

# WELCOME KIT



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## A message from myself:

**“Welcome to Schehr Law! My name is M. Christopher Schehr and I’d like to personally thank you for trusting me with your case. This welcome kit is intended to provide you with all the necessary information you will need to ensure a seamless process. I highly recommend that you review the entire packet so you can fully understand the task ahead.”**

- **M. Christopher Schehr, Esq.**



## Table of Contents

Communication Methods.....	3
Clio For Clients.....	3
Your Responsibilities.....	4
Personal Injury Process and Points.....	5
1. Establishing Claim & Sending Notice of Representation.....	5
2. Investigation/Liability.....	5
3. Property Damage.....	5
4. Repairs.....	6
5. Total Loss.....	6
6. GAP Insurance.....	7
7. Mitigating Damages.....	7
8. Car Rental.....	7
9. Bodily Injury.....	8
10. Filing Suit.....	8
General Information.....	9

## Communication Methods

I'd like to take this opportunity to thank you again for choosing Schehr Law, PLLC for your legal needs. I look forward to working with you and resolving the matter at hand. To get started, I'd like to familiarize you with our office procedures, case outlines, and various forms that we will need from you. All legal matters require paperwork and efficient communication between client and attorney. This welcome kit will provide you with an outline of what to expect throughout the process. I encourage you to read this packet thoroughly so that you may better understand your case and the process. Additionally, I encourage you to reference this packet throughout the process. Should you have additional questions not answered in this packet, please contact our office.

### Communication Methods

- I. *Contact our office* – There will be times when you will be unable to reach me directly on the phone, as I am often out of the office, on the phone, or in court, working on your case or others. However other staff members will be available via phone and will serve as an invaluable resource for answering questions, scheduling appointments, and providing you with routine updates. Our office phone number is 704-900-0336. Most questions can be answered by staff over the phone, and if not, I will be in touch within 24-48 hours.
  
- II. *Appointments* – If you'd like to speak directly with me, I do advise that you schedule a phone call. This ensures we will both be available and able to provide complete attention and focus to the matter at hand. Additionally, you can schedule an in-office appointment to ensure prompt attention. Please call 704-900-0336 to schedule a phone call or in-office appointment.
  
- III. *Sending Documents* – There are several ways you can submit your documents to us.
  - a. Take a picture of the document and text it to 704-900-0336
  - b. Fax the document to 980-326-1717
  - c. Upload the document to Clio for Clients – best method (see below for information)
  - d. Email the document to [chris@schehrlaw.com](mailto:chris@schehrlaw.com)

## Clio for Clients – VERY IMPORTANT

One awesome tool we have at Schehr Law is a unique application called Clio for Clients that helps you stay informed about your case. Clio for Clients allows you to communicate and collaborate directly with me, upload and view documents, and access case files from anywhere via your mobile phone using the Clio for Clients app or computer using the Clio for Clients Portal. You will be sent an email to create an account upon signing your intake documents. Clio for Clients is the fastest and easiest way to reach me directly as your questions come directly to me. You can also upload pictures, videos and documents in a flash which go directly into your file.

Here is a video that gives you information on “Clio for Clients” and how to sign up:  
<https://clio.wistia.com/medias/099ynt77wj#>

## Your Responsibilities

Thank you for entrusting Schehr Law, PLLC to handle your personal injury claim. Our whole team is dedicated to working hard for you. It is important for you to understand that you are an integral part of the team as well. Below are your responsibilities to ensure we act as a team and achieve our mutual goal.

- I. Refrain from communicating information with any other parties other than our office and your doctors. Employers, Insurers, and parties at fault should not be considered trustworthy. Should you have any specific questions, please consult with me or our staff before sharing sensitive information or speaking with anyone.
- II. Maintain good records and open communication.
- III. Provide necessary documentations and information in a timely manner.
  - a. Copy of your Driver License/Passport/Consulate card
  - b. Police Report or Incident Number
  - c. **Your** insurance information
  - d. **Their** insurance information
  - e. Any relevant bills/hospital information, including previous treatments, and medical history.
- IV. ATTEND THERAPY – The value of your case is directly connected to the consistency of your treatment. We understand life happens, should you miss an appointment make sure to reschedule as soon as possible, by calling your provider directly. Remember, all medical decisions are between you and your physician; we will not give you any medical advice. Our office will not recommend any medical procedures; however, we will help facilitate medical treatment which you may need and feel comfortable with.
- V. Communicate with us! - Notify us of any change in phone number, address, or extended absences such as vacations, family emergencies, etc. Promptly return our calls and forward any additional documents which are requested as the case proceeds to avoid unnecessary delays in the process.
- VI. Should you be unhappy with anything regarding your case or our service, please notify me immediately. We strive to provide an efficient and effective process and want to ensure that you are comfortable every step of the way.

\*\*\* At Schehr Law, PLLC, we take immense pride in providing exceptional legal representation and support to our clients in personal injury cases. Our mission is to advocate tirelessly for the rights of those who have suffered injuries due to the negligence or misconduct of others. We understand that experiencing an accident or injury can be a challenging and overwhelming time for individuals and their families. Therefore, we are committed to delivering the highest level of service and care throughout the entire legal process \*\*\*

**PERSONAL INJURY PROCESS & POINTS:**

**1. Establishing the Claim & Sending Notice of Representation**

- If a claim has already been established, a new adjuster should be assigned once we get involved. The new adjuster will be one who is experienced with working with attorneys.
- If the claim has not been established, we will set the claim up for you. Depending on the insurance company and adjuster will be assigned within 24-48 hours of establishing the claim.
- Once an adjuster is assigned, we will submit a letter of representation with that adjuster. At this point, the insurance company is no longer allowed to speak with you. **DO NOT SPEAK WITH ANY INSURANCE COMPANIES.** If they contact you, explain to them that you have legal representation and to direct their questions to your attorney. You may provide them with our office name and number.

**2. Investigation / Liability**

- Once the claim and adjuster have been assigned the investigation phase will begin in order to determine liability.
- Insurance companies will speak to their insured and driver (if different) and wait for the police report to make a decision on liability. Some insurance companies will request a recorded statement. If we should require you to give a recorded statement, we will notify you of the process.
- If liability is disputed, we will send a liability dispute letter including evidence to attempt to overturn the insurance companies' decision. If the insurance company refuses to change their decision, we will notify you and discuss the potential of filing a lawsuit.
- Once liability is accepted, we will then shift all of our focus on your medical treatment and ensuring that you are treating properly in order to increase your claims value. (*See section about bodily injury below*).

**3. Property Damage**

- At Schehr Law, we allow you to handle the property damage portion of your claim unless you are having an issue with the insurance company. The reason for this is that in North Carolina, insurance companies are only going to pay you fair market value of your vehicle. If you need help with the property portion of your claim, we will offer this service as a courtesy.
- 100% of funds paid by insurance towards property damage goes towards your vehicle. Our office does not charge a fee for the property damage portion of your claim if we are asked to help with the claim.
- If your car is totaled or undrivable, we recommend filing with your own insurance if you have full coverage to reduce the down time of not having a vehicle. If you are found not at fault, your insurance company will go after the at-fault driver's insurance company for reimbursement. You may still owe a deductible, but that should be reimbursed if the other driver is found to be at fault.

- If the other driver is to be found NOT at fault, the accident will be deemed a “no fault accident” with your insurance and your insurance rates will not go up. This is the very reason why you have insurance coverage.
- Very important: to avoid damage to your credit score or defaulting on your loan payment, you are still responsible for all vehicle loan or lease payments while your car is in storage or being repaired. This obligation may change if your insurance or the at fault drivers’ insurance takes possession of your vehicle and takes over your vehicle’s title.

#### **4. Repairs to your vehicle**

- You have a legal right to repair your vehicle anywhere you prefer. You do NOT have to use the body shop that the insurance company offers.
- If your vehicle is repairable, the insurance company should send you a check or direct deposit you the money for repairs. Do not cash or deposit the check unless you are completely satisfied with the amount being paid. Once the check is cashed or deposited, if additional repairs are needed, you will not be able to recover any additional funds.

#### **5. Total Loss**

- If cost of repairs exceed the fair market value of your vehicle, your vehicle will likely be deemed a total loss by the insurance company.
- Total loss offers are based solely on the fair market value of the vehicle. This is determined by the insurance company.
- More often than not, the offer you receive will be less than the value of the vehicle. There is very little that can be done in order to change the amount being offered. The best option available is to hire a certified property damage appraiser to do an independent evaluation which may cost anywhere between \$500-\$1000. Because we do not charge any legal fees for helping with property damage, the cost of hiring an appraiser is solely your responsibility should you want to get an expert involved. This method does NOT guarantee an increase in the insurance offer.
- Insurance will make one of two offers: 1) insurance company keeps the vehicle; or 2) you keep the totaled vehicle and get a reduced amount of money.
- Payment for total loss will be made payable to whoever is the registered owner of the vehicle title. If the vehicle is being financed, payments will be made first to the lien holder and any remaining balance will go to the registered owner.
- If you are not keeping the totaled vehicle, the vehicle title will need to be surrendered to the insurance company in order to receive your funds.
- If you retain the vehicle, the vehicle will either be marked as a wrecked vehicle or have a salvaged title meaning the value is significantly diminished. Failing to notify future buyers of the vehicle is a crime.

## **6. GAP Insurance – VERY IMPORTANT**

- This is a type of insurance purchased at the time you purchased your vehicle.
- This coverage is a one-time charge added to the total price of your vehicle and usually ranges from \$300-\$800.
- This coverage is helpful in covering any outstanding balance on the car loan that insurance is not covering.
- If your vehicle is deemed a total loss and the insurance company is offering less than the amount owed on your loan, you are still responsible for paying any remaining balance of your loan. If you have GAP insurance, the remaining balance will be covered by the GAP insurance company.
- Any GAP insurance claim will need to be submitted by you directly with your GAP insurance company.

## **7. Mitigating Damages**

- Under North Carolina Law, an injured person has a legal obligation to minimize their damages.
- If your vehicle cannot be driven and is in storage, the insurance company will ask that the vehicle be removed so that it does not accrue excess storage fees during their investigation.
- If you cannot move the vehicle to your house or a safe place where the car will not be re-towed, the insurance company may move it to their storage facility where it is kept at no cost until a liability decision has been made.
- If you are notified to move your vehicle or release it for insurance to pick up and you do not move or release the vehicle, you will be responsible for storage fees after the deadline given by insurance.
- Notify us immediately if you need assistance in mitigating these damages.
- Should liability eventually be denied, unfortunately you will be responsible for storage, towing and fees related thereto.

## **8. Car Rental**

- For faster time without a vehicle, you may want to speak with your own insurance company to see if they will provide a rental car. Your insurance company will seek reimbursement from the at-fault parties insurance company if they are found to be at-fault for the accident.
- If you do not want to use your insurance for a rental car, the at-fault driver's insurance may offer a rental once liability is determined. As you read previously, this decision can take some time. This can cause an issue if you are needing a vehicle quickly for your employment or treatment obligations.

- If your vehicle is deemed a total loss, insurance companies unfortunately are not required by law to offer you a rental car.

## **9. Bodily Injury**

- Being consistent with your treatment is the MOST important part of establishing a good case.
- Your medical treatment is how you will be able to prove to the insurance company, judges and juries that you truly are injured and require help and compensation in order to pay medical costs.
- If you do not go to the doctor or are inconsistent with your appointments and treatment, it will be argued that you did not suffer injuries and/or pain, thus limiting the amount of money you may be able to recover for your injuries. Every missed appointment diminishes the value of your case and ultimately the amount that may be recovered.
- This is the part of the case that takes the longest as you must finish your medical treatment and we must receive all bills and medical records from your providers. We call this reaching “maximum medical improvement.”
- Once you reach maximum medical improvement and we receive all bills and records along with loss wages, we will prepare and send a package to the insurance company demanding fair compensation.
- The insurance company in turn will present a counteroffer with their lowest number and we begin negotiations until we reach a fair offer. YOU are in control of accepting offers in your case. Ethically speaking, we can never accept an offer for you without your consent. There are some exceptions such as if you become deceased or completely abandon your case and cannot be found.
- Once an offer is accepted, we will receive your settlement check, deposit it into our trust account, and then distribute the funds according to your signed settlement statement. You will review and sign your settlement statement before we deposit your check into our trust account so you can understand exactly where the funds are going.
- At this stage we will also negotiate your medical bills for what we call “reductions.” This is an attempt to reduce your bills to put more funds in your pocket. There is no guarantee that any provider will offer a reduction.
- This entire process may take up to 9-12 months depending on your case. Each case is different, and timelines vary.

## **10. Filing a lawsuit**

\*\*\* We will file a lawsuit if:

1. Liability is not accepted, and your case has legal merit; or
  2. The insurance company provides a ridiculous low offer, and your case has legal merit.
- \*\* We will always discuss this process with you and never file suit without your consent.



# Schehr Law, PLLC

ATTORNEY AT LAW

- Once we file suit we are entering into a legal process where courts are involved and where we have to follow very rigid steps and timelines designated by law.
- The entire process of a lawsuit usually ranges from 1-2 years unless it is settled by agreement of the parties.
- Most of the time your case will not reach a trial as a majority of cases in North Carolina are settled in mediation. However, if a trial is necessary, we will take the case to trial.

## OVERVIEW / GENERAL INFORMATION

- Insurance companies are in the business of collecting premiums and paying the least or denying claims. They are in the business of making money at the expense of your injuries.
- Any information that is given to the insurance companies can and will be used against you. Never speak with the insurance companies and always refer them to our office.
- Medical treatment is the most important aspect of your case. If you are consistently missing your appointments or not compliant, we may have to release your case.
- Should your case be dismissed due to circumstances in which you are not responsible for, or should trial result in an unfavorable outcome, you will not be responsible for any fees incurred.
- Remember, all medical decisions are between you and your physician; we will not give you any medical advice. Our office will not recommend any medical procedures; however, we will help facilitate treatment which you may need and feel comfortable with.

**Should you have any questions or concerns at any point during this legal journey, please do not hesitate to reach out to us. We understand the importance of clear communication and are here to provide you with the support and guidance you deserve.**

**Once again, thank you for choosing Schehr Law PLLC to represent you. We look forward to working closely with you and striving for a successful resolution.**

- Schehr Law PLLC Team

