

# Road<sup>to</sup> Recovery

MAGAZINE

**ACCIDENTAL  
INJURY CHECKLIST**

**INJURED:**  
**The Decision  
to Act**

**Catastrophic  
Injuries**

**SHOULD I GIVE A  
*RECORDED* STATEMENT?**

**The **5** Biggest Mistakes**

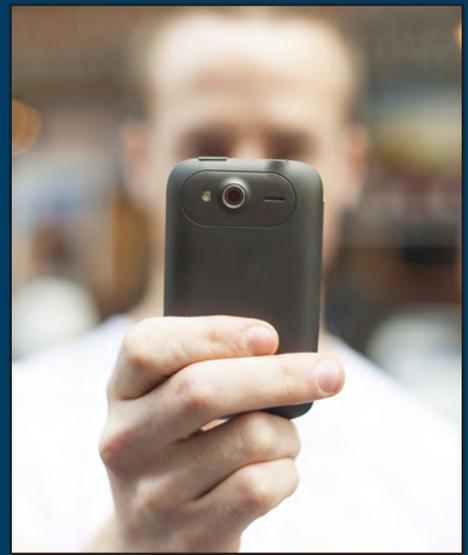
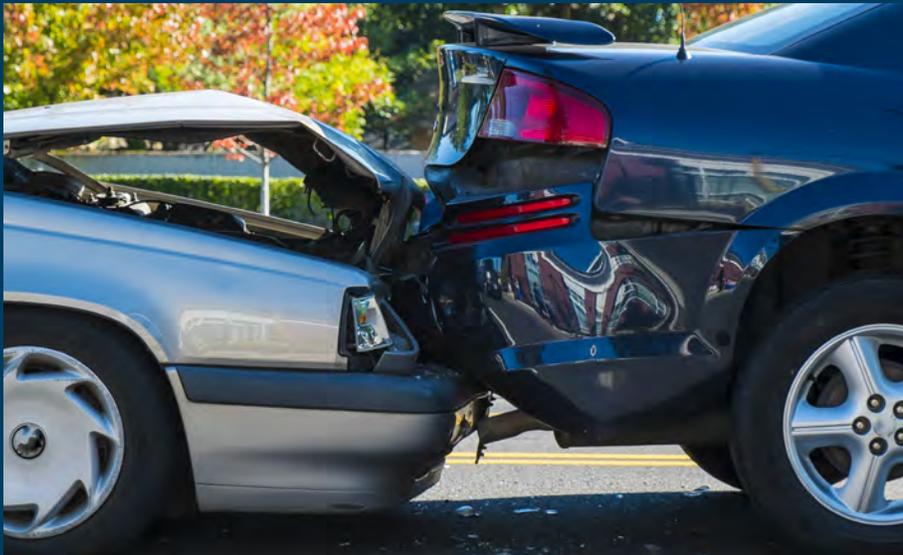
***Why Call A Lawyer?***

**CASE VALUE**

**How to Find the  
*BEST* Lawyer**

**Practice  
SAFE TEXT :)**





## Accidental Injury Checklist

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1. Write down the date and details of the accident.
2. Take photos that will tell the story of the accident, your injuries and your recovery.
3. Write down the names and addresses of witnesses.
4. Request a copy of the Accident Report.
5. Review the Accident Report for accuracy and completeness.
6. Seek immediate medical attention if there is any chance you were injured in the accident.
7. Write down the name of the provider and practice for every medical professional you see for injuries resulting from the accident.
8. Do NOT give a recorded statement to the insurance adjuster without a thorough consultation with an experienced injury lawyer.
9. Call (910) 341-7570 or (877) 593-4233 for a free telephone or face-to-face consultation in order to protect yourself from financial loss.
10. Gather insurance documents for your health and auto policy.



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*The most difficult thing is the decision to act, the rest is mere tenacity.*

— Amelia Earhart

# THE DECISION TO ACT

**GOOD DECISIONS  
BASED UPON RELIABLE  
INFORMATION PRODUCE  
EXCEPTIONAL RESULTS**

By R. Clarke Speaks, Attorney  
*Speaks Law Firm*



I believe that the best way to deal with any problem is face it immediately and directly. I'll give you an example. I have three kids, and we are very close. I will never forget our first encounter with a schoolyard bully. My son was almost four. A bigger kid was picking on him, and he had already turned the other cheek. It was time for him to face his problem. Making the decision to face the problem was the first step in solving it.

We talked that night. "I don't ever want you to start a fight," I said. "But, you can't let people push you around. Sometimes we have to stand up for ourselves, and this is one of those times. This time, when he comes to take your toy, stand up. Look him dead in the eye and say, 'I am playing with this toy, now. Go find another one, please!'"

The next day, I took the kids to daycare myself. My son was understandably nervous. I was terrified. His little sister (we called her "Rattlesnake" at the time)



was giddy with anticipation and could not wait for the confrontation.

We had a plan. I was sending him into the ring the way a trainer does his fighter. I remember laughing a little at the absurdity of the situation as we walked together three-wide and in slow motion toward the front door of the daycare center. My daughter's stuffed-sock monkey was dragging on the ground.

I could tell my son was gaining confidence as we approached the school. He felt good about the fact that he

had decided to face this problem. He understood and believed in our plan, and he appreciated the fact that he had my support. "This ends today!" I thought as I reached for the door.

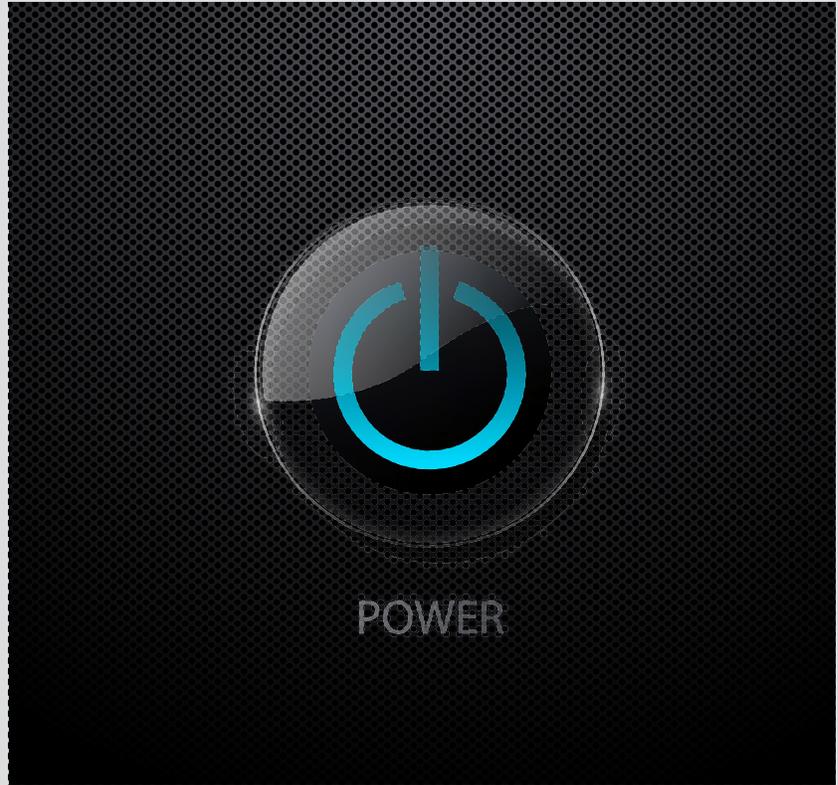
Inside we discovered that the bully was not there. He was gone and he would not be back. He had been asked to leave because of his behavior. Apparently, my kid was not the only one he had bullied.

My son was vindicated and proud. I was relieved. My daughter was devastated. But really, we all felt good. Maybe we had been a little lucky, but we were ready either way. We had recognized a problem, decided to act, formulated a good plan, and faced it head on.

I have found this to be a productive approach to any problem. We can't always control the outcome, but we can control our approach. When we approach our problems directly, we are usually going to resolve them with greater success.

Injuries resulting from car accidents, industrial accidents, work place accidents, medical mistakes and other accidents cause physical and emotional pain. However, as we all know, the world doesn't just stop because we encounter difficult situations. Our bills and obligations continue to mount no matter how badly we are hurting. Those mounting bills and obligations create financial burdens. Sometimes those burdens seem too heavy for us to bear. But, we can't give up. We must go on. We have others who depend on us, and we can't let them down. The first step in solving our problems is to make the decision to act.

Your injury is a problem and the best way to deal with it is directly and immediately. **The first step is the decision to act.** You have already taken that first step; you have made the decision to gather information so that you can make informed decisions. You have barely gotten started and are ahead of most people. You ought to feel good about that.



“We empower people by giving them the information that they need to make good decisions.”

Our Firm Marketing Philosophy is simple. We empower people by giving them the information that they need to make good decisions. Think about it. Most bad decisions are made based upon unreliable information. You might leave your umbrella at home because you did not know it would rain or because you were told it would not rain. If you knew it would rain you would make the logical decision to bring your umbrella. Accurate information leads to good decisions.

The Free materials provided on [Speakslaw.com](http://Speakslaw.com) including the books, articles, FAQs (frequently asked questions), blog posts, testimonials are designed to provide you with

the information you need to make informed decisions about each step in the process. You should be able to use this information to determine:

- Do you need a lawyer?
- How can you do some things yourself?
- What are the biggest mistakes to avoid?
- How can you select the best lawyer for you?

Making informed decisions is critical to achieving the best outcome. Our belief is that if we can help you achieve the best outcome, you will trust us to help with all of your legal challenges in the future.



## Catastrophic Counsel



# CATASTROPHIC INJURIES FROM YOUR LAWYERS POINT OF VIEW



R. Clarke Speaks, Attorney  
Speaks Law Firm

**It is raining. I am driving in 5 o'clock traffic. "I'll call you back," I say to the person on the phone as my GPS directs me to the visitor's parking lot.**

As I get closer to the hospital, I am forced to accept the reality of the situation. After years of doing this, you

would think it gets easier. It does not. Speaking to the family of someone who has been seriously injured in an accident is always a difficult thing to do.

There is a part of me that wants to keep driving. But, I know they need help, and they need it now. There will be a wife, a daughter, or a parent who will be asking me what to do. They will want me to tell them that everything will be OK. I can't tell them that.

Finally, I reach the parking area. I get my bag, my identification, and cell phone (camera). A family member meets me in the lobby. We clear security. I meet other family members, and we find a place to talk.

I am always amazed by these trauma centers. The people that work there deal with life and death everyday. In my experience, these people are real pros. They are singularly focused on giving a child back to a parent or a parent back to a child. They all rush around with the same expression, "This person may die someday. Just not today!" I try to stay out of their way so they can do their jobs.

I meet the family. There are several of them here. This time, it is a wife and two young children. The wife already knows. The kids don't. Dad is not coming home.

It is always tough with kids. Young kids know something is wrong, but they don't understand the long-term implications.

They are concerned, but the family is here and they are in a big building with lots of people. They are kind of excited like when they stay in a hotel.

We find a place to talk. The family wants to know, "Is this going to turn out OK?" I want to tell them, "Yes!" I want to put my arms around them and say, "Absolutely! Everything is going to be just fine." But, I can't say that.

That is the hard part; the part I dread. They will depend on the words that I say, and I can't say something that I do not know to be true. The truth is that I don't know if everything is going to be fine. Not being able to tell them everything will be fine is gut-wrenching. I can feel some of what they feel. That is my gift and my curse.

I am not a doctor. I can't make injured or dying people better. I can pray. I have already done that. I cannot deal with any of the medical problems that this family will face. However, this family will face more than medical problems. They will face financial problems, as well.

When a person is seriously injured, financial pressure starts immediately. The course of treatment may be affected by the source of payment. Care that saves lives (or tries its best) costs money; lots of money.

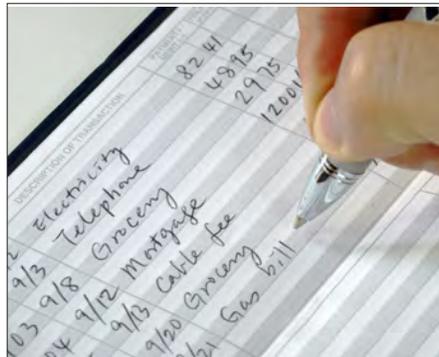
And, that's not all. What about other financial challenges? What about future medical expenses for surgeries, therapy, and long-term care? What happens if it is a child who is injured? The child may out-live the parents but need continued care. What happens then?

What happens if it is a father? Rent is going to be due on the 1st. There will be car payments, electric bills, phone bills, and lunch money. The list goes on and on. The economic challenges that are presented by a serious injury are real, and they are immediate.

I think about my own family. What would I do? What would I feel? I picture my life without my kids or theirs



***When a person is seriously injured, financial pressure starts immediately. The course of treatment may be affected by the source of payment. Care that saves lives (or tries its best) costs money; lots of money.***



without me. "Snap out of it," I think to myself. "This is not about you. You have a job to do."

I need information. I need to know: What happened? Who was there? What evidence is still available? "Damn! It is raining. That could complicate things," I think to myself. Was there an investigative report from the police, fire department, ATF, or some other agency?

The injured person was working. That could be good. "Please, God! Let there be insurance. Maybe we can access a general liability, a homeowner's, a workers compensation, or auto policy? If there is insurance, I can help. Then it will depend on the evidence, the documentation and the policy limits."

I need documentation. I need investigative reports and witness statements. "Did anyone in the family make a statement?" "I wish they had called me, first. I know that months from now a team of lawyers will analyze every word. I have been on that team," I think to myself.

I need photographs, lots of photographs. I need photographs of the injured person, the family and the site of the injury. I will need photographs of any equipment or machinery involved. The experts will need photographs in order to complete their reports. I need contact information for the witnesses, employers, family members, and investigators.

I have paperwork. I need to get it signed. I need authorization to work. I need to talk with her about fees and expenses. She only has to pay us if we recover money for her family. I need for her to understand this information, even at this difficult time. I need medical releases so that I can get more documentation. I need to take mental notes. I am going to need to tell the story of this loss; of what it means to this family, and it needs to be good.

# SHOULD YOU GIVE A RECORDED STATEMENT TO AN INSURANCE ADJUSTER AFTER AN AUTO ACCIDENT?

**Adjuster:** Hi. This is Cindy from Statewide Insurance Company. I understand that you were in an accident. Is that right?

**You:** Yes, it is.

**Adjuster:** Well I am sorry about that. I am going to process this claim for you. I just need to ask you a few questions to get started. Do you have a few minutes?

**You:** Yes.

**Adjuster:** Alright. Now, I am going to record our conversation for my file is that OK?

**You:** That is fine. I have nothing to hide.

**Adjuster:** Great. Can you tell me about the accident?

**You:** Sure. It wasn't my fault. The other driver, he just ... And, then I went to the hospital.

**Adjuster:** I understand. Can you tell me, where were you coming from?

**Adjuster:** Where were you going? What were you doing immediately before the accident?

**Adjuster:** Is there anything at all that you could do to avoid the accident?

**Adjuster:** When was the very first moment in time that you saw the other car?

**Adjuster:** How far away was the car when you saw it?

**Adjuster:** How much time passed between the time you first saw the car and impact?

**Adjuster:** Now, please forgive me. I have to ask everyone this question. Had you had any alcohol to drink that day? Had you taken any drugs or medication?

**Adjuster:** Were you injured in any way?

**Adjuster:** What was injured in the wreck?

**Adjuster:** OK. Your back, neck and knee were hurt. Was anything else hurt?

**Adjuster:** Have you had problems with your neck before the accident?

**Adjuster:** Have you seen any medical professionals for these injuries?



By R. Clarke Speaks, Attorney  
Speaks Law Firm

These are just some of the questions that an adjuster will ask. Do you notice anything about the questions? Ask yourself two questions:

1. If the accident was completely and totally the other driver's fault, why do all of the questions relate to the injured person and not to the person who caused the accident?
2. The adjuster "needs" a recorded statement for her file. Oh? What does that mean?

## Questions about the Auto Accident

Shouldn't she already have a collision report in her file? Doesn't the collision report say what happened? Didn't the investigating officer perform a thorough investigation? Didn't he obtain statements, take measurements, record weather information and document road conditions? Didn't he prepare a detailed written report? Didn't he indicate clearly in that written report that the collision was caused by the other driver? What else do you need in your file?

## Questions about your Medical Treatment

Didn't the doctors and other medical professionals perform examinations? Don't they usually record their findings? Don't they usually document their diagnosis and prescribed course of treatment? Aren't the medical records readily available? Wouldn't these records be a more accurate and thorough source of information about your medical condition than asking you to answer questions with no preparation in a casual conversation?

Wouldn't obtaining those records be a better way to get the information that she needs for her file?

Would you be surprised to know that she already has the report? And she will get the medical records. So what's with all the questions?

She is fishing. All of these questions are designed to do one thing. They are designed to gather information that can be used to pay you nothing or pay you less than you deserve. It is her job to resolve this claim in a way that is best for her employer.

Insurance companies do two things. They collect premiums and pay claims. All companies seek to maximize profits. Insurance companies maximize profits by collecting as much money as possible in premiums and paying out as little money as possible in claims. Her job is to help them pay out as little as possible for claims.

Doesn't it make sense to have someone on your side? Shouldn't you have someone working for you? Wouldn't it be nice to know someone is there to make sure you are treated fairly?



***SHE IS FISHING.*** All of these questions are designed to do one thing. They are designed to gather information that can be used to pay you nothing or pay you less than you deserve. It is her job to resolve this claim in a way that is best for her employer.

What if I told you that help was a phone call away? What if I told you that we would take care of everything? What if I told you that there would be no charge for our services unless we are successful? In all my years of representing injured people, I have never seen one case where an injured person would have been better off if they had not called.



Left to right: Garron T. Michael, Ashley R. Smith, R. Clarke Speaks\*, T. Christopher Bell

  
SPEAKS LAW FIRM<sup>PC</sup>

PERSONAL INJURY

"When a person is seriously injured, financial pressure starts immediately," says R. Clarke Speaks. "The source of payment can affect the course of treatment. Quality care costs money. And, what about rent, car payments, electric bills and lunch money? People who are seriously injured are afraid for their families."

Over many years of trying cases in state and federal courts, Speaks has worked with some of the best judges and attorneys in North Carolina. "They always amaze me with their talent, creativity and dedication. Some of them may never receive any public recognition, but I have learned all that I know from these remarkable lawyers," he says.

Speaks is the author of *The North Carolina Auto Injury Book*. Another injury book, *The First 72 Hours*, is due for publication in early 2014.



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## Adjuster Advice

# 5 BIGGEST MISTAKES Made by Auto Injury Victims



R. Clarke Speaks, Attorney  
Speaks Law Firm

### 1. They talk to an insurance adjuster without a lawyer.

The adjuster knows things that you don't know. He has information that you don't have. The adjuster works for the insurance company. The adjuster's job is to save money for the insurance company by paying you less.

"What happened?" the adjuster might ask. Your answer to that question may be analyzed by lawyers later. Do you know what they will be looking for? Of course they want to know what happened. They need information for their file before they pay a claim, right? That sounds reasonable. But, what else are they looking for?

They are looking for ways to avoid paying your claim. This is what they do in every case. They do this even if the accident is 100% completely the other driver's fault. The worst mistake an injury victim can make is to think, "It was completely the other driver's fault. I did nothing wrong. I don't need a lawyer. It is just a question of how much they are going to pay me."

In the years I have been doing this work I have not seen one case where a person would have been better off if they had not called us immediately after an accident. The call is free. The consultation is free. You can get the information that you need to make good decisions and handle your claim responsibly.

### 2. They don't obtain proper medical care.

Most of us get up and go everyday whether we hurt or not. After an auto accident most people want to refuse medical treatment unless there are obvious injuries. They suffer through a couple of days or weeks hoping it will get better. Sometimes it does and sometimes it does not.

Know this. When you wait to go to a medical provider after an accident, the insurance company is happy. You may be calling everyday to update someone about your injuries. They may listen politely. They may write it down. They will tell you that they cannot give legal or medical advice and then watch in silence as you make mistakes that cost you thousands of dollars.

If you wait to seek medical treatment you are reducing the value of your claim. You have a legal duty to mitigate your damages by getting better as soon as you can. By refusing treatment, you give the insurance company a defense. They can say, "You would have gotten better sooner and required less treatment if you had sought and received medical treatment from the beginning. You did not. You are responsible for some or all of your medical expenses, pain and suffering and lost wages."

### 3. They don't document medical care properly.

Proper documentation is an essential element of every successful injury claim. The law allows compensation for reasonable and necessary medical expenses, only. Proper documentation flows from good

treatment plans. You should review your treatment plan with your medical provider and then your lawyer to insure that your medical care is properly documented.

We meticulously document each case. Properly documented cases settle more quickly and for more money. If we have adequately accessed liability and properly documented medical treatment, the case should settle quickly and for maximum value. That is our objective in every case.





#### ***4. They don't follow the advice of their physicians.***

After an auto injury, a medical provider will perform an evaluation. The provider will then prescribe a course of treatment. The course of treatment could include a surgery. Most will include office visits and home exercises. All will include instructions such as “Do this” and “Don't do that.”

Following the instructions of your treating providers is important. If you do not, the insurance company will have a defense. They will say, “You would have gotten better sooner if you had followed your doctor's instructions. You did not. You are responsible for some or all of your medical expenses and other consequential damages.

#### ***5. They try to resolve their case on their own before they hire an attorney.***

Like insurance companies, most people want to save money. Lots of people think, “Maybe I could get more money for my claim if I used an attorney, but then I would have to pay him. If I settle this claim myself, I will not have to pay an attorney. It will probably work out the same and be easier, faster and less costly if I handle it myself. After all I am smart, tough and organized.”

I understand this thought process. It sounds practical and reasonable, but it is flawed. There are too many things about this process that you don't know. The insurance adjuster has

the great advantage of knowledge and experience. There are hundreds of factors that the adjuster may use to try to reduce, eliminate or avoid paying some or all of your claim. There are hundreds of factors that may affect the distribution of any payment. What about other issues that will affect the outcome such as the Release, future medicals, and health insurance?

**We can take care of all of this and maximize your claim, minimize your expenses and put the most money possible in your pocket. What is the best decision an auto injury victim can make?**

It is best to call 910-341-7570. Ask questions? Listen to the answers. Of course I want to represent you, but the consultation is FREE. If you want to use the information that you learn in the consultation and go forward on your own, you can do that. All I ask is that you get the information first and then decide. Visit [Speakslaw.com](http://Speakslaw.com) for more information.





# CASE VALUE

By R. Clarke Speaks, Attorney  
*Speaks Law Firm*

**I**n determining the value of your claim, you must take the facts of your case and look ahead. You imagine what a jury would award if it heard the facts of your case after a trial. This is the process in every case, even though most cases never go to court.

In general, more serious injuries with greater medical bills produce higher settlement values than less serious cases with lower medical bills. Also, insurance companies will pay more for cases involving permanent injuries or death as long as these cases are properly diagnosed, treated and documented from the very beginning.



The process for calculating the value of a particular case has grown more complicated over

the years. Fifteen years ago, we (injury lawyers) used a very basic calculation to estimate the settlement value of a case. We would calculate the medical bills. Then we could demand three times medical bills as a settlement for the claim. The use of computers has changed that process forever.

Insurance companies now use computer models to calculate the value of your case. Claim data is entered into the computer, and the computer gives an estimated value or a range of values. The insurance adjuster's settlement authority is derived from that estimated value or range.

The use of this computer model has changed the way settlement values are calculated. More importantly, this process has changed the way we prepare our case. Our settlement demands are much more thorough, complete and comprehensive these days.



Today, in order to get a fair settlement for an injury case, we must identify the positive settlement factors that apply to your case. We cannot just describe these

factors orally as they will be acknowledged but ignored. We must document the factors and support them with credible legal, factual or medical evidence.

In addition, we must avoid negative factors. An example of a negative settlement factor is "pre-existing" condition. We may have to provide legal, factual or medical documentation to demonstrate that a particular negative settlement factor does not apply to your claim.

**Below you will find 15 factors that can impact the value of your auto injury claim.**

- 1. Do you have a respected lawyer?**
- 2. Was the collision clearly someone else's fault?**
- 3. Was the other driver ticketed?**
- 4. What are your medical bills?**
- 5. What are the nature and extent of your injuries?**
- 6. Should you expect future medical expenses?**
- 7. Have you lost income as a result of your injuries?**
- 8. Have any of your bills been paid by a third party, such as health insurance or Medicaid?**
- 9. Are there liens against the proceeds of your case that you are responsible for paying?**
- 10. Is there any permanent injury or loss of use of a particular part of the body?**
- 11. Did you have any pre-existing injuries?**
- 12. Did you have any particular susceptibility to injury?**
- 13. Was the responsible driver driving for his or her employer at the time of the collision?**
- 14. What are the limits of the responsible driver's insurance policy?**
- 15. Do you have any insurance coverage that may pay for some of your injuries?**

There are many other factors that may apply. It is worth repeating that these factors cannot be addressed orally over the phone. The adjuster will acknowledge the fact and then ignore it from the settlement calculations. Each factor must be supported with documentation.

In addition, all injury lawyers say they will be aggressive in getting the best result possible. However, as you can see here there is more to this process than being aggressive. In fact, a hyper-aggressive attorney can result in the unnecessary trial of your case.

Securing a fair settlement is not magic. You don't get fair compensation because of whom you know. Fair compensation is not the product of intimidation, "smooth talking," or "bulldogging." It is the result of knowledge, experience, organization, diligence and determination. It is both an art and a science. It is about using the right combination of sticks and carrots at the right times.

For the insurance company, this is not a moral analysis. They have no incentive to "do the right thing". For them this is a mathematical analysis. What is the smallest amount of money we can pay to get rid of this claim?



A respected injury lawyer can show the insurance adjuster each of the positive settlement factors that apply to your claim. He can avoid negative factors that should not apply. He can do this by making sure that your case is properly diagnosed, treated and documented from a legal perspective. Call (910) 341-7570 now for a free consultation with experienced professional. There is no obligation.





# WHY CALL AN INJURY ATTORNEY?



**R. Clarke Speaks, Attorney**  
*Speaks Law Firm*

It is 4 pm on Friday afternoon. The weather is perfect. I am finishing up with work on a beautiful day in North Carolina. I need to get out of the office.

There are some things I need to do. I am the coach of my 8 year old daughter's basketball team. After our first practice it is evident that I am in over my head. I need to develop a new practice plan and find an assistant coach quickly. I haven't been able to do those things because something happened at work, and it is really bothering me.

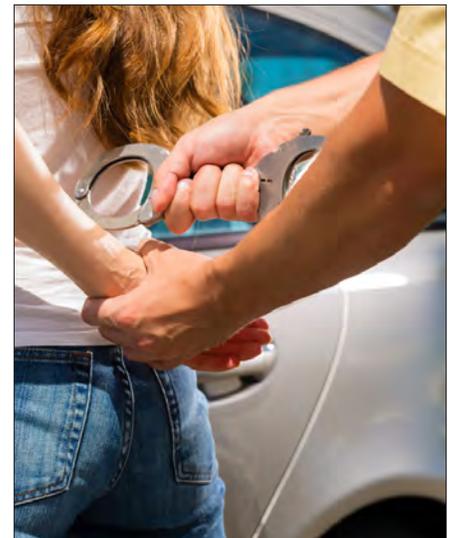
I met with a lady today. She was in an auto accident in May. She was hit from

behind. It was completely the other driver's fault, and no one disputes that. The other driver failed to stop and plowed into the back of her car. There was nothing she could do to avoid the accident. There was significant damage to both cars.

Like a lot of people, she did not want to "sue" the other driver. After all, he made a mistake. He did not mean to hit her. We all make mistakes.

She tried to handle the claim herself. I understand her thinking. She is smart. She does the books for a local business. She has raised three kids. The accident was clearly the other driver's fault. Her medical expenses were reasonable and necessary. How hard could it be?

She contacted the adjuster. She was able to settle her property damage claim. "There is still a problem with the muffler," she said. "But it is no big deal."



**During a 'casual' conversation with an insurance adjuster she made a mistake, and this mistake could cost her more than money.**

(That was the first red flag).

Yesterday, she got a call from the adjuster. The insurance adjuster told her they would not be paying any money for her injury claim. They would not pay for her medical bills, pain and suffering, lost wages or anything else.

“How can that be?” she asked. “It was clearly the other driver’s fault.”

It turns out that in one of her previous conversations with the adjuster, she made a statement. “I did not receive the medical treatment relating to this medical bill,” she had said. The adjuster had used this statement as a basis for denying her claim.

But, not only had he denied her claim, he was reporting the incident to local law enforcement as a possible criminal case of felony insurance fraud. He suggested that she could be arrested and charged with felony criminal offenses for attempting to receive compensation for medical services that she had not received

She had tears in her eyes. As she spoke, it became clear to me what had happened. You see, I know the medical provider that she had seen. I have known him for more than ten years. His kids play soccer with my kids. He is as honest as they come.

The adjuster was fishing for one statement made carelessly without understanding the implications. He was fishing for an opportunity. And when she made that statement . . . “BAM!” “Fish on! I got one!” he thought to himself. And, he did.



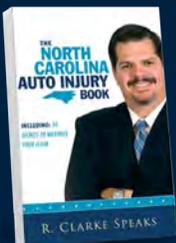
*The adjuster was fishing for one statement made carelessly without understanding the implications.*

The only “crime” she had committed was to think out loud. She tried to handle the claim herself. During a “casual” communication with the adjuster, she had not recognized the medical terminology for a particular procedure. She spoke to an adjuster, without a lawyer, and made a mistake. It was as simple as that. I feel certain the adjuster knows that. But now, he is using it against her.

The accident was completely the other driver’s fault. Yet, the insurance

company is not paying the claim. They are not even paying the medical bills. She is still responsible for the bills. And, she may be charged with felony insurance fraud in criminal court.

Above you have seen an example of something you should not do. There are dozens of things that you should do in the hours and days after an auto accident. You will discover those things in a free consultation with an experienced personal injury attorney.



**WE WROTE THE BOOK ON AUTO INJURIES**

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(valued at \$16.95).

**(877) 593-4233**



# HOW TO FIND THE BEST LAWYER FOR YOUR CASE

## A 3-step Best Lawyer Analysis

### Step 1

### Consider what other lawyers say about the lawyer.

In identifying the right lawyer for you, you may wish to consider what other lawyers think about the lawyer you are considering. Lawyers are generally in the best position to evaluate other lawyers. We see each other in action every day. We can distinguish good legal service from bad. We can recognize diligence, experience, preparation and creativity when we see it.

Avvo.com is a national website that grades lawyers based upon their experience, industry recognition and professional conduct. We recommend using attorneys with an Avvo score of 9.0 Excellent or higher. My Avvo score is 10.0 Superb. That is the highest possible score. You can find my Avvo rating on the right-hand column of our website at [Speakslaw.com](http://Speakslaw.com).



In addition, Super Lawyers identifies top rated lawyers in each state in the United States. I have been recognized as a “Super Lawyer” in North Carolina. I have also been recognized by National Trial Lawyers Top 100 Trial Lawyers. You can find these and other professional designations on our website at [Speakslaw.com](http://Speakslaw.com) or on [Avvo.com](http://Avvo.com).

*Nationally  
Recognized by:*



### Step 2

### Consider what clients say about the lawyer.

Next, you may want to consider what the lawyer’s clients think about the lawyer you are considering. Client testimonials are a good way to discover how previous clients feel about the services they received from the lawyer and his staff. This information can be very useful in identifying the right lawyer for you.

Below you will find “Client Testimonials” from clients we have represented. You can find more “Client Testimonials” at [Speakslaw.com](http://Speakslaw.com), [Avvo.com](http://Avvo.com) and [Speakslaw.com](http://Speakslaw.com) Google Reviews.



## Client Reviews:

Dear Mr. Speaks,

Words are inadequate to express how grateful my children and I are for the professional way you handled this case. We feel so blessed with the outcome of this situation. I would also like to personally thank you for your patience and fortitude with us. Please extend my thanks to your wonderful staff. They were always so cordial and professional. Again, Mr. Speaks, thank you for all you did.

Sincerely, K.L.C.

Dear Clarke:

We know it is what you do (and you do it very well) but we just wanted to express our gratitude for how you helped Dustin. The whole experience has shed some light on reality for him. We are sure the final outcome would not have been as favorable if you were not there for Dustin. Your staff has been very kind, helpful, patient and very easy to talk to. Thank you all for helping Dustin and myself when we needed you the most.

D.R. and S.Y.

## Professional Review by a Previous Client:

Mr. Speaks and his entire team went above and beyond to help me in settling a claim after my not at fault head-on car crash. The lady that injured me had our state's minimum coverage and I was very concerned that I could come out of this situation owing money to health care providers even though it was not my fault! Mr. Speaks was able to get me a settlement that was not only fair, it exceeded my expectations. All my medical bills were paid. I was even able to get paid for some of the pain and suffering that I went through and continue to deal with. I highly recommend Mr. Speaks and his team. You would be hard pressed to find a more knowledgeable and caring attorney. I pray that I am never in this situation again. But if I need legal representation, my one and only call will be to Mr. Speaks.



### Step 3

## Consider what you think after a free consultation.

Finally, you will want to determine what you think about the lawyer after a consultation. Most lawyers do not charge a fee for the consultations regarding injury claims. At the end of the consultation, you should feel like you can make an informed decision about whether this is the right lawyer for you.

You can call (910) 341-7570 or (877) 593-4322 or go to [Speakslaw.com](http://Speakslaw.com) to arrange a FREE preliminary consultation.

However you choose to contact us, we can consult with you about your case. During the consultation, we will gather information about your issue, give you relevant legal information, and suggest a strategy that is designed to generate an optimal outcome.

— By R. Clarke Speaks  
Attorney, *Speaks Law Firm*





## THE LAW IN NORTH CAROLINA

### CELL PHONES

- All drivers under 18 are banned from using cell phones while driving. Dialing 911 in the case of an emergency is the lone exception.
- School bus drivers are prohibited from using cell phones.

### TEXTING

- School bus drivers are prohibited from using cell phones.

# Practice SAFE TEXT

By R. Clarke Speaks, Attorney  
*Speaks Law Firm*

The use of mobile phones by those driving cars causes countless injuries and deaths. North Carolina legislators have enacted a law that prohibits teens and school bus drivers from using cell phones. All drivers are banned from texting. But, are these laws making our streets any safer.

A new study reveals that the North Carolina ban on texting while driving is failing, due to teenagers who are ignoring the law.

In 2005, North Carolina enacted a cell phone ban for teenage drivers. Now, researchers from the Highway Safety Research Center at the University of North Carolina at Chapel Hill have concluded that teens simply are ignoring the law. Their report, which was published recently in the academic journal *Accident Analysis and Prevention*, is based on observing the behavior of 5,000 teen drivers as they left high school parking lots.

The researchers found there was a slight decrease in texting immediately after the ban was enacted, but that teen texting while driving had increased by 40 percent by 2008. Although the researchers collected no data after that year, Arthur Goodwin—the lead investigator for the study and a senior research associate at the Highway Safety Research Center—told reporters that the rate of cell phone use and texting by teen drivers probably is still higher today.

A recent AT&T survey of teen attitudes found that 43 percent of teen drivers admitted to texting while driving, even though almost all of them—97 percent—admitted that the practice is dangerous. They're certainly right about the last part. The U.S. Department of Transportation says that over 3,000 people were killed in distracted driving traffic accidents in 2010. The specific impact of texting while driving is immense: "Text messaging creates a crash risk 23 times worse than driving while not distracted," according to the Transportation Department's website devoted to distracted driving prevention.

So, why is the North Carolina initiative falling flat? State Senator Stan Bingham, who was one of the original sponsors of the bill to ban teenage texting, told reporters that the law is conceptually flawed and may need to be revised.

"We've passed a law that's impossible to enforce," Senator Bingham said. "This study will be used to aid future legislation."



*A recent AT&T survey of teen attitudes found that 43 percent of teen drivers admitted to texting while driving, even though almost all of them—97 percent—admitted that the practice is dangerous.*

Although cell phone use by a teenage driver is a primary offense—which means a vehicle can be stopped and a citation issued for the use of a cell phone even if the driver is not violating any other laws—the law is rarely applied. The State Highway Patrol issued only 22 citations for the offense in 2011.

One problem is that the law applies only to teenagers under age 18. When a police officer observe a driver using a cell phone, it is not immediately evident

whether the driver is so young that the law applies.

As concerned citizens and North Carolina auto accident lawyers, we must continue to try to deliver the message to teens (and adults) that they should not do something they know to be unsafe. Like learning to drive a car, behaving responsibly is part of the transition to adulthood. **That is the motivation behind our public safety initiative: Practice Safe Text.**

The billboard is set against a blue sky with clouds. The main text is in red and blue. A red banner at the bottom contains the phone number and website. On the right side, there is a photo of a man in a suit and a book cover.



# FOR IMMEDIATE ANSWERS TO INJURY LAW QUESTIONS

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## Call

(910) 341-7570  
(877) 593-4233

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