



ABOGADO/ ATTORNEY
JAVIER MARCOS
Y ASOCIADOS

www.AttorneyJavierMarcos.com

WELCOME

Contact

Phone Number:

713.999.4444

Facsimile:

713.528.7710

Address:

228 Westheimer Rd.

Houston, TX. 77006

Welcome
Package

CONTENT

Communication Methods.....3

Your Responsibilities.....3

Personal Injury Process and Points.....4

 1. Establishing Claim & Sending Notice of Representation.....4

 2. Investigation / Liability.....5

 3. Property Damage.....5

 4. Repairs.....5

 5. Total Loss.....6

 6. Mitigating Damages.....7

 7. Car Rental.....7

 8. Bodily Injury.....8

 9. Filing Suit.....8

 10. Referrals.....9

General Information.....9

Notes.....10

A Note from Attorney Javier Marcos.....11

Construction Liens.....12

Communication Methods

We'd like to take this opportunity to thank you again for choosing the Law offices of Marcos & Associates, P.C., for your legal needs. We are looking forward to working with you, and resolving the matter at hand. As we get started with your case, I'd like to let you know a little about our office procedure, case outlines, and forms that we will be needing from you. All legal matters involve paperwork and good communication between client and attorney! This information will give some explanation as what to expect.

Communication Methods:

- I. *Contacting our office* - Because the attorneys are often out of the office, busy working on your case, working on other cases, or on the phone, there will be times when you will be unable to reach him when calling the office. However, other staff members will serve as an invaluable resource for answering questions, scheduling appointments, and providing routine updates. Our number is 713.999.4444. Most questions can be answered by the staff over the phone.
- II. *Appointments* - If you need to speak directly with an attorney or a specific case manager we advise that you schedule a phone call as opposed to playing "phone tag". However, if you want to come in to the office you need to make an appointment. As a client of this firm making an appointment saves you time, gets you prompt attention, and allows our staff to better serve you.
- III. *Alternative Contact methods* - In case you need to send us a document you can text the photo of the document to 713.999.4444, Fax it to 713-528-7710 or email it to ayuda@abogadojaviermarcos.com . For direct and prompt communication it is always best to call our office directly. If you're sending any documents or pictures, please include your full name and date of accident. Once the documents have been sent please contact our office to ensure we have received the documents.

We encourage you to read this package in its entirety so that you may better understand your case and the process. Additionally, we ask that you please reference this package throughout the process. Should you have any questions that this package is not able to answer please contact our office.

Once again we thank you for choosing Marcos & Associate, P.C. we look forward to working with you.

YOUR RESPONSABILITIES:

Thank you for entrusting The Law offices of Marcos & Associates, P.C. to handle your personal injury claim. Our whole team is dedicated to working hard for you. However, you must also understand that you are part of the team as well. Everyone has the same goal, maximize your recovery. As a team we have things to do and you have things to do. Below is a list of what we ask from you.

1. Do not speak/or give information to anyone except our office and your doctors. Employer, Insurers, and parties at fault have been known not to follow the rules. We do not want you to be taken advantage of.
2. Keeps good records and open communication.

3. Provide us with the necessary information, if and when you have it.

	Copy of Driver License/Passport/ Consulate card
	Police Report or Incident Number
	<u>YOUR</u> insurance information
	<u>THEIR</u> insurance information
	Any bills/ hospital information (previous treatments)

4. **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 need and feel comfortable with.
5. 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. The longer you take in responding or providing us with information, the longer the process. Not doing so will not only delay your case but might ultimately result in loss or reduction of recovery. We pride ourselves on a high level of communication with our clients. We need you to communicate with us as well.
6. If you are not happy with anything about our service *notify us* immediately as we will be sure to resolve the problem in a timely manner. If you are happy with us and our service tell your friends, co-workers, and loved ones. It is greatly appreciated.

We pride ourselves on maintaining a high level of client satisfaction and proudly distinguish ourselves from other attorneys by focusing our service towards the hispanic community, that is why our slogan is “Justicia para los Hispanos!” ® (Justice for Hispanics).

PERSONAL INJURY PROCESS & POINTS:

1. Establishing Claim & Sending Notice of Representation.

- If claim has been established a new adjuster will be assigned. The new adjuster will be one that is experienced for working with attorneys.
- If claim has not been established, we will do so. Depending on insurance company an adjuster will be assigned within 24-48 hours of establishing the claim.
- Once notice of representation has been sent to insurance, they are not allowed contact you. Some adjusters will try to be tricky and get information in order to use it against you. **DO NOT SPEAK WITH ANY INSURANCE COMPANIES.** If they contact you, tell them you have legal representation and provide them our name and number, make sure to get their name and call back number and notify us immediately.

- **Remember: Do not speak with anyone that is not your attorney or doctor. This includes law enforcement and/or governmental agencies. Remember, you have the right to counsel. Use your right to protect your case.**

2. Investigation / Liability

- Once the claim and adjuster has been assigned the investigation phase will begin in order to determine liability.
- Insurance company will speak to their insured and driver (if different) and wait for police report to make a decision on liability. Some insurance companies will request a recorded statement. If we should require a recorded statement, we will notify you and explain the process in detail.
- Police reports usually take 10-14 business days. Some departments such as Harris County Sherriff may take longer. In general, insurance companies do not decide until they receive the police report from the accident. Therefore the investigation process, from the insurance companies, take time.
- Once liability is accepted the 1st thing that is handled is property damage.
- If liability is not accepted or partially accepted, we will review the case and update you on how we will proceed.

3. Property Damage

- 100% of funds paid by insurance towards property damage go towards the vehicle. We do not charge a fee for the property damage claim. The only exception to this would be if suit is filed prior to property damage being resolved. This most likely means liability was denied from the beginning.
- If you have full coverage insurance it may be best to do property damage under your policy in order to minimize time without transportation. If you are not at fault, your insurance company will go after other policy for reimbursement. You will still be responsible for deductible however, that will also be reimbursed once liability is accepted. If the other person is at fault this will be a “not at fault” claim thus it will not count against you or affect your insurance price. Remember, we do not charge for any part of the property damage claim unless suit is filed prior to property damage being resolved.
- You are still responsible for all payments on any vehicle loan or lease while the car is being repaired or the total loss process is completed. Failure to do so will result in default on loan or lease and ultimately credit score damage.

4. Repairs

- You have the right to repair your vehicle anywhere you prefer. We recommend using dealership body shops or insurance approved body shops where the work is guaranteed and have the least complaints. Remember the decision of where your car is repaired is ultimately yours to make.
- If vehicle is repairable, insurance in most cases will make payment directly to body shop. Sometimes the insurance company will mail you a check for the estimate of repairs done by the adjuster. **DO NOT CASH or DEPOSIT the check.** Take the check exactly as it is to the body shop. If you cash or

deposit the check and additional money is needed for repairs, you will not be able to recover any additional money.

- If additional damage is discovered besides that in original estimate, the body shop will send a supplement to the insurance company in order to obtain additional money.
- In order to facilitate the process and ensure all cost of repairs are paid, allow the body shop to deal directly with the insurance company and our office. **Do not speak with the adjuster.** Remember, if you have any problems, notify us immediately.

5. Total Loss

- If cost of repairs exceeds 75% of the value of vehicle, the vehicle will be deemed a total loss.
- Total loss offers are determined by the sell price of similar vehicles in the area, much like property prices.
- More than often the offer will be less than the value of vehicle or the amount that you would be able to sell it for on your own. If your car is being financed, insurance companies are not responsible for covering any interest on the loan of your vehicle.
- Because it is a very meticulous process used to determine total loss offers, there is very little that can be done in order to change the amount being offered. The only option available is to hire a certified property damage appraiser to do an independent evaluation which may cost anywhere between \$500-\$1,000. Because we do not charge any legal fees for the property damage claim, the cost of hiring an independent appraiser will be solely your responsibility. Keep in mind that this does not guarantee an increase in insurance offer.
- Insurance will make two offers: 1) insurance company keeps car & 2) you keep car and gets a reduced amount of money.
- Payment for total loss will be made payable to whoever is the registered owner on the title. If the vehicle is being financed, payments will be made first to the lien holder and any remaining balances will go to the registered owner.
- The original title will need to be surrendered to insurance company unless you are retaining vehicle. If you do not have vehicle title, please notify us so that we may assist you should the need arise.
- If client retains vehicle, the vehicle will have a salvage title which means the value of the vehicle will significantly diminish. By accepting to keep salvage vehicle by law, the insurance company, must report salvage title to the state. A salvage title means that your vehicle is only worth the value of the usable parts. When sold, it would be in a much lower value than fair market value. Failing to notify future buyer of salvage title, is a crime punishable by law.
- If car is being financed the process may take longer due to lien holder fulfilling their duties in submitting necessary documentation.
- ***GAP insurance***

- This is a type of insurance purchased at time of vehicle purchase.
- It is a onetime charge added to the total price of car and usually ranges from \$300-\$800.
- This coverage is helpful in covering any outstanding balance on a car loan that insurance is not covering.
- If your car is a total loss and the insurance offer is less than the amount owed on the loan, you will be responsible for paying any remaining balance. If you have GAP insurance, the remaining balance will be covered by GAP insurance policy.

6. Mitigating Damages

- Under Texas Law an injured party has a legal obligation to minimize damages.
- If car can't be driven and is in storage, insurance company will ask that the vehicle be removed so that it doesn't accrue excess storage fee during their investigation.
- If you can't 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 where it will be kept at no cost until liability decision has been made.
- If you are notified to move 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.
- If you do not have a safe place or your neighborhood rules do not allow you to keep wrecked vehicle at that property, notify us immediately so that we may assist you in mitigating damages.
- Should liability be denied, you will be responsible for storage, towing, and fees related thereto.

7. Car Rental

- Rental vehicle will be provided to clients while the vehicle is being repaired. The rental may be through a car rental agency such as enterprise or sometimes through the body shop itself. **If you do not have a valid license you will not be able to get a rental through rental agency.**
- Some rental agencies will require that you have additional insurance coverage which you can get through them at a cost that will be your responsibility to pay out of pocket. The insurance company will not cover these charges. This often happens when you only have liability insurance. Most rental agencies require that you have full coverage.
- Some rental agencies will also require a deposit usually through a credit card where they will place a hold on monies. This deposit is often refunded after car has been returned however we may not guarantee it. Any and all deposits are your responsibility and insurance companies will not cover such expense.
- If the body shop offers rental vehicles we recommend using them instead of name brand rental agencies. Often time body shops will charge less per day thus preventing you from exceeding insurance policy

limits. Additionally, they will not require additional insurance requirements. **Once again, the choice of where you can rent a vehicle, is ultimately yours to make.** Make sure you are well informed before making any decisions as each body shop and rental agency have their own guidelines, rates and requirements.

- It is your responsibility to fulfill all the requirements requested by rental agency or body shop in order to obtain a rental vehicle. We will assist you the best we can however we do not guarantee a rental vehicle should you fail to meet the requirements. For example, not having a valid driver's license.
- If car is a total loss, by law insurance companies do not have to provide rental or pay for loss of use.

8. 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 companies, 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 appointment 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. Every missed appointment diminishes the value of your case and ultimately the amount that may be recovered.
- This is the part of the claim that takes the longest because you must finish your medical treatment and we must receive all bills and medical records from providers.
- Once we have bills and records along with loss wages we will prepare and send a package to the insurance companies demanding fair compensation.
- The insurance company in turn, will present a counter offer with their lowest number and we begin negotiations until we reach a fair offer.
- If the last or final offer, which is the highest, final amount offered, is enough to cover medical bills, compensation to you and cover our attorney's fees, we will accept said offer at your request.
- Once the check is received, funds will be distributed accordingly and case will be closed.
- From beginning to end the process takes about 9 months. The actual time the case takes, may vary depending on injuries, treatment and of the insurance company handling your case.

9. Filing Suit

****We will file suit if:****

- Liability is not accepted and your case has merit.
 - Insurance accepts partial liability (percentage) and your case has merit.
 - Insurance top offer is ridiculous for you bodily injury and your case has merit.
- Once we file suit we are entering a legal process where courts are involved and where we have to follow very rigid steps and time lines designated by law.

- Entire process once suit is filed usually ranges from 1-2 years unless it is settled by agreement of parties.
- Most times we will not reach trial and case will be settled however insurance companies will drag the process on as far as possible in order to avoid paying or paying the minimum. This is a technique that the insurance companies use, so that the client is tired and accepts any amount that is being offered in order to settle a case.

10. Referrals

- Your case may be referred to another office to best serve you and your case. Our colleagues may be better able to address the needs of you and your case depending on the type of case and/or the amount of cases we are currently handling.
- Please rest assured that you and your case will always be in good hands. Our priority is to serve you the best we can with our ultimate goal being client satisfaction and maximum recovery.
- Should you encounter any problems, questions or concerns regarding your case please address these first with the referred attorney or your assigned case manager. If they are unable to assist you, we kindly ask that you remain patient and contact our office. We pride ourselves on a high level of communication with our clients and your satisfaction is a priority for us.
- Referring your case will **not** increase the total attorneys fee owed by Client however it will provide you with added representation and support at no additional expense.
- Both referring attorneys and associated counsel will assume joint responsibility for the representation of Client, that means both law firms are equally responsible.

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.
- Whatever information is given to insurance companies they will use it 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 will release your case.
- *Should our office dismiss your case as a result of your actions which resulted in negatively impacting your case, any medical cost accrued will be your sole responsibility. Should your case be dismissed due to circumstances which you are not responsible for, or should trial result in an unfavorable outcome, you will not be responsible for fees accrued.*
- 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 need and feel comfortable with. **All medical decisions are yours to make.**

A NOTE FROM THE ATTORNEY:



Hello,

I am attorney Javier Marcos and I am honored to have the opportunity to represent you. As a son of immigrants, I pride myself in representing and doing my best for the Hispanic community, thus I thank you once more for this opportunity.

I have been practicing law for over 15 years and have focused my practice on obtaining justice for those I represent. I have built my firm on the belief that hard work, honesty and open communication is the key to success. As an attorney, it is my sworn duty to act in your best interest within the bounds of the law. Me and my firm believe honesty is the single highest priority in our partnership. When working with us, you'll always hear the complete and honest truth, regardless of whether or not you want to.

I also believe in being accessible and within reach of our clients. This firm's priority is to serve you the best we can with the ultimate goal of client satisfaction and maximum recovery. That being said, please understand that I cannot handle every aspect of your case. If I were to handle every aspect of your case I wouldn't be able to help you or anyone else. Hence why I have a outstanding support staff. My team works closely with all clients to provide honest, friendly service, and an overall positive legal experience with our best efforts. I fully believe in my staff, their competence, and excellent work ethic. Everyone in my office speaks Spanish and customer satisfaction is our priority. I vow that if my support staff cannot resolve your issue you will speak to me within 24 hours. This is in no way meant to be disrespectful but rather helpful and to strengthen our relationship as we move forward with your case.

Please remember this is your case. As a client you have the right to access the entirety of our knowledgeable staff. You have the right to be treated with the highest level of honesty, confidentiality, respect and compassion. You deserve an attorney with your best interests in mind—someone who cares for your well-being on a personal level. I will provide you with advice and consultation, but you have the power to make many important decisions about your case. Despite the power that you have, you will probably find that your result will be best, if you listen carefully to my advice and consultation. Working with us is more than a client-attorney transaction, It's a partnership that I look forward to.

Respectfully yours with sincere gratitude,



ATTORNEY JAVIER MARCOS, JR.

WHY HIRE ATTORNEY JAVIER MARCOS?

At the offices of Attorney Javier Marcos & Associates we know that an accident totally changes your life.

- The main objective of our office is Justice for Hispanics!
- Attorney who speak Spanish.
- Attorney Free Consultation.
- We'll visit the accident site, your home, or the hospital.
- We're available 24 hours a day/ 7 days a week.
- You don't pay if you don't win.
- We'll fight hard to win your case.
- Your information is 100% confidential.

If you've suffered an accident, you have a right to file a lawsuit to recover your losses, medical expenses, treatment, pain & suffering, lost wages, inability to work or function, property damages, and others.

It's important that you quickly call Attorney Javier Marcos at 713.999.4444 so that you can commence your medical treatment, do not worsen your legal position, preserve evidence, and learn your rights.

We help you recover the money you are owed in a Construction Project: CONSTRUCTION LIENS

Any contractor or person that builds and makes improvements or repairs on a property, provides construction materials, rents equipment, or renders services to improve the property has the right to be paid through the property if he/she has not been paid for their services. Attorney Javier Marcos will take care of getting you the money you are owed on construction projects by placing a "lien" on the property where the work was done.

- Attorney Javier Marcos will take care of getting you the money you are owed on construction projects.
- Don't wait for them to tell you: "I'll pay you next week" and then a week later they say, "Next week".
- You shouldn't let longer than 30 days pass from the end of the job or you may not be able to place a lien on the property.
- If those 30 days pass without your having been paid it is very difficult to recover the money you're owed.
- To recover your money, you should call Construction Liens Attorney Javier Marcos in less than 30 days from the end of the construction job.
- Your immigration status doesn't matter. Irrelevant, if you're here illegally, with permission, or with a work visa we can help you. Get free attorney consultation 713.999.4444.

JUSTICE FOR HISPANICS!