

## **Everything you need to know before deciding to settle your case.**

### **We help you make informed decisions.**

When most people think of a lawsuit, they think of a trial with a judge and a jury. Many lawsuits never make it to trial, however, because the parties are able to settle the case without the court's intervention.

Most injury and accident cases also involve insurance companies. Homeowners, car owners, and business owners are all generally required to maintain some type of insurance to protect against personal injury claims that may arise. In many cases, all or part of the money recovered by an injured plaintiff will be paid out of insurance proceeds from the policy of the responsible party.

When an accident or injury occurs, the involved parties are each required to notify their insurance company. Each insurance company will generally conduct its own investigation of the incident, in addition to any investigation by police or lawyers representing either party. Upon completing the investigation, an insurance company may determine that its insured is at fault and that it is responsible, under the policy, for a certain amount of coverage for the incident. If that is the case, the insurance company may make an offer to pay out that money to the injured party (generally called "the plaintiff") in "full settlement" of the claim. In making such an offer, the insurance company will look at what it believes the claim to be worth, the cost of defending against the plaintiff's claims at trial, and what amount the plaintiff would likely recover at a trial. Often, the insurance company can actually save money by offering to pay the plaintiff a definite amount rather than paying the legal expenses of trial with no guarantee of the outcome, which could be a jury award for the plaintiff of much more than any settlement would be.

If the insurance company's offer is accepted, there is no need to pursue the matter further. The money is paid to the injured plaintiff, who, in return, signs a paper saying that he or she will not claim any further damages as a result of that incident.

Usually, however, the amount offered by the insurance company is less than the amount the plaintiff would like to receive. In that situation, the plaintiff may try to negotiate with the insurance company and the responsible party (usually called "the defendant") to come to an agreement on a figure that will adequately compensate the injured party. In determining the amount the plaintiff is willing to settle for, the plaintiff must look at the nature and extent of his or her injuries, the amount of money needed to cover medical costs already incurred as well as any future medical expenses, the cost of going to trial, and the likelihood that the plaintiff would win and what amount the jury would award the plaintiff after a trial.

Obviously, neither party knows for sure what will happen if the case goes to trial. Juries can be hard to predict, and any award to the plaintiff may be much bigger, or much smaller, than what is claimed. One of the benefits of settlement for both sides is that the result is known ahead of time, and the risk of what might happen at trial is removed. Trials also cost money—in legal fees, costs for obtaining evidence, paying experts, and even travel costs in some instances—and may take months or even years to finally come to a resolution. Thus, another benefit of settlement for both sides is a quick result without the cost and effort of a trial.

Sometimes, however, the parties cannot agree on a settlement figure. In that situation, the case will usually progress to trial. Each side will incur expenses in preparing for trial and collecting evidence. There are sometimes last-minute settlements that occur right before, or even after, the trial has started. Often, unexpected evidence or testimony from an expert or other witness may strengthen or weaken the argument of one side, causing them to reconsider the settlement option. If no settlement is reached before the end of the trial, the judge will deliver the case to the jury to make a decision.

Clearly, whether a settlement is the best option in any given case depends on the particular circumstances involved. There may be particular reasons why settlement is preferred, such as where the plaintiff's primary concern is to get the money as soon as possible, even if it may mean

receiving a bit less, or where the plaintiff's case is weak on the law or on the facts. Likewise, there may be particular reasons not to settle, such as where the responsible party or the insurance company refuse to offer an amount that would adequately compensate the plaintiff, where there is significant disagreement over the facts of what happened, or where the plaintiff has a particularly strong case.

At the Law Offices of Jason A. Jenkins, we focus on the best interests of our clients in making all decisions regarding a case. We will never force a case to settlement just to avoid the expense or hassle of a trial; nor will we force a client to go to trial if settlement is really in the client's best interest. You can trust our experience to help guide you in making the right decision for your case.

Sadly, the treatment they receive from their own insurance company makes them question whether they are really in "good hands". Because their insurance company adjuster does not treat them like a "good neighbor".

## **When someone has hurt or wronged you, we have the power and resources to make it right.**

At the Law Offices of Jason A. Jenkins, our clients are our number one concern. Our goal is to provide professional representation with personal attention.

Because an injury is hard enough to deal with, the last thing we want our clients to experience when contacting us is more stress. So, our office is relaxed and comfortable. Our clients receive a warm, friendly welcome, followed by personal, professional service. If a client is unable to travel to our office, we offer both home and hospital visits.

We give every case the attention it deserves, because every client is important to us. With every case we handle, we recognize that it is not only our client's future, but also our reputation that is on the line. Because nothing less will do, we put the maximum effort into every case. We will do whatever it takes to make the case on behalf of our clients.

Some personal injury cases may be settled out of court, while others may go to trial. At the **Law Offices of Jason A. Jenkins**, the decision of whether to settle or go to trial is never about taking the quickest or the easiest path to closing a case. The right decision is the one which best serves the needs and interests of our client. We carefully evaluate the pros and cons of settlement and trial with our client, but more importantly, we examine the specific circumstances of the client's case and the client's own needs and preferences. We make the important decisions together. We pride ourselves on providing a thorough explanation so that you understand not only what we are doing, but why we are doing it.

Many law firms spend most of their budget on advertising and hiring more paralegals and junior associates to quickly dispose of cases. As a result, it can be nearly impossible to keep track of who is handling your case. At the **Law Offices of Jason A. Jenkins** you have our guarantee that an experienced trial attorney will handle your case from start to finish. Likewise, we will always be available by telephone to answer your questions or concerns. When you call us, we will call you back. Not three days later, but right away. Personal injury cases tend to take longer than most types of cases. That's why it is especially important that you feel comfortable and confident with your attorney.

We have built our reputation over the past 10 years as a premier personal injury firm in the Lehigh Valley. We employ a skilled and accomplished team who stand ready to go to work for you. So don't hesitate. [Contact us](#) today.

There is **no charge** for the initial consultation, whether by telephone or by office visit. We offer a reasonable **contingent fee** arrangement for clients with personal injuries; and we can represent you anywhere in the Commonwealth of Pennsylvania.