HOW TO HANDLE A CAR ACCIDENT CLAIM
A CALIFORNIA CONSUMER’S GUIDE

A COMPLETE GUIDE TO HANDLING YOUR OWN CALIFORNIA AUTO ACCIDENT

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Disclaimer

This book is not intended to be legal advice. I am telling you my experiences, what to avoid and what mistakes not to make. This book is a general consumer’s guide to inform you of the steps of and what to expect in pursuing a California auto accident claim.

Personal injury law is a very complex area of the law with many nuances. The law changes often. There are many missteps you can make if you do not understand the law. Some of these mistakes can seriously jeopardize your rights, your benefits and your entire case. Therefore, you should read this book. Please contact our offices at 1-800-718-4658 for a free consultation about your specific claim. We will answer any questions that you have.
Foreword

Why This Book Was Written

You have probably been recently injured in an auto accident if you are reading this book. You have no idea what to do or where to turn for help if you are like most people who come through our offices. It is hard to know who you can trust. This book is meant to educate injured accident victims about their rights and responsibilities and to develop an understanding of the often confusing process that takes place after an accident.

I wrote this book on behalf of Nadrich & Cohen, LLP as a resource for people who have been injured in an automobile accident in California. No one wants an accident to happen, nor do they want to be hurt in an accident. Accidents do happen, however, and people are hurt in them every day. I wrote this book to help you.

This book was written because, after decades of watching it happen on countless occasions, I became embittered by insurance companies taking advantage of people who have been injured in an accident through no fault of their own before they had a chance to talk to a qualified attorney. I also became outraged over the misleading and dishonest media coverage put out by insurance companies and multi-billion-dollar corporations accusing personal injury claimants and their lawyers of greed and dishonesty, coverage which somehow manipulates these insurance companies and corporations into paying them huge, undeserved settlements. I have represented thousands of personal injury clients and have recovered hundreds of millions of dollars on their behalf.

We have learned over the years that immediately following an accident, injured victims and their families are confused and disoriented. Even a small accident, at the very least, disrupts your life. You have a lot of questions because you have never been in a situation like this before. An experienced personal injury attorney can help answer your questions and put your mind at ease while you focus on tending to your injuries or coping with a loss.

You need the useful information provided in this book if you or a loved one has been in an accident. It is information you can trust. You will be taken advantage of at every turn if you deal with the insurance companies and their adjusters yourself. I did not create this system – insurance companies did.

We understand that you are entitled to be treated fairly by all parties involved, including your doctor, your attorney, your employer and the insurance company. Even if your injury case does not need an attorney – and not all personal injury cases do – it is in your best interest to at least consult with an experienced personal injury attorney before discussing your claim with
the insurance company. We offer free initial consultations. That way, you can make an informed decision as to whether you need representation.

Jeffrey Nadrich, Esq.
Chapter 1

A Personal Injury Case Defined

The California Vehicle Code makes it the responsibility of the operator of any vehicle to obey the rules of the road and watch out for the safety of not only themselves, but others as well. Sadly, this does not always happen.

A personal injury case is a claim seeking monetary compensation for the harm or loss caused by someone else’s negligence. A personal injury claim may arise from a number of occurrences, including an automobile accident, motorcycle accident, bicycle accident, defective products, medical malpractice or a slip and fall.

Negligence occurs when a person does something they should not have done or fails to do something they should have done. This is the basis of a personal injury claim.

Personal injury claims come in all sizes and levels of severity. The harm that results from a personal injury claim can vary dramatically in California and elsewhere around the country. If someone else’s negligence caused an accident that damaged your car only, then you have a property damage claim but you do not have a personal injury claim. If your car has been damaged and you have suffered injuries, then you have both a property damage claim and a personal injury claim. It is standard to settle a property damage claim separately from a personal injury claim.

Our law firm has a dedicated team with many decades of experience handling auto accident injury and personal injury cases. We are able to represent personal injury victims throughout California because of our success and the exceptional service we offer our clients. We have offices throughout the state, including Los Angeles, Fresno, Modesto, Palm Desert, San Francisco and Tracy.
Chapter 2

What You Need To Do Immediately Following an Accident

Early investigation can be a key in an auto accident involving serious injuries. Witnesses need to be interviewed immediately. Accident scenes can also change drastically over the minutes, hours and days after a crash. Accident debris gets swept away. Tire impressions on the roadway, highway shoulder or nearby grassy areas fade. Skid marks disappear over time or are washed away by rain or snow. Vehicles involved in the accident may be repaired, sold for scrap or destroyed. In addition, later roadway construction may alter the traffic pattern in ways that could significantly affect your case.

You should immediately contact the police and call for medical attention for anyone who has been injured after a collision in California. You may not think you are really hurt. Everyone reacts differently to trauma. This is not uncommon. It is a good idea to let medical professionals examine you before concluding you are not injured.

Once the police arrive, you should cooperate completely with their investigation, including providing a statement if one is requested. Police reports are very important to your case, but do not rely on the police report alone to contain every bit of information you should gather at the accident scene. Police reports often miss a witness or leave out important details. If you are physically able, you should collect as much information as you can. If you are not able, ask if someone at the scene can help you do this. It is important that you do not leave the accident scene before gathering as much of the following information as possible:
• Obtain the other driver’s name, home, work and email addresses and telephone numbers. Also, make sure you get their driver’s license number, vehicle registration number and their insurance company information.

• Immediately seek out witnesses and ask them to give you a statement about what they saw or heard. You should also get their contact information, including name, address and phone numbers. The opportunity to later identify witnesses may never come. There is usually only one chance to get all of the details which can make or break a case.

• Photograph all damage to your car – inside and out, top to bottom, from all angles. The amount of damage to a car is not always the best indicator of how badly its occupants were hurt. Since there is probably some damage to your car, you want to make sure that it is photographed.

• Take pictures of the accident scene, including road signs, traffic lights and skid marks. Paying careful attention to your surroundings can alert you to important factors that can easily be overlooked, including by the police. Make note of any malfunctioning traffic lights or missing, damaged or obstructed stop signs if the accident happened at an intersection or on a city street. Observe the other vehicle for apparent mechanical problems such as burnt-out headlights, non-functioning blinkers or any other parts that could later prove to be significant.

• Have someone photograph your injuries. Photographing your injuries can, aside from the fact that pictures help document what you have been through, serve as important evidence to help prove that the collision was the cause of your injuries.

Something that is often overlooked is how freely you should discuss the accident at the accident scene. Do not immediately admit any fault for the accident or deny that you are injured. People often do not feel the injuries until several days after a collision. You should calm down a bit in that time and consult with a doctor to determine whether you have been injured. An immediate denial of injury will come back to haunt you. The insurance company will point to this as evidence that you were not injured in the collision. While some people do walk away from accidents uninjured, others initially feel “fine,” only to discover problems over the next several days or weeks.

At Nadrich & Cohen, LLP, we recommend that you allow yourself enough time to discuss your situation with a doctor before declaring yourself injury-free. If the crash caused serious injuries or damage, you may also want to contact our law firm and see if you have a valid claim against the at-fault driver.
Automobile accident injury law in California is a very specialized area of the law that is best handled by an experienced personal injury attorney with a proven track record. An attorney will help you sort everything out. Remember, your attorney is on your side. They will be with you every step of the way – from protecting your rights, investigating and preserving critical evidence, to helping you wade through the medical world as you undergo what may be a slow recovery and offering practical advice about how to go about your everyday life in the face of serious injuries. Think of your attorney as a friend – someone who will be available at all times.

The auto accident injury cases Nadrich & Cohen, LLP has handled were caused by the other parties. Those drivers, like many in California who have caused an accident, were speeding, driving under the influence of drugs or alcohol, inattentive, otherwise distracted or just plain careless. It is not uncommon for the at-fault driver’s insurance company to suggest that you do not need an attorney in such cases. “Let’s just settle this ourselves,” they might say as they make false promises to take care of everything. When this happens – and it is most certain that it will – stay strong and do not be charmed by their seemingly genuine concern. They are not really interested in your welfare. You need to consider not only how you are feeling at that moment, but how you will be tomorrow, next week, next month and so on.

Accepting a quick offer from the at-fault party’s insurance company may give you a bit of money to cover some of your immediate bills, but that is about as far as it will go. You will be signing away your rights to further compensation if you settle your case too early or sign anything from the insurance company and you will be on your own if your injuries worsen over time. You will have to pay for any future medical bills out of your own pocket. Beware of any documents the insurance company gives to you. Signing the back of a check can amount to a complete release of all aspects of your claim, regardless of the severity of your injuries and/or damages.
company gives to you. Signing the back of a check can amount to a complete release of all aspects of your claim, regardless of the severity of your injuries and/or damages. Signing a medical release can open up your entire medical history. Insurance companies will look for excuses to minimize your claim or flat out reject it. Do not sign anything until you first speak with an attorney.

**You are not required to give a statement to the other driver’s insurance company under California law.** Injury victims are usually asked to provide a recorded statement to the insurance company after an accident. Your insurance policy will generally require you to cooperate with your own insurance company. This duty to cooperate usually includes providing a recorded statement if one is requested. You are not required to provide the other driver’s insurance company with a recorded statement, however. Remember, “Anything you say may be used against you.” We have all heard this on TV and in the movies when someone is being arrested. It is also true when you have a personal injury claim. Recorded statements can be harmful and costly because what you say can be taken out of context. If you are giving a recorded statement to either insurance company – your own or the other driver’s – you should be represented by an experienced personal injury attorney.

**Insurance is a business – it is a big business.** The insurance industry is one of the largest businesses in the United States. Your only contact with the insurance company was probably with your agent until you had a personal injury claim. They probably treated you nicely and maybe you even considered your insurance agent as a friend. Make no mistake about it, however: insurance is a business.

The insurance company promises that you will be covered for certain losses if and when they occur as long as you continue to pay your premiums. Until this happens, the insurance company has every reason to treat you as a friend – a friend who continues paying the premiums. When an accident happens, you are now asking the insurance company to honor its side of the insurance contract – its promise to pay for losses suffered. It is at this point that the relationship often changes. The insurance company now has an interest in paying you as little as possible for your loss. You may have serious lifelong injuries. You should be fully and fairly compensated for these injuries, but your needs and what is fair are not a part of the insurance company’s business plan. The insurance company has tens of thousands of claims pending at any given time. They are in business to make more money by paying you as little as possible. To make matters worse, in an auto accident injury case the insurance company that you are dealing with is usually not your own. You will be dealing with the at-fault driver’s insurance company. Since you are not a customer of that insurance company, there is no incentive to ensure that you are fully and fairly compensated.

**The insurance adjuster is not on your side.** In our many years of handling personal injury cases in California, we at Nadrich & Cohen, LLP have found most insurance adjusters to be friendly and even empathetic. As nice as the insurance adjusters may be, though, they still have a job to do. That job is to pay as little as possible on claims so the insurance company can make more
money. It is extremely important that you be cautious when dealing with insurance adjusters, whether they represent your insurance company or the at-fault driver’s insurance company. If adjusters had their way, accident victims would quickly sign a settlement agreement that would barely cover their medical expenses and lost wages. A quick settlement minimizes the insurance company’s costs and eliminates any future claims for accident-related injuries that arise in the future. In short, you must see the insurance adjusters for what they are - employees of big corporations trying to maximize profits at the expense of injured victims. They are looking out for their own best interests – but our law firm will be there to look out for yours.
Chapter 4

Documentation Is Everything

There are many people who, even while in extreme pain, will refuse medical attention at the scene of an accident and simply go home. Chances are, after several hours, their pain and discomfort will increase. You are often told that the pain you are feeling has nothing to do with the car crash when dealing with a typical insurance adjuster on your own. This is a prime example of why you should immediately ask for an ambulance to take you to the nearest emergency room when you are injured in an accident. Aside from the obvious medical reasons for doing so, it is also important from a legal standpoint to have documented in your medical records that you had complaints of pain and what those complaints were. The lawyers at Nadrich & Cohen, LLP can better help you if there is documentation to back up your claims.

We all know people who go to the doctor for every little ache or sniffle, reasoning that you can never be too careful, and then there are others who will not go no matter what, thinking that their problem will eventually resolve itself. The reality is, a person can delay going to the doctor for days or even weeks and yet still have suffered an injury. The insurance company doctor will use this delay in treatment to claim either that you were not really hurt in the accident because you did not go to the doctor right away, or that the injury is real but must have happened apart from the accident. You can explain why you delayed treatment, but in the eyes of the insurance adjuster every little thing you have to explain creates more doubt about the legitimacy of your claim. The idea is not to be a complainer, but to fully explain all of your symptoms to the doctor immediately following an accident.

Another mistake auto accident injury victims in California often make is failing to fully explain their injuries to their doctor or failing to disclose “all” of their injuries. It is common for an injury victim to tell their doctor about the injury that is bothering them the most and leave out the other injuries. We have seen this many times with injury victims not disclosing numbness and tingling, usually in the arms, hands and fingers. This can really create a problem for your case. You must thoroughly explain the extent of all injuries, the pain the injuries are causing you and how the injuries have affected your ability to carry out normal daily activities. Always tell your
doctor if anything hurts, even if you think it might be nothing. If you do not tell your doctor
about everything – and I do mean everything – their records will reflect that you do not have
pain when, in fact, you may have sustained serious and significant injuries. Pain is an
indication of damage. Doctors need to know about all damages you suffered in the accident.
Pain in certain parts of your body can help the doctor identify your injuries.

Never let a doctor cause you more pain than is comfortable during an examination. Let the
doctor know immediately if you experience discomfort during an examination. The medical
record will show that you had no pain if you do not tell the doctor what you are experiencing,
so be sure to verbalize all of your complaints regarding pain. Not mentioning your pain is
dangerous because you could leave a doctor’s care without having been diagnosed properly
and thoroughly. This could lead to more serious injuries. Inaccurate medical records make it
difficult for you to get fair compensation for all the damages you suffered.
Chapter 5

Going To The Doctor On A Lien

Our clients often either do not have a doctor to treat them, they do not have health insurance or both. Fortunately, Nadrich & Cohen, LLP has a statewide database of doctors who specialize in treating personal injury victims on a lien. A lien is a legal right where you do not have to pay for your medical treatment until the end of the claim after we win a settlement for you. The doctor will wait until we win the settlement to get paid. There are internists, orthopedic surgeons, neurologists, plastic surgeons and other specialists who will treat on a lien. This allows our clients, regardless of where they live in California, to receive excellent medical treatment without having to pay upfront for their treatment. Doctors will not work with an auto accident injury victim on a lien unless they are being represented by a personal injury law firm such as Nadrich & Cohen, LLP, however.

Follow these important guidelines after you have seen a doctor for your injuries:

- **Follow your doctor’s advice.** It is crucial that you follow your doctor’s recommendations. This sounds simple, but Nadrich & Cohen, LLP has had many clients who failed to follow this basic approach. Missing numerous appointments, failing to fill prescriptions or not returning to your medical providers as instructed can be costly to your health and to your claim. Insurance companies look for injury victims who fail to follow their own doctor’s orders. The insurance company’s doctor and attorneys will claim that you would have healed long ago had you done what your doctor ordered if you do not follow your doctor’s recommendations and your symptoms persist. This is just another way the insurance company tries to shift blame and it often works. They will try to blame you. Rather than giving the insurance company an opportunity to deny your claim, just stay on track and do what the doctor tells you to do.

- **Keep all scheduled doctor appointments and physical therapy sessions.** If you cannot
keep an appointment, call the doctor’s office and explain why. Several “missed appointment” entries in your medical chart with no explanation makes it look like your injuries do not require treatment. If you call and explain why you cannot make an appointment, the doctor’s staff will usually note the reason in your chart. That way, you will not have to remember months later why you missed a particular appointment.

- **Keep note of all time missed from work.** Many of our clients suffer injuries that prevent them from performing their regular duties on the job. Although the inability to go to work may seem like a no-brainer, it must be documented by your doctor in a work excuse or disability form. Make sure that your doctor notes your need to be absent from work. Make sure to keep detailed notes of time missed from work due to your injuries. Your notes should include dates, hours and lost wages. Do this even if you are compensated for your lost wages by your employer or through lost income insurance. Do not forget to track work time missed for doctor appointments, physical therapy sessions and diagnostic testing. Keep a detailed account of job income and employment opportunities that you either had to forego or postpone if you are self-employed. The insurance company will challenge your need for missed work and refuse to pay your lost wages without supporting documentation from your doctor.

- **Keep a log of your daily activities.** It is important to keep a daily log of your activities. An auto accident injury claim in California may take a long time to resolve. After the injuries have healed, auto accident injury victims often forget how their injuries affected them on a day-to-day basis during the weeks and months immediately following an accident. Keeping a log will help refresh your memory later. The daily log does not have to be detailed. You should note what you can or cannot do and how this compares to your activity level before the accident. Make sure to write down your missed activities and why they were missed as well, making sure to note issues such as headaches, nausea, pain and difficulty sleeping.
Chapter 6

Games the Insurance Company Wants To Play with You

It is no surprise that the at-fault driver’s insurance company may contact you and ask you to give a recorded statement or sign certain papers. You are under no obligation to make a statement or sign any papers for the other driver’s insurance company. We never allow our clients to give a recorded statement unless we are present or on the call. Be very careful. What may seem like an innocent remark or document early in the claims process can later be misconstrued during settlement negotiations, at a deposition or during a cross-examination at trial. They will use what you say against you when all you are doing is trying to be helpful. Nadrich & Cohen, LLP advises our clients not to give any kind of recorded statement or sign any papers without consulting with us first. We will prepare you for a statement and be present with you when the statement is given if a statement is appropriate. Along the same lines, we never want you to sign any papers until we have a chance to review them beforehand.

We recommend that our clients not give any statements or sign any forms – even for their own insurance company – unless we are part of the process.

There are times when the injured victim’s own insurance company may ask for a recorded statement or present forms to be signed. Your automobile insurance policy more than likely requires you to cooperate with these requests. We still recommend, however, that our clients not give any statements or sign any forms – even for their own insurance company – unless we are part of the process. We want to be completely confident that the terms of your insurance policy are being followed and that your rights are being protected. Great care must be taken when giving a statement to either your own insurance company or the
other party’s insurance company. The statement can later be used against you in either event. Both insurance companies will do everything they can to find something – anything – to use against you, no matter how insignificant it may seem, to pay you the least and make your claim go away. You don’t want to do this on your own and lose out on much-needed compensation, so speak with a qualified personal injury attorney before you speak with anyone else.

In addition to trying to lure you into giving a statement when you are unrepresented, not thinking clearly and at your most vulnerable, insurance companies often use other tactics designed to wear you down and minimize your claim. Some of these tactics are:

- **Taking advantage of your financial situation.** An accident often results in a financial crunch. Injury victims are facing unexpected medical expenses and may not be working. The insurance company will use these factors to pressure claimants into quicker and smaller settlements.

- **Requesting unnecessary information.** Insurance companies will insist that you track down every little bit of information before “evaluating” your claim. They are happy to wait while they are earning interest on the money they are NOT paying you, even if the information they request is not relevant or would not add a penny to their offer.

- **Second guessing your injuries.** The insurance industry endorses a misperception that unless injury victims have broken bones, they are not “really” injured. Their goal is to convince the public that personal injury claimants suffering from sprains and strains are exaggerating or faking their injuries and looking to “hit the lottery” or get a “free lunch.” They will claim that all sprains and strains, regardless of the severity, should be better in no more than six to eight weeks. These injuries can be very significant and debilitating, though, and can often take longer to heal than broken bones.

- **Disputing medical treatment.** Here is an all-too-common scenario: Your doctor recommends a specific course of treatment, but the insurance adjuster questions your care and need for the treatment prescribed. These questions may be about whether your care is related to the collision, the type of doctor you chose to see, the number of times you have treated with the doctor or the length of time it has taken you to recover from your injuries. Although your care is guided by a trained professional and most insurance adjusters have not gone to medical school, they still seem to think they know just what treatment is right for you. The adjuster’s opinions are usually based on a computer program that somehow concludes that “you should be better by now.” We successfully fight this all the time.

- **Disputing the medical charges.** Not only will the insurance adjuster use a computer program to dispute most aspects of your medical treatment, they will also use one to “audit” your medical bills and challenge the amount of those bills. This is just another attempt to get out of fully reimbursing you for the cost of your accident-related medical care. It is clearly a matter of economics. Most insurance companies process thousands of claims every year. If they trim just 5% off your claim and can do that on every claim, the insurance company keeps getting richer at the expense of injured victims.
•  **“There’s no need to call an attorney. Let’s just settle this ourselves.”** You may hear this from the insurance adjuster for the at-fault driver. Ignore it if you do. A suggestion that you do not need an attorney is usually a huge warning sign that you probably do need one. An insurance company’s attempt to settle a claim directly with an injured party is a tactic intended to settle the claim for less money.

•  **Unnecessary delay.** A tried-and-true tactic designed to sidetrack your claim and keep your money from you for as long as possible.

There are many risks in negotiating with the insurance company on your own. Insurance adjusters negotiate claims for a living and are trained to minimize a claim’s settlement value through tactics that are generally viewed as unscrupulous. Be cautious not to fall into their trap. You will most likely settle for less than you should if you do choose to negotiate your own claim. Be careful not to settle your claim before you fully appreciate the extent of your damages and injuries. An experienced personal injury attorney will be your advocate, fight against these tactics and fully protect your rights.
What an Experienced Personal Injury Attorney Will Do For You

Personal injury claims in California involve several areas of the law that are complicated and often confusing. These roadblocks can make it difficult to successfully pursue a claim against the insurance company on your own. An experienced personal injury attorney will be knowledgeable of recent developments and changes in the law that will affect your case. Nadrich & Cohen, LLP considers all of these factors and will do everything it takes to thoroughly evaluate your case. We have successfully handled thousands of cases. An experienced personal injury attorney will do many things for you, including:

- Interview you.
- Educate you about your personal injury claim.
- Always keep you up to date throughout your claim.
- Contact the insurance company to notify them of your claim.
- Gather documentary evidence, including police reports, witness statements, scene photographs, medical records and bills.
- Analyze all available auto insurance policies to determine what claims can be made.
- Analyze your insurance coverage and make suggestions as to what coverage you should have for future protection.
- Analyze all applicable legal issues.
- Talk to your doctors, review and analyze your medical records and obtain all medical
Our goal at Nadrich & Cohen, LLP is to make sure that you are fully and fairly compensated for your injuries. Most personal injury cases are settled without a trial, but having an experienced personal injury attorney who understands what needs to be done to “work up” or properly prepare the case for trial will always add monetary value to your claim.

A study by the Insurance Research Council found that accident injury victims in California and elsewhere around the country who retain the services of an attorney received on average three and one-half times more for their settlement than those who did not retain the services of an attorney.
Chapter 8

How to Find the Right Attorney

We have already established that some injury cases do not require that an attorney become involved. Attorney fees can absorb a large portion of any settlement received in many cases where there are only minor injuries. It may not be worth the time and effort to hire a personal injury attorney for these minor cases.

You are now faced with the task of finding the right lawyer for your case if your case merits hiring an attorney, however. It is extremely important that you find an attorney with whom you are comfortable, who will listen to your concerns and expectations for the outcome of the case and who will have your best interests at heart. Most of all, you want someone who will work for you, fight for you and see to it that you receive all the benefits and compensation that you deserve.

With all the high-tech forms of communication today, there are many different ways to find an attorney in California. Among these are websites, Google, Facebook pages, YouTube channels and more traditional routes like TV and the phone book. Nadrich & Cohen, LLP recognizes that reality and encourages you to review our website and read our reviews. Go through all pages which are relevant to your facts. Be sure to take a look at our settlements and victories page, where you can read more about some of our success stories.

At Nadrich & Cohen, LLP, we offer a free consultation. This is the best way to talk to the attorney you will be working with, ask any questions, discuss concerns you have, and, most importantly, feel comfortable. This meeting will give you an opportunity to learn about our attorneys’ incredible personal injury accident experience and knowledge of personal injury law.

It is important that you ask the right questions before hiring an attorney to handle your claim. Some of these are:
• Does the firm have experience in handling personal injury claims like yours?

• Does the firm specialize in accident claims?

• What are their prior successes with your type of claim?

• Will the attorney’s staff work as a team to develop your claim?

• Are the attorneys members of professional organizations that are committed to protecting the rights of injured victims?

• Do the attorneys participate in continuing education and training?

• Does the firm have the resources and staff to properly handle your claim?

Nadrich & Cohen, LLP has built an incredible reputation handling personal injury claims throughout California. We have settled thousands of claims and have obtained hundreds of millions of dollars for our clients. Our attorneys, paralegals, administrative assistants and investigators are well-prepared to effectively take on auto accident injury claims and all of the issues that may come up in those claims. We are well respected by all of the insurance companies and throughout the industry.

The personal injury lawyers of Nadrich & Cohen, LLP understand your injuries as well as you do. Our personal injury attorneys are devoted to helping you fully recover from your loss. This means continuously fighting for you to obtain the maximum amount of damages available under the law, of course. It is not just about money, however. We know the personal side of your loss. We will refer you to the best medical experts available to handle your health problems or structure your damage settlements to ensure the financial viability of you and your family. We stay personally involved with every client from the moment of first contact until the case is settled, fighting for you every step of the way.

Nadrich & Cohen, LLP is proud to leave no stone unturned in order to present a successful, winning presentation of our clients’ personal injury claims. We have the financial resources to take on any defendant. Our special approach to handling cases enables our attorneys to monitor, update and deal with every issue to win for our clients. All of our personal injury attorneys are highly experienced and passionate about being personal injury lawyers.

We are proud of our firm's leadership in pursuing personal injury claims resulting in substantial verdicts and settlements. The effects can be devastating and long-lasting when a serious personal injury happens. It is of vital importance to obtain the best legal advice possible. Do not settle for less than you deserve. Remember, Nadrich & Cohen, LLP has 24 locations throughout California. We have a location near you.

Call us at 1-800-718-4658 from anywhere in California for a free consultation.
Chapter 9

The Cost of Hiring a Personal Injury Attorney

Nadrich & Cohen, LLP accepts auto accident injury cases on a contingent fee basis only. We do not charge unless we first obtain a recovery. A contingent fee means that we receive, as our payment, a percentage of the personal injury settlement or recovery instead of billing you on an hourly basis. The percentage varies between 33.3% and 40%. We do not charge for your property damage claim. We will resolve your property damage claim for you as a courtesy.

You are obligated to pay us nothing up front. We will advance all expenses and costs associated with your case. You owe us nothing for our time, fees, costs, expenses or services if we do not obtain a recovery.

There are a number of advantages of a contingent fee. First, there is no risk of owing Nadrich & Cohen, LLP a fee if there is no recovery. Another important advantage is that our firm has every incentive to obtain the highest recovery for you in a contingent fee setting. The fact that we are willing to work on a contingent fee basis is a reflection of the confidence Nadrich & Cohen, LLP has in your claim.

The contingent fee is perhaps the one device in law that gives injured people in California, no matter what their financial means are, an even break against the insurance companies. It levels the playing field between you and the insurance company. Only those who could actually afford to pay hourly attorney fees would benefit from having an attorney were it not for the contingent fee. Nadrich & Cohen, LLP is proud to represent Davids (injury victims) versus Goliaths (insurance companies) by charging a contingent fee.
Chapter 10

You’ve Hired a Personal Injury Attorney. Now What Happens?

The road to resolving an auto accident injury claim can be lengthy, complicated and emotionally draining. Trying to deal with all of this on your own can be challenging, which is why it’s a good idea to seek legal help. For example, if you were driving your own vehicle at the time of the collision, you are probably dealing with issues such as vehicle repairs and a rental car. You will have to negotiate with the adjuster in an attempt to receive fair market value for your car if your vehicle was a total loss.

Nadrich & Cohen, LLP can help you with all of this from the first day we start representing you. We are experts at negotiating property damage and total loss claims. We do not charge for resolving your property damage claim.

There may also be immediate questions regarding how your medical bills will be paid. Handling issues such as these on your own can add unnecessary stress to an already difficult situation. Hiring a personal injury attorney gives you someone to confront these issues on your behalf while you focus your energy on recovering from your injuries. Nadrich & Cohen, LLP immediately advises the insurance company that we are involved and handling everything for you as soon as we are hired. This way, all future correspondence from the insurance adjuster handling your claim will be directed to us alone instead of to you.

Nadrich & Cohen, LLP will regularly review your medical record while you are treating with your doctor, physical therapist or other medical professionals. Determining the full extent of your injuries can often take several months or more. Treatment may require many doctor visits, physical therapy sessions or even surgery.

In some cases, accident
victims never completely heal. An experienced personal injury attorney will take these life-changing conditions into consideration when evaluating your claim in those situations. Your lawyer will tell you not to even consider a settlement offer from the insurance company until your injuries have completely healed or the extent of future problems is known.

The majority of the legal work on your case begins as your medical treatment ends. Nadrich & Cohen, LLP will analyze your claim and prepare a settlement book/brief to send to the insurance company to begin settlement discussions after gathering all of the facts and medical records and after your medical treatment has ended. We will then actively negotiate with the insurance company. We will ultimately bring to you their best offer to settle the claim.

The vast majority of claims are settled without litigation, but others will require the filing of a lawsuit. There are different deadlines related to the timely filing of a personal injury case. These deadlines are called the statutes of limitation. Adults injured in a motor vehicle collision in California have two years from the date of the accident to file a lawsuit in order to preserve their rights.

Both sides engage in a legal process called discovery once a lawsuit is filed. Each party is allowed to investigate the details of the other party’s claims or defenses during discovery. Discovery is allowed in California, but is not mandatory. The at-fault party, known as the defendant, will be allowed access your medical history and work history, which may include your income and tax records.

You will likely have to give a deposition under oath and you may be required to submit to a medical examination by a physician of the defendant’s choosing. The defendant is also subject to discovery. The defendant can also be required to answer written and oral questions about their background and give sworn testimony about the incident at issue. It is each party’s responsibility to present discovery requests such as interrogatories (written questions), requests for production of documents and requests for admissions and depositions (testimony under oath).

The court will schedule various deadlines, hearings and a trial date as your case proceeds through the discovery phase. The court may also schedule mediation. The purpose of mediation is to give both parties an opportunity to settle the case. It is ultimately the client’s decision whether or not to accept a settlement. We at Nadrich & Cohen, LLP consider a number of factors when advising our clients regarding a potential settlement.

We try to evaluate the potential jury verdict in most cases and estimate the costs associated with a trial in order to project the amount of money our client would likely receive after a verdict. This amount is then compared to the amount our client will receive if the proposed settlement offer is accepted. A pre-litigation settlement is recommended when it provides a more valuable outcome after taking all known factors into account.

Nadrich & Cohen, LLP is prepared to take your case to trial if your case does not settle. Our preparation will include using our experience to develop trial strategies intended to maximize your recovery. In Chapter 14, we will examine the litigation process.
Chapter 11

How the Value of Your Personal Injury Claim Is Determined

In California, a lawsuit must be filed when a claim is not settled. You (the plaintiff) must prove that the other driver (the defendant) acted unlawfully and those actions resulted in injuries and losses, collectively referred to as damages, for a successful claim. We at Nadrich & Cohen, LLP will determine the extent of your damages and come up with a fair evaluation.

A variety of factors are taken into consideration when evaluating damages. Among these are:

- The extent and duration of your injuries.
- The effect that the injuries have had on your health and well-being.
- The physical pain and mental anguish that you have suffered in the past and could suffer in the future as a result of the injuries.
- Whether you have sustained disability, disfigurement or humiliation.
- The amount of medical and other expenses incurred in the past and the amount of expenses that could be incurred in the future as a result of your injuries.
- The loss of past earnings and the loss of future earnings which could be incurred as a result of your injuries.
- The effect of your injuries on the enjoyment of your relationship with your spouse, known as “loss of consortium.”

California law says that you, as the plaintiff, do not have to be 100% free of negligence to recover damages. To illustrate, you may claim the defendant improperly ran a stop sign while the defendant may claim that they did not see your car because you did not have your headlights on when the accident happened. The jury is asked to compare your negligence to that of the defendant if there is any evidence of negligence on your part. This concept is
called comparative negligence.

A plaintiff can be up to 50% negligent and still recover a verdict against the defendant. A jury is instructed to determine the total dollar amount of the plaintiff’s damages without any reduction for the plaintiff’s percentage of responsibility as long as the plaintiff’s percentage of responsibility for the collision is found to be 50% or less. The judge will then reduce the damage award proportionately by the plaintiff’s percentage of fault. For example, if a plaintiff is awarded $30,000, but is determined to be 50% at fault, the plaintiff will receive only $15,000. However, if the jury determines that the plaintiff is more than 50% at fault for the collision, then the plaintiff is entitled to recover nothing.
Chapter 12

Mistakes That Can Sink Your Personal Injury Case

A jury will ultimately determine the value of your claim if no settlement is reached, as explained in the previous chapter. You must visualize, from the onset of your claim, how a panel of jurors would likely react to the facts of your case— injuries, treatment, medical expenses, recovery and any recurring issues that are bothering you. Each personal injury case in California has its own set of particulars, but one common factor is how jurors will respond to your credibility. Plaintiffs and defendants who jurors do not believe never win.

You must avoid any questionable conduct that will undermine your credibility to preserve the integrity of your injury claim. The lawyers at Nadrich & Cohen, LLP will do their best to represent you and put you in a favorable light, but there are some things that only you can be accountable for.

The following are common mistakes that will ruin your credibility:

- **Failing to tell your attorney about past accidents.** The insurance company always wants to know how many past accidents you have had when you present a personal injury claim. Most adjusters probably already know the answer because insurance companies usually subscribe to databases that contain this information. The only reason the adjuster typically asks you this question is to determine if you are an honest person. Your lawyer will be able to make a determination as to how it may affect your case if you have been in other accidents and disclose them to your lawyer. If you do not tell your lawyer about prior accidents, however, then they will surely be at a disadvantage when this information is later revealed.
While past accidents can usually be dealt with, being dishonest is irreversible and can be detrimental to your case. Prior accidents, often, have no relevance to your claim and your lawyer can exclude them from evidence. If you lie about them and get caught, however, they are never excluded.

- **Failing to tell your attorney about other injuries.** Be honest with your attorney – always. Tell them about any injuries that occurred before or after your current accident. Visits with a doctor, physical therapist or other health care provider for injuries related to another incident are all on record. The insurance company may already have this information or may be entitled to it. Your lawyers can deal with other injuries if they know about them. Your case will take a huge hit if you are dishonest, though. Remember, when you make an insurance claim in California, certain aspects of your life become an “open book.”

- **Facebook and other social media.** Never post anything which is inconsistent with your claimed injuries. All insurance companies will look for you on Facebook and other social media sites.

- **Not having accurate tax returns.** Being injured in an accident often results in lost income. You may need to disclose your past tax returns if you make a claim for lost wages. Your tax returns must be accurate to support your claim for lost income. Let your attorney know if all of your income has been properly claimed and if tax returns have been filed as required. If there are any issues with your tax returns, your attorney will have to evaluate the situation and decide whether to pursue a claim for lost wages. Remember, attorneys can only address a problem if they know a problem exists.

- **Not accurately reporting your activity level.** Insurance companies sometimes hire private investigators to conduct surveillance of individuals. Technology lets them “Google” you, view your Facebook page and locate you on other social networking sites. Do not claim that because of the accident you cannot run, walk, climb or stoop and then get caught on video running, walking, climbing or stooping. The insurance companies will surely use this against you. There is no way to overcome the eye of a camera.
Chapter 13

Forms of Compensation To Which You May Be Entitled

California law provides compensation for different kinds of damages depending on the extent of your injuries and damage to your vehicle. All drivers on California roadways are required to carry insurance. Drivers in California can be arrested, heavily fined or both if caught driving without insurance. The uninsured motorists can even lose their license. First, your attorney will seek compensation for your losses from the at-fault driver’s insurance company. If the at-fault driver is uninsured or underinsured, then your attorney will seek to recover damages elsewhere, such as your own uninsured motorist coverage.

We at Nadrich & Cohen, LLP will help you seek compensation for all damages you have suffered. The following are types of compensation that you or a loved one may recover:

- **Current medical bills.** This includes all reasonable and necessary expenses for medical care that are directly related to the injuries you suffered in the accident. Some examples are bills from the ambulance company, the hospital, the surgeon, the physical therapist and the drug store. Out-of-pocket expenses for such things as co-pays are also recoverable.

- **Future medical bills.** An estimate of future medical bills is potentially recoverable as long as the doctor who provides the estimate will testify under oath that these medical expenses will reasonably occur.

- **Pain and suffering.** This element of damages is the largest amount you will receive and is usually the single most important part of the claim in auto accident injury cases. It can also be the hardest part of recoverable damages to make insurance companies and juries understand. Your medical records will help support this claim because they will
document your level of pain discussed at your doctor visits or therapy sessions. Family members, friends and work associates can also provide detailed descriptions of how the pain has disrupted and affected the quality of your life.

• **Disfigurement.** Scars and other physical changes in your appearance are very significant parts of your claim. A visible scar is a constant reminder of the accident that will be with you for the rest of your life.

• **Lost wages.** You may be able to receive compensation for all wages that you lost as the direct result of the accident, whether you are self-employed or work for someone else in California. You should be compensated for the full amount, even if you were paid through an employee benefit such as disability insurance or vacation pay. You will need to provide paycheck stubs or W2 forms to verify your wages. Your past tax returns can verify your pay if you are self-employed. Any recovery for lost wages can be made on taxable income only. You cannot make a lost wage claim if you do not pay taxes on your income.

• **Loss of earning capacity.** You may also be able to recover wages that you are likely to lose in the future because of your injuries. You will need to provide proof that future loss of earnings will in all probability occur, as with future medical expenses. Your future wages will need to be adjusted for inflation and will need to account for future lost benefits. Your attorney may consult with an accountant or economic expert to help calculate this figure.
Chapter 14

How We Will Win Your Case In Litigation

Most personal injury cases do not go into litigation. If your case does, however, Nadrich & Cohen, LLP, as your personal injury law firm, will actively pursue your case in litigation. We will take “discovery” against the parties responsible for your injuries. The goal of our discovery (litigation tools) will be to significantly alter the defendant's perception of their risk and to increase the value of your case.

We do this through planning and preparation. We have decades of experience dealing with these types of injury cases, so we know what is required. You would likely have difficulty representing yourself in a trial and risk losing out on, potentially, tens of thousands of dollars in compensation as a person unfamiliar with the legal process.

All of our cases follow four basic rules:

1. Jurors' motivation to seek justice
2. Juror bias
3. Strategic case planning
4. Proof

As long as we follow these rules, we will win and convince the defense or the jury of the full value of your claim.

We will always analyze the case from the viewpoint of the defense attorney. Our lawyers will critically pinpoint all of the core issues of the case, all of the defenses the other side may have and any negative attitudes or biases the jury may have against our client.

We then review how we can successfully turn around any negatives in the case. We will take depositions, if necessary, to dispel any negatives, including all witnesses to cover these critical issues, apply standards and rules to the conduct of the defendants and work out a timeframe in order to solve all of these
important issues on our client’s behalf. We sometimes use focus groups to develop themes and find out what jurors want to hear about a particular case.

Our purpose in discovery in each case is always to change or alter the defense’s perceived risk of going to trial, to increase the value of our client’s case and to get the defense to agree to settle with our client rather than go to trial.

We always heighten the importance of the defendant following the rules. We repeatedly discuss how rules must be non-technical and easy to understand. We always discuss personal responsibility and accountability. These are very important concerns among all jurors. The vast majority of jurors believe that all individuals must follow the rules and be held accountable for their actions.

Jurors do not like individuals or corporations who break the rules and try to avoid accountability. For example, in a case involving an automobile accident, we will always ask, “Do you accept responsibility for the accident?” If the defendant says yes, they concede that they accept responsibility. If the defendant says no, it shows that they are avoiding responsibility. Either way, our client wins.

We demonstrate the following to show how the defendant violated a known rule:

1. There is a rule.
2. The rule has been in existence for many years.
3. It is an important rule.
4. The defendant or witness is supposed to follow the rule.
5. The defendant or witness expects others to follow the rule.
6. It is unsafe to not follow the rule.
7. It is wrong to not follow the rule.
8. Somebody will get hurt if the rule is broken.
9. You are accountable for your actions and the injury that may result if you break the rule.

We always use the word “rule” in making our arguments regarding the defendant’s accountability so that we can link it to the standard of conduct of the defendant because all jurors understand that everyone must follow the rules. We connect the concepts of safety and survival with the defendant’s duty to follow the rules. We communicate that the case is not merely about our client’s or the plaintiff’s safety; it is about the jury’s safety, the community’s safety, and that everyone, including the defendant, must follow the rules.

At Nadrich & Cohen, LLP, our goal is to show that there are rules, that the rules were broken and how the violation of these rules caused our client’s injuries so that the jury understands that rules designed to protect everyone, including the jurors and the jurors’ families, create a sense of community.

We have found this process to be quite effective. We get great results for our clients because we do our homework.
About Nadrich & Cohen, LLP

Nadrich & Cohen, LLP is a very aggressive and experienced law firm involved in automobile accident, motorcycle accident, bicycle accident, dog bite and personal injury law. We devote ourselves exclusively to representing injured accident victims in California and nationwide. We are committed to obtaining the highest monetary recovery for our clients.

We have gathered California’s best, most successful and renowned trial lawyers to represent auto accident and personal injury victims. Our attorneys are nationally recognized lawyers who have incredible experience, have experienced incredible success and have the resources necessary to take on the largest corporations in the world. Our attorneys have recovered hundreds of millions of dollars for injury victims. We enjoy an excellent reputation throughout the industry because of our aggressiveness, integrity, honesty and professionalism.

The attorneys of Nadrich & Cohen, LLP are members of some of the most prestigious legal groups and organizations in the United States. The trial attorneys we work with are members of the following:

• Super Lawyers
• The Inner Circle of Lawyers
• American Board of Trial Advocates
• Martindale-Hubbell AV Rating – 5 out of 5 stars
• The Best Lawyers In America
• The Leading Plaintiff’s Lawyers In America
• Multi-Million Dollar Advocates Forum

Our firm will always commit the necessary resources to fight any insurance company or large corporation. We work on a contingent fee basis only. A contingent fee means we only obtain a fee if we obtain a recovery. If we are not successful in obtaining a recovery, our clients owe us nothing for our costs, time, fees or expenses – there are no exceptions.

We can help you. Contact us today for a free, confidential consultation.

Nadrich & Cohen, LLP
Phone: 1-800-718-4658
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Website: personalinjurylawcal.com
Nadrich & Cohen, LLP has been representing auto accident injury victims throughout California since 1990. Because of our success, we have grown to 24 offices in Arcadia, Bakersfield, Downtown Los Angeles, Fresno, Hayward, Irvine, Long Beach, Los Angeles, Modesto, Murrieta, Oakland, Oxnard, Palm Springs, Palmdale, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, Santa Cruz, Santa Rosa, Tracy and Walnut Creek.
About Jeffrey Nadrich

Jeffrey Nadrich formed Nadrich & Associates in 1990 to represent auto accident injury and personal injury victims. That firm evolved into Nadrich & Cohen, LLP, where Jeffrey is an attorney and partner. Among his professional accomplishments, Jeffrey:

• Has successfully represented thousands of accident injury victims and their families against insurance companies.

• Has been a frequent speaker on topics such as automobile safety and all aspects of personal injury claims.

• Has appeared as a guest on and has been quoted by several national media sources, including Bloomberg, Wall Street Journal, Fox TV, European television and many others.

• Is a member of the Consumer Attorneys of California, the Consumer Attorneys of Los Angeles, the American Bar Association, Mass Torts Makes Perfect, the American Association of Justice, the Public Justice Foundation and the Trial Lawyers for Public Justice.

• Is an active alumnus and supporter of the University of California at Berkeley and the University of California, Hastings College of the Law.

• Practices in courts throughout California, including the California Supreme Court, the Court of Appeals and all California Superior Courts. Jeff is also admitted to the Federal Bar and practices in the United States District Courts in California. He represents clients from the settlement negotiation stage to trial to appeal of a case, if necessary.

• Is a member of the Million Dollar Advocates Forum, which is limited to less than 1% of trial lawyers in the country who have received verdicts or settlements of $1 million or more. Jeff has participated in countless settlements and recoveries in excess of $1 million.
Conclusion

An automobile accident can change everything in your life without warning – physically, emotionally and financially. You find yourself in a maze of medical bills, lost wages and maybe even permanent physical damage almost immediately following an accident. The insurance company then comes knocking at your door with its bag of tricks just when you are at your most vulnerable to get you to settle your injury claim quickly and cheaply.

Our goal in writing this book is to provide victims of serious injury accidents in California with a straightforward guide to handling their cases. Auto accident injury cases can open up a myriad of questions and the answers are often confusing. When armed with clear, simple, honest information, however, you will be able to understand the legal process and how to go about getting a fair recovery. These are among the first steps necessary to get your life back in order.

We at Nadrich & Cohen, LLP will be with you every step of the way. We want to help you. Call us at 1-800-718-4658. We have an office near you.
Results and Victories Obtained by Nadrich & Cohen, LLP
And Its Partners

We are proud of the victories and settlements that we and our team of attorneys have obtained for our clients. Here are just a few examples. We can do the same for you.

- $7,800,000 verdict for pedestrian accident
- $6,250,000 settlement for pedestrian accident
- $5,550,000 combined settlement for two SUV rollover accidents
- $5,300,000 settlement for auto accident
- $4,000,000 settlement for auto accident
- $4,000,000 settlement for auto accident
- $2,900,000 settlement for auto accident
- $2,750,000 settlement for auto accident
- $2,100,000 settlement for auto accident
- $1,580,000 verdict for auto accident
- $1,565,500 settlement for motorcycle accident
- $1,500,000 settlement for motorcycle accident
- $1,500,000 settlement for auto accident
- $1,250,000 settlement for auto accident
- $1,250,000 settlement for auto accident
- $1,250,000 settlement for auto accident
Client Testimonials

My name is Adam. I am a client of Nadrich & Cohen, LLP. I just wanted to let you know my 100% satisfaction. My wife and I were in a car accident and we are being represented by Randal Cohen. We are impressed by his professionalism, knowledge and ability to get things done for our claim. The paralegals and staff are great. I will recommend your firm in the future.

Adam Seitz

My grandmother and I were in a terrible car accident. We called N&C, very professional, recommended us to a great physical therapist. I had no insurance at the time they worked with the hospital about our bills. Great company, highly suggested. Received more money than I expected. - Taran C.

Jeffrey Nadrich was recommended to me by a friend who used Nadrich & Cohen. After interviewing several personal injury lawyers I chose Jeffrey Nadrich. I found him to be warm, honest, compassionate and caring. He got the job done and got me my financial recovery. He and his staff always returned my phone calls. The firm would update me all the time on the status of my case. I recommend Jeffrey Nadrich and Nadrich & Cohen. They are my favorite lawyers!

Monique I.

I was hit by a truck while walking my dog in the crosswalk. I hired Nadrich & Cohen. I plan to refer them to anyone that needs a lawyer in the future. – Bernard Samuels

I am happy I found Nadrich & Cohen. They convinced me that I should go forward with a lawsuit and not take the insurance company's offer. The case settled at mediation for much more than the initial offer. Great job. – Lucas R.

Outstanding staff, everyone was really professional. Consistent communication throughout the process. - Glenda Matthison

A big thank you to Jeff Nadrich! I met with 2 other attorneys before I chose him to represent me. I was impressed by his candor, experience and knowledge of the law. - Al Hardikar