

# ***The Ultimate Guide To Injury Cases in Michigan***

*Now Including*

## ***The Biggest Mistakes That Can Ruin Your Injury Case***

*Avoid them and you will have a shot at winning your case.*



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*Avoid them and you will have a shot at winning your case.*

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## ***Fewer Cases—More Time For You***

We are “different”.

We don't rely on a high volume of cases. We don't claim to handle every type of case under the sun. We don't want to! We don't need to!

Each year, we only accept a limited number of serious accident, injury, and disability cases from the hundreds of people who contact us and ask us to represent them. We are not a “TV advertising personal injury mill.”

**When you call our law firm, you will actually speak to a lawyer. Imagine that!** Paralegals and assistants do not negotiate our cases with the insurance company. Fewer cases means more time for you and, we believe, better overall results.

Since 1969, our firm has represented serious accident and injury claimants throughout the entire State of Michigan. Most of the cases are referred to us by former satisfied clients, medical professionals, and other attorneys. If we accept your case and you are not near us, we will come to you.

Sometimes the best advice you can get when you are thinking about a lawsuit is that you do not have a claim that can be won. If that is true, we will tell you. We'll also tell you when we think you are better off handling a claim by yourself—without an attorney. But, if your case passes our

test and we accept it, you can be assured that you will receive our personal attention. We will aggressively represent you, keep you up to date on what is happening with your case and give you our advice as to whether you should settle your case or whether we should go to trial.

We will fully explain all fees and costs to you before we start working on your case. Together, as a team, we will decide on the best tactics for your case.

**Lawrence Buckfire, President**  
**BUCKFIRE & BUCKFIRE P.C.**

## **Myths**

- *If you write a letter to the insurance company and are reasonable, you will get a reasonable settlement proposal.*
- *When you are in an accident and the insurance adjuster calls you to ask for a recorded statement, you have to give the adjuster a recorded statement or the insurance company will not settle with you.*
- *All lawyers who advertise that they handle accident cases have the same ability, tools and experience to handle your case.*
- *The insurance company for the person who caused your injuries is obligated to pay your medical.*
- *The tort liability system is some sort of lottery that will help you get rich.*
- *Just because there has been an accident and it was not your fault, there must be some insurance company that will pay for your medical bills, lost wages and injuries.*
- *Juries in Michigan are generous.*



***Who is Behind This Book***  
***– and –***  
***“Why Should I Listen to the Author?”***

I want to first thank you for requesting this book. The information provided will help in your quest to obtain compensation for your injury case.

I have written this book so that consumers will have good, solid information before hiring an attorney or dealing with the insurance company. As I point out later, not every case needs a lawyer! I truly believe, however, that you should have this valuable information right now, for free, before you are pressured by an insurance adjuster to answer their questions or to settle your case.

My name is Lawrence Buckfire and I have been representing individuals against insurance companies since 1989. The law firm was founded by my father, David Buckfire, in 1969 and later joined by my mother Vicky Buckfire in 1978. Both my brother Daniel Buckfire and I joined the firm after obtaining our law degrees. We have represented accident and injury victims throughout the States of Michigan and Ohio for almost 40 years. We limit our practice to serious accident and injury cases. You can find out more about me and the other attorneys at the firm at our web site at **[www.buckfirelaw.com](http://www.buckfirelaw.com)**.

- Experienced trial attorney with significant settlements and jury verdicts
- Fighting Insurance Companies Since 1989
- Member of the Michigan Association for Justice
- Member of the American Association for Justice
- Member of the Michigan Brain Injury Association
- Author of Numerous Consumer Books and Reports
- Licensed to practice law in Michigan and Ohio

Our law firm represents individuals throughout the states of Michigan and Ohio in accident, injury, and wrongful death claims. Our office is centrally located in Southfield, Michigan.

Our firm realizes that a lawsuit may be the most important event going on in your life right now. Your case will be personally handled by one of our attorneys – not a law student or secretary.

We represent many people who have been injured by the negligence of others. We have also represented families of deceased loved ones in wrongful death cases. While each case is different, and past results cannot be used to predict future success, I can tell you that I have been privileged to help my clients and their families recover millions of dollars in settlements and verdicts from the insurance companies.

***Why Did I Write This Free Book?  
(Insurance Companies and Lawyers!)***

I am tired of **insurance companies** taking advantage of people before they have a chance to talk to an attorney. For years, one major insurance company encouraged claimants to not hire an attorney. You may not need an attorney to represent you in your case but you should be armed with this important information, right from the beginning of your claim. I wrote this book so that you can be informed, today. I am also sick and tired of **outrageous lawyer advertising** where lawyers with a reputation for handling hundreds of cases at a time make promises that cannot be kept or equate your injury to “cash, cash, cash.”

Most attorneys require you to make an appointment in which you would get some of the information that I have provided here. You should be able to have this information, right now, and without any pressure. The hiring of an attorney to represent you is a very important step that should not be taken lightly.

Frankly, this method of talking to you also saves me time. I have packed a ton of information into this book and it saves me the hours of time that it would take each day just to talk to all of the new potential clients who call. I cannot and will not accept every case and, frankly, each year our firm turns down good cases that simply do not meet our case selection criteria. So, writing this book gives me a chance to tell you what you need to know so that you can make an informed decision about what steps to take with your case. Even if I do not accept your case, I would like you to be educated about the process so that you do not become a victim to the insurance companies.

## ***I Am Not Allowed to Give Legal Advice In this Book!***

*I know the arguments the insurance company will make — and so should you—even before you file your claim. When you were injured, you entered a war zone. The insurance industry has spent hundreds of millions of public relations dollars to inflame the public against you and me. We will be in this together.*

*I am not allowed, however, to give legal advice in this book. I can offer suggestions and identify traps, but please do not construe anything in this book to be legal advice until you have agreed to hire me AND I have agreed, in writing, to accept your case.*

## ***What is a Personal Injury Case?***

Let's start at the very beginning: Just what is a personal injury case? Lawyers say that they do "personal injury cases" or "accident cases" or "wrongful death cases" and yet, I suspect that most people do not understand exactly what this means. Indeed, people who have known me for years will come ask me for a referral to an automobile accident attorney! They do this even though I think that they know exactly what it is that I do.

A personal injury, automobile accident, wrongful death, slip and fall, or dog bite case is any type of claim where a person has been injured or killed due to someone else's carelessness or negligence. If the only damage in your case is that your car got banged up, then you do not have a personal injury case – but you may have a property damage case. We do not handle property damage cases, but there are many lawyers who do so. If both you and your car have suffered an injury, then you have both a personal injury and a property damage claim. In those circumstances, either your insurance company or the negligent person's insurance company will usually take care of the property damage claim.

If someone's negligence causes the death of another person, then this is called a "wrongful death" claim. The laws of each state or jurisdiction differs significantly regarding what can be recovered in a wrongful death case. You need an attorney who understands the specialized wrongful death laws.

## ***You Are At War— But It's a War That Can Be Won***

The day you were injured, you entered a war zone. **Insurance companies** and some in the **government** have declared war on injured people and their attorneys. They have waged the war in the media and their propaganda has had a tremendous effect on juries and their verdicts. This is called **tort reform**. The success that the insurance companies have had in tainting the minds of jurors has emboldened them to not offer fair settlements until you prove to them that you are ready, willing and able to go to trial.

## ***What About Harmful Products, Dog Bites and Slip-and-Fall Cases?***

Whenever you are hurt by anyone's negligence, including that of a professional or a builder or a manufacturer or a store merchant, you have a "personal injury" claim. Products liability (injury by harmful product), medical malpractice (injury by a doctor, hospital or other healthcare provider), dog bites and slip-and-fall (injury because someone did not take care of their property) are all subtypes of personal injury cases. We handle all types of these injury cases.

## ***What Must be Proven to Win a Case?***

The law does not require compensation for every injury. You must prove that someone else was negligent or careless and that it was this person's negligence or carelessness which caused your injury. If you have suffered an unfortunate accident that is no one else's fault, or if you do not sue the right person, then the law says that you will not win your case.

## ***Do You Really Need An Attorney To Settle Your Case?***

You definitely do not need an attorney for every small injury case. In fact, our office does not even accept cases where the injuries are minor. Why not? Simple. In the small case, the attorney fee and costs might leave little or nothing for you after your medical bills are paid, and we do not believe that would be fair to you. However, your case might have a higher settlement value than you think so you should at least call us for a free and honest opinion regarding the size of your claim.

## ***How Do I Find a Qualified Personal Injury Attorney?***

Choosing an attorney to represent you is an important but daunting task. The decision certainly should not be made on the basis of advertising alone. The Yellow Pages are filled with ads--all of which say basically the same thing. You should not hire a lawyer based solely on advertising--anyone can buy a slick commercial.

## ***How Do You Choose?***

How do you find the lawyer in your community that is the best for your case? I believe that there are certain questions to ask that will lead you to the best person for your case--no matter what type of claim you have. It may involve some time on your part, but that's fine because the decision as to who your attorney will be is very important.

The world of personal injury, accident and disability claims is, in our opinion, much too specialized for someone who does not regularly handle these cases. Too many times we have looked at cases that other—inexperienced—attorneys have handled.

You should be aware that the insurance companies who defend personal injury and accident cases know who the attorneys are in your area who actually go into court to try cases and those who do not. The insurance companies use that information to evaluate their risk. One of the first questions some insurance adjusters will ask when a serious claim comes in is: who is representing the plaintiff? **If this information is important to the insurance company, shouldn't it be important to you?**

The fact that Attorney Ernie drafted a will for your uncle or that Lawyer Linda handled your cousin's divorce case does not make them qualified to handle an injury or accident case. Many attorneys who claim to be specialists in auto accident cases do not know the intricacies of these areas of law.

While many lawyers will offer to represent you in your case, it is important to choose a lawyer to represent you that handles serious accident and injury cases everyday and has significant experience and expertise in representing injury victims. Lawyers without this knowledge and experience may not be familiar with or even understand these laws and its many technicalities, which could cause you to lose your benefits and your opportunity to obtain a settlement in your case.

## ***What questions should you ask before your hire an injury lawyer?***

The best way to find the right lawyer is to know the right questions to ask the lawyer before you hire the lawyer for your case. These questions are a good start:

1. What percentage of your practice is devoted to handling serious personal injury claims?
2. Have you ever written any books or reports on injury accidents and insurance claims?
3. Have you ever spoken to groups of other lawyers and professionals about injury cases and insurance laws?
4. Do you have a website with information on injury cases and free forms that I can print to make my insurance claims?
4. Have you ever taken an injury case to trial and won a verdict for your client?
5. What kinds of settlements have you received for your clients?

The lawyers at **Buckfire & Buckfire P.C.** will give you direct answers to these questions. Our firm has represented accident and injury victims and their families throughout the State of Michigan for almost forty years. Our lawyers have the thorough knowledge, expertise, and experience in handling these cases and understand how to handle difficult cases and best represent our clients. Most of our clients are referred to us from other clients who have placed their trust in us to represent their family members,

friends, and colleagues. We also receive many referrals from other lawyers and from medical professionals who recognize that we are the law firm to best represent their clients and patients.

## ***What Do We Do for You in a Personal Injury Case?***

Here is a more or less complete list of the tasks we may be called to do in your case. Remember that each case is different, and that not all of these tasks will be required in every case. They are:

- Initial interview with the client
- Educate client about personal injury claims
- Gather documentary evidence including police accident reports, medical records and bills
- Analyze the client's insurance policy to see whether there is any coverage which the client has that may pay all or a portion of the medical bills while the claim is pending
- Interview known witnesses and track down other witnesses
- Collect other evidence, such as photographs of the accident scene
- Analyze the legal issues, such as proximate cause of the injury
- Talk to the client's physicians or obtain written reports from them to fully understand the client's condition

- Analyze the client's health insurance policy or welfare benefit plan to ascertain whether any money spent to pay your bills must be repaid
- Analyze the validity of any liens on the case. Doctors, insurance companies, welfare benefit plans and employers may assert that they are entitled to all or part of the client's recovery
- Decide with the client whether an attempt will be made to negotiate the case with the insurance company or whether a lawsuit shall be filed
- If suit is filed, prepare the client, witnesses and healthcare providers for depositions
- Prepare written questions and answers and take depositions of the defendant and other witnesses
- Produce for the defendant all of the pertinent data for the claim, such as medical bills, medical records, and tax returns
- Go to a mediation hearing to attempt to settle the case
- Prepare for trial and/or settlement before trial
- Prepare the client and witnesses for trial
- Organize the preparation of medical exhibits for trial
- Organize the preparation of demonstrative exhibits for trial
- Prepare for mediation and/or arbitration
- File briefs and motions with the court to eliminate surprises at trial

- Take the case to trial with a jury or judge
- Analyze the jury's verdict to determine if either side has good grounds to appeal the case
- Make recommendations to the client as to whether or not to appeal the case

## ***The Legal Process in Personal Injury Cases***

In most cases today, attempting to negotiate with the insurance company before filing suit is not a worthwhile endeavor. Insurance companies use pre-suit negotiation only to attempt to find out as much about you, your lawyer and your doctors as they can. It is my opinion that many lawyers waste precious time before filing suit. If we accept your case, it is because we believe it is meritorious and you deserve a trial by jury.

I do not believe that it is wise to wait until the statute of limitations has almost expired to file suit in most cases. I have seen other attorneys do this only to find that the defendant they sued is either not the correct defendant or is now blaming someone else.

I sometimes see whereby some attorneys routinely wait until the last moment to see if the insurance company will settle your case. Unfortunately, I have also seen lawyers not licensed in Michigan attempt to represent people with claims. When the claims do not settle, they often panic to find an attorney to file the case on time.

Once the lawsuit is filed, both sides engage in the legal process called discovery. Each party is allowed to investigate what the other side is going to say at trial. The defen-

dant will be permitted access to your medical and work history, including your income records. You may have to give a deposition under oath and you may be required to submit to a medical examination by physicians of the defendant's choosing. The defendant is also subject to discovery. The Defendant will answer written and oral background questions about his own background and he will have to give sworn testimony about the incident at issue.

## ***Why You Should Hire Us***

As I said at the beginning of this book, “we are different.” Rather than run around trying to manage hundreds of cases at a time, we carefully select the few cases that we will accept at any one time.

There are many attorneys who advertise for personal injury cases. Unfortunately, some of these attorneys have so many small cases in their offices that no case gets their personal attention. Others have no real intention of trying your case themselves and if the case cannot be settled with the insurance company, they will refer the case out for trial. There are good experienced attorneys in this field, but it is very difficult for a consumer to separate the good from the bad. You need to ask your attorney all of these questions.

Our clients get personal attention because we are very selective in the cases that we take. We decline hundreds of cases a year in order to devote personal, careful attention to those that we accept. We know that your case is the only one that you care about and we want to devote our full attention to it.

## ***Cases We Accept***

We accept a limited number of cases each year. These include serious car, truck, and motorcycle accident cases,

slip and fall cases, dog bite cases, child lead poisoning and other child injury cases, medical malpractice, wrongful death, and cases involving someone else's negligent conduct. Typical injuries of our clients include death, traumatic brain injuries, spinal cord injuries, bone fractures, burn injuries, poisonings, scarring, drowning, neck and back, and psychological injuries.

***“We Concentrate our Efforts on Increasing the Value of Good Cases—Not Filing and Chasing Frivolous Ones”***

I represent many clients with valid claims. When I devote my time and resources to representing only legitimate claimants with good claims, I am able to do my best work. I have found that getting “bogged down” in lots of little cases, each with a “special problem,” is not good for my clients with legitimate claims.

# **THE BIGGEST MISTAKES THAT CAN RUIN YOUR CASE**

Here are what I consider to be the BIGGEST MISTAKES that can ruin your personal injury claim. These sins are based upon my experience and discussions with many judges and jurors.

## **1. *Waiting Too Long To Contact the Best Lawyer For Your Case***

*While it is not necessary to call a lawyer immediately after you are injured, it is advisable to contact a lawyer once you realize the seriousness of your injuries. Many people are reluctant to call a lawyer at this time and decide to put it off for several months. The problem with waiting too long is that it becomes much more difficult for your lawyer to find eyewitnesses, interview witnesses, and to take photographs of damaged vehicles, broken sidewalks, and other hazardous conditions.*

*As you might guess, many witnesses move around or are in your area just temporarily and this can make it difficult to interview them if you delay in calling a lawyer. Also, many damaged cars get repaired, many scars heal, and many dangerous conditions are fixed before photographs can be taken. Because photographs are often the most compelling evidence, it is important that they be taken as soon as possible after you are injured.*

*Also, many types of cases have legal requirements and*

*time deadlines for taking action against a negligent person or business. This is especially true in filing insurance claims, suing drunk drivers and liquor establishments, and governmental entities. Often, the failure to meet a required deadline will destroy your case, even if you were seriously injured.*

## **2. Hiding Past Accidents From Your Lawyer**

*Once you begin a case, the other side will be interested in knowing how many past accidents you have been in. The reality is that they probably already know the answer or have easy access to that information. All insurance companies subscribe to insurance databases and often the only reason they ask you this question is to test your credibility. If you have been in other accidents, your lawyer can investigate this and make a determination as to whether this is a valid problem in your case or not. If you do not tell your lawyer, however, and you misrepresent your accident history to the insurance company, then it is almost guaranteed that you will lose your case.*

## **3. Hiding Other Injuries**

*It goes without saying that you should be upfront and honest with your attorney about any injuries that occurred before or after this accident. Again, if you saw a doctor or other healthcare provider, then there is a record in existence that the insurance company will find. Your lawyer can deal with this if he knows about it. If you lie about it, and the insurance company finds out, then your case is over.*

## **4. Failing to Get Prompt Medical Attention**

*Many people do not recognize the seriousness of their injuries immediately after an accident or simply believe that resting in bed for a few days will make the pain go away. While this may be true, if a person claiming a serious injury waits too long to see a doctor or go to an emergency*

*department the insurance company will think they were not seriously hurt or that the injury did not happen in the accident.*

### **5. Missing Medical Appointments and Not Following Medical Advice**

*If you do not show up for your doctor's visits or do not follow the recommendations of your doctors, the insurance companies will assume that you were not seriously hurt and do not care enough about getting better. They will assume that you have a small case, even if you have serious injuries. Juries also do not like it when a person claims to have a serious injury but does not go to scheduled medical appointments.*

### **6. Misrepresenting Your Activity Level**

*Insurance companies routinely hire private investigators to conduct videotape surveillance. If you claim that you cannot run, climb or stoop, and you get caught on videotape, your claim can be destroyed. It is very difficult to overcome the eye of the camera.*

## ***Our Cases and Verdicts***

A sampling of cases that we have handled including verdicts and settlements may be reviewed on our website at **[www.buckfirelaw.com](http://www.buckfirelaw.com)**. Remember that each case is different. Once a case is in the hands of the jury, it is out of our control. We do believe, however, that significant trial experience in big cases is an important factor that people should use to choosing one attorney over another. Many of our clients have told us that this is true.

### ***Our Services***

*We are here to represent you at every step of the way in your claim. Sometimes the best advice is that you do not have a claim that can be won. If that is true, we will tell you so. If your case meets our criteria for acceptance, you can be assured that you will receive our personal attention. We will keep you advised as to the status of the case and give you our advice as to whether your case should be settled or whether we should go to trial*

*An initial consultation is free. We will fully explain all fees and costs to you before proceeding. Together, as a team, we will decide on the tactics best suited for your case.*

**LAWRENCE BUCKFIRE,  
BUCKFIRE & BUCKFIRE, P.C.**



## ***Free Newsletters From BUCKFIRE & BUCKFIRE P.C.***

Would you like some practical advice about legal issues in Michigan? Would you like additional information about our law firm and the attorneys and support staff that will make up our litigation team? These are some of the topics that are covered four times a year in a free newsletter sent to your home.

We strongly believe that most legal disputes could be avoided if people had a better general knowledge about the legal system, insurance coverage and the insurance claim process.

There is absolutely no cost or obligation and from time to time we run contests to give away free stuff!

If you subscribe and later feel like canceling the newsletter, there is an 800 number in every issue that you can call to "unsubscribe." Don't worry, this is not the boring, "canned" newsletter that most firms buy and slap their name onto. We write it and we aim to provoke people to pay more attention to their legal affairs.

**There is no need to destroy this book. Just photocopy this form, fill it out and mail or fax it to us. Fax to (248) 569-6737 or mail to Lawrence Buckfire, 17117 W. Nine Mile Rd. Suite 1135, Southfield MI 48075.**

Please start my subscription to your free legal newsletter:

If you would like to also receive our email newsletter, just send us your email Address to **info@buckfirelaw.com** . We do not share our mail/e-mail lists with anyone!

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