

# **Your First Car Accident Case**

by

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## **The Initial Client Interview**

1. Where should the initial client interview take place?

- Phone
- E-mail
- In person
  - Your office
  - Client's home
  - Other

2. What should the potential client bring to the initial interview?

- The Police/Investigation Report
- List of Witnesses
- Photographs
- Health Insurance Information
- Automobile Insurance Policy
- Medical Information
- Anything Else That Pertains To Accident

3. What questions should ALWAYS be addressed at the initial client interview?

- How much is my case worth?
- When am I going to get my money?

## **The Client Instructions**

1. Don't talk to anyone about your accident except your healthcare providers or your lawyers.
2. Return to each of your doctors as often as necessary, and always tell them about all your complaints. A doctor must know these things in order to properly treat you.
3. Most likely the defendant's insurance company will **NOT** pay your medical bills. Your lawyers are forbidden under the law from paying your medical bills. Therefore, have your own automobile insurance company pay as many of your bills as possible. You should also have your health insurance pay as much on your bills as possible. Doctors and hospitals are more cooperative when their bills are paid. You should not expect your healthcare providers to wait until your case is tried or settled to receive payment. You should, therefore, pay any balance as soon as possible.
4. If applicable, keep accurate and detailed records of the following: (a) Lost time and wages; (b) Hospital, doctor, drug and other medical bills; (c) Other losses directly resulting from your injury.
5. Do **NOT** have any object involved in your accident repaired until your lawyers have had an opportunity to examine it; to have it photographed; or to have it examined by an expert.
6. Promptly furnish us with the correct names, addresses and telephone numbers of any and all witnesses you may learn of while your case is pending.
7. Give us any photographs you may have pertaining to your case. If you are in traction, or receiving other types of medical treatment, notify your lawyer so we can determine whether we want you photographed. If your injury requires a brace, cast, traction, or other appliance, save it for evidence.
8. We may not contact you until we have something definite to report. If you have any specific questions in regard to these instructions or any other matters in regard to your case, please feel free to contact us.
9. Be sure to keep us advised of any change in your contact information.
10. Beware of social networking sites. Consider tapering down your social internet networking or shutting it off while your case is pending.

## The Initial Investigation

### 1. Police Reports

- Useful Web-Sites
  - [www.chicagopolice.org](http://www.chicagopolice.org)
  - [www.isp.state.il.us](http://www.isp.state.il.us)
  - [www.docview.us.com](http://www.docview.us.com)
- Written Request / Sample Letter

Today's Date

POLICE DEPARTMENT

Address

City, State Zip

**RE: R.D. #:**  
**Beat of Occurrence:**  
**Date of Accident:**  
**Location of Accident:**  
**Our Client:**  
**Date of Birth:**

Dear Sir/Ms:

Enclosed is a check in the amount of \$ \_\_\_\_\_ for a copy of your Illinois Traffic Crash Report regarding the above-referenced matter. Also enclosed is a self-addressed stamped envelope for this request.

Thank you for your cooperation in this matter. Should you have any questions or problems, please do not hesitate to contact me.

### 2. Photographs/Video

- Useful Web-Sites
  - <http://webapps.cityofchicago.org/traffic/redlightlist.jsp>
  - <http://egov.cityofchicago.org/emergency911>
  - [www.isp.state.il.us](http://www.isp.state.il.us)

### Sample letter

We represent \_\_\_\_\_ who was involved in a vehicle collision on \_\_\_\_\_ at approximately \_\_\_\_\_ at or near \_\_\_\_\_.

We hereby request that you take any and all steps necessary to preserve and protect any photographs, video recordings, etc. in your possession.

Pursuant to the Freedom of Information Act, 5 ILCS 140/1, we request that you provide us with a copy of any and all photographs, recordings, etc. and any and all records, reports and any other documentation associated with this incident captured by any video system managed or maintained by the City of Chicago at or near the above-mentioned location.

We are familiar with the Freedom of Information Act, 5 ILCS 140/6 dealing with payment for copying and agree to pay any statutory costs for providing these documents.

In compliance with the Freedom of Information Act, 5 ILCS 140/3, we look forward to hearing from you within seven working days. Please feel free to contact me with any questions or comments. Thank you.

#### 3. Weather Reports

- Useful Web-Site
  - [www.ncdc.noaa.gov/oa/about/ncdcordering.html#oc](http://www.ncdc.noaa.gov/oa/about/ncdcordering.html#oc)

#### 4. Police Dispatch Tapes

- Consider and Emergency Motion for a Protective Order

#### 5. ID Taxi Company

### Sample letter

Consumer Services Department  
The Daley Center  
50 West Washington Street  
Room 208  
Chicago, IL 60602

**RE: Our Client:** \_\_\_\_\_  
**Date of Accident:** \_\_\_\_\_

Dear Sir or Madam:

We represent the above-referenced individual who was a backseat passenger which ran into a light post at Navy Pier on February 18, 2009. The cab had the Illinois Plate No. 6814 TX. By this letter and in accordance with the Freedom of Information Act, please provide us with the owner of the Cab, whether it is an individual or a company. If it is a corporation, please provide us with its proper legal name.

Thank you kindly for your anticipated cooperation. Should you have any questions or concerns, please do not hesitate to contact us.

6. UM/UIM

- Send letter of representation regardless of liability coverage available
- Request copy of policy from client's insurance company
- Read and comply with policy requirements

**Sample Letter**

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

RE: Our Client/Your Insured:

Date of Accident:

Your Policy No.

Mr./Ms.:

You are hereby given notice pursuant to 215 ILCS 5/143a-2(6), that we intend to accept the policy limits of \$\_\_\_\_\_ in settlement of the claim against the at-fault driver ( Insurance Company) unless your company advances payment in that amount within thirty days of your receipt of this letter. If you do not promptly advance such payment, then a Release will be executed. In any event, we will not waive any rights to recover against your company pursuant to the underinsured (UIM) motorist coverage.

PLEASE DO LET ME KNOW IMMEDIATELY IF YOU HAVE NO OBJECTION TO THE EXECUTION OF THE RELEASE TO COMPANY AND THE AT-FAULT DRIVER SO THAT THE POLICY LIMITS FUND MAY BECOME AVAILABLE FOR THE PLAINTIFF'S USE AT THE EARLIEST POSSIBLE

TIME.

Please be advised that we are demanding arbitration of our underinsured motorist claim against your company and that we are naming \_\_\_\_\_ as our arbitrator. If your company is contemplating requesting that we agree to a stay of formal arbitration proceedings pending completion of medical treatment or pending bona fide negotiations, please advise.

If your company has not provided in connection with this claim a complete copy of the policy, all endorsements and declarations sheet as they were in force at the time of this accident, you are requested to do so. This is a request for information on behalf of your insured with regard to a pending claim and must be responded to within the time provided by the Illinois Insurance Code and Regulations.

## **The Lawsuit**

### Initiating the lawsuit – The Complaint

- When to File
- Forum/Venue/Jurisdiction
- Parties
- Causes of Action
- Service (Diary, Diary, Diary)
- Affirmative Defenses



## **Discovery**

Discovery (Full Disclosure Required)

- Emergency Motion for a Protective Order Required?
- Propound Discovery
- Answer Discovery  
CAUTION!
- Depositions  
Video?

## **Trial Considerations**

To be completed 60-90 days before trial

- Issues narrowed by dispositive motion
- All witnesses and subject matter of their testimony identified and Rule 213 responses served
- Discovery reviewed and supplemented as necessary
- All medical expenses are either proven, stipulated, or subject of admitted requests to admit
- All potential exhibits identified and means of admission determined (expensive exhibits do not have to be prepared at this point but you should know what you will need)
- All evidence depositions have been taken or are scheduled
- Legal research list prepared
- Depositions abstracted
- Potential motions in limine and responses identified and drafted
- Trial Briefs
- Focus Group? (formal or informal)
- All witnesses have been informed of trial date
- Determination made as to necessary equipment for trial; e.g. TV, Projector, Laptop, Visual Presenter. Is equipment available in Courtroom?
- Try to reach agreement of stipulations
- Outline voir dire (how does the court handle?)
- Outline opening, closing, and witness exams
- Make video clips for impeachment and other uses at trial
- Prepare jury instructions and verdict form
- Issue subpoenas for witnesses
- Schedule, meet with and prepare witnesses
- Trial notebook prepared
  1. Witness list with contact phone numbers
  2. Exhibit list
  3. To Do list
  4. Key pleadings
  5. Opening Notes
  6. Witness Exams
  7. Deposition of witness
  8. Closing Notes
  9. Jury Information