

The Road To Justice Starts Here

A Newsletter for the Friends and Clients of Attorney Tracy W. Cary

Alabama Bar Association rules require the following disclaimer: No representation is made that the quality of legal services to be provided is greater than the quality of legal services to be performed by other attorneys.



Frequently Asked Questions

Below are some questions many people have when they first contact Attorney Tracy W. Cary at Morris, Cary, Andrews, Talmadge & Driggers, LLC. If you don't find the questions answered here, you should contact me for answers to questions in your case. The consultation is free.

Question: Do I really need a lawyer for my personal injury claim?

Answer: In many cases, you will benefit from having an attorney review your situation. Some insurance companies are advertising how quickly they respond to claims. They would like you to believe that they are motivated by their goal of prompt customer service. However, insurance companies benefit by paying claims quickly because often they have a superior negotiating position over a non-represented claimant. The unrepresented person is generally not educated in personal injury law. As a result, they often have no idea what their claim is worth. On the other hand, an experienced injury attorney knows the value of your claim and can exert some influence on the insurance company because if the case is not settled, the prospect of a lawsuit goes up greatly. Thus, one study showed that parties represented by an attorney generally receive two to three times the amount that unrepresented parties received.

Question: I don't think I can afford to hire a lawyer.

Answer: Keep in mind that almost all our cases are taken on a contingency fee basis, which means you don't pay me anything unless and until I conclude your case. It won't cost you any out of pocket money because I advance all the costs of pursuing your case for you.

Question: What kind of cases do you handle?

Answer: I handle most personal injury claims in Alabama, Florida and Georgia, including car wrecks, trucking accidents, motorcycle wrecks, dog bite incidents, product liability claims, workers' compensation claims, fraud claims, premises liability claims, Social Security Disability claims, business litigation and others.

Question: What will my lawyer do for me?

Answer: I can't speak for every personal injury attorney, but I can tell you what I do for my clients. I don't have sufficient space to tell you everything I do in every case, but here are some of the most important things:

- Analyze any pertinent legal issues that may affect your case.
- Educate and teach you about personal injury claims and about the litigation process.
- Gather written records and documents to support the claim, including medical records, police report, and employment records
- Perform investigation of your claim, including gathering witness statements, photographs, diagrams, and physical evidence.
- Read and analyze your own automobile insurance policy to see what coverage is available to pay for your damages, like medical, hospital and wage loss benefits.
- Obtain specific reports from experts to support your claim.
- Analyze any pertinent legal issues that may affect your case, like contributory negligence, assumption of risk, etc.
- Analyze and address any liens asserted against your settlement recovery (various healthcare providers, insurers, governmental agencies may file liens seeking to be repaid money for benefits already paid to or on your behalf)
- Contact the insurance company about the claim and conduct periodic discussions with the carrier about your case so that appropriate reserves are set aside to settle the case



Contact Me

Contact Tracy M. Cary today for a free, no obligation consultation about your personal injury legal needs.

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Frequently Asked Questions (Cont'd from Page 1)

- Conduct negotiations with the insurance adjuster in an effort to settle the claim, either short of litigation or short of trial
- If a lawsuit will be filed, prepare and draft the summons and complaint and discovery requests to be filed in court
- Prepare you for your deposition
- Prepare for and conduct the deposition of the defendant and other lay witnesses
- Prepare to take the deposition of the defendant's experts, including medical experts
- Answer questions and produce information and records requested by the other side
- File the necessary documents in court as required by the judge, including witness lists, settlement conferences, etc.
- Prepare you and other witnesses for trial and create and prepare exhibits for trial
- Prepare for mediation by organizing records and other documents for submission to the mediator
- Negotiate subrogation claims asserted by your insurance company or governmental agency that provided benefits to you

Social Media Tools and Witnesses

This was in my last newsletter but because it's very important, I wanted to mention it again. Many people are now using social websites. I am on Facebook and I enjoy it. Social media sites are on the Internet and mobile phones as tools for individuals to share information about themselves. They are cheap or free to the user. You have probably heard of some social media tools like MySpace, Facebook, Twitter, YouTube, and blogs. There are now more than 200 social networking sites on the Internet, and by the time you read this there will be more.

If you have used a social media tool, then personal information about you is posted and the information may be disastrous to the credibility of witnesses. Twitter, for example, advertises that "Twitter is a free service that lets you keep in touch with people through the exchange of quick, frequent answers to one simple question: What are you doing?" If a plaintiff has used Twitter to tell others what he/she has been doing after the back-injury vehicle accident, then potentially you can find out more than the claimant wants you to know. The value of the back injury goes way down if claimant has Twittered that he had just finished surfboarding and is on his way to the big beer party at his girlfriend's house. Be aware of this possibility and that what you post on social websites can be found and seen and maybe used against you.