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IMPORTANT INFORMATION
REGARDING YOUR CASE



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The Law Office of
JEFFREY S. MUTNICK



As a trial lawyer, Jeffrey S. Mutnick has spent over 30 years representing working people in the Pacific Northwest. Using his broad experience, he appreciates that the well-being of his clients is as important as the final result. He has been honored by his peers as a trusted, respected, and effective advocate. In or out of court he knows how to get significant results.

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My office provides legal advice to victims and their families in cases involving automobile and truck collisions, aircraft, maritime, and railroad accidents, environmental incidents, defective products, and exposure to toxic substances. Suffering from injuries or losing a loved one is traumatic and difficult. Having someone to protect your legal rights during these times allows you and your family to concentrate on the emotional and medical issues that may arise. The following material includes some general guidelines on what to do if you or someone you know is involved in an accident.

Providing Statements About the Accident

Do not give statements concerning the accident or your injuries, verbal or written, to investigators, insurance companies, or others without first consulting our office. If your own insurance company requests a statement from you, you are required to reasonably cooperate with their representative. However, before you give a statement, make sure that this person represents your own company. Sometimes, investigators from the other person's insurance company may try to obtain a statement from you about the accident. Before you give any statement, inform us of the company's request. Do not sign any statement, even for your own company, without first giving our office an opportunity to review and copy it for the case files.

Evidence

Evidence is at the heart of your case. If you have any physical marks on your body from the accident, such as bruises, cuts, or swelling, you should obtain photographs of them if possible. If you were in a motor vehicle accident and it damaged your vehicle, you should take photographs before having any repairs done.

If your case involves falling or you were a pedestrian and were struck by a car, you should preserve your shoes and other clothing in their damaged condition and deliver them to our office for safekeeping. If you were a pedestrian and the accident occurred at night, the color and exact nature of the clothing you were wearing may be especially important.

Witnesses

As soon as possible, give us a list of all the witnesses and any other people who may have information concerning your case, with their addresses and telephone numbers.

Doctors' Examinations

Your insurance company or the opposing party's insurance company may request that you see doctors for examinations, x-rays, or laboratory tests. Do not undergo any examinations without consulting with our office first.



Medical Releases

You have to cooperate with your own vehicle or health insurance carrier and provide them with a medical release when requested. You should not give a medical release to any other insurance company.

Activities Since the Accident

If you suffered a serious injury in the accident, it is possible the opposing side already has, or will, take pictures or videos of you to try to compromise your case. We need to know about any unusual activities that you have been engaged in since your injury, or if you have ▶

observed anyone watching your activities. You need to let us know about anything that has occurred which may involve the opposing party's insurance company.

Case Processing Time

It is important to be patient. Attempting to rush your case through to a conclusion may not produce the best results. After you file a lawsuit, it usually takes about a year to reach the trial. In addition, there are many procedural steps to be completed before the case reaches the trial court stage. Generally, most cases can be settled before going to trial. There are a few cases involving personal injuries that can be settled without filing a lawsuit.



While in the process of litigation, your attorney will be doing many things concerning your case. It is not always possible or necessary to communicate with you about all of these matters. Even though you may not hear from our office about each detail of the proceedings, it does not mean that we are not actively pursuing your case.

Our work requires us to make numerous court appearances, and you may not be able to reach us immediately by telephone. It is helpful for you to write if you have information about your case or if you have questions or concerns. We encourage you to correspond with us this way, particularly by e-mail if you have access to it. If you

do telephone the office and I am not available, please leave a detailed message with my secretary.

Benefits

You may be unaware of the benefits that victims may be entitled to if they sustain injuries. For example, benefits may accrue in the form of compensation for lost wages and medical care and treatment. If permanently disabled, a person may have rights concerning his or her Social Security benefits. When a person is hurt in the course of his or her employment, certain workers' compensation benefits accrue. In the Motor Vehicle Accidents section of this publication, I discuss the benefits specifically related to these types of accidents.

Attorneys' Fees

Most attorneys handle personal injury cases on a contingency fee basis. Under a contingency fee arrangement, we are paid only if we secure compensation for you. If you receive no compensation, we receive no fee.

Other Accidents & Injuries

Failure to mention other accidents or injuries, no matter how minor, can undermine your lawsuit. We need to know about all incidents, whether or not they resulted in a claim for damages. You need to provide us with the date, place, nature of each accident, and extent of your injuries. If you suffered no injuries, we need to know that too.

Illnesses & Diseases

No matter how trivial, if you consulted a physician about an illness or disease, either before or since your accident, we should know about it. This is particularly important if there is any connection between that illness or disease and your present physical complaints. The opposing party will have a complete history of your past physical conditions (from medical and hospital records, veteran's records, insurance records, etc.).

Claims & Lawsuits

Many cases can be damaged if there are previous injuries or lawsuits that we do not know about. You need to tell us about every claim you have ever made concerning personal injuries or property damage and the details and circumstances of each incident.

MOTOR VEHICLE ACCIDENTS

In addition to the general information outlined above, this section provides specific information for those involved in motor vehicle accidents.

What You Should Do First

Make sure those who need it are given proper emergency assistance. If it is safe to do so, move the vehicles out of traffic. Exchange information with the other drivers. If there were witnesses, it is extremely important to obtain their names, addresses, and telephone numbers. You should promptly notify your insurance company and file a report with the state motor



vehicles department if the accident resulted in personal injury, death, or property damage in excess of \$1,000 in Oregon, \$2,000 in Alaska, and \$500 in Washington. You must file this report within 72 hours in Oregon, as soon as reasonably possible in Alaska, and within four days in Washington.

Benefits

In Oregon, no matter whose fault the accident was, you are entitled to receive benefits from your own insurance company for lost wages and medical care and treatment. These are called Personal Injury Protection (PIP) benefits and every automobile policy in Oregon must have them.

There are monetary and time limits associated with these benefits, but they are rightfully yours. You need to contact your insurance company to apply for them. In Alaska and Washington, similar no-fault/PIP benefits may be available, but these states do not require the insurance policies to have them.

If the accident is the other driver's fault, even partially, you may be entitled to compensation from his or her insurance company. Often, the other driver's company will claim that the accident was your fault. Even if the accident was partially your fault, you may be legally



entitled to compensation from the other driver's insurance company for your damages. This law, known as comparative negligence, applies in Oregon, Alaska, and Washington, with some variations in each state.

Collecting Compensation When the Other Driver is Uninsured or Underinsured

Every automobile insurance policy in Oregon, Alaska, and Washington protects you from the uninsured or underinsured driver. You can make a claim against your own insurer for benefits. You will need to prove the other party is at fault and the extent of your injuries and your recovery will be limited to the benefits of your policy. ▶

Currently, the minimum benefits in Oregon and Washington are \$25,000 per person and \$50,000 per accident. In Alaska, they are \$50,000 per person and \$100,000 per accident.

Time Limits For Filing & Settling Your Case

In Oregon, you must file your suit within two years from the date of the accident. In certain cases, you may have less time. For example, when the defendant is a government agency, the filing time may be much shorter. You should contact us as soon as possible to determine the applicable time limit, often called the statute of limitations.

If you wait to file your claim after the two years or other applicable statute of limitations, you lose your rights forever, and you will not receive compensation from the other driver (or the other driver's insurance company) no matter how seriously you were hurt or how much the other driver was at fault. Waiting until the two-year or other time limit is nearly up can result in legal problems and difficulties in the negotiations, and you may find it hard to engage an attorney who can properly file the claim in time.

Remember to consult my office before you do something affecting your case, not after.

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