
TRANSCRIPTION

WLCN CHARLESTON TELEVISION PROGRAM: FAITH & FINANCES

**JUNE 7, 2010- ACCIDENTS AND INJURIES WITH PERSONAL INJURY ATTORNEY
SHELLY M. LEEKE**



PERSONAL INJURY ATTORNEY SHELLY M. LEEKE



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PART-1/3

D. Bernique: Hi welcome to Faith and Finances. I'm your host Dorothea Bernique. Thank you so much for joining us this evening. We are always glad to have you tuned in. I hope everyone had a wonderful Memorial Day weekend. I am so glad to have you back with us. If you like to give us a call for this evening show, our calling number as usual is Area Code (843)-376-4549. We have a very interesting topic on tonight. Our topic is "Accidents and Injuries" with our guest, Attorney Shelly Leeke. First, we're going to start with our scripture and that's coming from 1st Corinthians, Chapter 6, verse 1. It says, "Dare any of you, having a matter against another, go to the law before the unrighteous, and not before the saints?"

In other words, as Christians, when we have situations that might cause us to have to go to court or go to lawyers or stand before judges, we should do our best to try to work that out among ourselves. But nevertheless, there are times when we will have to go to court. And when you find an accident or suffer from an injury that was not your fault sometimes that might be the case.

And so we have with us a guest with us on tonight's show, Mrs. Shelly Leeke from Shelly Leeke Law Firm. As Shelly is going to be discussing with us exactly what is an accident or an injury, and what are some of the things that you should do as a result of having incurred an injury (in an accident).

First, let me say, Shelly, Thank You so much for being with us this evening.

Attorney Shelly Leeke: Thank you for having me. I'm glad to be here.

D. Bernique: We all appreciate you taking out time out of your busy schedule to be with us. And Shelly you are actually located right over in Goose Creek. Is that correct?

Attorney Shelly Leeke: Yes, Our main office is in Goose Creek and we also have an office in Mt. Pleasant.

D. Bernique: OK. So people can get to you very, very easily. Now your specialty is actually accident and personal injury. You specialize in that area, is that correct?

Attorney Shelly Leeke: Well, South Carolina we can't say that we are "specialized" in particular areas of law. But my law practice focuses on personal injury and workers compensation.

D. Bernique: And tell our viewers, what is a personal injury?

Attorney Shelly Leeke: A personal injury occurs when someone is injured because of the carelessness or recklessness of someone else. A personal injury can occur in an automobile, on a motorcycle, while crossing the street as a pedestrian. A personal injury can also occur in a business or even in your own home. The key ingredient to a personal injury is the carelessness or recklessness of someone else's actions. So, in short, someone else needs to be at fault in order for there to be a personal injury claim.

D. Bernique: Right, now you've mentioned something earlier and we're going to talk about it a bit later on but you said that personal injury is your major focus- what you practice on a general basis most of the time.

Attorney Shelly Leeke: Yes.

D. Bernique: Ok, so if a person is in an accident, and it has not been their fault. Someone else caused it as a result of negligence- what are some of the steps an individual should take in order to begin this process?

Attorney Shelly Leeke: Well the first thing you should do if you have been involved in an accident, specifically in an automobile accident, is call the police. You want to report the accident to the police so

that the accident is documented. Next, if you are injured, you want to seek medical treatment immediately. The third thing you should do- and this may not come right immediately after the accident if you are injured or are injured badly enough to go to the hospital. But, if possible, you want to take notes and document, when, where, what happened, what you were doing just prior to the accident, as well as get the names of any witnesses that are at the scene and the name of the driver of the vehicle, and any passengers that are in the car.

The more information that you have about the accident written down, the better able you are to recall the facts and details about the accident when you speak with an attorney or the insurance company. Because as time goes by, we all forget little details and some of them can be very important. So, you are going to want to make sure you try to write down as much as you can remember, soon after the accident occurs. You also want to take pictures if you can and I know not everybody has a camera in their glove compartment, but most cell phones nowadays come with a camera. So you should take pictures of the damage to your vehicle, the damage to the other vehicle that hit you, as well as the landmarks so in case you can't recall exactly where did the accident happened you can at least figure it out.

D. Bernique: Exactly, and now we have even heard sometimes, and even sometimes been that, and like you said now most of our phones have cameras, but you should carry the little instant camera in your dashboard in case something like this happens as well? That's a good way to be prepared?

Attorney Shelly Leeke: It is a very good way. And I tell clients that sometimes and they pull out their cell phone and laugh at me like carrying a camera is silly. Oh! you have a camera in your cell phone. But it is a good idea if you don't have that camera in your cell phone that you keep a camera, pad, pencil or pen in your vehicle just in case. No one wants an car accident to happen, but if it does it is always best to be prepared.

D. Bernique: Now does it matter how simple an accident or, you know, if you know it doesn't seem to be a severe accident, one of the first thing you said is call the police. Sometimes I've heard of some people say that it's not that, you know not a bad accident or different things like that and so they get talked out of calling the police to the scene. So would you say that that is something you should do no matter how minor the accident seems?

Attorney Shelly Leeke: In my opinion, I believe you should always call the police. It is always best to have the accident documented just in case... because even though you might exchange phone numbers and insurance company information, you just never know what may happen down the road when you call to report the claim. Their story might have changed. All the facts just might not be correct.

D. Bernique: So if you have that report, you have documentation?

Attorney Shelly Leeke: Yes if you have a police report, it will document where the accident happened, what happened, and who was at fault and insurance company information of the drivers.

D. Bernique: Well, viewers if you have any questions you like to ask Attorney Shelly on this afternoon, please don't hesitate to give us a call. And Shelly before we go to our first break I going to have you give us your contact information, your phone number your website, and different things like that.

Attorney Shelly Leeke: OK. I'm Shelly Leeke with Shelly Leeke Law Firm. You can reach us at 843-277-6049 or visit us on our website at www.LeekeLaw.com.

D. Bernique: OK and so Shelly now just before we go out, what are some things that we should not do after an accident. Just kind of a list. And we are going to go in to details after the break, so what are those things that we shouldn't do after an accident?

Attorney Shelly Leeke: OK. Some of the things you don't want to do after an accident is you don't want to discuss fault with the other driver or other witnesses or the other driver's insurance company. You

should not give a recorded statement to the other driver's insurance company. And we're going to talk a little bit more about that. You also do not want to take a quick settlement from the other driver or from the other drivers' insurance company.

D. Bernique: OK. So that's lots of good information right there. We're going to go in a little bit more detail into each of those when we get back from the break. We're going to take a break and we'll be right back with Shelly in just a minute.

PART-2/3

D. Bernique: Hi, and welcome back to Faith and Finances. I'm your host Dorthea Bernique. And we have with us today our guest Mrs. Shelly Leeke from Shelly Leeke Law firm. And we've been discussing accidents and injuries. What to do and what not to do? We actually left off speaking about some of the things that should **not** do after an accident has occurred. So, Shelly can we go over these one more time?

Attorney Shelly Leeke: Ok, if you've been involved in an accident, you do not want to discuss fault with the other driver or the other driver's insurance company adjuster. You don't want to give a recorded statement to the other parties' insurance company. A recorded statement can really hurt your case because the other party's insurance adjuster is looking to build a case against you. The adjuster will ask you questions, hoping that you may slip up and you may say something that may be inaccurate. For example, often times the adjuster will ask you how fast were you going. In all likelihood you don't have the exact speed that you were going right at the time of the crash. So, if the speed limit is 45 and you say I was going around 45 or 50, then the adjuster will use that statement as a basis to say you were speeding. When in fact, you may have not even been going 40 miles per hour. So, it's best not to give a recorded statement. And let me say also, you are not required to give a recorded statement.

D. Bernique: Right, right. Now is the recorded statement something, wouldn't you have to watch out for that even if you are contacted by the insurance company. Those conversations are recorded and can be used also?

Attorney Shelly Leeke: Yes. They will tell you that they are recording, or ask you if it's okay to record the conversation. You can say no. It is not a good idea to allow the adjuster to record your conversation. Also, another thing they will try to do or they will do is they will send you some forms to fill out and sign and a couple of these forms would be, a medical authorization allowing the insurance company to order your medical from the day of the accident to long before the accident. The medical records they will order will go well beyond the records that are actually related to your injuries that you sustained in the accident. Another form you may receive is an employment form for authorization to order your employment records that probably are in no way related to the accident. And all this is in an effort to build a case against you.

D. Bernique: Against you! Oh wow! Well so do not give recorded statements. Do not admit fault. And I recognize that in your notes you said even to individuals that were in your car at that time. Not even to discuss fault with witnesses, with other persons or individuals in your vehicle. What will be the purpose for that?

Attorney Shelly Leeke: Well, It's best not to discuss fault whether or not you were at fault because you don't want, obviously no one wants to be involved in an accident and even it wasn't your fault you don't want to give any information or say anything that would in any way reflect against you or be misinterpreted. This is because the insurance company is going to interview not only you and the other driver but also any passengers in your vehicle and the passengers of the other vehicle.

D. Bernique: Okay, very good. Okay then, now, you've had a car accident and that's, you know, unfortunate, very very unfortunate. You've taken your pictures, you've called the police and did different things like that. What are some of the biggest mistakes that you see, that come to see you through your door that individuals have made maybe before they get to you?

Attorney Shelly Leeke: Right. The first one would be not calling the police. Obviously if it's not documented, it's a lot harder to prove who caused the accident and what happened in order to build your case. Second, would be a delay in seeking medical treatment. Often times, after an accident you may not feel like you are that injured or you might not need to get it to the doctor immediately. You say you are going to wait it out or give it some time. But, injuries can slip up and the symptoms can show up some time after an accident. It may be several days before you suddenly wake up and you can't move. And slight injuries can turn out to be more serious than you first thought. So it's always best to seek medical treatment as soon as you think that you might be injured. Just in case.

D. Bernique: Um hm. And so, then, one other thing was that hiding past accidents or injuries or something.

Attorney Shelly Leeke: Yes, it's very important not to hide past acts and or injures from your lawyer. Our job is to look out for you and protect you in your injury case. And if you are not telling us everything and there's an accident or surgery or injury sometime back, it might creep up to be used against you later. Of course it shouldn't be, but if you don't know about it, it's hard to prepare for that.

D. BERNIQUE: So in other words, even with your own personal lawyer you need to practice fully disclosure. (Laughing)

Attorney Shelly Leeke: Yes, you should tell us everything and let us decide if it's important.

D. Bernique: And then the other thing, last but not least was, don't miss any of your doctor's appointments. So if you, at this point, you may be into some form of litigation and you are going to see a medical doctor. Is that what you mean?

Attorney Shelly Leeke: No probably not. Typically, if you have been injured in an accident, you go to the doctor, even if you go to the emergency room, they will usually have you follow up with your doctor. You may go to the doctor though prescribed therapy of whatever kind, it might be physical therapy, or may, if you've got a more serious injury it may be a referral with a specialist. Whatever the prescribed follow up treatment is, you need to keep your appointments, and make up your doctor's appointment if you cannot make one at a scheduled time. You should always follow the doctor's orders. Do what the doctor says to do and keep your appointments, because if you have a long gap in treatment or some period of time that you are not going to the doctor, or if you just plain skip doctor's appointments, this will hurt your personal injury case. Even though we are all busy and there are certainly very good reasons for having to miss a scheduled appointment. You are

going to make sure if you do have to miss them, you tell the doctor why so that they can adequately document your record with the reason for the rescheduled appointment.

D. Bernique: Okay. So you want everything to be adequately documented. So, don't miss doctor's appointments, call the police, make sure you don't wait too long and don't give too much information. (Laughing)

Attorney Shelly Leeke: And make it sure at least speak to an attorney about your case.

D. Bernique: And make sure, okay you don't really that, make sure you counsel with an attorney. Now, there is a lot of misconception when it comes to an accident. A lot of times, we are in a society where people are just so happy and we have lawyers out there that they are nicknamed ambulance chasers. So what are some misconceptions about when you've had a car accident that you know? Everybody assumes that- If I had one, I have a case. You just told me that that's not always the case.

Attorney Shelly Leeke: Right. There may be some misconceptions, not amongst everyone, but I'm sure there are those who think maybe- I'm in an accident, now I'm entitled to a big settlement. That's just simply not the case. If you've been injured, and you had a valid and documented injury caused by the accident, then you are you are entitled to recover for the injuries and the pain and suffering you've incurred. However, if you have a small case where there is a little or small property damage, or you are not really injured that bad, then it may be a case where you don't even need a lawyer.

D. Bernique: So some of these can actually be settled out of court and just by letting the insurance adjusters do to negotiate.

Attorney Shelly Leeke: Yes. Close to 95% of all cases are settled prior to trial. So, most of the time a case is not going to get to court and be tried before a jury. However, what we're talking about is the pre-litigation phase, where you've been in the accident, if you are not that injured and it's a smaller case, it's not a lot of property damage, you may have one or two medical bills, you may be able to settle it on your own. If you just have just one bill, may be a little bump or scratch on your car then yes you could probably deal with insurance company directly on your own and settle the case. In that case if you hired a lawyer, then the lawyer may even get more money you get. So, it might not be in your best interest. So that's the kind of case where you might not need a lawyer, in a small case, with little property damage and minimal injury.

D. Bernique: Okay, okay, very good. Now, I kind of want to save this question for the last that but we will kind of touch on it briefly. How do you actually choose an attorney? I think that's very very important. Because you want someone number one who does not just, you don't want something that somebody that does everything. You want to have a level of expertise in the type of service that you need. And so how would a person go and choose him a lawyer?

Attorney Shelly Leeke: Certainly, If you spend any time trolling through the yellow pages or going online, you can find a lot of personal injury attorneys and it could be a very daunting task. But there are few things you can do, and steps you can take to make sure that you have an attorney that is experienced in handling personal injury cases, and an attorney that are comfortable with. Those are the two of the important things. You want to make sure you hire a lawyer who regularly practices personal injury, and handles these cases on a routine basis, as they can be quite complex. You also want to make sure that when you contact the lawyer, you speak with the lawyer and ask them for

information about their firm. When you meet with the attorney, ask them how they can help you? What they can do for you? Because this is a mutual relationship you are entering in to, you want to know a lot about the person that you are entering into this relationship with, which is the lawyer. You also want to know who will be handling your case, who will be responsible for the case, the lawyer? A legal assistant?

D. Bernique: I want to go into more details with that. But we're going to take a break right now. We'll be right back.

PART - 3/3

D. Bernique: Hi and welcome back to Faith and Finances. I'm your host Dortehea here. And we've been talking this evening with Mrs. Shelly Leeke from Shelly Leeke Law Firm. And Shelly has been giving us a lot of information in reference to accidents and personal injuries. How we should handle those types of cases and what we should and should not do? Shelly, we left off talking a little bit about how to actually choose a lawyer for you in this case. Tell us a little bit about what the screening process is like and what happens when you make that initial phone call to law firms?

Attorney Shelly Leeke: Okay. Well when you make a call to an attorney, you are probably in your investigation stage because you want to determine if you found the right law firm for you and they're (the law firm) also going to determine if you have a case. So, when you call they will ask you about the accident, your name, your address, if you are injured etc. And you want to make sure you ask them certain questions. Ask for a packet of information about their firm. Ask if they will send you a copy of their contingency agreement? You want to make sure that you review all this to get to know more about the firm. What are their practice areas? If they handle personal injury cases routinely and also what the fee and cost arrangement will be? And ask if they will send it to you in the mail or if you can get the information prior to going into their office for that initial consultation. If you have the information in your hand, you can get to know more about the attorney and their firm before you go in and sit down for a free consultation.

D. Bernique: So you should not be intimidated by that screening process or if someone doesn't take the case on the phone because it's just a matter of procedure?

Attorney Shelly Leeke: Right, yes. You should not be intimidated at all. Hiring a lawyer is as much your responsibility as it is for the attorney to decide if you have a case. You want to make sure you are comfortable with the attorney, and there's no reason to be intimidated at all. Most of us I believe are pretty friendly. (Laughs). So, you just want to make sure you ask the right questions. You also want to find out what their communication policy is? At times clients come to me couple of months after an accident and say that they'd hired a firm and then never heard from the attorney again. Well, that's not what you want. You want to make sure you know upfront if you are going to be able to speak to your attorney if you need to, and if you are going to be kept up to date with the correspondences going in and out about your case. And find out who is going to be looking at your medical records as they come in and making sure your case is kept in order.

D. Bernique: Well Shelly, we're just about to the end of the show. Can you just give us your contact information one more time and then we go head and tell us about the other little accident book without that our viewers can get a copy of.

Attorney Shelly Leeke: Right, My name again is Shelly Leeke, with the Shelly Leeke law firm. Our contact number is 843-277-6049. And our website is www.LeekeLaw.com.

And I wrote the South Carolina Accident Book which is an accident handbook with lots of information about what to do if you've been involved in an accident and the pitfalls you can avoid. And I recommend that most people read this whether or not they've been in an accident. Because you never know when you or your family member might need the information in this book. You can order it free at www.TheSouthCarolinaAccidentBook.com.

You just put your name and address and we'll send it right out to you.

D. Bernique: Okay, very good. And of course they can give you a call. If you have any questions or comments, Shelly has been and her assistants are very quick to get back to you via email and telephone call. And I'm sure she will be glad to assist you. Now last but not least, let's just cover briefly what is the legal process if a person has a case? Because sometimes these things can take a long time.

Attorney Shelly Leeke: Right. Well the first thing we do is gather evidence. That's from the police report to medical records, to pictures of the accident scene and if we need to do any kind of other investigation that would be included in the initial phase of the case. Once you are released from the doctor and fully recovered from your injuries, we negotiate begin negotiations with the insurance company for a settlement of your case. If the negotiations do not result in an adequate settlement, then we file a lawsuit in court. Once the lawsuit is filed, the litigation phase begins, which can take quite some time to get the case before a jury in court.

D. Bernique: Right, very good. So basically, we've learned a lot of information on today. I'd really love if you take the opportunity if you have any further questions to contact Shelly personally, make sure that you ordered a booklet from www.TheSouthCarolinaAccidentBook.com.

Visit www.LeekeLaw.com, Shelly's website which will give you more detailed information on what we were talking about today.

And again remember that if you are in an accident of any kind, please remember the information that we shared with you today. If you have any questions, contact Shelly Leeke at Shelly Leeke Law Firm. We thank you for joining us on today. And remember, "A faith without works is dead". And at the financial training center, we're helping you manage your money so you can manage your life. We want to thank you so much for joining us this week. And we'll be back on next week with another new and exciting very informative topic. Thank you for joining us.