



PERSONAL INJURY UPDATE

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Digging Deeper Yields \$200,000 Recovery

A client called about setting up a minor conservatorship to receive \$25,000 from an insurance company. She said her son was injured in a car crash while riding with her husband. I asked how much the medical expenses were, and she replied, "About \$60,000, but \$25,000 is all they will pay."

Her husband was going to the lake, but had made a service call and was transporting com-

mercial microwaves back to his business to be repaired. The insurance paid for the microwaves, but they had not even thought about filing a bodily injury claim.

There were two policies covering the vehicle and I found that one was a business policy. By showing her husband was driving in the course and scope of employment, we were able to recover \$175,000 on the business policy and



\$25,000 under the auto policy for her son's injury.

As in this case, clients often have claims without realizing it. It is our job to uncover them and seek fair compensation.

Medical Liens Often Can Be Reduced

Negotiate all liens:

- Medical liens usually must be paid.
- Such bills can often be negotiated.
- Medical bills can be reduced by 50% or more.

In many personal injury suits, there are medical bills from doctors and hospitals that have not yet been paid, or a client's own health insurance has paid the medical bills. In either case, the health care provider may file a lien with the insurance company of the party that caused the

personal injury. Such liens will usually have to be paid from the proceeds recovered for the injured client.

However, it is often possible to negotiate with the medical provider to reduce the amount of the lien that will have to be paid.

In a number of cases,

we have been able to reduce liens by 50% or more, resulting in the client retaining a larger net portion of the recovery.

Especially when the negligent party does not have sufficient insurance to cover the client's injuries, providers are prone to reduce significantly the amount of their lien.



Depositions of Treating Physicians

In preparing for trial, it will usually be necessary to have a medical doctor testify. Because of the expense of having physicians testify at trial, we often take a "trial deposition" of the treating physician for use at trial.

A court reporter takes

down the spoken words, and a videographer records the deposition on a DVD so that it can be played at trial.

When a physician is out of state, a video-taped deposition may be the only way of getting the doctor's evidence presented at trial.

In a present case, we took trial depositions of the two Washington, D.C. area physicians that treated the client and can best testify as to the cause and extent of the physical damages.

Even if a case settles, the depositions increase the value of the case.

"It may be desirable and necessary to take the deposition of out of state treating physicians for presentation at trial."

MO Bar Trial Practice Seminar

October 3-4, I participated in the Missouri Bar's Annual Trial Practice Seminar at Lake of the Ozarks.

The two day seminar offers attorneys an opportunity to hone their trial skills by a hands-on approach.

Attorneys conducted *voir dire* (jury selection), gave opening statements, performed direct and cross examinations,

and delivered closing arguments. Seasoned trial lawyers observed the sessions and offered their advice and suggestions.

In addition to providing direct experience, the seminar offers trial lawyers a chance to discuss their legal issues and changes in the law with other practitioners from across the state.

About 95% of all criminal

and civil cases are now resolved without a trial. To remain sharp, attorneys must seek out new avenues of learning to keep their skills fresh.

In my personal injury practice, our goal is the best possible recovery for the client. If trial offers the best award, then we are always ready and able to try the case. Merely settling the case may not result in a full recovery.



Bar members listen to a cross examination speaker.

New Website Coming Soon!

A new and expanded website is now being developed to provide clients and friends with specific information that helps solve their legal problems.

You will find information

on corporate law, estate planning, such as wills, trusts and estates, and tips on what to do in a car wreck.

Current information will guide you through complicated legal issues.

Prior articles and newsletters will also be available on the website.

I welcome your suggestions on new topics of interest to you. Logon to www.atonlaw.com soon!

Attorney Referrals

We appreciate your considering us for referrals. We will return the client and pay co-counsel fees in accord with the Rules.