PERSONAL INJURY CLIENT HANDBOOK

If You or a Loved One Has Been in an Accident, We Are Here to Help
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A LETTER FROM THE FOUNDING LAWYER

As a valued client of our firm, we want to thank you for putting your trust and confidence in us to get you through a situation which, we understand, can be very stressful perhaps even traumatic.

To alleviate some of the stress and confusion that often accompany an injury claim, we want to give you peace of mind by outlining what you can expect when involved in an accident and as we manage your case.

This Handbook is designed to provide you with as much relevant information as possible so that you will understand how the process works and what we are doing on your behalf.

Since our primary focus is to get you the highest possible settlement, here are some things to remember:

- The majority of your lawyer’s time is spent in the courtroom or on the phone with insurance companies, which means they won't always be available when you call.

- Our staff is experienced and trained to answer many questions you may have. If there is a question they cannot answer on the spot, they will find the answer and get back to you as quickly as possible. They work under the direction of a lawyer to perform a variety of tasks on your behalf, principally the investigation of your injury claim.

- Our lawyers and staff form a highly skilled team to investigate, prepare, and present your case to the insurance carrier for settlement or before a court. Your cooperation with each member of the team is essential to achieving the best result possible in your case.

- When you call us with an important question, you can be assured we are looking for the correct answer. Since there may be many people that we need to speak with regarding your injury, it may take time before we are able to get all the information we need. Please do not confuse a delayed response to your phone call or question with not making you a priority. I can promise you someone is working hard to obtain the information you need before getting back to you!
Please keep us informed of any changes in your address or phone numbers or any court notices you receive.

Please respond as quickly as possible to our calls or letters; they often concern a time-sensitive matter requiring your prompt response.

We are proud to represent you and committed to producing the best possible outcome.

Should you, or someone you know, ever need our help now or in the future, we are experienced at successfully handling cases involving all criminal charges, personal and work-related injuries, and many other legal issues.

With sincere thanks,
Donald C. Turner
OUR PRINCIPLES

For Our Clients: We offer loyalty, excellence, diligence, and good judgment. We strive to represent you as we would want to be represented and to be worthy of your trust.

For Opposing Parties & Counsel: We offer fairness, integrity, and civility. We will strive to make our dispute a dignified one.

For the Courts: We offer respect, candor, and courtesy. We strive to do honor to the search for Justice.

For Colleagues in the Practice of Law: We offer concern for your welfare. We strive to make our association a professional friendship.

For the Profession: We offer assistance. We strive to keep our business a profession and our profession a calling in the spirit of public service.

For the Public: We offer service. We strive to improve the law and our legal system, make the law and our legal system available to all, and seek the common good through the representation of our clients.
WHAT TO DO IF YOU’VE BEEN INJURED IN AN ACCIDENT

Remaining at the Scene of the Accident
Your first step is to ensure you are safe. Being able to follow the remaining recommendations will depend greatly on how injured you are. If you are able, check on others’ safety and call an ambulance if anyone is injured.

You should not leave the scene of an accident before speaking with emergency responders – an ambulance paramedic or police officer. If you are the one to call 911, tell the operator your name, location, how many people and cars are involved in the accident, and how many people are injured. When possible, make sure your car is not creating a hazard to other motorists. If you cannot move your car, turn on your hazard lights or place your hood or trunk up, then call the police.

Make sure to collect the names, addresses, and phone numbers of the others involved in the accident, and of any potential witnesses. It would also be a good idea to take pictures of the accident scene, including to all involved cars, people at the scene, skid marks, and road obstructions.

Again, the most important thing is your safety.

Talking to the Police
When involved in a car accident, it’s best to limit yourself to discussing simply the facts of the accident. Under no circumstances should you tell the police that you are to blame for the accident or make accusations as to who is to blame.

Seeking Medical Attention
Your health and family come first. You should see a doctor even if you feel no pain right after the accident. Injuries can take days or weeks to fully manifest themselves. Professional healthcare providers can give
helpful medical advice and detect the signs of soft tissue trauma or more serious injuries.

Mention any pain or discomfort that you may have. If you did not cause the accident, you are allowed to seek and receive compensation for any medical expenses you might have incurred after the collision.

Choosing a Lawyer
Now is not the time to go it alone. A lawyer can assist with small claims but is essential for any personal injury claim where you suffered significant injury or other losses. We mention this here because the sooner you choose a lawyer, the more they can help you. Later in this booklet, we describe in detail all that the Don Turner Legal Team will do to help your case.

Keeping Good Records
Collect and keep safe as much pertinent information about the accident and your injuries as you can. Resolving a personal injury claim is not unlike solving a mystery. Resolution of the claim requires full understanding and presentation of all the facts about what happened—how, when where, who was involved, and all the pertinent circumstances surrounding the accident. Our memories are much better shortly after an occurrence than months later. Writing down and obtaining all pertinent information right after the accident will assist you and your attorney in reconstructing the events surrounding the accident and in presenting them to the insurance adjuster and the court.

Maintaining Your Confidentiality
Do not discuss your claim with non-privileged personnel. Do not post anything about your accident or medical condition on any social media site. Statements you make to any attorney or staff member of the Don Turner Legal Team in the course of our attorney-client relationship are privileged and confidential and may not be shared with others without your permission. Statements you make to most other persons are not. Discussing the accident and extent of your injuries and property damage with the insurance adjuster for the other party’s insurance company can compromise your claim. You can also weaken your claim through conversations with friends or posts on social media for example. The less you say to anyone other than your lawyer, the better.
Contacting Your Insurance Company
You should notify your insurance company of the accident immediately if you can. Failing to report in a timely manner can result in loss of coverage for the accident. When talking to them, however, you should only provide the facts of the accident. *If you already have a lawyer, information should come directly from their office, including medical records.*

Notifying the Other Driver’s Insurance Company
You should report the accident to start the claim process, but you are not obligated to talk to the other driver’s insurance company about any details of the accident. The insurance company can use your statements against you in negotiations or litigation. You should let us handle all these communications.

What if they want to speak with me? Since you are not required to speak with the other driver’s insurance company, you can simply and politely decline to speak with them and give them our name and number.

What if they are asking for medical records? Your medical records should not be given directly to the other driver’s insurance, nor should you give them a medical authorization. Doing so might allow them to obtain any and all medical records, which could be used later against you. *Again, let us provide the appropriate information.*

Should I fill out their forms? If the other driver’s insurance company is asking for you to complete certain forms surrounding the accident, you are under no obligation to cooperate with them. Please forward all correspondence from them and forms to us.

Getting My Car Repaired
Depending on the type of coverage you carry with your auto insurance, you might be able to contact your own insurance about repairing your car. If you have the right coverage, they should pay the repairs to your automobile and will later seek reimbursement from the at-fault driver’s insurance company.

Normally, the at-fault driver’s insurance company should supply you with a rental car if your vehicle needs repair due to the accident. However, if you have rental car coverage in your insurance policy, you should contact your insurance about receiving a rental car through them and let them seek reimbursement from the other driver’s insurance company.
ELEMENTS OF YOUR PERSONAL INJURY CLAIM

A valid personal injury claim consists of several key elements outlined below.

Coverage
Insurance companies will often make a determination whether or not there is coverage for the accident incident. This means they will determine if they at-fault driver or responsible party is entitled to protection under the insurance policy. While making this determination, insurance companies may send out letters informing insured parties, or others, that coverage under the policy is being evaluated or even “reserved.” Should you be informed of this or even receive letters from an insurance company indicating this, please bring this to our attention and speak with us immediately.

Liability
The liability component of a case generally requires proof that one or more of the other parties to the accident was at fault. Each of us owes a duty to those around us to exercise reasonable care to prevent foreseeable harm. Failure to exercise that care is carelessness or negligence. In most car accident cases, proof of another party’s liability requires a showing that they were reckless or otherwise negligent at the time of the accident. Negligent conduct can arise from acts of commission or omission. Sometimes fault can be shown by proof that the other person engaged in conduct that was reckless or even criminal, such as driving under the influence, speeding, disregarding a sign or signal, or some other traffic violation. Although less common, people are also liable to others against whom they commit a wrong that is intentional.

The liability component of a case also requires proof of causation. This simply means that the other person’s conduct is the factual and legal cause of the accident, and that the losses you suffered must have resulted from the accident.
Comparative and Contributory Negligence

When more than one person is responsible for an accident, any one of the careless parties is responsible for compensating you fully for your injuries. This is to your advantage. For example, if the carelessness of two drivers contributed to the accident that caused your injuries but only one was insured, we would file your claim against the insured person for the full amount. The two at-fault drivers would then decide between themselves whether one should reimburse the other.

What If I Am Partly at Fault?

Even if you partly caused an accident, you might still be able to receive compensation for damages from someone else who also partly caused the accident. The percentage of compensation would be based on the degree to which you and they are considered liable. This rule is called comparative negligence. If your own carelessness substantially contributed to the accident, called contributory negligence, you might be prevented from receiving compensation. There is no formula for assigning the relative weight of responsibility -- this would be negotiated with the insurance adjuster or argued before a jury.

Damages: Determining How Much Your Claim Is Worth

A valid claim also requires proof of damages. Damages are the monetary compensation awarded to persons who have sustained real injuries or losses as a result of someone else’s negligent or unlawful conduct. These often include:

- **Medical Treatment:** Reimbursement for the cost of medical treatment associated with the accident, such as an ambulance trip, x-rays, hospitalization, chiropractic treatment, medication, and physical therapy. These costs may sometimes include anticipated future medical treatment.

- **Lost Income:** You may be entitled to compensation for the accident’s impact on salary and wages -- not only income lost due to time away from work but also for the loss of earning ability in the future due to the accident.

- **Property Damage:** Reimbursement for damage to vehicles, clothing, or other items.

- **Pain and Suffering:** You may be entitled to get compensation for pain and serious discomfort that you suffered during the accident and in its immediate aftermath and also for any ongoing pain that can be attributed to the accident.
- **Emotional Distress**: Serious accidents are traumatic events. You may be entitled to emotional distress damages for the psychological impact of an injury such as fear, anxiety, and sleep loss. This may be treated as a component of your pain and suffering damage.

- **Loss of Enjoyment**: Compensation for the impact on enjoying day-to-day activities such as hobbies, exercise, and other recreation.

- **Loss of Consortium**: If your injuries have impacted your relationship with your spouse such as a loss of companionship or an inability to maintain an intimate relationship, you might be entitled to compensation for this loss.

### Punitive Damages in Personal Injury Cases

In cases where the other party’s conduct was extremely reckless, wanton, or malicious, the award may include punitive damages. Awards for punitive damages are above and beyond those needed to compensate the victim. They are aimed at punishing the wrongdoer and making an example of his or her conduct to discourage similar conduct by others in the future.

### Your Effect on Damages Awarded

Your role in causing the accident and your actions after being injured can potentially reduce the damages that you are awarded. We’ve already mentioned comparative and contributory negligence in the previous section.

You may also fail to take appropriate action after the accident. It’s important that you take reasonable steps to treat your injuries and to minimize the financial impact of the accident. For example, injuries can become much worse because someone failed to get necessary medical treatment after an accident.
Our First Meeting

Please bring any documents related to your claim such as the police report, medical records, bills, insurance information, wage statements, repair estimates, rental car charges, correspondence, notes, and photographs. If you don’t have all of this information, don’t worry. We will obtain or help you obtain all the information we need for your case. The more we know in our first meeting, however, the sooner we’ll be able to create a strategy specific to your accident and circumstances.

It is very important throughout your claim that you disclose all previous claims and medical conditions that you have had. There are no secrets. You are urged to be frank, candid, and absolutely honest in all of your answers. Please confide in us, and let us be the judge of whether or not it can hurt your case.

Most insurance companies have nationwide index systems showing previous claims for injuries. If you have made a claim in another incident, then your name is likely in the nationwide database. Assume the other driver’s insurance company will have this information.

The defense may take videos and photographs, question your neighbors, talk to your employer, check former addresses, hire private investigators, and try numerous other tactics to obtain information about you. You can be assured that they will make an exhaustive study into your case to validate your claim. They may obtain the records of all your doctors—past and present—who have provided medical care for you.

Letter of Representation to At-Fault Driver’s Insurance Adjuster

We will send a letter of representation, along with a copy of your signed authorization to advise the insurer to direct all communication to us. This is intended to protect you and alleviate your burden of providing information.
Letter of Representation to Your Insurance Company
We will also send a letter of representation to your own insurer. There may be medical pay available under your policy, which you will want to use to pay your medical bills to reduce the possibility of out-of-pocket expenses and having to wait for a reimbursement. Additionally, if there is uninsured or underinsured coverage available under your policy, we will reserve the right to pursue these amounts as required under the policy.

Request and Track All Records
We will then send letters, along with signed medical authorizations (often called HIPPA forms) to all medical providers. We request medical and billing records for the duration of your treatment for injuries related to your accident. When appropriate, we also send letters to Medicare and State Medicaid Agencies. We will continue to be in communications with your providers regarding billing, prognosis and progress,

We also request other pertinent records, such as the police report, wage loss records, and/or property damage estimates. Police records may also include photographs or videos.

Contact Witnesses
We contact witnesses early in the case because their memories will be more fresh and thus detailed. This will also help us determine early on if your claim may be challenged and allows us to identify inconsistencies. The sooner we have statements, the more proactive we can be in protecting your rights.

Deciding Whether to Make a Demand or File a Lawsuit
There are two ways to recover damages. One way is by means of settlement, and the other is by means of a court decision by judge or jury. You are entitled to a trial. If we believe this is the best course, we will recommend trial by jury or judge. If either party wants a jury trial, then the case must be tried by a jury.

We are usually able to settle our clients’ claims favorably before reaching the trial phase. Settlement can occur at any time as long as all the parties to the claim agree to and understand the terms of the settlement. Making a demand to the other driver’s insurance company is usually our first approach. We then continue to negotiate on your behalf. If the insurance company is not cooperative, then we will recommend filing a lawsuit. The specific steps that are involved in a lawsuit are discussed later in this booklet.
Sending the Demand Letter to the At-Fault Driver’s Insurance Adjuster

We prepare and send the demand letter to the at-fault driver’s insurance adjuster, which is generally done upon completion of medical treatment. We can do this sooner if the timing of continued medical treatment could jeopardize your case. We allow time to make a demand and negotiate far in advance of the two-year statute of limitation for filing a lawsuit. The two-year statute of limitations begins to run on the date of your accident, which is why it is imperative that you begin medical treatment and seek legal representation immediately.

Filing a Complaint in the Appropriate Court Before the Statute of Limitations

If we have not favorably settled your case well in advance of the statute of limitations date, we will file a complaint, which initiates your lawsuit. If we are still in the middle of settlement negotiations, but your deadline is approaching, we will file a complaint and send the adjuster a letter with a copy of the complaint. The letter would explain that we needed to file due to the statute of limitations, but that we are still hopeful that the matter can be resolved by way of settlement. We do this to protect your claim.
IF A LAWSUIT IS FILED

We have already discussed filing a complaint to initiate a lawsuit. The complaint will outline the facts of the case, the liability of the other driver, and your requests for specific damages. Every court’s timing is different, but it often takes one or two years for a personal injury case to get to trial. During that time, we will keep negotiating with the at-fault driver’s insurance company. Below is a brief description of what will happen once the complaint is filed.

Filing an Answer to the Complaint
The attorney representing the at-fault driver’s insurance company will file an answer to the complaint. This is their opportunity to place the liability of their insured in question. Their job is to defend their client and to pay as little in damages as possible. We will have the opportunity to show inconsistencies in their statements and argue points of law.

The Discovery Process
The discovery process is the procedure through which each party investigates the opposing party’s legal claims and defenses. Each party sends interrogatories (the legal term for questions) and Notice to Produce (document requests) to the opposing party. We will respond by providing answers and providing the requested documents so long as they are relevant to the claim. We will make objections stating the legal reasons why we should not have to respond to a specific question or request. Our careful review of the opposing party’s responses is a critical step in our ongoing defense.

Both parties may also question third parties through this process. Opposing counsel, for example, will almost certainly request medical records from your medical providers. They may also request your cell phone records to determine if you were texting while driving at the time of the accident or medical records from other doctors if they have reason to believe that you have pre-existing medical conditions that could explain your symptoms.

We will have a similar strategy. We can obtain the other driver’s complete driving history to demonstrate a history of careless driving, and we can also review his or her cell phone records.
Both parties will take depositions of relevant witnesses, which generally begins with the plaintiff and defendant, but also includes witnesses and others who have information relevant to the case. We will thoroughly prepare you before you testify – whether it’s for a deposition or trial. We will ask you every question we think the opposing attorney will ask.

Below are some helpful tips to help you prepare:

1. **Tell the truth.** This is a rule of self-preservation. You will be under oath. Assume that the opposing attorney is supporting himself on his professional ability and that this includes the ability to make any witness who is playing fast and loose with the truth very uncomfortable.

2. **Be your natural self.** Look straight at the examining attorney, don’t cross your arms, keep your hands down and away from your mouth, and be as quietly positive as you can.

3. **Answer the question after allowing two full seconds to pass.** That gives me an opportunity to object. It also gives you time to make sure the answer is correct. In addition, a silent pause may prompt the questioner to explain the question, making your job easier. You are in control of what you are saying and you should relax and take the time to respond correctly to the question asked.

4. **Answer the question asked and only the question asked.** Resist the urge to anticipate the next question and do not volunteer any more information than necessary to respond to the question posed. If the question can be answered with a simple yes or no, answer it that way and stop. Make the questioner ask follow-up questions.

5. **A deposition is not the time to tell your story and explain everything.** Answers should be as short as possible and to the point. You are not there to educate the examining attorney if she is not asking the right questions or is not following up on questions.

6. **Be sure the question is fully completed before beginning the answer.** A question may take a surprising turn before it is finished.

7. **Do not answer a question you do not understand.** Ask the examiner to repeat the question. Answer it only if you fully understand it. It is up to the questioner to frame questions in an intelligent manner; if he cannot do so, do not help him. Do not explain that the question is incomprehensible because he has misunderstood. Do not help the examiner by saying, “Do you mean X?” You will then be asked both of those questions.
8. *Talk in full, complete sentences.* Speak slowly and clearly for the record. The court reporter cannot take down gestures. Be wary of questions and answers with double negatives in them.

9. *If you are finished with an answer and the answer is complete and truthful, remain quiet.* Do not expand upon the answer. Do not add to the answer simply because the examiner looks at you expectantly. If the examiner asks you if that is all you recollect, say yes if that is the case. A pause in the questioning will make you feel the need to keep talking. Be aware of this. It is a standard trick. You can remain in control by waiting for the next question.

10. *You should only answer what you presently remember.* Be as specific as your memory allows. If you remember exact dates and times, provide them. If you do not remember such information, say so. It is perfectly acceptable to answer questions by saying, “I don’t know” or “I don’t recall.”

11. *Do not guess!* If you do not know or cannot recall something, say so. Do not be afraid to say you do not know something. Witnesses are not expected to know or remember every aspect of a particular transaction, circumstance or event. Do not “fill in” details you do not clearly remember. Never make things up—it will be impossible to escape the full impact of fabricated testimony later in the case.

12. *Leave the door open to honestly recall something after the deposition that you did not recall during the deposition.* If the lawyer asking you questions says things like, “Is that it?” or “Were there any others?” respond by saying, “To the best of my recollection.” You will be given the opportunity to review your oral testimony in a subsequent transcript.

13. *Stay out of arguments between the attorneys.*

14. *Be particularly cautious if the attorney asks you to estimate something.* If asked to do so, make sure your answer is so qualified or tell the examiner you are unable to estimate.

15. *Remain calm and polite at all times, regardless of any provocation by the examiner.* Never show anger or argue with the examiner. The opposing attorney is judging not only the substance of your testimony, but also your ability to give it in a formal setting. Also, answers given in anger are rarely good answers.

16. *Watch for “tricky” questions that assume something that isn’t true.* Examples are, “Did you know you were speeding?” Correct the false assumption in the question before answering.
17. Do not adopt an examiner’s summary of your testimony if she makes one.

18. Do not excuse your lack of memory by complaining about how long ago the events occurred. This complaint always causes the attorney to attempt to get you to admit that your memory is flawed.

19. Do not volunteer your thought processes as to how you reached an answer. If your answer depends on your recollection of facts not called for by the question, do not tell the examiner about those other facts.

20. In testifying about conversations, make it clear whether you are paraphrasing or quoting directly.

21. In answering questions regarding complicated events or extensive conversations, summarize when possible. The examiner, if she is doing her job, will ask for all the details. If the examiner accepts your summary, so much the better.

22. Do not answer a compound question unless you are certain that you have all parts of it in your mind. If it is too complex to be held in your mind, it is too complex and ambiguous to answer. If there is any doubt, decline to answer it. If you do not understand the examiner’s questions, say so.

23. Never characterize your own testimony with phrases such as “in all candor,” “honestly,” or “I’m doing the best I can.”

24. Avoid adjectives and superlatives. “I never” or “I always” have a way of coming back to haunt you.

25. Do not testify about what other people know unless you are specifically asked to do so. Never guess as to what other people may or may not know.

26. Do not volunteer your state of mind. If the examiner asks, “Did you read the document?” the answer should be “Yes,” not “Yes, and I believe every word of it.”

27. Avoid any attempt at levity or sarcasm. Sarcasm is often misunderstood to be the truth when your testimony is later read aloud.

28. Avoid even the mildest obscenity, and absolutely avoid any racial or ethnic slurs or references. If you do not follow this rule, you can bet that someone on the jury will be offended when they hear your testimony.

29. There is no such thing as “off the record” for you as a deponent. If you have a conversation with anybody in the deposition room, be prepared to answer questions about the conversation.
30. **If the examiner appears to be confused, do not help him.** In all likelihood, the examiner is acting that way to trap you or confuse you.

31. **Don’t be drawn in by the examiner’s nods of the head or shrugs of the shoulder.** Ignore the examiner’s body language.

32. **If you are caught in an inconsistency, do not collapse.** State the reason for the inconsistency only if you are asked. Rehabilitation is done at trial or later in the deposition by the presenting attorney.

33. **Every witness makes mistakes.** Do not become upset if you realize that you made one. If you realize that you made a mistake in your testimony, and you can correct the mistake easily, correct it. Simply state that you made a mistake earlier about X and would like to correct the answer to the question.

34. **If information is in a document which has been marked as an exhibit, ask to see the document.** Do not say what the document says without first carefully reading it at the deposition. Do not make comments about the document except in answer to a specific question about it.

35. **If information is in a document which is not an exhibit at the deposition, answer the question if you recall the information requested.** Do not tip off the examiner as to the existence of documents he does not know about. If you cannot answer the question without looking at a document which is not an exhibit, simply answer the question by stating you do not recall.

36. **Do not let the examiner put words in your mouth.** Do not accept his characterization of time, distance, personalities, events, etc.

37. **Pay particular attention to the introductory clauses preceding the “guts” of the question.** Leading questions are often preceded by statements which are either half-true or contain facts which you do not know to be true. Do not have the examiner put you in the position of adopting his half-truths or unknown facts on which he will base further questions.

38. **You may take a break any time you please.** You should certainly ask for a break if you think you have made a mistake in your testimony and you want to discuss it with me or if you have a question you need clarified by me.

39. **If you are interrupted, let the lawyer finish his interruption and then firmly but courteously state that you were interrupted.** Finish your answer to the first question and then wait for the interrupting question to be asked again.

40. **Do not agree to supply any information or documents requested by the examiner.** If reference is made to documents or information not present, the request
for that information or those documents should be made to me. I will either answer the request or will take it under advisement. If you are forced to comment simply say, “I will look for it. If I find it, I will furnish it to my lawyer.”

41. *Listen to the comments or objections I make.* If I object, I may be giving you a clue as to the dangers hidden in the question. If I interrupt you to say something, *stop talking!* Do not finish your answer.

42. *Your private conversations with me, including our pre-deposition meeting, are protected by the attorney-client privilege.* The privilege also attaches to letters sent to and from me. Do not waive the privilege by discussing these conversations or letters with anyone else, including the examining attorney.

43. *You may be asked what documents you reviewed for the deposition and who you spoke with in preparation for the deposition.* Tell the examiner what documents you reviewed, if you remember. Don’t deny that you met with me. Our meeting is perfectly legal.

44. *You are permitted to stop the deposition at any time should you want to discuss anything with me.*

The discovery process takes time, sometimes six months to a year, depending on the court and the complexity of your case. The information obtained can help or hurt your case. This is one of the reasons it is so important that you remain open and honest with us throughout your case.

**Mediation and Negotiation**

As the discovery period ends, we will negotiate a settlement. Before the trial itself, we may also recommend going to mediation. In the mediation process, a mediator will work with both parties to try and settle the case. Parties would agree in advance whether mediation is binding or non-binding. If non-binding, parties can choose not to accept the decision of the mediator and can still decide to go to trial.

**Trial**

If we cannot reach a favorable settlement, your case will be scheduled for trial. A personal injury trial can last a day, a week, or even longer depending on the complexity and number of witnesses being called. Regarding scheduling, your trial may not start on the date scheduled. A preceding case may run longer than anticipated, for example. Trials may get rescheduled because of the judge’s schedules. If your trial gets postponed, please don’t assume that something
unfavorable is happening. Trials are often delayed or that a delay will negatively impact the outcome.

Either party can request a jury trial. Often we can choose whether to have a trial by jury or by judge. This will depend on the facts of your case, how favorably we believe the jury will view you or the opposing party, and the judge’s previous rulings.

**Helping You Prepare**

Legal proceedings can be very scary for most of our clients. This is especially true if you are being deposed or testifying during a trial. The emotional impact of going to trial is one of several reasons it is often preferable to negotiate to a favorable settlement.

We will help you prepare. We will anticipate what questions opposing counsel may ask and how they may try to confuse you or put you in an unfavorable light. We will coach you in how to respond and practice with you to help you feel more confident and less likely to be tripped up by the types of questions or attitude of the other lawyer. When the stakes are high, we sometimes work with firms that conduct mock trials.
ADDITIONAL CONSIDERATIONS

The following topics answer additional questions our clients have asked over the years.

What Are Medical Payment Coverage and Personal Injury Protection?

Paying medical expenses out of pocket or by suing are not your only options. While Georgia does not require a person to have medical payment coverage or personal injury protection, both can come in handy if you are ever involved in an accident. The insurance company would be reimbursed by the other driver’s insurance company if they are found liable for the accident.

Medical Payment Coverage or MedPay Coverage can protect you regardless of who caused the accident. MedPay can pay for medical expenses for not only you but also for passengers in your car at the time of the accident.

MedPay is not a substitute to your car or health insurance, but instead is added to your car or health insurance in the case that you are involved in an accident. MedPay is can vary in value depending on what you select as your limit and the insurance company you have. When you set a limit, it will determine what your insurance company will pay for each person injured in an accident.

While similar to MedPay, Personal Injury Protection, or PIP, entitles you to cover more than just your medical expenses. PIP is an extension of your car insurance but allows you to recover lost wages and transportation to medical appointments. PIP is comprehensive and customizable and is more expensive than MedPay.

What Is a Lien in an Injury Case?

Medical providers often find that patients are unable to pay upfront for the treatment they need after an accident. Providers often contract with patients by use of a lien. These documents are usually simple, one-page agreements giving a provider a lien against any settlement, claim, judgment, or verdict resulting from the underlying accident or illness. The patient acknowledges that the debt is due, recognize that such agreement is for the protection of the physician, and finally that payment is contingent upon the outcome of the personal injury case. The documents are signed by both the patient and their attorney, and may be filed with the court of record for the personal injury case.
Of course, individual circumstances vary. We will contact you and the provider before a lien is issued. The purpose of the lien is to ensure that you are receiving the best possible care for your injuries while guaranteeing the physician that his or her bill will be paid as soon as possible. A patient is still responsible for the bill whether a settlement is reached or not; however, a lien allows you to get the proper treatment without the worries of paying upfront. A better settlement is usually gained if the proper treatment of the injuries is started from the beginning and followed through by the client.

In many instances a lien is in your best interest.

What Should I Do If the Other Driver’s Insurance Company Offers Me Money?

Simply accepting money from the insurance company will not eliminate your right to file a claim or sue. However, if you also sign a release you could lose your right to sue. An insurance adjuster, the person assigned by the other party’s insurance company to contact you, gathers facts, and adjusts your claim. One of his goals will be to dispose of the claim for the least amount of money possible. He or she may give you misinformation about the contents of a document in an effort to obtain your signature, or the document might be worded so as to obscure its true meaning. An adjuster does not have the authority to advise you of your legal rights nor to suggest or attempt to persuade an injured person not to hire an attorney. The adjuster does have authority to make settlements. To protect yourself, do not sign anything without first having it reviewed by a lawyer.

What If the Other Driver Does Not Have Insurance?

Statistics shows that 11.7% of drivers in Georgia do not have auto insurance. That means that out of almost 10 million people who are licensed in Georgia, over 1.16 million people do not carry insurance. The likelihood of you getting into an accident with an uninsured motorists is one out of every ten.

If you’re in an accident with a driver who is uninsured, you might mistakenly think that you will not be able to recover damages. In actuality, you could seek compensation from your own insurance company if you have underinsured and uninsured motorists coverage. In the absence of underinsured and uninsured motorists coverage, the only possible remedy is to sue the other driver, but it’s unlikely you’ll recover because those who do not have insurance most likely do not have many valuable assets.

In Georgia, the law requires the owner of a motor vehicle to carry liability insurance for that vehicle and is needed in order for you to register your car in Georgia. Having liability insurance can help pay for injuries or damages you might cause to yourself or someone else as a result of a car accident. There are
policy requirements in Georgia that you have to meet when you hold liability insurance. In Georgia, the minimum coverage amounts are:

- Bodily Injury Liability: $25,000 per person and $50,000 for multiple people in an accident
- Property Damage Liability: $25,000 for one incident

In other instances, the other driver might have insurance but only carry the minimum coverage. If accident you’ve been in is severe, you may be entitled to more than $25,000 for your medical bills alone. Your options may limited to compensation through your underinsured or uninsured insurance coverage or by suing the other driver who may or may not have valuable assets.

**What Is a Hit & Run?**

When a person has been in an auto accident, the duty of the driver is to stop his or her car, to make sure the others involved in the accident are okay and, if not, to call 911 for a paramedic and then report the accident to the police. But what happens when the other driver at-fault and leaves the scene?

If someone leaves the scene of the accident without proper handling, then it is considered fleeing the scene of the accident or a hit and run. Fleeing the scene of the accident is not only ill advised, it is also illegal.

A hit and run most commonly occurs when a driver hits a car while backing up or sideswiping while in a parking lot. However, a hit and run can be more serious, causing injuries to others or even resulting in the death of another.

Like any other collision, if you are the victim of a hit and run, you should document as much as possible for the police and your insurance company. However, due to the other driver leaving the scene, information might be limited. Below, you will find a list of dos and don’ts if you are involved in a hit and run accident.

Record as much information as you can about the other driver and their car such as the tag number, description of the car, direction the vehicle was headed when they left, pictures of the damage done to your car, and other details of the accident. Give all this information to the police to help them find the person who drove off sooner.

Call your insurance company as soon as possible.

Ask those around you who saw the accident if they could give any information and get their names and contact information.
Don’t follow the fleeing driver. Not only does this put you in danger, especially if you or anyone else is hurt, this could jeopardize the police officer’s trust in who really left the scene and who was at fault.

Call an attorney. If your insurance company isn’t cooperating or the police haven’t found the person who left the scene of the accident, an attorney can help.

If you’re able to identify the person who hit you and are able to retain their insurance information, you will be able to file a claim with their car insurance company. However, if you are unable to identify the person who hit you, then you will have to contact your car insurance company to see how the damage and medical bills can be covered. Georgia is one of six states that does not allow for your uninsured motorists policy to cover property damage if you have been involved in a hit and run.

What Is Distracted Driving?

Distracted driving is the leading cause of auto accidents in the United States and makes the driver who caused your accident liable for damages. In 2014 alone, it claimed over 3,000 lives and caused 431,000 injuries.

A driver is considered distracted when doing something that could divert his or her away from watching the road or controlling the vehicle. Distractions to drivers endanger themselves and others. Leading causes of distractions are:

- Using a cell phone to text, talk, or navigating / using cell phone or smartphone
- Eating or drinking
- Paying attention to passengers
- Grooming
- Adjusting the stereo

What If a Big Truck Was Involved in My Accident?

We will address unique issues if your accident was caused by a semi-truck or big rig. It is more common for these accidents to involve multiple at-fault parties who share responsibility for injuries. Additional, federal and state regulations require trucking companies to carry higher insurance limits than minimums for other drivers. These higher limits are imposed in part because of the severity of injury and property damage that such a large vehicle can cause.
Regulations also determine how much weight can be hauled, the number of hours a driver can be on the road without rest, and the frequency of maintenance and repair. These stringencies make it more likely that a semi-truck driver violated law or regulation at the time of your accident. These distinctions are important in establishing liability and settlement negotiations and trial proceedings.

Your Conduct & Attire in Court

Whenever you appear before a judge, jury, prosecutors or witnesses, your appearance and conduct will impact how they judge you.

You always want to make a favorable impression on those who may have influence in your case.

These guidelines will help you to make a favorable impression.

- **Always** be polite and courteous to anyone you encounter while in the courthouse. Everyone has ties to someone whose judgment of you may impact your case.

- **Always** be courteous and respectful to the judge, bailiffs, and all court personnel.

- **Never** speak unless advised to by the judge or your attorney. Let us speak on your behalf. If asked a question by the judge, always address the judge as Your Honor.

Important things to remember while in a courtroom or the vicinity of the court, including the parking lot and elevator:

- Pay particular attention to the question that is asked.

- Make sure you understand the question before you answer.

- Before you speak, formulate the answer in your mind.

- Never guess or speculate. Only answer the question if you are sure.

- Remember, there is nothing wrong with saying, “I don’t know.”

- Make sure you have fully answered the question. If you feel that opposing counsel has interfered with your answer, ask the judge if you can explain further.
- If opposing counsel is harassing you, being too forceful or isn’t allowing you to fully answer the questions, DO NOT argue with him or her. The judge or your lawyer will intervene.

- Always tell the truth. If you lie, it could damage the case and could even force the case to end in a conviction. You have to assume that the solicitor knows the truth.

- Make sure you speak loudly and clearly. Your responses are being recorded and, therefore, must be heard. You cannot nod or shrug in lieu of a verbal response.

How you appear in court is just as important as how you act. A good rule of thumb is to dress as if you were attending a job interview.

Men should wear:
- Dress slacks with belt
- Dress shirt
- Blazer
- Tie

Men should never wear:
- Hats
- Tank tops
- Jeans
- Shorts
- t-Shirts
- Clothes of any kind with inappropriate writing or symbols.

Women should wear:
- Dresses or skirts that are knee length or longer
- Nice, high-cut blouse that covers the midsection and shoulders
- Dress slacks

Women should never wear:
- Shorts
- Short skirts or dresses
- Revealing blouses
- Blue jeans.
- Pants that rest below the hips
- Expensive jewelry or large amounts of jewelry
We work as a team, bringing each person’s expertise and strengths to every case. Below is a brief overview of our team members along with a photograph to help you recognize someone you may have met only by phone.

**Don Turner, Founding Partner**

Don has been practicing law for 40 years. During that time, he has built extensive relationships within the legal and medical communities throughout northern Georgia. Don has won millions of dollars for clients injured in automobile accidents and survivors in wrongful death cases. He is a member of the Top 100 Trial Lawyers and the Top 25 Auto Accident Trial Lawyers Association.

In his criminal defense work, Don has successfully defended thousands of clients facing criminal charges, including trying hundreds of cases in municipal, state, superior, and federal court systems.

Prior to his legal career, Don was an offensive lineman for the NFL with the Atlanta Falcons and New York Jets. He brings the NFL themes of discipline, teamwork, exceptional performance, and the love of winning when working for his clients and managing his firm. He fights aggressively for the rights of his clients.

**Nicholas (Nick) Satriano, Senior Associate**

Nick brings over 30 years of experience in complex litigation and criminal law. He is experienced in all phases of practice with emphasis on civil litigation, including cases involving general liability, product liability, trucking and transportation, catastrophic injury, premises liability, construction accidents, negligent security, and medical malpractice. He has negotiated multi-million dollar settlements in Court and at Mediations.
Nick has managed and controlled large exposure primary and excess insurance claim files across the United States for domestic and international insurance carriers from their inception through trial. For almost 30 years, he has represented numerous clients in scores of civil litigation cases and has assessed claims based upon facts, relevant State law, jury dynamics, venue and economic non-economic values.

Nick’s background gives him remarkable insight into the strategies and tactics of opposing counsel and unique perspectives in developing our team’s approach to criminal and civil cases.

Nick served as an Assistant District Attorney in one of the toughest districts in New York prosecuting defendants accused of felony charges through trial and verdict. He investigated and prosecuted individuals suspected and accused of homicide and homicide-related incidents.

Nick is also available to advise and assist clients estate planning documentation, including Wills, Revocable and Irrevocable Trusts, Powers of Attorney, Health Care Directives, and Advance Care Directives and/or Living Wills. His approach to estate planning provides peace of mind for clients and their loved ones and ensures trust and confidence in subsequent probate and estate administration.

Nick is currently a Colonel in the United States Army Reserve and has been a member of the United States Army, Judge Advocate General’s Corps for 27 years. As such, he has represented service members as defense counsel at Courts Martial and administrative separation boards for offenses committed under the Uniform Code of Military Justice and related regulations.

His knowledge, expertise and emphasis consistently benefit clients and achieve favorable results. His focus is to build relationships and use his law degree to effectuate positive change in the legal arena for his clients.

**Lisanne Edelman, Associate**

Lisanne began working with the Don Turner Legal Team in 2016 during her last year of law school. She is originally from The Netherlands and moved here with her family in 2001. She earned her Bachelor’s degree from Oglethorpe University in 2014 and was a member of their Varsity soccer team for 4 years.

After graduating from Oglethorpe University, Lisanne enrolled in Atlanta’s John Marshall Law School. During her 3 years of law school, she was a member of the Criminal Justice Honors Program, President of the Criminal Law Society, a Peer Mentor to younger students, an ambassador for the school through the Office
of Admissions, a recipient of the Andy Crawford Scholarship for academic merit, an intern with the Fulton County Metro Conflict Defender’s Office, and an active participant in Moot Court competitions as a member of the Advocacy Board.

In May 2017, Lisanne graduated from Atlanta’s John Marshall Law School with Latin Honors, and she finished her law school career in the top 10 of her class. During the graduation ceremony, she received an award for Excellence in Appellate Advocacy and was recognized for Pro Bono Distinction due to her work with the Fulton County Metro Conflict Defender’s Office.

Lisanne successfully took the Georgia Bar Exam in July 2017. She is now an active member of the Superior Court of Georgia Bar as well as the Supreme Court of Georgia Bar. She has gotten off to a remarkable start as an Associate with the Don Turner Legal Team.

**Albert Daykin, Of Counsel**

*Of counsel is an attorney that is not an equity member of the firm but has a very close relationship with the firm.*

Albert has 34 years’ experience as an attorney and CPA, specializing in business formation and operations, business and commercial litigation, tax law, and trade secret protection and litigation. He and Don have partnered together on projects for several multi-million dollar corporations and joint ventures as well as in complex business litigation. Albert’s education and experience uniquely qualify him to find insightful profitable and tax-advantageous solutions for business clients—large or small. He also works as a mediator and lawyer in traditional family law and nontraditional domestic partnerships. He graduated from the University of Georgia’s undergraduate program and law school.

**George R. Robinson, Of Counsel**

George has over 40 years’ experience as a criminal defense attorney, specializing in felony criminal cases, DUIs, traffic violations, drug and narcotics charges, and juvenile cases. He is an accredited attorney in the Department of Veterans Affairs. George’s education and experience uniquely qualify him to find the best defense for his clients. He worked several different roles in the military and served as a Fulton County Assistant District Attorney as well as working at his own private practice. He graduated from Georgia State University’s undergraduate program and Woodrow Wilson and Northwestern Colleges of Law.
Ashley Sampson, Firm Administrator
Ashley Sampson is our Firm Administrator. She joined us in April 2015 with vast experience in customer service and office management. She is attentive to detail and well organized. She can handle multiple cases and projects at one time. She coordinates our court calendar and assists attorneys with case management. Her interpersonal skills bring value to her work with clients and in resolving issues with the numerous parties involved in a case.

Ashley was born and raised in Atlanta, Georgia, and graduated from Ashford University in April 2015 with her Bachelor's Degree in Business Leadership. She currently resides in Woodstock with her husband, Nate. She is excited to be a part of the Don Turner Legal Team and we are very lucky to have her!

Audrey Hoge, Case Manager/Marketing Director
Audrey’s responsibilities include assisting clients with any questions or concerns you may have, supporting all stages of investigation and case work, ensuring excellent client service, and fostering relationships with court personnel. Before entering the legal profession 12 years ago, she was a technical writer and consultant in strategic planning.
If you or a loved one has been injured in an accident, we’re here to help.

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