

Why People Injured on the Job Need a Lawyer

Would you climb into the ring with a professional boxer? Would you play Tiger Woods straight up for \$1,000 a stroke? Would you feel comfortable negotiating a lease with Donald Trump?

Of course you wouldn't. You'd have to be crazy if you thought you could beat these guys at their own game.

So why is it that people don't think twice before they go down to the WCB all by themselves and negotiate a settlement of their personal injury claim. What are they thinking? What is it about personal injury law that makes people think they know as much as the folks who deal with it every day?

Do the people who negotiate their own claims think that WCB is duty bound or required by law to give them a fair settlement? Well, they're not.

Do they think that there is some sort of menu that shows who is in the wrong in every possible situation and then shows how much a ruptured spleen or a broken arm is worth. Well, there isn't. Wake up and smell the coffee, people. That's not the way the real world works.

If you want money from WCB you are going to have to convince them you are entitled to it. That is no easy job because they start out not wanting to be convinced. On the other hand, the job of the WCB adjuster is to determine if the corporation is exposed to liability, convince you your claim is not valuable and then settle your claim at the minimum possible cost to the corporation. Frankly, folks, even the worst adjusters are better at negotiating personal injury settlements than the vast majority of people who don't do it for a living.

Now why does that come as a surprise? It's what they do every day. Why wouldn't they be better at negotiating personal injury settlements than you are?

Like all litigation, negotiating personal injury settlements involves determining whether or not the other side is liable and, if so, how much the claim is worth. In some situations the liability issue is fairly straightforward. If you were a passenger or if you got rear-ended, you are usually not going to have too much trouble with this one. However, that doesn't mean that WCB is going to roll over and hand you a blank check. On the contrary, chances are pretty good that they are going to tell you that you have no claim at all or a shaky claim at best.

Now why would they do such a thing, you may ask. Simple. Insurance companies have found that if they tell 10 people with valid claims that they have no claim at all and that they aren't going to get any money, an average of 4 out of the 10 will go away and never come back.

If you could get rid of 40% of your monthly bills just by telling them to go away and quit bothering you, would you do it? If you could get the rest of your creditors to take 50 cents on the dollar just by telling them they wanted too much, would you do it? Of course you would.

Even if they do manage to convince WCB that they have a claim, the people who act for themselves rarely know how to determine the correct value of their claim. Most of them don't know that, in addition to the claims for pain and suffering and past wages lost, they can also have claims for future wage losses, loss of opportunity, costs, disbursements (such as mileage to go to their doctor's office), bad faith and a variety of other things.

On the other hand, the adjusters can give you a pretty good estimate of the value of your claim even before they see your medical records. Not that they are any more likely to tell you the actual value of your claim than Ford is likely to help Chrysler with its new line of cars, but they can. If they can't, they have lots of places to look and people to ask. It is their business after all.

So what is a fellow to do, then? Simple. Trade in that fool you've got for a lawyer and get a real one. Get someone who does this stuff every day, someone who knows what they are doing, someone who knows what your claim is really worth.

But I can't afford a lawyer, they're too expensive, the lawyers will take too much. I can hear it all now. Lord knows, I've heard it a thousand times before. For that matter, you can hear the adjusters say it as soon as you suggest it. But why do you think the WCB adjusters are trying to talk you out of going to see a lawyer? Think about it.

In point of fact, lawyers are expensive. On the other hand, they are worth it. Studies have shown that represented parties are likely to recover almost three times as much as unrepresented parties for the same claim. If the lawyers take a third, you end up with only two-thirds of what your claim is worth, but it is still twice as much as you are likely to get on your own.

Nobody likes to share a third of their pie with lawyers but if the lawyers make the pie bigger, who does it hurt - besides the WCB, of course?