jackson & Wilson, Inc. for more than 20 years. During this time, I've worked with them on numerous legal cases. Several specific matters that come to mind are two difficult wrongful death cases Mitch and I worked on together.

The first case involved the tragic wrongful death of two young men in an automobile accident. After the attorneys for the insurance company representing the other side initially denied liability, Mitch and I worked together and litigated the case resulting in a seven figure settlement on behalf of the surviving heirs.

In another wrongful death case involving what we believed to be was the avoidable drowning of a young high school track star, we once again joined together to focus our legal efforts to protect the legal rights of the surviving family and, to help make a local lake safe for swimming to the general public. In a fashion similar to the above, I'm proud to say that Mitch and I worked hard to take a difficult case with the other side denying responsibility, to a final settlement of almost one million dollars.

In both cases, it was a pleasure to work with Mitch during the litigation and pre-trial preparation. In addition to our hard work, I believe Mitch's reputation, litigation techniques, and access to trial resources and experts helped us resolve these difficult cases for maximum value. I would not hesitate to recommend Mitch, his partner Lisa, and the firm of Jackson & Wilson, Inc. to anyone looking for experienced counsel in any matter involving catastrophic injury, wrongful death, or business litigation."

--Brad D. Porterfield, Law Offices of Brad D. Porterfield (Orange County, CA)

"Lisa represented me in an auto injury case, which resulted in a fair and reasonable settlement. Lisa was always available by telephone to answer any of my questions. She explained procedures to me in an understandable way, while at the same time she was impressive with her professional knowledge and demeanor. She worked diligently for my interests. I highly recommend her."

-- Ms. Dorothy S.

"Your firm helped me through one of the most difficult time of my life. You were all so gracious about any questions I had. The speed with which you brought my legal case to a fair and fast conclusion was so appreciated and I am sure I would not be in the position I am in if you hadn't resolved it and got the monetary help for me."

-- Ms. Elaine A. (Retired and active senior citizen)

"First of all, it is a wonderful profession to be a defender of the law. This is especially true in the area of civil rights and defense. We think of these lawyers (and of course our own Mr. Jackson) as being the defenders of the public at large who take on the concerns and protect the defense and civil rights of people who would not otherwise be heard. Thank god for civil rights and Mr. Jackson.

I would like to say that Mr. Jackson is very professional and hands on type of lawyer. He was also helpful in areas of law that we did not actually hire him for. He is always supportive and always willing to listen and give advice, even if he his opinion was different than ours on any particular matter.

It was a long journey in getting justice for the death of our son (Arthur Lewis Jr.). The civility is great with the legal team of Jackson & Wilson (Lisa also because we know as husband and wife, she was a great asset to the legal effort and team). Giving God of course all the glory and sharing the victory with Mr. Jackson and all staff."

-- Arthur and Jessie Lewis

"Mitch, I appreciate the professional manner in the way you kept me informed along he way. I truly appreciate that you were never too busy to take my calls and answer my questions. Thanks!

-- Sieg W.

"Mr. Jackson (Mitch) was extremely helpful in resolving our legal matter. We could not ask for a more honest and knowledgeable attorney. He kept our costs as low as possible while giving us the highest quality service. Thanks to Mitch our legal matter was resolved quickly and efficiently. Because we were so impressed by Mitch's work, we will be using Mitch in the future for our other legal needs."

-- Lorrie Klein, MD; Mr. Frank Paul

"We retained the law firm of Jackson & Wilson regarding a business dispute which ultimately resulted in a multi-million dollar civil lawsuit. From our initial meeting with Mr. Jackson and his staff to our resolution, we were treated with the utmost professionalism, respect, integrity, and honesty. Mr. Jackson tirelessly guided us through an uncomfortable, emotional, and stressful time. He handled many things for us behind the scenes minimizing our exposure to the dealings, to only the necessary and essential elements. On the actual trial date, we felt proud to have an attorney that would represent us so well. We recommend Mr. Jackson and his firm to any family member, colleague, or friend with complete assurance that they would be as unequivocally pleased as we were."

-- Dr. & Mrs. Michael D. Wiekamp, Laguna Niguel, CA 92677

"Mr. Jackson was referred to our family through one of my son's doctors. Because of my sons severe communication disabilities it was difficult to find an attorney to represent us. Right from the start, Mr. Jackson was sympathetic and understood the obstacles we had to overcome. I felt Mr. Jackson was compassionate and sensitive to our situation. He kept us up to date and informed throughout the whole ordeal. He always offered us options along the way and was always available, even on the weekends, when we had questions or concerns. We had a tremendous challenge ahead of us, but he walked us through it all the way to the end which resulted in Not Guilty verdicts. Mr. Jackson is a stellar attorney and individual. I would highly recommend him and his firm to anyone in need of legal representation."

-- Marsha Stephenson

"Dear Mitch,

I wanted to take a moment and thank you for the representation you and your firm provided to Investment Solutions and myself. After building and running a successful business, three years ago I decided to uproot my life and career in an effort to change some things that were causing me unrest with my partnership. In doing so I made a grave error by not consulting with an attorney before dissolving this partnership.

This error in judgment could have cost me my future career and abilities to financially support myself. I was served with a lawsuit by my former partner and fortunately this brought me to your office. I was impressed at the quick response to my initial call to your offices and quit frankly I must have sounded like an unstable raving lunatic as it felt like the world had just been drug out from underneath me.

You and your firm represented me in what turned out to be over a year long lawsuit that ended with jury trial verdict in my favor. This was an emotionally charged case with many occasions where opposing counsel resorted to borderline unethical antics.

I asked you to do two things for me when I first met with your firm. Those were, to defend me in an ethical manner and to assist me in making informed decisions with my case. You did both.

I wanted to prove my innocence on all allegations against me in my case. In order to do so I needed someone to represent me that not only was an attorney but a person as well, with morals and ethics. I have dealt with many attorneys and have been represented by many law firms in business dealings and by far Jackson and Wilson has provided the best representation I have ever experienced.

Thank you for preserving my career, reputation, and ability to financially support myself."

Sincerely,

-- Nicole Clarida, President

"Mr. Jackson's knowledge and experience in civil litigation proved to be the difference in obtaining a favorable conclusion to our case. Thanks!"

-- Tamar N.

"Jackson & Wilson, Inc. is a firm that you can trust. You will always come first and your well being will be protected at all times. When I first met Mitch, I was not even sure if I was making the right decision regarding litigation. However, Mitch gave the confidence that I could trust him and he never let me down. Mitch was not only my attorney; but, also he was my psychologist and my friend. Having Mitch on my side made the process easier. I would recommend Jackson & Wilson, Inc. to anybody that needs legal advise."

-- Evelyn Rivera-Ocasio, San Juan, Puerto Rico

"For more than 20 years, years, I have served as CEO of Irvine Photo Graphics, Inc., a nationally and internationally recognized supplier of visual merchandising services. The same five pillars that IPG was founded upon (quality, service, commitment, professionalism and accuracy) are identical to, and in fact reflect, the high quality of legal services we have received from Jackson & Wilson."

From quick answers to legal questions to the prosecution or defense of complicated corporate matters resulting in litigation, trial and appeal, Jackson & Wilson has always achieved the results we were looking for. In fact, I was so impressed with this firm's passion and commitment to make the complicated uncomplicated, that on more than one occasion I have used Jackson & Wilson to assist me with various personal legal needs."

If you're looking for an exceptionally qualified, well respected and caring law firm with attorneys who are passionate about putting their clients' best interest first, then I highly recommend, without reservation, the firm of Jackson & Wilson."

-- Betty Farrell, CEO- Irvine Photo Graphics, Inc.

"To Jackson & Wilson:

For many years, I served as an officer, and then president, of a corporation involved in real estate services. After resigning in good standing from the company to start my own business, my new company and I were unexpectedly (and improperly) named as defendants in a business litigation lawsuit filed by my prior company. The superior court lawsuit sought money damages in excess of \$250,000 together with additional punitive damages in an unspecified amount.

I was referred to Jackson & Wilson, Inc. and Mr. Jackson immediately rolled up his sleeves and went hard to work on my defense. During the litigation process, Mr. Jackson always made sure to thoroughly discuss all options and strategies. During our two-week trial in the Los Angeles Superior Court, I felt that Mr. Jackson was able to present my defense in a clear and easy-to-understand fashion resulting in a defense verdict 100% in my favor on the complaint. In its verdict, the jury told the plaintiff that I had done nothing wrong

and did not owe the plaintiff a single penny. After trial, Mr. Jackson brought and won a motion resulting in the judge ordering the plaintiff to reimburse me for a majority of my trial-related expenses.

What I remember most about my trial experience was the innocent comment made by a juror after the verdict was read. While walking down the hall to the parking lot of the courthouse, the juror looked over at me and said, "you were the brains behind that company. They should never have let you get away!" I believe this juror felt this way because of the approach, techniques and evidence presented by Mr. Jackson during trial.

Mr. Jackson and his firm protected my interest and obtained a defense verdict on my behalf which let me leave the courthouse with proper closure and my head held high. I would recommend Jackson & Wilson, Inc. to any individual or company needing legal services or already involved in arbitration, mediation or litigation."

Thank you,

-- Successful Business Owner

"Jackson & Wilson has always provided solid legal/business solutions on behalf of our company, Dimensions In Screen Printing for the past 18 years. Our accounts routinely include high profile clients both in the movie and professional sports industries which require a careful balance of resolving legal issues with not unnecessarily stepping on "sensitive" professional toes.

With this in mind, J&W has always carefully handled this delicate relationship with a keen understanding of this unique dynamic in mind and without exception, has always obtained the legal results we are looking for. Whether we need a quick answer to a legal questions over the telephone or, an aggressive trial attorney to represent our interest in an important business litigation matter, the attorneys at J&W have always been there when we needed them."

-- Steve Mellgren, President- Dimensions In Screen Printing

"I am the owner of a small business that needed an LLC filing. Despite my relatively minor legal needs, I received excellent service. Mitch Jackson was prompt, professional and courteous. He took the time to understand my business. He provide a straightforward explanation of the process and the fees. His written communications were thorough and easy to understand. I had no surprises. Mr. Jackson also provided excellent practical suggestions for how to operate and manage the business as an LLC. In short, I was thoroughly pleased with the service I received and would wholeheartedly recommend his firm."

Julie Fulton- Hippie Chix Studio LLC

"This is my first legal experience outside of selling and buying a home and drafting a trust or will. I found Lisa Wilson helpful, sympathetic and a pleasure to be with. She also brought about a favorable outcome. Thank you!"

-- L.H.

"Thanks to Mitch, a very stressful situation for us was handled very quickly and professionally. The outcome was exactly what we hoped for and which Mitch had anticipated. We greatly appreciate the personal attention and advice that resolved our legal issue to our satisfaction."

-- Nick and Julie T.

"I was truly blessed when I retained Mr. Jackson. My previous attorney was an absolute nightmare. I had retained him for approximately 1 year. During that time he never once agreed to take my calls, nor did he keep me informed as to the status of my case. While I was in the process of retaining another attorney it was suggested that I go to San Diego to make sure I had all the pertinent documentation for my case. Upon arriving at the courthouse, I discovered that there were 30 pages of documentation that I had never seen. I was absolutely livid. I later found out that he deliberately did not show up for two different hearings and consequently my case was dismissed.

It was at this point that I really questioned our judicial system. Why should the innocent have to suffer for an attorney's deliberate negligence? My physical and mental pain was far too extensive to give up. I said a prayer and was led to Attorney Jackson. From the first day I met with him he dropped what he was working on and met with me. He soon discovered by performing a search on the Internet, that my previous attorney had many strikes against him. Fortunately however, he felt that I had a strong case and agreed to assist me. He took my case strictly on a contingency basis and never charged me one dime. Whenever I called his office he was always available to speak to me. He was extremely diligent in always sending me documentation to let me know the status of my case also.

Attorney Jackson was solely instrumental in getting a judgment awarded to me against the negligent attorney. It has been eight years now and I still have not been able to collect on my case because the judgment is against the attorney not the doctor. I am however very grateful to Attorney Jackson for his assistance and perseverance. Without his professional expertise, I would have had nowhere else to turn."

-- Brenda B. Orange County, CA

"Mitch was very sensitive to our neighborhood situation. During the beginning he never missed a deadline. His preparation and detail assured opposing counsel that they should settle. We never had any doubt that we would be victorious."

-- Dennis and Christina Gilmore

"Again, thanks for all the guidance and effort that you and your staff have put in on my behalf over these past months. Working with you has truly been a positive experience. Despite my limited knowledge of the legal process, I felt assured by your steady leadership and thorough supervision. There is much to be said about someone who has the strength and wisdom of experience in their chosen profession, and I for one am glad to say that Mitch has earned my respect and support on both a professional and personal level."

-- All the Best- Dennis Wang

"I had a great experience with the firm of Jackson & Wilson. They were caring and had the correct answers to all our questions. I would not hesitate to use this firm again and would refer them to my family and friends."

-- Kelly Hayes, 27001 La Paz Road, #430, Mission Viejo, CA 92691; Tel No. 949-230-0641

"I was extremely satisfied with the manner in which Mr. Jackson handled my case. His professionalism, along with his concern for my health and well being, made the entire process effortless for me. I am extremely appreciative of the outcome of my case, both personally and financially."

-- Brett Beasley, Therapeutic Bodywurx, 30101 Town Center Drive, #210, Laguna Niguel, CA 92677; Tel No. 949-363-6523

"Dear Mitch,

Just a brief note on behalf of myself and my wife to formally document our verbal thanks to you and your staff for the outstanding work in settling my soft-tissue case. With your assistance and guidance, we were able to negotiate a sum proportionate to outstanding medical bills, auto repair/rental and incidental expenses related to the rear-end collision. I appreciate the follow-through and step-by-step guidance through each and every negotiating point that we encountered throughout this case. Had we gone at it alone, I'm quite certain that we would have been left with the short end of the stick, and a mountain of unsubstantiated bills.

Thank you for the time and personal attention. I look forward to pursuing a professional relationship with you and your firm in the future."

-- Warmly- Caesar Kavadoy"

"Jackson & Wilson has always "been there" for my company's questions and legal needs. Whether we needed to simply bounce a question off of one of the attorneys or, formally pursue a substantial collection matter against a major Fortune 500 Company, Jackson & Wilson was there to quickly and efficiently obtain the results my company was looking for. In today's highly competitive and litigious businesses environment, it's important to have excellent legal counsel represent and protect your interest. People you can trust and talk to about your legal options.

With this in mind, I highly recommend that you have Jackson & Wilson be the firm to stand next to you prior to, or the next time, a legal challenge comes your way."

-- William Garland Wiley IV, President- Component Dynamics, Inc.

"Prior to retirement, I was the owner-operator of a very successful motorcycle and watercraft dealership in south Orange County for 27 years. It was known as Saddleback Suzuki and Sea-Doo. I met Mitch Jackson (aka "Action Jackson") as a customer. Immediately I liked the guy because he was a very pleasant person and I truly enjoyed his loyalty through the years. I realized after a few conversation with him that he was a successful attorney with a practice just down the street from my establishment. If you're in business in today's world sooner or later you're going to need legal help.

I contacted Mitch with a problem that I was involved in. I have always supported my customers when I need goods and services. I also had several attorney clients but I felt at the time Mitch would serve me best. Not to be disappointed, Mitch did an outstanding job for me and I never felt slighted in any way.

He proved to honest, always available, kept me informed, and I always felt he had put my best interest first. I have required his services several times and of course every time he is exceptional in his legal services. I can highly recommend, without any reservations, Jackson & Wilson to any small, medium, or large size company in need of exceptional legal services. The bottom line is that you can trust this team to get the job done!"

-- Greg Lamb- President G& D Lamb Services, Inc. [R.I.P. our friend]

"We want to thank you for all your hard work you recently did for us. We needed an LLC Company set up immediately in order to purchase some real property. Even though you were preparing to start a long jury trial, you took the time to form our company in just two days. Your quick action and dedication to our matter helped us to take advantage of some excellent financing opportunities and to acquire the property. Again, thank you for all your hard work. It was highly appreciated."

-- R. Seamans and S. Marshall

"Your firm did a great job, even though my case took a long time. It was worth the wait! The amount of my settlement was good and I am pleased that you helped me with my case."

-- Lindsey Knox (Laguna Niguel)

"It has always been a pleasure to work with your firm. You have always been professional and handled all of our claims in an expeditious manner. I would highly recommend you, without hesitation, to any of our associates."

-- Ronald M., (Physician)

"Mr. Jackson- You definitely explained everything clearly which did not leave any questions for us to ask. You also kept us informed all the time on every bit of new information received on our case. This helped make many of our days more relaxed and also helped us sleep comfortably at night. Thank you."

-- The Russ R. Family (Laguna Hills business owners and Anaheim residents)

"Thanks Lisa and great job! I was never so pleased with the professionalism, accurate work and my comfort with the whole office. I was explained on the legal aspects of the case and when I had questions, someone would always answer them for me. I have to say I will always recommend your firm to family, friends and patients that need legal advice. Thanks again!"

-- Ms. Pamela J.

"We were very happy to have Mitch & Lisa as our attorneys. They were very diligent, prompt as well as professional, and we were quite pleased with the quick results. Jackson & Wilson is a great law firm and we highly recommend them to any in need of their superior services."

-- Mr. & Mrs. Michael S.

"You were concerned, professional, and prompt in your dealings with our family. You helped us get a good settlement with no aggravation; we greatly appreciate your diligence, courtesy, and competence."

-- Ms. Shelley E. (Resident of New York)

"I just wanted to thank you for all of your help on my car accident case. I received the final paperwork and settlement check last week. Your assistance made the entire process totally stress-free for me."

-- Ms. Julie B.

"As fellow Rotarians since I joined Rotary in 1993, I have known Mitch Jackson and Lisa Wilson of the Jackson and Wilson Law Firm for several years. During this time, I have had the pleasure of referring to Jackson and Wilson my patients who were in the need of a personal injury law firm. My patients received prompt, professional, and ethical legal assistance in the hands of Jackson and Wilson, and were quite pleased

with the attention to detail—and results-- they received.

A few months ago, I found a need to refer myself to Jackson and Wilson. After my bicycle accident versus an automobile in 2000, it seemed that the other person's auto insurance was not interested in settling my claim— they didn't respond to my letters, and I felt that they just hoped I would go away. I brought attorney Mitch Jackson of the Jackson & Wilson law firm into the case, and he was able to get an immediate response from the other party's insurance. Within a few weeks, Mitch was able to negotiate a settlement for me that was over three times the other party's original settlement offer. All of this was done by phone and by fax, with just one settlement conference—and we were able to settle out of court, without litigation! With my busy schedule, time is critical. Jackson and Wilson, thank you for your professionalism, and thank you for saving me precious time! "

-- Sincerely, Dr. Frank J. Mogavero DDS, MS, Orthodontist

"The Jackson & Wilson firm was an excellent example of a strong experienced firm. You handled my case with a level of service above and beyond concerning the circumstances. Mitch Jackson kept me very informed on what was going on and what to expect from the other firm and the deposition."

-- Mr. Francisco C.

"I want to thank you very much for taking time and effort to advise me, and then calling me back again to help me with a referral and even more advice. Mitch, you are very warm, caring and a very good person... I called seven different attorneys and none wanted my case...thank you for taking the time and attention to help me..."

-- Miss Mariam Aghababian, Lake Forest, CA

"I was very pleased with services provided by Jackson & Wilson. Mr. Jackson was responsive and handled the case to my full satisfaction."

-- Mr. Peter G., San Clemente, CA

"This firm is great! They helped me a lot and worked very hard on my case. I definitely recommend them for everyone!"

-- Ms. Z. Hashempour, Laguna Niguel, CA

"It really was a pleasure to have worked with Mitch on my wife's case. He was honest, straightforward, timely in his responses to our questions, and very hard working. I would not hesitate for a moment to recommend him to anyone. It is comforting to know there are still people who conduct themselves in this manner. Thank you Mitch for all you've done for us."

-- Mr. Vince T., Chino, CA

"I would highly recommend the law firm of Jackson & Wilson to my friends and family. The firm of Jackson & Wilson handled a personal injury case for me recently and at all times I was kept informed and updated on the progress of the case. Mr. Jackson worked hard on our behalf and our case was settled promptly."

-- Mr. Jim F., Silverado, CA

"Mitch Jackson went above & beyond the call of duty. He was very personable & made me (the client) always feel welcome & comfortable. Highly recommended."

"I want to add my name to the long list of clients that have been so solidly represented by Jackson & Wilson. He did a fine job of securing a recovery that was fair and to my satisfaction."

-- Mr. Leonard J., Laguna Niguel, CA

"Although the outcome wasn't what I hoped for and I don't think it could ever of been, I most certainly appreciate your efforts. You cannot place monetary values on the tragedies I have suffered nor can you on all the assistance and support everyone has given."

-- Terry B. [Note- We agree with Terry. He lost his leg as a result of being struck by a truck while riding his motorcycle. The truck driver was found guilty of operating his vehicle while under the influence. Although we obtained a \$2 million judgment for Terry, the responsible party was only insured up to \$15,000 and had not significant assets to pursue]

"I've know Lisa and Mitch for more than 15 years and they've always been there to answer my last minute legal questions. Their concise feedback is always given with my best interest in mind and I would not hesitate to tell anyone to call Jackson & Wilson with their legal questions or needs. On a personal note, I've been able to observe both Lisa and Mitch outside the office on almost a weekly basis in Rotary and other community service events. Both were past Presidents of our Rotary Club and both genuinely have the best interest of the community in mind when it comes to helping others."

-- Mary Jeffries/ Comiche Properties

“Having worked as the Office Administrator at Jackson & Wilson I would highly recommend Mitch to anyone looking for caring and personable representation. His friendliness and communication skills are unmatched and his clients love the personal attention they receive. Without exception, Mitch strives to make everyone feel like family.”

-- Carol Sullivan

“I have worked with and around Jackson & Wilson, Inc. for over 4 years now, whether it be as a legal assistant within the same facility, or as a process server for Jon M. Jackson directly. Mr. Jackson is a poised individual who's professionalism and integrity has proven to be consistent and always positive. It has been a pleasure working with Jackson & Wilson over the years and I truly hope that we will continue to work together in the future.”

-- All In One Legal LLC

More feedback and testimonials from other lawyers...

“I wholeheartedly endorse Jon Mitchell Jackson and recommend him if you have a personal injury or wrongful death action. I have worked with him and I am impressed with his dedication to his clients. He works hard to prepare his cases for trial and is willing to fight for every penny that the client deserves. He also works very hard at maintaining his skills at their highest level and he frequently advises other attorneys on trial tactics. He is a real pleasure to work with.”

-- Donna Bader, Esq.

“I had the pleasure of meeting "Mitch" Jackson several years ago -- as opposing counsel. I found him to be professional, bright, and most importantly, compassionate and committed to the rights of his client. Whenever I would meet with Mitch, his clients would not be far away, as Mr. Jackson was always keeping them apprised of the happenings in our case. Albeit we were opposing counsel and both fighting hard for our clients, Mr. Jackson's warmth and professionalism allowed us to amicably handle our case together. The commitment and attention Mr. Jackson gives to his clients is unparalleled. I would highly encourage his legal services to anyone in need.”

-- Michael Fell, Esq.

"I have known Mitch for over 20 years. He is an outstanding attorney and has obtained fantastic results for his personal injury clients year in and year out. He is committed, passionate and a true advocate. Even his peers agree - - honoring him this year with the prestigious "Trial Lawyer of the Year" award by the Orange County Trial Lawyers Association. I would trust my own case to Mitch and would recommend him without any reservation."

-- Gregory Brown, Esq.

"I have known Mitch for better than 20 years and know him to be a tireless champion of the rights of injury victims. His gentlemanly demeanor and easy-going style make it easy for fellow lawyers, opposing counsel and, most importantly, juries to like Mitch. This demeanor, however, cannot completely hide the fact that Mitch is a fierce advocate for his clients, and his results in trial speak volumes. I did not hesitate a second when considering this endorsement."

-- Marc Hurd, Esq.

"Mitch is a great communicator and an excellent lawyer. The clients I refer to him are instantly placed in good hands. He's the first person I think of when I get an injury case larger than I can handle on my own. Highly recommended."

-- Brian Pedigo, Esq.

"I endorse this lawyer's work. Mr. Jackson is an excellent trial attorney with the highest standards of advocacy and ethics. I highly endorse him personally and professionally."

-- Jeff Dawson, Esq.

"I strongly recommend Mitch for his highly ethical and professional representation of clients in cases involving personal injury, accidents and wrongful death. He is truly a superb lawyer in our community."

-- Serge Tomassian, Esq.

"A lawyer's lifeline to thoughtful conclusions are his peers who are there for him when he seeks their advice. Mitch is my counsel in California, and is always generous in sharing his insights and experiences."

-- Mark Lenahan, Esq.

“Mitch and I were on opposites sides during a lengthy jury trial. Mitch is a strong advocate for his clients both in his legal briefs and in the courtroom. He is at ease in the courtroom and engages the jury. I would not hesitate to recommend his services.”

-- Amy Vanderwood, Esq.

“Mitch is a smart, ethical, and top-notch lawyer. He gives his clients his all, gets great results, and is well respected.”

-- Michelle Reinglass, Esq.

“Mitch is one of the few lawyers in Southern California who I routinely refer files to. He is a great trial lawyer who knows how to resolve a case, either through settlement or trial. I highly recommend Mitch to anyone who needs an attorney in the Southern California region.”

-- Jonathan Stein, Esq.

“Mitch is well prepared and represents his clients with integrity and intelligence that you don't often find. I have acted as a mediator on several of his cases and he has settled each case for top dollar for his client. He is one of the best in the Orange County Legal Community.”

-- Steve Kuhn, Esq.

[Note- More testimonials can be found at our web site at JacksonandWilson.com]

TIPS

1. Ask to see the testimonials of clients from the lawyer you are thinking about hiring. If the lawyer doesn't have any, you should ask him or her (and yourself) why not?

Case Results

Where the rubber meets the road!



Over the past two decades, it has been a privilege to help our clients with their legal matters. Chances are, we can help you too! Here are several cases you may find interesting.

California State Bar Rules require us to share the fact that each case is different and that any testimonials, endorsements or results posted at this website do not constitute a guarantee, warranty, or prediction regarding the outcome of your legal matter.

[\$1,000,000.00] Three young children who lost their parents- We were retained to represent three young children who had lost both of their parents in an automobile accident. The van they were in spun out of control and was hit by a large truck. The trucking company and its insurance company originally denied responsibility for the loss. After we became involved, filed a Superior Court lawsuit and pushed the case to trial, we were eventually able to settle the case for \$1,000,000.00 shortly before trial. The settlement funds were placed in to annuities providing the children with a substantial monthly income for the next 20-30 years. Food, shelter, clothing and a good education are now available to our three young clients. Of note is the fact that this settlement was obtained after the other side originally denied the claim.



[\$3,347,000.00] A young man who sustained serious injuries and head trauma- Our young client was involved in a head-on collision. Two trucks had been racing and struck our client's vehicle. The two responsible drivers were inadequately insured and our client's own insurance company refused to pay his \$30,000.00 underinsured motorist coverage limits. We demanded arbitration with the insurance company and ultimately received an arbitration award of \$865,000.00. We then filed a first party bad faith lawsuit against our client's own insurance company and during a mediation prior to trial, settled the bad faith case for an additional \$2,500,000.00. The same insurance company which refused to pay our client \$30,000.00 eventually paid a total of \$3,347,000.00. Of note is the fact that this settlement was obtained only after our client's own insurance company originally denied paying the small \$30,000.00 claim.

[\$5,000,000.00] Woman attacks father and murders son- While sleeping, our well-known client was attacked in the middle of the night by a female acquaintance with a knife. With his face, throat, arms and upper torso deeply cut and slashed, our client fought for his life and was barely able to crawl outside of his home for help. During this time, the woman

unbelievably and unpredictably grabbed another knife and murdered our client's son. This woman has since been convicted of murder and will spend the rest of her life in prison. Our civil case against the defendant was resolved by stipulated judgment for \$5,000,000.00.

[\$2,000,000.00] After 2 years of litigation, Jon Mitchell Jackson of Jackson & Wilson, obtained a \$2,000,000 judgment against a defendant driver who was operating his motor vehicle while under the influence of alcohol or drugs.

The defendant was operating his motor vehicle on the winding Big Bear highway (SR 38) near Big Bear, California. He approached our client from the opposite direction and without warning, swerved across the double yellow lines striking our client. As a result of the defendant's wrongful conduct, our motorcycle riding client sustained major injuries which included left side injuries, minor head trauma and a severed left leg just below the hip.

In addition to the \$2,000,000 civil judgment, the defendant was prosecuted criminally and convicted of violating California Vehicle Code 23153(A) (driving a motor vehicle while under the influence of alcohol or drugs). As a result of his conviction, the defendant was also ordered to pay restitution to our client.

[\$1,200,000.00] Special forces retiree hit while riding motorcycle- Our wonderful client had recently retired from the military after 30 years of service in the special forces. While operating a motorcycle, he was struck by a teenage driver making an unsafe left-hand turn. We were able to mediate a settlement shortly before trial for \$1,200,000.00. Prior to the mediation, no offer had been made by the defendant.

[\$900,000.00] High school track star drowns- Our clients were the parents of an 18 year old high school senior who drowned in Lake Mission Viejo while swimming with friends. This outstanding athlete had just received a scholarship to run track in college. We retained the top lifeguard expert in the United States and with his guidance and help, were able to settle the case before trial for \$900,000.00. The defense attorneys originally took the position in open court and on the record that they did not feel their client was legally responsible for the death and as such, would not pay a penny to settle the case.

[\$1,250,000.00] Jet ski rider dies in head on watercraft crash- A 16 year old expert watercraft rider was struck by another adult jet ski operator at Lake Havasu, Arizona. We were retained by his parents when the original accident report indicated that the minor was at fault and had alcohol in his system. We were surprised with the findings in the official report because we knew of at least two witnesses who observed the other rider cause the accident and, the minor did not drink alcohol or use drugs. Our investigation then established that the blood test results in our accident report were from another case and had nothing to do with our accident. Despite this fact, the defendant only offered \$1.00 to settle the case (an insult to our family) and we were forced to take the case to trial in Federal court. After about a one week trial, a jury came back with a gross verdict for our parents in the amount of \$1,250,000.00. Mr. Jackson was profiled in a full-page article in the California Daily Journal for his work and verdict relating to this case.

[\$5,500,000] Excessive Use of Force by Moreno Valley Police Department Leads to Wrongful Death Verdict Against Riverside County- A Riverside Superior Court jury found that Sheriff Deputies employed by the County of Riverside used excessive force against a Moreno Valley family resulting in their son's death. After a two week trial and several days of deliberations, a jury of 4 women and 8 men rendered a gross verdict in favor of the decedent's two young children and family totaling \$5.5M. The defendant appealed and the case was settled to the clients' full satisfaction.

[\$500,000.00] Neighbor's dog bites child- Our client's 15 month old son was attacked and bitten by a dog owned by their neighbor and who also happened to be a lawyer. At the time of the attack, the mother reached down to pull the dog off of her son. The dog turned, grabbed the mother by the throat and pulled her to the ground. The owners of the dog were not cooperative and the family was forced to litigate the case which resulted in a \$500,000.00 settlement.

[\$2,759,852.00] Driver runs red light- A negligent driver was not paying attention, ran a red light and caused a serious accident. Our client was seriously injured and after the responsible driver's insurance company refused to make a settlement offer, we were able to obtain a judgment for \$2,759,852.00.

[\$1,000,000.00] Two teenagers were killed in a head on collision- Our clients' teenage children both suffered fatal injuries after being involved in a head-on collision. The insurance company for the other party originally denied responsibility for the accident but to get the matter settled, offered what they claimed was their insurance policy limits of \$100,000.00. We rejected the offer, filed a lawsuit and litigated the case. During the discovery process, we discovered that the other side had additional insurance coverage of \$1,000,000.00 which was never disclosed to us during the settlement discussions. After multiple pre-trial settlement conferences, we were able to settle the case for \$1,000,000.00.

[\$1,152,926.00] Legal malpractice case against a negligent attorney- Our client was a victim of medical negligence and hired an attorney to protect her and to represent her interest. He failed to do his job and her case was dismissed barring her from forever pursuing her claim against the negligent doctor. The client came to us and we immediately learned that this was not the first time this attorney had caused problems for a client. We filed a legal malpractice case against the negligent attorney and obtained a judgment against him which today, with interest, is valued at more than \$1,152,926.00.

[\$400,000.00] Exploding gas tank causes fatal injuries- Our clients' mother was hit from behind while stopped on the freeway. Her car exploded and she died in the fire. After settling the case against the driver who rear-ended our client, we then filed a product liability case against the manufacture of the automobile our client was driving at the time of the accident. The product liability portion of this case settled for an additional \$400,000.00.

[\$330,000.00] Dog bites part of finger off- While walking his dog, our client and dog were attacked by a pit bull being. Part of our client's finger was bitten off and he sustained other serious injuries. Our client's dog was also injured and required two surgeries. The owners of the pit bull refused to cooperate and we were forced to file a civil action against them resulting in a judgment of more than \$330,000.00. Within weeks of the judgment being entered, the defendants delivered a personal check to our office to satisfy the judgment and interest.

[\$325,000.00] Driver reaching for cell phone runs red light- Our client was injured when her car was struck by a small truck which ran a red light when its driver was not paying attention and was reaching for his cell phone. The entire accident was captured on a video surveillance tape which happened to be running in a near by store. Despite all of this evidence, the insurance company for the other side did not make any settlement offers and instead forced us to arbitrate the case. An arbitration award of \$325,000.00 was rendered in our client's favor and rather than pay the award, the other side's insurance carrier appealed the judgment to the Second District Court of Appeals. Our client prevailed at the appellate level and the judgment was paid.

[\$20,000,000 Defense]- Client was sued for more \$20,000,000.00- We were asked to defend a business which was being sued for more than \$20,000,000.00 for an alleged improper use of software . There was only \$1,000,000.00 in liability insurance coverage and so if we lost this case, our clients' would loose everything. Because of the plaintiff's wrongful conduct, we filed a cross-complaint alleging similar damages against the plaintiff and also obtained an immediate injunction shutting down the plaintiff's business, marketing and sales. Our aggressive defense resulted in the case ultimately settling for a nuisance value and resulting in one very happy client.

[Criminal Defense- Not Guilty]- Client criminally charged with nine felonies- We provided legal criminal defense services to a world class surfer wrongfully accused of nine felony counts. If found guilty, he was looking at a mandatory sentence of 3-12 years in state prison, a strike and registration as a sex offender. The District Attorney's office did not make any acceptable settlement offers and we were forced to defend our client at trial. After a one week trial, the jury came back with a verdict of "not guilty" on all nine charges. After the trial, several of the jurors were in tears and asked, "why did they charge our wonderful client with these horrible crimes?"

[\$300,000.00 Business Defense]- Business woman sued for more than \$300,000.00- We provided a defense to our client in a civil case where she was accused of breaching a written contract with her past employer. The plaintiff had alleged damages of more than \$300,000.00. After a two week trial, the jury came back in favor of our client and award the plaintiff nothing. One juror commented after the trial that based upon the evidence we presented, our client was the "brains" of the operation and the plaintiff should have never let her go (we agree).

[\$300,000.00] Defendant writes personal check for \$200,000.00- In this case our client was involved in an automobile accident with the defendant. The defendant only had a \$100,000.00 liability policy. We aggressively litigated the case and at the pre-trial mandatory settlement conference, we were able to convince the defendant to add an additional \$200,000.00 on top of the already offered \$100,000.00 policy for a total settlement of \$300,000.00.

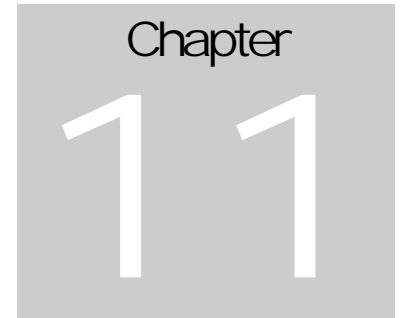
Many more cases resolved for \$100,000.00 or more- The above cases represent only a small number of the total cases we've been able to help our clients with. Since 1986, we've been fortunate to have the opportunity to make a positive difference in the lives of thousands of clients. Please go to JacksonandWilson.com for more case results.

TIPS

1. Does the lawyer you are meeting with have a summary of his or her case results? Why not?
2. Always ask the lawyer you are thinking about hiring these two questions: (1) how many cases have you settled for One Hundred Thousand dollars or more. How about a Million dollars or more? (2) how many cases have you taken to trial and obtained a verdict for a million dollars or more? After he answers your question, ask the lawyer for the names of each case and independently use online resources to confirm what he told you.

Awards and Recognitions

Third party validation helps you make the right decision.

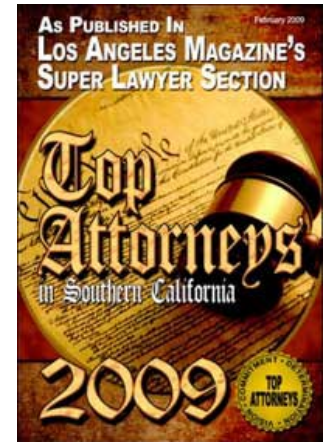


When it comes to getting outstanding results for our clients, there is no substitute for experience, passion, dedication and more than two decades of cases and trials. Our clients get great results because when it comes to practicing law, we are unwilling to settle for second best.

To help make sure our clients are successful with their cases, we consistently apply, on a daily basis, our secret formula to success. It goes something like this...

“On a daily basis, we work very hard to do our best to represent our clients’ important interest. Without exception, we show up in court fully prepared and ready to go. We’re passionate about putting a quarter of a century of reputation and experience to work so that our clients’ get the results they are entitled to!”

In the practice of law, the “end result” is always important. At the same time, we believe how you get to that end result is equally important. Smart decisions, excellent legal skills, and strong ethics are critical to long term success in our profession. With these thoughts in mind, we share the following “third party” ratings, reviews, and awards.



Top “AV” Rated by Martindale-Hubbell

Each partner at Jackson & Wilson is a top “AV” rated trial lawyer. An “AV” rating is the very best independent rating a lawyer can receive. It identifies a lawyer and firm with very high to preeminent legal ability and is the highest reflection of expertise, experience, integrity and overall professional excellence. Martindale-Hubbell ratings are established by attorneys for attorneys and as it states, “clearly indicates a demonstration of the highest professional and ethical standards.”



Listed in the Prestigious Bar Register of Preeminent Lawyers

The Bar Register of Preeminent Lawyers certifies that Jackson & Wilson is recognized for high professional legal standards and ethics. The Martindale-Hubbell Bar Register™ is limited to only the most distinguished law practices; those that have achieved the AV® rating in the Martindale-Hubbell® Law Directory. The “A” signifies the highest level of legal ability, while the “V” denotes “very high” adherence to the professional standards of conduct, ethics, reliability and diligence. Less than 5% of all U.S. lawyers are listed.



2009 “Top Gun” Trial Lawyer of the Year

again in 2011.

Each year the Orange County Trial Lawyers Association (OCTLA) recognizes one or more trial lawyers for their work, trial skills, legal ethics and significant accomplishments. For 2009, OCTLA awarded, Jon Mitchell “Mitch” Jackson, as Orange County’s 2009 “TOP GUN” Trial Lawyer of the Year for his accomplishments in governmental entity litigation and trial work (wrongful death case). Mitch was also nominated



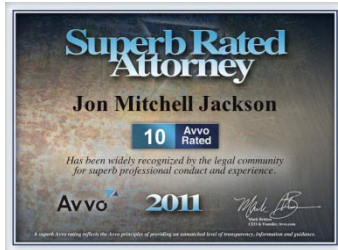
The National Trial Lawyers

According to the National Trial Lawyers, this “invitation only” organization is composed of The Top 100 Trial Lawyers from each state. Membership is obtained through special invitation and is extended only to those attorneys who exemplify superior qualifications of leadership, reputation, influence, stature, and profile as civil plaintiff or criminal defense trial lawyers. It is the mission of The National Trial Lawyers to promote excellence in the legal profession through practical educational programs, networking opportunities, and legal publications that deal with current issues facing The National Trial Lawyer.



Million Dollar Advocates Forum (multiple time members)

Established in 1993, the Million Dollar Advocates Forum (which includes the Multi-Million Dollar Advocates Forum) is a prestigious group of trial lawyers in the United States. Membership is limited to attorneys who have won million and multi-million dollar verdicts and settlements. Fewer than 1% of U.S. lawyers are members.



Avvo Rating- “Superb” 10.0 out of 10.0

This top Avvo Rating represents an independent, third party evaluation of a lawyer’s ability, reputation and general background experience. The rating is calculated using a mathematical model developed by Avvo which considers the information shown in a lawyer’s profile, including a lawyer’s years in practice, disciplinary history, professional achievements and industry recognition -- all factors that, in Avvo’s opinion, are relevant to assessing a lawyer’s qualifications.



Southern California Super Lawyer

In selecting attorneys for Super Lawyers, Law & Politics employs a rigorous, multiphase process. Peer nominations and evaluations are combined with third party research. Each candidate is evaluated on 12 indicators of peer recognition and professional achievement. Selections are made on an annual, state-by-state basis.

The objective is to create a credible, comprehensive and diverse listing of outstanding attorneys that can be used as a resource for attorneys and consumers searching for legal counsel. Since Super Lawyers is intended to be used as an aid in the selection of a lawyer, we limit the list to attorneys who can be hired and retained by the public, i.e., lawyers in private practice and Legal Aid attorneys.

Jon Mitchell Jackson Nominated for 2010 “Business Rotarian of the Year” Award!



Monarch Beach Sunrise Rotary Club nominated Charter Member, past President, and past Assistant District Governor, Jon Mitchell Jackson, for the distinguished Rotary District 5320 “2010 Business Rotarian of the Year” Award.

Summary of Partner Ratings and Achievements

The following list provides a combined summary of our partners' ratings, achievements and some of the organizations they are or have been involved with...

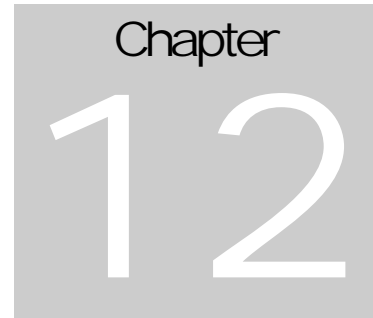
- Rated- "AV" by Martindale-Hubbell
- Listed- Martindale-Hubbell Bar Register of Preeminent Lawyers
- Orange County Trial Lawyer of the Year- 2009 (nominated again 2011)
- "Street Fighter of the Year" (nominated 2011)
- Named- Southern California Super Lawyer
- Rated- "Excellent" by Avvo
- The National Trial Lawyers (composed of The Top 100 Trial Lawyers from each state)
- Judge Pro Tempore- Orange County Superior Court
- Appointed Arbitrator- Orange County Bar Association
- Appointed Arbitrator- Orange County Superior Court
- Rated- Law Dragon (top plaintiff attorney- highest rating)
- Private Arbitrator and Mediator
- Orange County Bar Association (OCBA)
- Orange County Trial Lawyers Association (OCTLA)
- American Association for Justice (AAJ)
- California State Bar, American Bar Association, Consumer Attorneys of California
- Multiple time member of the Million Dollar Advocates Forum (obtained multiple verdicts or settlements in excess of \$1,000,000)
- Successfully passed written exam offered by the National Board of Trial Advocacy (NBTA) for Trial Attorney Certification (qualifications- extensive trial experience, formal recommendation by numerous opposing trial counsel and trial judges)
- Rotary International members- Past Presidents of Monarch Beach Sunrise Rotary Club, Rotary Paul Harris Fellows and Assist District Governor
- Daily Journal Profile- trial results profiled in the July 28, 1995, edition of the California Daily Journal.
- Super Lawyers, Law Dragon

TIPS

1. Take a close look at what "independent" ratings your lawyer has been awarded. A lawyer's "AV" rating (or lack thereof) is a good place to start.
2. Lawyers who have been named "Trial Lawyers of the Year" by their local trial lawyer organizations are using skilled litigators and follow a high code of ethics. This would be another important factor to take in to consideration when selecting an attorney.

100+ Things We Do For Our Clients

It's all about the details.



Most people are not really aware of all the things we do to help protect our client's interest and maximize the value of the personal injury or wrongful death case. Truth be told, we work very hard to protect our client's legal rights and win their cases. With this in mind, we want to share the following with you.

First, after we meet with you and are formally retained (normally on a contingency fee basis), there are many things we do and steps that we take to protect your interest and get your case ready for settlement, mediation, arbitration or trial. Although listed in bullet-point fashion, one or more of the following items are usually done together with some items dependent upon the other.



This list is by no means all inclusive and not every step is required to be done in every case. Also, please keep in mind that certain steps such as our unique law firm “insider secrets” are purposefully excluded. Even so, we hope this list gives you some idea of what we bring to the table and can do for you.

- Assist you with getting quality medical care, treatment or surgery (your doctor or we can recommend well respected experts in the community)
- Immediately help with any pressing family/collision related issues
- Determine correct defendants and theories of liability- research law and causes of action
- Coordinate all medical bills paid by health insurance and/or automobile med pay
- Coordinate medical liens if necessary (doctors are paid at end of case- no out of pocket expenses for you)
- Obtain traffic collision report
- Notify all interested parties by telephone and in writing of our legal representation of you
- Have investigator interview all drivers and witnesses either in person or by phone depending on the facts and issues
- Have investigator obtain declarations, under oath, of important witnesses

- Send letter/telephone each driver- send registered owner 5 page questionnaire asking for their version of the facts
- Send a declaration to the “at fault” driver asking him or her to admit responsibility for the accident
- Send letter/telephone to each driver and registered owner asking for full declaration re disclosure of all insurance coverage such as auto, homeowner, umbrella...
- Send letter/telephone all insurance companies and claim adjusters representing each driver and owner
- Depending on the type of case, request specific documents, items and things from other side’s insurance company (auto, motorcycle, large truck, train, plane, premises liability, professional malpractice, dog bite, brain injury, paralysis, burn, assault, battery or wrongful death- detailed list of items are used for each different type of case)
- Make formal demand to preserve all evidence
- Determine if any of the drivers were operating their vehicle while in the scope and course of employment (company may also be liable and additional insurance/assets may be available)
- Send letter/telephone to each witness with 4 page questionnaire asking for detailed description of what they observed
- Send letter to the DMV reporting the accident pursuant to California law (SR1 report)
- Send letter to the DMV requesting disclosure of insurance information on other driver (SR19 report)
- Investigate scene of collision (pictures/videos of intersection/road, skid marks, obstructions, damaged property, view from each driver’s perspective while driving down street...)
- Collect and preserve evidence from collision scene or vehicle such as broken glass, damaged tires, improperly working seat belts, torn and blood stained clothing...
- Determine location of vehicles (tow yard or storage facility) and document damage with photographs and video tape
- Coordinate rental car for client until property damage is finalized
- Investigate and ascertain costs of repair or replacement value of our client’s vehicle and other property damage (broken cell phone, glasses, and other personal items)
- Coordinate and negotiate repair or replacement of our client’s vehicle with insurance claims adjuster
- Coordinate property damage deductible reimbursement to client from insurance company
- Coordinate and obtain copies of all medical records and billings
- Coordinate payment of all outstanding medical billings by health insurance or automobile med pay coverage
- Use special declaration to ascertain all loss of earnings and benefits you sustained or lost because of this collision

- Use special document to determine all out of pocket expenses and losses you sustained or lost because of this collision
- In wrongful death cases, coordinate independent autopsy if necessary
- In wrongful death cases, coordinate funeral service expenses
- In wrongful death cases, coordinate veteran benefits
- In wrongful death cases, refer client to estate planning specialist to review and update all estate planning documents
- In wrongful death cases, review all life insurance policies to determine benefits to client and other survivors
- In wrongful death cases, ascertain financial losses to family such as loss of income or retirement plan benefits
- In wrongful death cases, conduct extensive interview with surviving family members to ascertain relationship and loss (loss of love, society, companionship and affection)
- Counsel client(s) as to all available legal theories, responsible defendants and causes of action
- Conduct professional asset background check of defendant (real estate, bank accounts, investments, beneficiary of an estate plan...)
- Initiate settlement and jury verdict search re similar settlements and verdicts
- Pull and review prior cases handled by our firm together with previous legal analysis and legal pleadings, discovery, and trial items
- Put together and discuss with you our draft settlement demand package and/or presentation (written demand letter setting forth and attaching copies of all important facts, traffic collision report, theories of liability, description of injuries, damages, future medical issues, treatment, surgery and damages, all medical records and billings, loss of earnings, other out of pocket losses, our assessment of similar state and national settlements and verdicts with attachments, a summary of similar cases and results by our firm with attachments, supporting medical, economic, accident reconstruction, biomechanical expert opinions as needed, photographs, charts, graphs, draft lawsuit...)
- Early in case, prepare draft jury instructions and draft of opening and closing arguments (few lawyers do this early in the case)
- Coordinate settlement dialogue as needed and communicate all important facts and opinions to client for final decision
- Apply 25 years and thousands of cases of experience to negotiation settlement until case is resolved for full value pursuant to client's authority
- Follow up with all the above until everything is done and all necessary information is obtained

If Case is Not Settled and Litigation Becomes Necessary

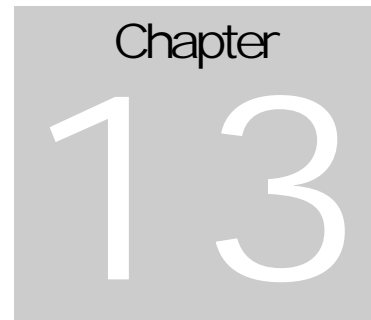
- Additional research of law and available causes of action (if needed)
- Prepare Superior Court Summons and Complaint alleging all viable causes of action
- Coordinate the filing of the Summons and Complaint with Civil Cover sheet with the clerk of the Superior Court
- Calendar all post-filing filing dates (5-10) and service on defendant and for return of Summons
- Review assigned judge and file document/motion to request new judge if necessary
- Contact and retain consulting and trial related experts
- If necessary, use investigator and/or online services to location defendant's for service
- Prepare Statement of Damages and coordinate service of process on defendant
- Special letter to defendant with copy of lawsuit explaining defendant's first party bad faith rights against his own insurance company
- Review incoming Answer, Demurrer or Motion to Strike from defendant's lawyers hired by defendant's insurance company
- Telephone call to defense counsel to introduce ourselves and to discuss case issues and possible settlement
- Review defendants initial Judicial Council Form Interrogatories, Special Interrogatories, Inspection Demand, and Notice of Deposition (discovery)
- Send instructional letter to client with defendant's initial discovery
- Calculate and calendar all dates client's discovery responses are due
- If defendant served a Demurrer or Motion to Strike, prepare and filed Oppositions and calendar all response and hearing dates
- As required by the Code of Civil Procedure, review client's responses to all discovery and prepare and service original verified responses to defendant's attorney
- On behalf of client, prepare and served client's initial discovery to defendant (Judicial Council Form Interrogatories, Special Interrogatories, Request for Admissions, Demand to Produce Documents, and Notice of Deposition
- Calendar and appear at court ordered Case Management Conference
- Prepare client and attend client's deposition at defense attorney's office
- Take defendant's deposition (traditional or video) at our office
- Take deposition of all important witnesses
- Review incoming Demand for Independent Medical Examination (IME) from defendant
- Special letter to client with copy of IME and coordinate final IME instructions and date
- Prepare and respond to IME with special pleading regarding certain terms and conditions

- Client appears at IME with our office either recording or videotaping examination process
- Receive and review defendant doctor's IME report
- Receive and forward defendant's supplemental discovery (Special Interrogatories, Request for Admissions, and Inspection Demand)
- Prepare and serve on defendant our client's supplemental discovery (Special Interrogatories, Request for Admissions, and Inspection Demand)
- Prepare for and attend continued Case Management Conference or initial Status Conference and set trial date
- Letter to client with all mandatory dates and date of trial
- Coordinate pre-trial settlement mediation or arbitration if ordered by the court or thought useful by counsel
- Prepare mediation or arbitration briefs and documents
- Prepare client for mediation or arbitration
- Appear with client at mediation or arbitration and present case
- If case is resolved via mediation or arbitration, prepare settlement documents and file notice with court
- If case is resolved via mediation or arbitration, coordinate deposit of settlement funds in to trust account
- If case is resolved via mediation or arbitration, disburse funds to client with detailed final financial statement
- If case is NOT resolved via mediation or arbitration, continue with pre-trial preparation and requirements
- If required, file opposition to defendant's Motion for Summary Judgment
- If required, prepare and file plaintiff's Motion for Summary Judgment
- Prepare Demand for Exchange of Expert Information and serve notice to other side
- If ordered or coordinated, prepare for and attend with client a court order pre-trial Mandatory Settlement Conference (MSC)
- Prepare and serve response to Demand for Expert Exchange
- Notice and take depositions of expert witnesses
- Coordinate other side taking depositions or our client's expert witnesses
- Coordinate and comply with all mandatory pre-trial discovery and trial document dates (about 75 specific dates)
- File jury fees
- Schedule pre-trial issue conference with opposing counsel
- Obtain all final medical records and billings and any other evidence (photos, videos...) that will be used at trial
- Participate with opposing counsel re pre-trial stipulations to save all parties time and money
- Coordinate the appearance of trial witnesses at trial
- Issue subpoena's to compel attendance of trial witnesses if needed

- Prepare all pre-trial Motions in Limine
- Prepare and coordinate with opposing counsel Joint Exhibit List
- Prepare and coordinate with opposing counsel Joint Statement of the Case
- Prepare and coordinate with opposing counsel Joint Stipulated Facts
- Prepare and coordinate with opposing counsel Joint Jury Instructions
- Prepare and coordinate with opposing counsel Joint Witness List
- Prepare and coordinate with opposing counsel Joint Verdict Forms
- Attorney pre-trial final preparation re voir dire (jury selection questions and strategy), opening statement, direct examination, cross examination, and closing argument
- Prepare and participate at the trial (normally 1 to 3 weeks of time)
- If appropriate, review and file Opposition to defendant's post-trial motions (Motion for New Trial, Motion for Judgment Not Withstanding the Verdict...)
- If appropriate, attend post-trial hearing(s) to oppose defendant's motions
- If appropriate, coordinate with client on post-trial appeal issues and representation

Checklist- New Client "To Do" List

"Insider tips" you can put to use right away.



Here are several tips that we share with each and every personal injury and wrongful death client. Follow these tips to protect your rights!

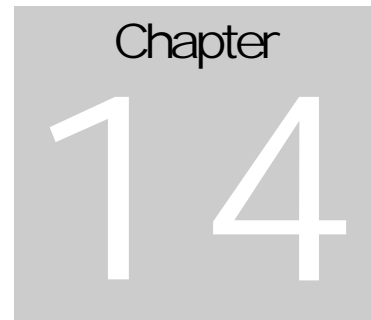
- Do not discuss your legal matter with anyone without first getting our approval. The only communications (oral, written and electronic) which are protected from disclosure are those which take place between an attorney and his or her client. Refer all people and questions to our office.
- Do not give any statements, written, recorded, or oral, to anyone concerning your legal matter without first getting our approval. Refer the person to our office.
- Do not sign documents, send letters, initiate/ receive telephone calls or electronic communications (email, text message...) concerning your legal matter without first getting our approval. Refer the person to our office.
- Do not compile information or create documents concerning your legal matter without first getting our input and approval.
- Contact Information: Inform us immediately of any change of personal or business contact information such as address, telephone number and email address.
- Let Us Do The Work and Protect Your Rights: Refer anyone who tries to contact you about your case to us.
- Evidence: Provide us with originals of all documents, items and things that may have any relevance to your case.



- Honest and Forthright: To protect your legal interest, it is critical that you be honest and forthright with us as to all information. We can deal with almost any issue that comes up.
- Keep Us Updated: Contact us immediately with any new information, new developments, injury updates, evidence, witness information...

Checklist- 9 Questions

Smart people ask good questions...



Nine questions you should ask every lawyer you interview in a personal injury or wrongful death case. Here they all are on one page!

Question No. 1: “How Long Have You Been Practicing Law As A Licensed Attorney?”

Question No. 2: “What Percentage Of Your Practice Is Devoted To Personal Injury And Wrongful Death Cases?”

Question No. 3: “How Many Court And Jury Trials Have You Had And What Were Your Results?”

Question No. 4: “Will I Be Interacting Directly With You Or Someone Else In Your Office?”

Question No. 5: “Are You "AV" Rated By Martindale-Hubbell And What Other Awards Or Ratings Have You Received?”

Question No. 6: “Are You An Active Member In The Local, State And National Trial Lawyer Organizations? How About Your Local Community?”

Question No. 7: “Can You Provide Me With The Names Of 5-10 Past Clients Who Are Willing To Share Their Experiences With Me About Your Representation And Firm?”

Question No. 8: “Do You Have Testimonials From Past Clients And Other Attorneys Which I Can Take With Me And Read?”

Question No. 9: “As My Case Works Its Way Through The Legal System, Will You ALWAYS Look Me In The Eye And Tell Me What You HONESTLY Think And Believe As Opposed To What You Think I Want To Hear?”

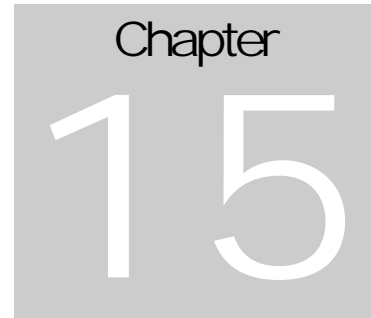


TIPS

1. Make sure the lawyer gives you the answers discussed in Chapter 3 of this book.

Frequently Asked Questions

Quick answers to most common questions...



We hope you find these easy to use questions and answers helpful. Feel free to call with any follow-up comments or questions. We've been helping victims of personal injury and wrongful death since 1986. Chances are, we can help you too!

Q: What is the best way to contact you?

A: The best way to contact us is to use our toll free telephone number which is 800-661-7044. You may also contact us by email, live chat, or web template. Whatever works for you is fine with us! Visit JacksonandWilson.com for more info.



Q: Why should I hire a lawyer? Why not try to settle my own case?

A: The law is complicated. Insurance companies have their best interest in mind. Their job is to minimize what they pay out and maximize end of year corporate profits. In the first couple of chapters of this book we've shared our honest thoughts on this subject. More information can be found at our web site.

Q: How is a Lawyer Paid? What is a Contingency Fee?

A: A contingent fee is a fee for services provided where the fee is only payable if there is a favorable result. The law defines a contingent fee as “a fee charged for a lawyer’s services only if the lawsuit is successful or is favorably settled out of court...contingent fees are usually calculated as a percentage of the client’s net recovery.”

For many injured consumers, the contingent fee is their key to the courthouse doors. It makes it easier for people to protect and pursue their civil rights—especially in personal injury and wrongful death cases. If the right attorney is selected, a contingent fee is an excellent way to hire one of the best lawyers in your state without having to pay his or her up front retainer or hourly fee. This is truly a win-win for the consumer. Read more about contingency fees in this book.

Q: What should I do if I am in an accident and it wasn't my fault?

A: The fact of the matter is that motor vehicle accidents are a regrettable part of modern life. It doesn't matter whether you drive in a large city or a small town. Sooner or later, you can expect to be involved in an accident. If you've suffered a personal injury then you need to take a close look at the information found in this book. Also review the below questions and answers for a more detailed response.

Q: I was injured in an accident. What should I do next?

A: See a doctor right away! This will help determine the extent of your injury and if necessary, get you the medical assistance you need as soon as possible.

Most of the victim we represent have sustained very serious, and in some cases, life threatening injuries. However, you should keep in mind that there are many injuries in a motor vehicle accident that are not apparent at the time of the accident. Because of this, it is a good idea to get a medical examination after an accident to be sure that you have not suffered an injury that will not manifest itself until sometime in the future. The bottom line is to know all the facts about your injury so that you can make smart medical decisions.

You may also want to keep a daily log of your medical condition. List any symptoms or pain and how long you suffered. Include descriptions of the pain you feel and any restrictions on your normal activities. You may also want to keep a record of your trips to see the doctor or anyone else he or she sends you to see. Keep track of the mileage and the time it takes and any money you have to spend because of the trips.

Q: I was hurt in an accident that wasn't my fault. Who will pay for my medical treatment and bills?

A: The person who caused the accident, or his or her insurance company, is responsible for paying for all of your reasonable and necessary medical treatment and billings. If you have medical payment coverage with your insurance company, you may have additional benefits you can use to help pay for your medical bills. A good lawyer can explain all the details to you.

We also recommend that if you have health insurance, you use it to help take care of your bills. At the end of your case, your automobile medical payments and health insurance may be partially reimbursed should you receive a full settlement and are "made whole" by the settlement or verdict. Please keep in mind that under California law, you cannot be penalized and your rates cannot be increased simply because you utilized your own automobile insurance medical payments or uninsured/underinsured motorist benefits to help protect you in an accident.

Q: Can the insurance company tell me which doctor I have to see?

A: Absolutely not. You can and should see your own doctor. No one can tell you what doctor you have to use. If you need a referral to a specialist in your area, most experienced lawyers are happy to recommend a good physician or other healthcare provider who not only has an outstanding reputation, but who may also be able to help you on a lien basis. What this means is that you will not have to pay the healthcare provider until your case is concluded.

Q: What do I do if I have to take time off work?

A: Keep a record of the time you miss from work, even if you still get paid because you use sick time or vacation. Keep track of the amount of money you lost by not being able to work. The person who caused your accident is legally responsible for all reasonable and necessary lost time from work. Prior to settlement or trial, we normally use a special form and obtain a sworn declaration from your supervisor itemizing and documenting all loss of earnings.

Q: What do I need to know about getting my car repaired after an accident? Am I entitled to a rental car?

A: It is up to you to decide who you want to repair your vehicle. Do not be bullied by the insurance company into thinking you have to have your vehicle repaired by the shop giving the lowest bid. You are entitled to the lesser of either having your vehicle properly repaired to the same condition it was in before the accident or, to be paid the value of the vehicle less salvage and certain DMV related expenses.

We normally recommend that our clients coordinate having their vehicles repaired with their own insurance company. Why? Because your insurance company has a fiduciary duty to place your best interest before its own and to make sure your vehicle is repaired properly. This is not the case when dealing with the other side's insurance company. If you are not at fault and you do use your own insurance company, your rates may not go up pursuant to California law. In most cases, your insurance company will be reimbursed by the responsible party's insurance company for any payments made.

While you only need to get one estimate, you may want to get more than one estimate if you are not comfortable with the estimated damage or, not sure where you want to have your vehicle repaired and you want to compare different shops. Your attorney can help you by recommending repair shops that have good reputations for quality work.

While your vehicle is being repaired, you are entitled to the rental of a similar vehicle. Many times our client's own insurance policies provide for 20-30 days of rental car coverage. Ask your attorney and review the "Auto Body Repair Consumer Bill of Rights" for more info.

Common Questions in Automobile, Motorcycle and Large Truck Accident Cases

Here are answers to the most common questions we've heard over the past two decades. Please take a couple of minutes and review this information carefully.

Q: I've just had an accident. What should I do first?

A: The first thing you must do if you are involved in a motor vehicle accident is to stop. Accidents happen to even the most careful drivers, but no one can ever have a valid excuse for failing to stop after an accident. In most states hit and run offenses are felonies, with increased penalties if someone has been injured in the accident.

Q: After I have stopped what should I do?

A: Check each person involved in the accident to see if they have been hurt. Call the police. Call an ambulance if necessary.

Q: If someone is hurt should I try to help?

A: Yes. If the person is seriously injured, do not attempt to move him or her unless it is absolutely necessary to protect him or her from further injury. Get someone to call the police or 911 if an ambulance is needed. Do what you can to make the injured person comfortable until paramedics or the police arrive.

Q: The injured person has been taken care of. What is next?

A: You and the other driver(s) must exchange information. You will want the driver's name, address, phone numbers, driver's license number, insurance carrier, policy number, agent, and a phone number for the agent. You will be expected to provide the same information to the other driver(s).

Q: What information about the motor vehicle do I need?

A: You need to note the make, model and year, its color and license plate number. Be sure to check the expiration date of the license plate.

Q: Do I need to get the same sort of information from the passengers in the other motor vehicle?

A: Yes. You need to obtain the name, address and telephone number of each passenger in the other motor vehicle. Take a moment to observe each of the passengers, where they were sitting or riding and whether they appear injured or unharmed by the accident. Look for slurred speech, glassy eyes and difficulty in remembering when you talk to them and note how they appear.

Q: What should I do about other people in the vehicles?

A: Take down the same information that you gathered from the passengers in the other motor vehicle (name, address, telephone number, where sitting.) Take a moment to observe each of them as they tell you their names and addresses to see whether they are exhibiting signs of injury.

Q: What should I do if there were witnesses?

A: Before the witnesses leave you should obtain their names, addresses and telephone numbers. You should record where the witness was when the accident occurred and if possible a short statement of what the witness observed.

Q: I've got the witness information, the other driver's information and a list of the passengers. What now?

A: If you have a camera or cell phone camera, take pictures of the accident scene. Take pictures of the motor vehicles, the street in both directions for the accident (including skid marks, if any), any stop signs or other traffic signals or signs. Also take pictures of the accident from the direction of travel of each of the automobiles involved. A video camera is especially useful in recording the behavior of the other driver, which may be useful if the other driver has been drinking or using drugs.

Q: What should I do if I do not have a camera with me?

A: Make a diagram of the accident, indicating the direction each motor vehicle was traveling, the speed of each, and what happened. Measure any skid marks. Record the condition of the street (wet, dry, under construction, lots of gravel, big potholes) and signs restricting the free flow of traffic. Record the posted speed limit and anything else that will help you remember later what occurred prior to the accident.

Q: I can get a camera when I get home. Is there anything I need to take a picture of then?

A: Take pictures of the damage to your motor vehicle as soon as you can. Take close-up and farther away pictures to show the damage. Take pictures of your injuries. Take both full body pictures and close-ups to show the injuries. Use different lights (inside and outside) to help make sure you take the best pictures possible. Also take pictures of any passengers in your motor vehicle who were injured.

Q: Should we move the motor vehicles?

A: Whether you should move the motor vehicles depends on the severity of the accident and where it occurred. A serious accident with injured people should be left alone until the police arrive. You may have to direct traffic around the accident, set flares or station someone in a

position to warn oncoming motorists. A fender-bender during rush hour that threatens to tie up traffic for miles might be moved out the driving lanes after you have determined that no one was hurt.

Q: What should I do if I have an accident in a parking lot?

A: In most states the police will not respond to an accident in a parking lot that does not involve personal injury. The parking lot is private property and the minor accidents there are generally outside the jurisdiction of the police. You should exchange personal, driver's license and insurance information with the other driver.

Q: If the police do not come and investigate the accident what should I do?

A: You should make a report of the accident within 24 hours at the nearest police station. The counter report, sometimes called a cold report, should explain the accident and identify the parties involved.

Common Questions about Injuries and Damages in a Personal Injury or Wrongful Death Case

Q: What can I expect to get from the responsible party or his insurance company?

A: You are entitled to "be made whole," which is legal language for your right to be put back in the same position (physically, emotionally and financially) you were in immediately before the accident. Some of the process of making you whole is easily calculated and other aspects are more difficult.

Q: What will I get for my vehicle?

A: You will get the amount of money necessary to repair your vehicle to the condition it was in immediately before the accident. At times the amount of money necessary for repairs exceeds the value of the vehicle, in which case the insurance company may opt to declare the vehicle as a total loss. You would then be offered the amount the vehicle worth, based on industry price-setting guides and software programs and the vehicle would not be repaired.

Q: What will I get for my injuries?

A: You are entitled to be fully compensated for your injuries. The amount necessary to compensate you fully obviously causes the most problems in arriving at a settlement figure acceptable to both sides. There is usually little argument over the compensation for time missed from work and lost wages, doctor and hospital bills, rehabilitation costs,

transportation to and from the doctor and therapists. You will have receipts for these expenses. The controversy arises when you attempt to put a dollar value on the more intangible injuries you have suffered, such as loss of consortium, loss of sexual capacity or desire, emotional distress, pain and suffering, loss of future earnings and loss of future enjoyment of life. An experienced personal injury or wrongful death lawyer can help maximize these damages for you.

Q: What is loss of consortium?

A: You have a right to enjoy the "relationship" you have with your injured spouse. The loss of that "companionship" represents compensable damages.

Q: You can put a value on the loss of sex?

A: Yes. If the accident has disrupted your sex life, the person who is responsible for the accident should pay for what he or she caused. It is your right to enjoy your sex life without interference. The problem with asserting a loss of consortium claim is that it does allow the other side to conduct discovery (ask questions) about the claimed loss. Because of this, most of our clients decide not to assert such a claim.

Q: What is emotional distress?

A: An accident is a traumatic event that causes emotional distress to those involved. Obviously, not every fender-bender causes distress in the persons affected, but major injuries and vehicle accidents can cause severe emotional distress. It is a serious problem in some accidents.

Q: How do you know what pain and suffering is worth?

A: Finding an acceptable amount for your pain and suffering requires experience with many similar cases. Pain and suffering awards are necessarily subjective and usually are based on similar cases, so the attorney's knowledge of the community and insurance companies is most important here. Online databases are available to your attorney that keep track of all of the settlements and verdicts across the state and nation. Your attorney can check these databases to get an idea of the range of compensation you may be entitled to. How well a lawyer can effectively argue these damages to a jury also plays a big part to the amount of any such award.

Q: What is loss of future earnings?

A: If you have been seriously injured, you may not be able to resume the same type of work you did previously or be able to work as hard or as long. Since your decreased ability to work was the result of the accident, the person who caused the accident should compensate you for your loss in earning potential. In the same way, you have a right to be compensated for

any decrease in your ability to enjoy the things you did before the accident that are now not possible for you (loss of future enjoyment of life).

Q: How do I know how much money I should get?

A: Insurance companies count on you not knowing the true value of your claim. They try to tell you what it is worth and settle with you before an experienced attorney reviews the facts of the case. Your attorney knows how much money will be necessary to fully compensate you for your injuries and the insurance companies know that. Talk with your attorney so that you will know how much is fair in your case. Also make sure to watch out for insurance company representatives trying to “low ball” you or worse, avoid paying you compensation you may be entitled to.

Some Common Questions About Police and Police Reports...

Q: What happens when the police arrive?

A: You will be asked to show a valid driver’s license, current registration for your motor vehicle and, in many states, proof that the vehicle is insured. Answer the questions the police officer asks and try to remain calm.

Q: What should I do if the other driver has been drinking?

A: If you notice the other driver appears intoxicated or smell alcohol on him or her, be sure to mention this fact to the investigating officer.

Q: Do I have to be able to prove I was wearing my seat belt?

A: Make sure the police officer notes in the report that you were wearing your seat belt. You will probably be asked if you had it on as part of the report procedure. If you notice that the other driver was not wearing a seat belt, mention this to the investigating officer.

Q: Anything else I should do?

A: Make a note of the investigating officer’s name, badge number and whether he or she is a city police officer, highway patrol officer, or county sheriff deputy. Ask for a report a case number and where and when you can pick up a copy of the report. Be polite at all times.

Q: Is there anything I should not do?

A: Do not admit fault for the accident to anyone. Do not tell anyone how much insurance you carry. Do not sign anything other than a citation. (You may have to sign a citation if you are issued a traffic ticket by the investigating officer. This signature is not an admission of guilt; you are merely acknowledging that you received the ticket.)

Q: If the other driver gets a ticket does that mean that he or she caused the accident and has to pay for it?

A: No. The fact that the police officer issues a citation to the other driver does not assign blame for the accident. The investigating officer is only giving his opinion as to what happened and whose fault he or she thinks it was. The officer still has to convince a judge or jury that the ticket was justified if the driver does not plead guilty. The ticket has no bearing on your case. The same result occurs if you are ticketed; the ticket is not proof that you caused the accident.

Q: How soon do I need to tell my insurance company that I have been in an accident?

A: If you were seriously injured, talk to an experienced lawyer before the insurance company. If possible, have the lawyer contact the insurance company for you. Having said that, you should notify your insurance carrier as soon as you can. The earlier they can begin processing your claim, the smoother the process can be. Be prepared to tell them the investigating officer's name and badge number, the report number and what happened.

Q: Is there anything else I should expect when dealing with the police?

A: You might be required to prove that you are financially responsible after you have been involved in an accident. You might have to submit proof of insurance coverage or proof that you have sufficient assets to cover any damage you might cause as a driver.

What Kind of Insurance Should I Have?

Q: What kind of insurance should I have on my vehicle?

A: Many states set minimum mandatory insurance requirements that you must meet to drive your vehicle in that state. The terms used by the insurance industry include:

Liability- protection for the person or property that you unintentionally damage when driving your vehicle. In states that require insurance coverage, liability coverage for bodily injury and property damage of a certain amount is required.

Collision- pays for damage to your vehicle whether caused by you or someone else who cannot be found.

Comprehensive- pays for fire, theft or vandalism or your vehicle and contents.

Medical Payment- covers medical expenses for anyone in your vehicle.

Uninsured Motorist- pays if the driver at fault is not insured.

Underinsured Motorist- pays your expenses above the amount the other driver's insurance covers.

Determining the appropriate amount of insurance protection to carry depends on the circumstances of your life. The more wealth you have, the insurance can benefit you by protecting your wealth from the astronomical costs of a serious motor vehicle accident.

Adequate insurance coverage that can pay for the damages of an accident permits you to devote your energies to getting well again, knowing that you do not have to worry about how you will pay for your necessary medical treatment and living expenses. Your insurance agent and your attorney can help you calculate the amount and types of insurance coverage you and your family need to protect yourselves.

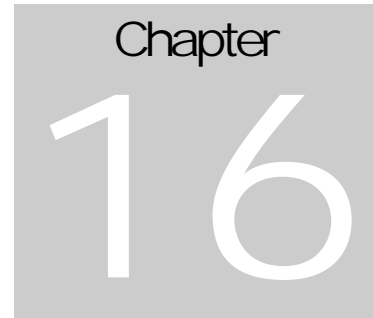
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Read this book and use this valuable information to find a lawyer and then also use the 9 questions in this book to properly interview that lawyer.

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