

The Secrets to

# **WIN THE MAXIMUM**

For Your Collision & Injuries

How to handle sneaky adjusters,  
medical mazes, and insurance  
company tricks

Written by Injury Attorney

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[www.skauglaw.com](http://www.skauglaw.com)

# **CAR WRECK & PERSONAL INJURY GUIDE**

**The secrets to win the maximum  
for your collision & injuries**

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**On top of your injuries you are most likely dealing with dozens of other problems.**

From my experience helping thousands of injured clients since 1992, I know this can be a very vulnerable time.

You may be afraid you can't:

- ◆ Pay your bills.
- ◆ Get a doctor who can help.
- ◆ Have the surgery you need.
- ◆ Get back to work.
- ◆ Keep the wolf from your door.

This guide will help you grapple with serious injury claims from a car wreck, including:

- ◆ What to expect.
- ◆ Answers to the most asked questions.
- ◆ How to protect your rights.

Every reasonable effort has been made to ensure the information presented here is correct. It is impossible to address every conceivable situation in a small guide like this.

No booklet can teach the legal analysis sometimes required in traffic collision cases. Laws change and a specific rule of law may be important to your case.

**You should talk with an attorney to confirm your chosen course of action is the right one for you.**



## **There Are No Accidents**

I don't believe there is such thing as a traffic accident.

But I do believe in distracted drivers, judgment errors, driving mistakes, faulty equipment and irresponsibility.

Every person in a traffic collision is either an injured victim (not at fault), a defendant (person at fault) and/or a witness.

As an injury victim you will be seeking recovery for your medical bills and for repairing or replacing your vehicle and other property.

You will be facing a group of opponents who want to limit your claims for compensation.

**Any mistake you make can hurt your case and reduce the money in your compensation.**





## What's Really Going On At The Insurance Company

Insurance companies, even your own, are in business to make money for their shareholders. Insurance companies lose money when they are forced to pay for claims.

They use a number of tactics to minimize compensation or keep from paying any claims.

While personal injury attorneys are often accused of being ambulance chasers, it is the insurance companies who show up in the hospital after a car wreck, pressuring seriously injured victims and their families to agree to settlements far below what they are entitled to receive.

- ◆ **Insurance adjusters try to corner injury victims in audio-recorded statements.**
- ◆ **Insurance companies send patients to doctors of their own choosing.**
- ◆ **Insurance adjusters often undervalue vehicle damage claims.**

I often hear from people about how the insurance adjuster, who seemed like such a nice person before, suddenly turned and demanded they take or leave their lowball offer.

Do not let insurance company tactics keep you from the treatment you need or from winning full compensation.

In Idaho and Oregon, almost all auto policies have Medpay or PIP coverage.

Your premiums pay for this coverage.

But your own insurance company may not tell you that your Medpay/PIP coverage will pay your medical bills.

Your insurance company will be reimbursed from any settlement or lawsuit against the other driver. Your premiums should not go up for making a Medpay/PIP claim.

**Do not give ANY recorded statements to an insurance representative or anyone else until you have had a free consultation with an attorney and understand your rights.**

Whether you hire a lawyer or not, you should recover FULL compensation for your injuries, losses and damages.



## Preparing For The Days Ahead

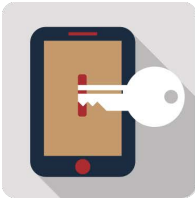
Anyone seriously injured in a traffic collision will accumulate other bills that cannot be kept current. Here are some actions you can take to prepare for a temporary period of financial hardship.

Ask your doctor for his or her best estimate for how long you will be unable to work. Make changes in your spending to survive your unemployed period until your normal income resumes.

Some people move to less expensive housing or move in with family or friends. Some people sell a vehicle to eliminate payments.

**The key is to take action NOW, before things get really bad.**

At Skaug Law, we work to hold off your creditors until you receive compensation, but cutting expenses may still be necessary.



## **Can I Get** **Legal Compensation?**

Generally speaking, if you have been injured and someone else is at fault, you are entitled to recover the cost of medical treatment, repair or replacement of your vehicle, wage loss, pain and suffering and loss of enjoyment of life.

**Pain and suffering includes:**

- ◆ Physical pain as a result of injuries.
- ◆ Emotional trauma such as fear, worry and grief.
- ◆ Sleeping problems.
- ◆ Inconvenience and hardship.
- ◆ Decreased quality and enjoyment of life.



## **What If I'm Not Getting The** **Medical Treatment I Need?**

Injured people often find they are declined for treatment or surgeries they feel they need.

Others see little progress in physical recovery even though they carefully follow the doctor's plan.

Insurance company doctors don't like to bite the hand that feeds them and can save the insurance company money by denying treatment options to injury victims.

**If you suspect your doctor is blocking your recovery, consulting an attorney can help you break through to get the correct treatment you need to recover.**



## **How Do I Cover My Medical Costs?**

The responsible party's auto insurance carrier will usually refuse to pay your medical bills until a final judgment or settlement is reached.

This may take many months and will put you in the position of finding other ways to pay or defer your medical bills.

Standard in most automobile policies is medical payments coverage (Medpay or PIP).

If you have this coverage, it will generally pay your medical bills up to the limits of your coverage, regardless of who was at fault.

Ask your medical provider to send bills directly to your insurance company.



If you have a good lawyer, your auto insurance company may be reimbursed at the conclusion of your case, so your premiums should not go up.

If you have Medicare or Medicaid, tell your medical providers to bill them for all of your medical care.

Many hospitals will resist billing Medicare or Medicaid because they will be paid less. But you should insist they bill them.

Otherwise, you will be billed personally and it may take many months for your case to resolve.

When you receive compensation for your injuries at the end of your case, Medicare and Medicaid have a right to recover expenses they paid for your care.



## **WHAT IF I CAN'T AFFORD MY MEDICAL TREATMENT?**

Most injured people receive the treatment they need, even if they are financially challenged.

You may need the help of an injury attorney to guide you through the maze of payment alternatives.

Your attorney may also be able to make arrangements where the doctor agrees to provide care and be paid from any recovery you receive later.

**Do not sign a medical information release for the other driver's insurance company.**

This can lead to them interfering with your medical care and accessing medical information unrelated to your car wreck.



## **WHAT IF THE INSURANCE COMPANY WON'T PAY MY BILLS?**

Sometimes the other driver's insurance company may take care of your initial expenses to show they want to help and then refuse to pay more bills unless you agree to settle your case for a low amount.

Some insurance companies may require you to pay your medical bills and then reimburse you.

A health insurance company may also reject some of your injury claim bills because they want another liable party to pay the bill.

You should talk with an attorney if the other party's insurance company refuses to pay or rejects your claim.

A good attorney can make them pay.



## **WHAT SHOULD I TELL MY DOCTOR ABOUT MY INJURIES?**

Injuries can be hidden at first.

If they are not noted by a physician, it may be hard to recover compensation for them.

Rotator cuff tears in the shoulders, spine injuries and concussions are frequently missed in the emergency room.

Tell your doctor your first priority is getting better and you will do whatever it takes to make a complete recovery.

Give your doctor as much detail as possible about your injuries, without exaggerating.

Show what portions of your body were struck and any bruises.

Describe any soreness. Include whether you lost consciousness and if you are having vision or memory problems.

Be prepared to describe your pain:

- ◆ sharp or dull?
- ◆ burning, tingling or numbness?
- ◆ how long does it last?
- ◆ what activities aggravate the pain?
- ◆ what medications have helped?



## **Should I Try To Deal With The** **Insurance Company Alone?**

Although a few people choose to work their injury case on their own, we don't recommend it.

Ask yourself, how well have I done anything the first time I tried it? Riding a bike? Swimming? Public speaking? Algebra?

Studies show people who hire a good attorney recover much more for themselves and are spared all the hard work that goes into winning a case.

If you do attempt to represent yourself, be aware you are facing professionals who fight cases like yours every day.

**If you have serious injuries, there is too much to risk to go forward without professional help.**

The insurance companies have lawyers protecting their interests. You need the same protection.

Even though the other driver was at fault and is responsible for your expenses, you likely will not get a full financial recovery on your own.

An experienced attorney can get you full compensation, benefits and justice.



## **SHOULD I GIVE THE INSURANCE COMPANY A STATEMENT?**

Anything you say can be used against you to limit your claim.

Tell the insurance company, I need to speak to an attorney before giving any statements.

Most personal injury attorneys offer a free consultation.

You may be obligated to give a statement to your own insurance company.

If you do give them a statement, you should request a copy of the audio and the transcript.



## **WHAT IF THE OTHER DRIVER IS NOT INSURED?**

If the at-fault driver is not insured, you can make a claim under the Uninsured Motorist coverage of your own policy.

Your claim cannot exceed the limits of that policy.

At that point, your own insurance company becomes your adversary (enemy) as they usually try to minimize the payment on your case.

If you do not have Uninsured Motorist coverage, your only option is to attempt to recover damages from the driver or owner of the vehicle who caused the crash.

You will probably not be able to recover significant money from an uninsured person because they can file bankruptcy on any amount they owe you.



## **Collecting Evidence** **About The Collision**



### **SHOULD I GET A COPY OF THE POLICE REPORT?**

Yes, as soon as possible. The police report will provide valuable information that may help you deal with an insurance company or the other driver.



It will include things like collision point, skid marks, measurements and other evidence that may show which driver was at fault.

Most police reports are available within 3-4 days.

You can get a copy for a nominal fee at the law enforcement office that responded to the wreck.

Ask for it by number, or by giving the names of the drivers and the date and location of the crash.

If you see an inaccuracy in the collision report, tell the police officer about the mistake, in writing and by telephone, so the report can be amended.



## **WHAT ABOUT PHOTOS?**

I hope you had a free copy of the Skaug Law Accident Checklist in your car and used it to cover your bases at the scene of the crash. (If you don't have one in every vehicle, contact our office for free copies.)

To quote from our checklist: take as many pictures as you can.

Photos of visible injuries, close-ups of damage, different angles and wide shots showing the entire scene are all helpful in winning your case.



## **WHAT ABOUT WITNESSES?**

Witnesses and their contact information are usually listed in the police report.

Witness statements can be important to your case.

Taking a statement requires skill and should be done by someone experienced in handling personal injury cases.



## **Getting Your Car Back**



## **WHAT ABOUT A RENTAL CAR?**

If the other driver is at fault and your car is not safe to drive, you are entitled to a rental car or compensation for the loss of use of your car until it is repaired or replaced with a check for the fair market value of the vehicle.



## **WHAT ABOUT TOWING AND STORAGE OF MY VEHICLE?**

You have the right to choose who tows your vehicle from the accident site.

If you have a towing company you prefer, be sure to have their contact information in your phone and with your glove box paperwork.

If your vehicle is towed, make sure you communicate with **BOTH** your insurance company **AND** the towing company.

Some insurance companies are slow to process a new claim and the daily storage fees plus towing **ALWAYS** is the responsibility of the vehicle owner. It adds up quickly.

If insurance pays, you will be fine. But if they don't, it falls on you to pay for **ALL** towing and storage fees.

Don't assume your insurance company is taking care of everything. Contact them and the towing company to expedite the time it takes to get your car back.



## **CAN I HANDLE MY OWN PROPERTY DAMAGE CLAIMS?**

When you are injured in a collision that is the other driver's fault, your injury claim is handled separately from your vehicle damage claim by the insurance company.

It can take many months to win your injury case, while your vehicle damage claim can be resolved in a short amount of time.

In most cases, you can quickly and fairly settle your vehicle claim on your own.

If you choose to work with Skaug Law on your injury claim, we will handle your vehicle claim for you at no charge, unless your vehicle claim becomes part of your injury lawsuit in court.



### **IF I HANDLE MY CLAIM ON MY OWN, WHO WILL I BE DEALING WITH?**

To get your car repaired or replaced, you will be working with property damage adjusters or appraisers from the insurance companies-- both your own and the other driver's.

You will be given a claim number and directions on where and when your car will be inspected.



### **WHAT DAMAGES AM I ENTITLED TO RECEIVE?**

If your vehicle can be repaired, the amount you can collect from the other driver or his insurance company is the reasonable cost of repairs.

If your repaired vehicle is worth less because it was wrecked, you are entitled to the difference in the vehicle's value.

A lawyer can help you collect on this. It is called diminution of value. Most people fail to make this claim.

You cannot collect for the hassles you may have on a property claim.

Things like the time you must take off from work to obtain estimates, dealing with the repair shop and negotiating with the insurance company do not qualify for compensation in your property damage claim.



### **SHOULD I USE MY OWN COLLISION COVERAGE?**

Your collision coverage is a quick way of getting your car repaired.

You will have to pay the deductible, but your insurance company will go after the other driver's insurance company to recover the collision payment for itself and the deductible for you.



### **WHAT IF THE OTHER DRIVER'S INSURANCE COMPANY IS SUPPOSED TO REPAIR MY CAR?**

If you don't have collision coverage, or if you are not willing or not able to pay your policy's deductible, you can seek to have the at-fault driver or his insurance company pay your damages. They may be cooperative.

If your car is drivable, they may ask you to go to a drive-in claims office for an appraisal.

If the car is not drivable, you should tell the adjuster where your car is located so the adjuster can inspect it.

Let the adjuster know if the car is being stored and the amount of the storage charges.



## **CAN I CHOOSE THE BODY SHOP TO REPAIR MY CAR?**

You have the legal right to choose the repair shop for your car. The insurance company is only required to compensate you for reasonable repair costs.

If the repair estimate from the insurance company's body shop estimate is far lower than the estimate from your shop, you can ask your shop discuss their estimate with the insurance adjuster.

OR, you can ask your repairman to review the insurance company's estimate and point out to you why that estimate is unreasonably low.

Discuss this information with the insurance adjuster to see if you can get them to raise their low estimate.

If you can't reach an agreement, you can either accept the insurance repair estimate or pay your repair shop to do the



work and then file a lawsuit against the responsible party for the cost of repairs.

You may even need to file a lawsuit against your own insurance company if you are making a claim under your collision insurance.



### **WILL NEW PARTS BE USED TO REPAIR MY VEHICLE?**

You are entitled to have your car repaired to its pre-crash condition. Unless your car is brand new, it is full of used parts. This may mean that used, like, kind and quality (L.K.Q.) parts may be installed.



### **DO I HAVE TO SIGN A RELEASE?**

When you receive money for car damages, you may need to sign a release giving up any future claims against the other driver and the insurance company for the property damage to your car.

Inspect and test drive the vehicle before making the final payment to the repair shop to make sure there are no visible defects or problems.

**Read the release form you sign. Make sure it is limited only to property damage and does not give up any other claims you may have, including claims for bodily injuries.**



## **WHAT IF MY CAR IS “TOTALED?”**

Sometimes the cost to repair a vehicle is more than the fair market value of your car.

The insurance company is only required to pay the actual cash value of the car on the open market, not what you feel it was worth to you.

If your car is totaled, you are entitled to the difference between your vehicle's value before the wreck and its salvage value (if any) after the collision. Some body shops will agree to repair a totaled vehicle for the amount paid by the insurance company.



## **HOW IS CASH VALUE DETERMINED?**

Insurance companies use computer records of sales of vehicles like yours-- same year, model, options, condition and mileage-- and use those records to set the value of your vehicle.

You should also learn what your car was worth before the crash. Check resources like:

- ◆ N.A.D.A. Guide, <http://www.nadaguides.com/>
- ◆ Kelley Blue Book, <http://www.kbb.com/>
- ◆ Classified ads on Craigslist and in the newspaper
- ◆ AutoTrader, <http://www.autotrader.com/>
- ◆ Car dealers
- ◆ Vehicle appraisal services

Once you have a good idea of the range of the value for your car, you can negotiate the amount you will accept within this range. The at-fault driver's insurance company must also pay applicable tax and license fees.



## **WHAT IF I OWE MORE THAN THE ACTUAL CASH VALUE OF MY CAR?**

If you are upside down, owing more on your car loan than the fair market value of your car, the insurance company is only obligated to pay the actual cash value to your finance company.

You will still owe the difference to the loan company.

If you are in this situation, you can:

1. Disagree with the value the insurance company gives your car. You can negotiate with the adjuster using your research from the resources mentioned above.
2. Use another car as collateral. Some lenders will allow you to use an essentially comparable vehicle as collateral on your existing loan and let you finish paying off the loan.

This is called substitution of collateral.

It is up to you to propose this solution to your lender and find a replacement car which matches the totaled vehicle.



## Seeking The Advice Of An Attorney

If you are injured from a car wreck, you are taking great risks if you move forward without professional help.

Your opponents, the insurance companies, have lawyers protecting their interests. You need the same protection.

With an attorney, you will no longer be facing the insurance specialists alone. You will have the experience of your own legal and investigative team on your side.

One of the rewarding parts of an attorneys job is getting his/her client much more money than they expected. The right attorney can get you full compensation, benefits and justice.



### HOW DO I FIND THE RIGHT LAWYER FOR ME?

**Good reviews.** Google the law firm, look at their ratings and read the client reviews.

**A local, experienced law firm.** Many firms make themselves appear to be local, when in fact most of their attorneys and legal staff are out of state.

**Provides the answers I seek.** Visit the law firm's web page to see how they communicate. Do they offer free and helpful information for your questions?

**Respected for their integrity and success.** Ask people you know. Also, see if there are unsettled complaints with the Better Business Bureau. (<http://www.bbb.org/>)

**Speaks plainly, connects with me and gives clear advice.** Most injury lawyers offer a free initial consultation. At Skaug Law, you can speak with an attorney on your first call and continue with that lawyer until you win your case.



## **LAWYERS TO AVOID.**

Some law firms cherry pick injury cases and settle them as quickly as possible. They recover less money, but make money for themselves by turning over a high volume of cases.

This high-volume/quick-settlement scheme does not give their clients the best results. You should also avoid ambulance chasers-- the lawyers who show up in your hospital room or at your door, eager for you to hire them.

Reputable lawyers do not show up uninvited. Quality attorneys are too busy winning cases to spend time cold-calling injured victims.



## Meeting With An Attorney

Having a meeting with an attorney does not obligate you to hire them for your case.

During your meeting, complete your evaluation of whether he or she cares about you, gives clear advice and should be the one to represent your case.



### WHAT SHOULD I LOOK FOR DURING MY FIRST MEETING?

- Took my situation seriously and cares about me.
- Answered my questions clearly.
- Office appears well organized.
- Has support staff to keep things moving.
- Has trial experience in car wreck and injury cases.
- Wins for their clients.





## WHAT SHOULD I BRING TO THE MEETING?

- ◆ A copy of the police report.
- ◆ Your auto insurance policies.
- ◆ Contact information on the other driver.
- ◆ Name of the other driver's insurance company.
- ◆ Witness contact information.
- ◆ Medical records related to your injury.
- ◆ Photos from the collision.
- ◆ Newspaper clippings or printed web pages about it.



## HOW TO PAY NOTHING UPFRONT AND TRIPLE YOUR COMPENSATION

Most injury lawyers work on a contingency basis, which means you don't pay any fees unless they win for you.

Charges are settled at the end of your case and you only pay attorney fees if you win.

**The best way to triple your compensation is to hire a lawyer.**

An insurance industry study revealed **people who hired a lawyer received an average of more than 3.5 times more money in their pocket - after paying their attorney - than victims who did not hire a lawyer.**

In collision injury cases, most law firms are paid  $33 \frac{1}{3}$  of the compensation they recover for you.



## **WHO IS SKAUG LAW?**

The Skaug Law team has helped thousands of injury victims receive maximum compensation.

Since 1992, we have been building a legacy as Idaho's preeminent injury law firm by caring for people and helping them fight against insurance companies and corporations.

We exist to recover maximum compensation, benefits and justice for every client.

There is no charge to talk with us. We are paid a fee only when you win your case and you collect.

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**about the**

# **AUTHOR**

A native of southern Idaho, Bruce Skaug's ancestors homesteaded near Lizard Butte in Canyon County.



Bruce graduated from the University of Idaho College of Law in 1988 and served for three years as a trial attorney for the Ada County Prosecutors Office in Boise.

In 1992, he began civil practice with the Goicoechea Law Office in Nampa with an emphasis on personal injury, wrongful death and workers compensation litigation.

After 23 years of successfully representing injured people, and gathering a growing team of attorneys and support staff, Bruce changed the law firm name to Skaug Law, PC.

Bruce has recovered millions of dollars for his clients in verdicts and settlements.

Bruce and Debbie Skaug have been married for over 30 years. They have six children and four grandchildren.

You can see Bruce's full C.V. at [www.skauglaw.com/attorneys/bruce-d-skaug/](http://www.skauglaw.com/attorneys/bruce-d-skaug/)

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for your injury.

- ⇒ Arm & protect yourself with the facts.
- ⇒ Break through insurance company roadblocks.
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