

You Should Know  
As Much As Possible  
About Your Attorney . . .  
**Before** You Choose Him or Her

Cooke Law Firm 331 Columbia Street Lafayette, Indiana 47902 (765) 423-5628  
Toll Free: **1-800-LAW-5628** (1-800-529-5628)

You Should Know As Much As Possible  
About Your Attorney  
... **BEFORE** You Choose Him or Her!

**WE DO NOT REPRESENT INSURANCE COMPANIES!** I represent injured victims and families who have lost loved ones due to the fault of others. We are 100% on your side.

**CLIENTS ARE NOT PRESSURED** to retain this law firm. Prospective clients are encouraged to "**think it over.**" If we accept your case, we start processing your case **immediately.**

**FREE INFORMATION.** Information from my office, whether over the phone, in person, in the yellow pages or in our brochures is free. We believe that prospective clients should be able to come to my office and discuss their case without charge.

**WE HAVE FULL TIME PERSONAL INJURY LEGAL ASSISTANTS** who help us on your case. When you call the office with questions, if I am not available, there are one or more Legal Assistants available and thus communication is better with clients. The Legal Assistants will be familiar with your case, so never hesitate discussing your case with them. My Legal Assistants are trained and knowledgeable in the personal injury field and work with me and will work with you in matters related to your case.

**YOUR CASE WILL BE REVIEWED AND UPDATED ON A REGULAR BASIS UNTIL RESOLVED.** We have regular case reviews to consider problems, evaluations, and strategies of each case.

**WE MAINTAIN A LAW LIBRARY WHICH EMPHASIZES PUBLICATIONS RELATING TO PERSONAL INJURY AND WRONGFUL DEATH TYPE CASES.** The law changes in every field of law and we do everything possible to help us keep up to date with changes in the personal injury field.

**WE USE COMPUTERS.** This office is equipped with sophisticated computers to enable us to work efficiently and quickly on your case.

**WE HAVE SEVERAL REMINDER SYSTEMS** to help us with deadlines and to help us process your case. We use calendars, a tickling system and computers. We also have checklists to make sure that every case is fully investigated. (We'll show you these checklists.)

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**WE SHOW YOU SPECIALLY PREPARED MATERIALS AS TO INSURANCE COMPANY DOCTOR EXAMS AND WHAT YOU SHOULD EXPECT.** Sometimes the Insurance Company wants our client to see "their doctor." We prepare our clients for "their doctor examination" with the help of written information of what you can expect. We have found that our clients learn quickly what they need to know before seeing the Insurance Company's doctor. There are things that can be done to safeguard your case during "their doctor examination."

**WE SHOW YOU SPECIALLY PREPARED MATERIALS TO HELP YOU IF YOUR CASE GOES TO COURT.** We have presentations for our clients to see or hear to help them understand what it's like to go to court and to be in front of a jury. In addition, we have materials to help our clients to be better prepared to give their sworn depositions and statements to the Insurance Company Attorneys. (This is only necessary if a lawsuit is filed.) Again, we have found that our clients enjoy these materials and learning how to conduct yourself in court is made a lot easier. We believe that if we spend the time to help our clients understand the trial process, then our clients will be more confident and we'll get a much better result working together on your accident claim.

**YOU ARE ENCOURAGED TO ASK QUESTIONS** and we often answer these questions before they are asked. However, never hesitate to ask questions about your case as **we want our clients to be as informed as possible.**

**WE WILL NOT SETTLE YOUR CASE WITHOUT YOUR PERMISSION;** in fact, you will be informed of each and every offer of settlement from the insurance company as the offer of settlement is given. We invite our client into our office to discuss fully the settlement offer and most particularly, whether or not the settlement offer is fair and reasonable.

**WE HELP OUR CLIENTS PROCESS THEIR HEALTH AND AUTO MEDICAL PAYMENT BENEFITS AT NO CHARGE.** In addition, we **negotiate liens** with health insurance companies to reduce the payback to the lien holder at no extra charge to you. The savings are passed on to you.

**JEFF COOKE**

**AARON COOKE**

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**How We Handle Your Claim**

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## How We Handle Your Claim

We are pleased that you have chosen us to represent your interests in this case. Since you probably do not know what to expect, we would like to acquaint you with the general pattern of how we handle cases of this type. We feel this will be helpful to you and to ourselves.

**THE INITIAL CONFERENCE.** The first thing we do in our office is sit down with you and thoroughly discuss the facts of your case. **We answer all of your questions, we tell you your legal rights and we tell you whether or not you have a good case.** In our office, there is **no charge for the first conference.** We also will show you how we process claims and we will show you how we have handled other cases similar to yours. We give our clients written instructions as to what they should be doing and what they should **not** be doing right now to protect their legal rights.

**INVESTIGATION.** We will notify the other party's Insurance Company that you have retained us as your attorneys. We will obtain copies of any written statements you have given. In addition, we will get copies of police reports, hospital records, and other medical records if necessary. We will retain the services of an independent investigator who will interview witnesses, police officers and will take photographs and measurements of the accident scene and the vehicles involved. The independent investigator will be provided with your name, telephone number and address by this office. We will also get a copy of the other party's driving record from the Bureau of Motor Vehicles. In addition, we will get copies of any pictures that the police took during their investigation.

**EVALUATION.** It is important for you to know that your case will not be settled until all of the damages have been determined and all investigation has been completed. We of course, want to delay negotiating with the Insurance Company until after you have fully recovered from the injuries of the accident or until your recovery from your injuries has leveled off and there is no longer any improvement as to the physical problems. One of the most difficult requests we can make of you is to have patience. We will work as hard as we can and as fast as possible to settle your case when it will benefit you.

**SETTLEMENT BROCHURE.** In most cases, we create a **settlement brochure** which tells the **story of the accident and of our client's injuries** and the effects of those injuries on our client. The settlement brochure is sent to the Insurance Company in an effort to resolve the case in the most favorable advantage to our clients. Some of our past clients have given us written permission to let us show their brochures to prospective clients. Thus, we will show you what the settlement brochure looks like. Each settlement brochure is **tailor made** to fit the facts and the injuries of each particular client. **No two brochures are exactly alike.** We will give you a copy of your settlement brochure when it is completed. You will be informed at all times of any offers that the insurance company makes in an effort to settle your case.

**THE AMOUNT OF RECOVERY.** As your attorney, I feel it is my primary duty to obtain an amount of money which will fairly and justly compensate you for your injuries. I will make every effort to do this, whether by settlement or trial, and will advise you of my evaluation in this regard. Knowing what your case is worth is essential to the negotiation process with an Insurance Company.

**STARTING A LAWSUIT.** WE WILL WORK AS HARD AS POSSIBLE TO AVOID FILING A LAWSUIT IN YOUR CASE. Lawsuits can drag on for two to three years and sometimes longer. Trials are time consuming and expensive. Every effort will be made by this office to avoid a trial. The settlement brochure detailing your injuries, lost wages, and medical expenses will be sent to the insurance company in hopes that a fair and reasonable settlement can be reached without the necessity of a lawsuit or trial. However, if the insurance company fails and refuses to be reasonable in the settlement negotiations, then we will request your permission to file a lawsuit in your case. No lawsuit will be filed without your consent.

**TRIAL.** If your case cannot be settled for a fair and reasonable amount of compensation, we will proceed to trial. The last several months before a trial date are spent in detailed preparation of your case. What is expected of you at trial will be explained to you in detail well in advance of your going to court.

**CONCLUSION.** Please inform this office immediately of any change of address and/or telephone number. Inform us of anything you think has a bearing on the case.

Be sure to send us, or bring to our office, all receipts, canceled checks, bills and any other papers connected with your case pertaining to medical treatments, automobile repairs, loss of earnings, damage to other personal property, or other expenses. Additionally, please send or bring to us any paperwork received from any insurance company, whether it is your workman's compensation insurance, your auto insurance company, or any other entity in relation to the accident and/or any of your injuries, treatment, or losses. We must have all of these things, both for settlement and for evidence in the event it is necessary to go to trial.

**DO NOT UNDER ANY CIRCUMSTANCES DISCUSS YOUR CASE WITH ANYONE, EXCEPT MEMBERS OF THIS OFFICE AND OUR INVESTIGATOR.**

**JEFF COOKE**

**AARON COOKE**

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**Legal Defenses and Arguments  
Used By Insurance Companies  
To Defeat Or Diminish  
Accident Victims' (Plaintiffs') Claims**

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**LEGAL DEFENSES AND ARGUMENTS USED BY  
INSURANCE COMPANIES TO DEFEAT OR DIMINISH  
ACCIDENT VICTIMS' (PLAINTIFFS') CLAIMS**

1. Plaintiff vehicle not equipped with **headrest, seat belts rearview mirror**, or other safety device and it is plaintiff's responsibility to provide his vehicle with such devices.
2. Seat belts or other safety devices available in vehicle but not used by plaintiff.
3. Equipment defects in plaintiff vehicle: Tires bald, brakes not working, tail lights not working, turn signals not working.
4. Plaintiff driving ability and perception impaired by use of alcohol, medication, or drugs.
5. Plaintiff had hearing or vision defect and wasn't wearing glasses or hearing aid.
6. Plaintiff had other physical defect, i.e., epilepsy, headaches, sickness, etc., which impaired his driving ability and perception.
7. Plaintiff under doctor's orders not to drive.
8. Plaintiff not licensed to drive or driving while license was suspended.
9. Plaintiff didn't notice defendant until impact or immediately before impact and therefore inattentive.
10. Plaintiff's recollection of times, speeds, distances is so inaccurate as to indicate inattentiveness or incompetence in driving and at the very least diminishes his credibility.
11. Plaintiff exaggerates defendant's speed and other facts surrounding accident so as to diminish his credibility which makes him an unreliable or unbelievable witness.
12. Plaintiff had warnings of danger within a sufficient time to avoid accident if paying attention.
13. Plaintiff could have avoided accident if not exceeding safe speed for conditions.
14. Plaintiff made unnecessary and unexpected stop.
15. Plaintiff made unsafe lane change without warning.
16. Plaintiff gave no stop or turn signal.
17. Plaintiff backing up under circumstances and/or at location where reasonable person wouldn't have anticipated same or where it was difficult for defendant to see same.

18. Plaintiff not in intersection first.  
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19. If plaintiff and defendant in intersection at same time, plaintiff was to defendant's left or exceeding speed limit or safe speed or inattentive.
20. Plaintiff makes poor appearance as witness.
21. Plaintiff has verbal difficulty describing events surrounding the accident.
22. Defendant acting as "reasonable person" in the operation of his vehicle including safe speed for conditions and therefore not negligent, i.e., defendant conduct not probable cause of accident.
23. Act of God or unknown person was responsible for accident.
24. No independent witnesses found substantiating plaintiff's version of accident or witness cannot be found; (plaintiff, not defendant, has legal duty to prove by a "preponderance of the evidence" each element of his case.)
25. Witnesses dispute plaintiff's version of facts or substantiate defendant's version.
26. Investigating police officer makes errors in his report or erroneous conclusions disputing plaintiff's version of accident.
27. Physical evidence (lights, brakes, tires, etc.) was lost and it was necessary to have it examined by an expert to substantiate plaintiff's version of the facts.
28. Plaintiff didn't obtain the services of an expert to substantiate negligence of other parties.
29. Police not summoned to scene inferring minimal or no injury.
30. No complaint of pain at scene of accident by plaintiff to anyone.
31. No indication on police report that plaintiff complains of pain at scene.
32. No objective signs or injury at scene of accident like cuts, bruises, etc.
33. No request by plaintiff at scene for ambulance.
34. Plaintiff didn't get examined at emergency room day of accident or soon thereafter.
35. Minimal property damage to either or both vehicles involved.
36. Plaintiff vehicle equipped with shock-absorbing bumpers, headrests, seat belts, which were being used and which made low impact injuries impossible or improbable.

37. No other persons involved in accident had injuries.
38. Plaintiff received no treatment for substantial period of time following the accident.
39. Plaintiff made errors in recalling his medical and/or employment history to insurance company which can be "discovered" by defense during litigation.
40. No medical opinion substantiating medical causation between accident and plaintiff's medical complaints.
41. Shortly after the accident, plaintiff's physical/health condition returned to what it was immediately prior to the accident.
42. Plaintiff had made prior complaints and received prior treatment to the same area of his body allegedly injured in the accident and his complaints after the accident hadn't changed.
43. Plaintiff had a subsequent injury which was cause of continual problems instead of subject accident and no treatment between first and second accidents.
44. Plaintiff exaggerates complaints related to the accident per his medical records.
45. Plaintiff's complaints to doctor were minimal.
46. Plaintiff's complaints to doctor were bizarre, exaggerated, and lengthy per medical records.
47. Plaintiff's complaints to one doctor are different from his complaints to other doctor(s).
48. Plaintiff had full range of motion at physical examination.
49. Plaintiff had no complaint of pain at physical examination.
50. Plaintiff observed moving normally while not being examined by doctor.
51. Plaintiff's family doctor had opinion of minimal injuries, did not prescribe physical therapy or any other treatment nor did they give an appointment for plaintiff to return or tell plaintiff to "return in a month if plaintiff experiences pain." Plaintiff did not see doctor again.
52. Plaintiff's injuries totally "subjective," i.e., no indication of injury from x-rays, orthopedic tests or observation.
53. Plaintiff received minimal treatment for minimal time period after accident.

54. Plaintiff's doctor no longer in area or otherwise unavailable.
55. Plaintiff was examined by doctor recommended by insurance company soon after accident and was found uninjured and not in need of treatment.
56. Plaintiff had chronic-type complaints per past medical records or has unrelated medical problems such as arthritis or congenital problems such as spondylosis.
57. Cost of treatment was excessive and period during which plaintiff was treated was excessive in light of standard charge for such services in the community and normal period of disability for such injuries.
58. Plaintiff went to work contrary to his doctor's advice and thereby aggravated his injury and/or caused prolonged period of disability and/or treatment.
59. Plaintiff's doctor did not recommend time off of work, yet plaintiff took time off of work.
60. No doctor has stated that plaintiff would lose work time in the future.
61. Plaintiff had poor attendance record at work prior to accident.
62. Plaintiff would have been terminated, on strike, or laid-off even without accident.
63. Plaintiff had no job at the time of accident and can't substantiate that he was applying at various places.
64. Plaintiff's earnings per W-2 and tax records indicate smaller earning history than claimed.
65. Plaintiff paid by cash for prior employment and can't document past earnings and/or has no tax returns.
66. Plaintiff's alleged employer has no official record (i.e., W-2 form) or other means to substantiate plaintiff's employment.
67. Plaintiff let various "Statutes of Limitations" expire, thereby foreclosing possibility of recovering anything for his claim.
68. Plaintiff was partially at fault and should recover less under the Comparative Fault laws of Indiana.
69. Plaintiff has history of filing lawsuits for the purpose of collecting compensation.
70. Plaintiff has history of mental illness or emotional problems making him unreliable.

71. Plaintiff made statement to insurance company that he was not injured in the accident.

72. Plaintiff failed to give proper and timely notice to governmental bodies, thus plaintiff's claim is barred.

And on and on and on.

**And . . . There are hundreds more the Insurance Company will try to use against you.**

It is the insurance adjuster's job and duty to seek out and find as many defenses and arguments as possible in your case. He'll question you carefully. It all starts when he wants to "take your statement."

**JEFF COOKE**

**AARON COOKE**

## WHY HIRE AN ATTORNEY?

**ATTORNEYS WHO HANDLE PERSONAL INJURY CASES KNOW YOUR RIGHTS AND HOW TO PROTECT THEM.** Often there are benefits an accident victim is entitled to "**RIGHT NOW.**" Some injured persons are simply not aware of these benefits. You can be sure that an experienced Insurance Claims Adjustor knows how to protect his Company's interest, but do you know how to protect your rights and those of your family? If not, you should not hesitate to call an attorney.

**AS YOUR ATTORNEY, WE WILL PROTECT YOUR INTERESTS.** We will pursue every possible source of immediate compensation, and do whatever is necessary to preserve your claim, document your case, and ultimately resolve it. We start processing our client's case *immediately* after the fee agreement has been signed. We will take the necessary steps to get our client organized and to protect our client's case.

**YOUR ATTORNEY CAN BE CERTAIN THAT ALL LEGAL REQUIREMENTS ARE MET.** Some claims require special notices within certain time periods without which **YOU CANNOT MAKE A CLAIM AT ALL.** These special notices must be made in a particular manner, contain specified information and be sent long before the usual two year Statute of Limitations in Indiana. Unfortunately, some injured people have delayed their first office conference until *after it was too late* to send legally required notices. They lost thousands of dollars because of their delay. Don't take a chance . . . see a lawyer and protect your legal rights.

**JEFF COOKE**

**AARON COOKE**

**LET'S FACE IT ...  
YOU'RE NO MATCH FOR  
THE PROFESSIONAL INSURANCE ADJUSTOR**

**DO NOT, I REPEAT, DO NOT**, give statements to the other party's Insurance Company **until you have talked to a lawyer**. Do not sign any written papers until you have talked to a lawyer. You may be signing away a valuable right. You should realize that you're up against a highly-trained professional. The Insurance Adjustor represents the Insurance Company. The insurance Adjustor is paid by the Insurance Company and the Insurance Adjustor owes a duty to the Insurance Company to find ways to save the Company money. You should know your legal rights before giving a statement to an Adjustor.

**THERE ARE MANY LEGAL DEFENSES AND ARGUMENTS USED BY INSURANCE COMPANIES TO DENY OR REDUCE YOUR CLAIM.** (We'll give you a list.) You should know these reasons and arguments *before* you give a statement. Don't take a chance, make sure you protect your legal rights.

**JEFF COOKE**

**AARON COOKE**

## CHECKLIST FOR DOCTOR'S APPOINTMENT

You may find it helpful to refer to this checklist as you progress through the rehabilitative process and as you are seen by each of your treating physicians.

### BEFORE the visit:

1. Why am I going to this health care provider? What are my symptoms?
2. What else worries me about my health?
3. What do I expect the provider to do for me today?
4. What questions do I want to ask?

### DURING the visit: (complete with the help of the provider, if necessary)

1. Record: Temperature, Blood Pressure, Height/Weight, etc.
2. Explain to the doctor all of your injuries and pain after the incident.
3. Explain to the doctor what causes you pain and when.
4. What is the diagnosis?
5. Medications?
  - (a) What?
  - (b) What exactly does it do?
  - (c) When do I take it?
  - (d) Take with food?
  - (e) Interactions with other medications?
  - (f) Side effects?
  - (g) How long will I have to take this?
6. Over the Counter Medications?
  - (a) What?
  - (b) What exactly does it do?
  - (c) When do I take it?
  - (d) Take with food?
  - (e) Interactions with other medications?
  - (f) Side effects?
  - (g) How long will I have to take this?
7. Are there any helpful patient education materials available for the condition or proposed treatment plan?
8. What should I do at home? Activity? Treatment? Exercise? Precautions?

### AFTER the exam: (complete with help from the provider if necessary)

1. Am I to return for another visit? Why? When?
2. Am I to phone for test results? When?
3. What danger signs should I look for?

4. Should I check back by phone for any reason? When?
5. What else should I know?

## BEWARE OF SURVEILLANCE BY INSURANCE COMPANIES

Surveillance is playing an increasingly large role in defending against personal injury claims. Although many people-including jurors-may be offended by this invasion of privacy, surveillance is often used to expose supposedly fraudulent or exaggerated claims. **Many meritorious claims may be damaged or ruined by surveillance techniques and evidence.**

Keep your eyes open for strange vehicles in the area of your home, work and personal activities. Frequently, the surveillance takes place from a vehicle while you are at home or coming to and from work or engaging in activities with your family. If you see a suspicious vehicle, take down a license plate number and call us promptly. If you are inclined, call the police agency responsible for your area and report the suspicious nature of the vehicle. Keep in mind that the vehicle may be there and gone and come back over a period of several days or weeks.

Every personal injury case has the potential to involve surveillance. The surveillance is not always surreptitious; it can be as blatant as an insurance adjuster or a private investigator making a visit to a victim's home. It is important that you inform us of all contacts relevant to your claim and to give us a complete disclosure of all activities since the injury, including employment, household chores, travel and leisure activities.

A response that you "really have not worked" or "really have not played golf" must be clarified. Have you tried unsuccessfully to return to work? Have you been doing odd jobs for which you are being paid under the table? Have you played golf once but found it too painful to play again? Have you started playing golf again but a little less often than you used to?

Have you tried but failed to resume these activities--or have you actually resumed them but are trying to hide that fact? **In most cases, the plaintiff who has tried unsuccessfully to resume normal activities is perceived more favorably by jurors than someone who has not tried at all.**

It is unlikely that we will be aware that surveillance evidence exists until after your deposition, so you must understand the need to be truthful. It is unlikely that a case involving an injury to the lower back, for example, would be damaged because the plaintiff was photographed once bending down to inspect a problem with a car. But if he testifies that he has been unable to bend down since the accident, there is likely to be an attack on his credibility.

A minor incident documented by surveillance but forgotten by yourself can be explained as a minor memory lapse. Jurors know that everyone has them. But the plaintiff whose back injury prevents him from working will not be able to explain the week at Walt Disney World walking around with a toddler on his shoulders.

Care must be taken that any surveillance evidence presented is truthful and to protect from the damage that can be wrought by distorting, misleading and false evidence.

# COOKE LAW FIRM

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