

WHY DO SOME AUTOMOBILE CASES IN CALIFORNIA SETTLE AND OTHERS WIND UP GOING TO TRIAL?

*A Skilled Personal Injury Attorney with
Experience in Both Trials and Negotiating Settlements
Can Expertly Determine Whether You Will Benefit
More by Settling or by Taking the Case to Trial*



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In a perfect world, the person responsible for your injuries would have sufficient insurance to cover all your damages, and the insurance company would be willing to settle your case for a fair and just amount. The fact is we do not live in a perfect world.

We live in a world where insurance companies fight over even the smallest and most justifiable cases in order to protect their profits. We live in a world where insurance adjusters use tactics designed to entice accident victims to settle automobile cases before speaking to a personal injury attorney to discuss their legal options.

Defense attorneys representing insurance companies use every technique possible to decrease the amount insurance companies pay victims. These techniques include dragging cases out so weary victims accept lower settlement amounts. In order to

determine whether you should settle an accident claim or go to trial, you need to consult an experienced automobile accident attorney about your case.

SETTLEMENT VS. TRIAL



There are many circumstances that make settlement of a car accident case more likely. One is high medical costs. If the victim has medical bills that exceed the at-fault driver's insurance policy limits, the insurance company will normally settle the claim for the full policy limit. An insurance company is also more

likely to settle if there is no question the at-fault party is liable for the accident and both parties can agree on the amount of damages. This eliminates the risk to the insurance company of going to trial and having a jury award a higher damage amount.

On the flip side, when there is a question of liability, the victim's attorney may advise his client to settle rather than risk a jury siding with the defendant and awarding little or nothing to the victim. While the victim may be more motivated to settle a case where liability for the accident is questionable, those are the very cases insurance companies want to take to trial and gamble on a jury ruling in their favor.

Many cases also go to trial because insurance companies adopt a policy of refusing to settle any cases that fall within specific parameters. That adds a layer of complexity to settlement discussions for cases that fall in one of those blanket rules. The question becomes whether an insurance company will stand firm on the company policy and take the case to trial, or consider the particular circumstances of the case and settle prior to trial.

In most situations, personal injury cases involve carefully choreographed positioning between both sides as each gathers enough information to decide if they



are better off settling out of court or going to trial. Part of what a victim needs to consider is whether a potentially higher verdict at trial is worth the extra stress and costs. In some cases, it may be more beneficial to settle out of court for less because the savings in fees and costs will put more money in the victim's pocket than a

higher jury award. The key for an auto accident victim is not what the gross settlement or jury verdict is, but the amount of money he or she will receive after all fees, costs and medical bills related to the case are paid.

Because the insurance company controls the money, the victim is at a slight disadvantage. If the insurance company refuses to act fairly in settlement negotiations, the victim has no choice but to file a lawsuit. The victim, now a

plaintiff, will utilize various tools within the judicial system - subpoenas, depositions, interrogatories and requests to produce documents - to obtain more information to support his or her allegations against the defendant. The information obtained during this discovery phase of litigation often helps the plaintiff's attorney prepare a strong case for court. If the insurance company feels the plaintiff's position may result in a large verdict, they will usually agree to settle.

Settlement can occur in the weeks or days leading up to trial or, in some cases, settlement can occur after a trial has begun. Cases that settle during trial only do so when the insurance company feels the trial is not going their way and there is a risk of a high jury award. Whether settling the case at that time is in the best interest of the plaintiff is a matter of judgment for his or her personal injury attorney.

TRIAL ATTORNEYS VS. SETTLEMENT ATTORNEYS



Some attorneys want to take every case to trial, while others never want to step inside the courthouse. The best auto accident attorney is one who is both an accomplished trial attorney and a skilled negotiator. Insurance carriers know they need to deal more even-handedly with an attorney who is willing to take a case to trial if the settlement offer is not a reasonable one. They are also more willing to work with a trial lawyer who is honestly trying to settle the case, not just position for a lawsuit.

An experienced automobile accident attorney prepares each case as if it is going to go to trial from the moment he first meets with a client. As a case progresses, he uses his experience to help his client decide if it is in his or her better interest to settle the case or take it to trial.

CONTACT AN EXPERIENCED LONG BEACH AUTOMOBILE ACCIDENT ATTORNEY FOR A FREE CONSULTATION

I have based my law practice on the principle of providing each client with personal, compassionate representation. Because your injuries are personal to me, I have even more incentive to fight for your rights. I handle each case personally to ensure you receive the benefits of hiring a skilled personal injury attorney.

Call The Law Office of Michael D. Waks at 888-394-1174 or use the convenient online [contact form](#) to schedule a free consultation. You are under no obligation and you will never pay any money unless you recover damages for your injuries. I offer bilingual services as part of my comprehensive approach to legal representation and I am available 24/7 to talk to you about your case.

About the Author



Michael D. Waks

Personal injury victims need someone who understands their pain, who is invested in them and will guide them through the complicated maze of their medical and legal worries. They need an attorney who cares about them and their families.

My name is Michael Waks and I am a personal injury attorney in the Los Angeles Area focused on the needs of people who have suffered because of someone else's actions.

While still attending Southwestern University School of Law, I clerked for a big defense law firm that represented manufacturers of asbestos. I read the files and met the people whose lives were ruined by asbestos and I knew, for the rest of my career, I wanted to help people like them: the victims, not the perpetrators.

I have been doing just that for over 30 years. As soon as I passed the Bar I opened the Law Office of Michael D. Waks in Long Beach and began exclusively representing seriously injured accident victims. I decided to be a sole practitioner so I could handle every case personally. I understand clients are different and that in the wake of an accident their suffering will be unique, ranging from physical and financial to emotional.

I tell my clients from the start, "I want you to only worry about one thing, and that is to do exactly what your doctor tells you in order to get better. Leave the rest to me."

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