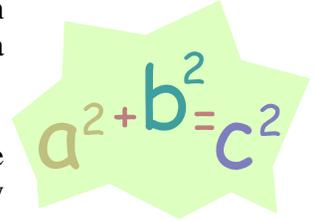




What Is The "Formula" For Personal Injury Settlements?

Hardly a week goes by when a client or potential client does not ask us, "what about that formula for settlement of personal injury cases." In some cases, prospective clients are trying to convince us to take their case because the "formula" shows that it is going to be a "big" case.

There is no magic formula for settling personal injury cases. When I started practicing (25 years ago this October) there did seem to be a formula that many attorneys and insurance adjusters followed. That formula tended to be that a case was worth "three times the medical bills, plus the lost wages." That formula simply does not exist today.



The reason the formula does not exist today (and may, in fact, have never really existed) is that jurors are not instructed on any "formula." Each case is different and an experienced personal injury attorney, when presented with all of the facts of a case, can generally advise a client as to a reasonable settlement range and a reasonable verdict range for their case. There are literally hundreds of factors that a jury might consider and, thus, must go into an attorney's evaluation of a case. For example, if a car accident victim has neck surgery that costs \$80,000, but the first time he saw a doctor, complaining of neck pain, was three months after the accident and the evidence shows that he had a history of neck pain for several years prior to the accident, it is unlikely that the jury will include the \$80,000 hospital bill in their damage calculation. Whether they do depends largely on the expert testimony in the case and on the attorney's ability to persuade the jury.

Sometimes we see cases where there are tens of thousands of dollars of diagnostic testing done, all of which turns out to be negative. In other words, the claimant complains of pain, yet no doctor can put a finger on the source of the pain, even though a lot of time and money is spent getting MRIs, CT scans and other tests done. Both jurors and insurance companies may heavily discount these bills as being unrelated to the accident.

Any attorney who tells you that there is, in 2008, a formula for determining the value of a personal injury case, simply has not had the experience of trying enough personal injury cases. It is only if you are actually trying cases, and keeping up with all of the reports of jury verdicts in the attorney's locality, that anyone can make a reasonable prediction of the value of the case.

RobberyWithoutAGun.com Launched

We have launched yet another website, this one to promote my new book, **Robbery Without A Gun – Why Your Employer's Long-Term Disability Policy May Be A Sham**. This site will be filled with information for anyone thinking about filing a long-term disability insurance claim and for anyone whose claim has been denied. I would love for you to visit this site and then, if you think it is worthwhile, "digg it" at digg.com.

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How to Deal With an Insurance Adjuster

Charles E. Boyk

If you've ever been involved in an accident caused by another driver, you may have received a call from an insurance adjuster trying to settle your claim. Typically, an adjuster will wave a few thousand dollars under your nose to settle the claim quickly. It sounds good until you realize you're hurt more seriously than you anticipated or your medical bills end up eating into that money. Keep in mind where the adjuster's loyalties lie. They'll likely be extremely pleasant, but they have one goal: to settle your claim as cheaply as possible. They do this for a living, all day and every day. Be smart when you're dealing with them – or, better yet, hire a lawyer who deals with insurance companies on a daily basis. After all, the insurance companies have professionals working for them, so should you.

Charles Boyk is a personal injury attorney in Toledo, Ohio, and the author of The Ohio Accident Book.

Time, There Never Seems to be Enough of It

Are you one of those people who constantly complains that you don't have enough time to get things done? Do you blame the fact that you live in northern Virginia for the time pressures that you have? Do you, in fact, surrender to other people's perceptions about the crush of time and figure that "this is the way it is supposed to be?"



Here are the irrefutable facts about time:

- You have as much time as anyone else in the world; 24 hours a day, by last count
- How you spend your time is based entirely on the choices you make
- Your decision as to who and what you allow into your life determines whether you have "enough" time

Ben's "Superman" Tips for Capturing More Time:

1. Keep a time log for five days. Record everything you do in 15-minute increments. Be honest. You will be surprised to see where your time actually goes.
2. Set aside 30 minutes (or wake up 30 minutes early one day) and write down your list of what you value most. I'll bet that "time with family vastly outranks both "surfing the internet" and "watching the latest/greatest TV show."
3. Looking at your time log, make a list of those things you actually spent time on that have absolutely no relationship to your top five. Ditch them or delegate them.
4. Ditch any device you have that gives people unfettered access to you. Yes, that's your Blackberry™ or other device that says to the world "interrupt me at any time – go ahead – I wasn't doing anything productive anyway!"
5. Don't be guilted into giving away your time to everyone who asks for it. **YES**, we all have causes that are on our top five "most important thing to do with our lives," but otherwise, learn to say **NO** to mindless and mind-numbing committee meetings run by and for people who get total enjoyment out of dragging you down into their "I have no time" mire.

Want to learn more? Ask for my new book, "Carry Your Own Leash, an Entrepreneur's Guide to Autonomy" free for my readers! Note special email address for this offer: [GLMstaff@gmail.com]. Subject line: "Leash book"



Prudential Hammered for Handling of Fibromyalgia Disability Claim

A federal court in Pennsylvania recently socked it to **Prudential Insurance Company** over its handling of a disability claim involving fibromyalgia.

The court ruled that an insurance company cannot require **objective evidence** for **fibromyalgia**. The court found that Prudential acted improperly directing, in its questions to its reviewing doctors, whether objective findings supported the claimant's disability. The court also noted that any insurance company that believes that fibromyalgia can never be an impairing condition is patently incorrect. The court also rejected Prudential's attempt to label the fibromyalgia as a "mental condition." The court simply noted that "fibromyalgia is an affliction with a physical source and is often accompanied by depression."

(Note from Ben: Most badly written disability policies limit payments for any mental illness to two years – thus, courts love to call chronic pain or fibromyalgia a "mental illness.")

Ben Glass recently flew to Palm Springs, California, to appear on the show "Leading Experts" to discuss personal injury cases. In that program, he exposed some insurance company tricks and showed consumers how to avoid deceptive and misleading lawyer advertising. Check this newsletter next month to see how you can watch this show.

Trivia Contest

I've got several "improve your memory" tool kits (retail value \$299) sitting on my shelf. Here are my prizes for the first five who can answer either of these two trivia questions.

- What is the most requested rock tune in history, including iTunes, radio call-in shows, dance requests at proms, etc.?
- When soccer legend David Beckham was in town recently to play a game, local youth soccer teams bid on the right to have their players escort Beckham and his team, the L.A. Galaxy, onto the field. What was the winning bid? In other words, what did the team pay to have its youth players march into RFK stadium with Beckham?

Answer by sending an email to GLMstaff@gmail.com Subject: Trivia

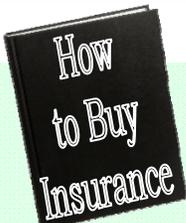
Do I have a case?

Question: My daughter was on a field trip to northern Virginia with her high school class and the class stayed overnight in a local hotel. The hotel failed to remove the mini bar from the room and even though no mini bar keys were issued to the kids, my daughter and her friends broke into it and consumed some of the alcohol. When her teachers found out about this, she was expelled from school. I would like to sue the hotel for not removing the mini bar from the room.

Ben says: Are you kidding? Where has personal responsibility gone in this world? The hotel certainly might have been negligent in failing to remove the mini bar (and, if asked, they probably would have charged for the removal) but the law is not going to compensate your daughter for getting kicked out of the school for her own stupid and illegal act in breaking into the mini bar. Yes, kids do foolish things even under the best of parental guidance and tutoring over the years, but they need to know that every act is a choice and every choice has a consequence. Sometimes the consequences are tough.

Not only does your daughter not have a claim, but the hotel probably has a claim against her for damaging its equipment and stealing its product. Hopefully, this incident will be a wakeup call and one day prevent your daughter from getting into a car drunk.

(The above story is an actual story of a call received by Ben Glass Law.)



Do You Know All You Need to Know to Buy Insurance?
Everything you need to make sure you are buying the right insurance for you.

How To Buy Insurance

Go to www.BenGlassLaw.com to get your copy.

RETURN SERVICE REQUESTED

We have found the best source for all types of family safety information on the internet. Check out www.InjuryBoard.com

Inside—Dad of Seven Reveals His Time Management Secrets

Fuel-efficient Scooters Save Gas

Sales of motor scooters are taking off. Gasoline prices of about \$4.00 a gallon are playing a big role in the trend. Today's scooters are a cross between a motorcycle and a moped.

An Environmental Protection Agency study, using mileage figures from Vespa, Honda and Ford, shows how much scooters cost to operate on a 50-mile round-trip commute to work if gas were \$3.79 a gallon.

- Vespa scooter, 72 MPG, \$2.65 a day
- Honda Accord, four-cylinder, 31 MPG, \$6.10 a day
- Ford Expedition SUV, 18 MPG, \$10.50 a day

Not everyone lives 25 miles away from the job, and not everyone wants to ride a scooter every day. Still, the figures are food for thought.

Reducing the Risk of Alzheimer's Disease

Here's some good news: A daily dose of caffeine blocks the effects of high cholesterol that scientists have linked to Alzheimer's disease.

A University of North Dakota School of Medicine study shows that just one cup of coffee a day is protective, but three cups are much better. The study was reported by the *Bio/Med Journal of Neuroinflammation*. Previous studies show that cholesterol breaks down BBB, which can then no longer protect the nervous system from damage caused by blood borne contamination.

BBB leakage occurs in disorders such as Alzheimer's disease. What you drink does make a difference. That includes the recommended one to two glasses of red wine each day, according to the Mount Sinai School of Medicine in New York City.

People who drink fruit and vegetable juices more than three times a week might be doing the best of all. Doctors say they have a 76 percent reduction in Alzheimer's disease risk.

Reminder About Our Firm's Communication Policy

Our promise to you is that while we are working on your case, we don't take inbound phone calls, faxes or emails. Ben Glass takes no inbound unscheduled phone calls whatsoever. It makes him much more productive and helps get your case resolved faster. You can always call Ben's Assistant, Terry Patterson (703) 591-9829, and schedule an in-person or phone appointment, usually with 24-48 hours. This is a lot better than the endless game of "phone tag" played by most businesses today. Remember, too, that email is "quick," but is checked no more than twice a day. Replies are then scheduled into the calendar. So if it's really important, don't email – call Terry instead.