



Don't Lie to Your Lawyer!

An Actual Client Case

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The following is a true account of an actual case I handled on a client's behalf (as always, names and details have been omitted in order to protect the identity and confidentiality of the client!):

A mutual friend introduced me to a man that had been in a rear-end accident. While waiting at a red light to turn left, he had been forcefully struck from behind by another driver who obviously was not paying attention. He declined an ambulance, but had a friend take him to the emergency room, where he complained of severe pain in the head, neck, lower back, and right hip.

X-rays revealed no fractures, so he received some pain prescriptions and was discharged to follow up with his own doctor. He then went to see an orthopedic doctor, and told that doctor that he had never before received any injury to his head, neck, back, or hip. He said the same to me when I interviewed him.

Based upon this information, the orthopedic doctor referred the man to undergo MRI (magnetic resonance imaging) scans of the neck and back. These scans revealed some serious and major injuries,

specifically, herniated (i.e., ruptured) vertebral discs in the neck and in the lumbar spine, and irritation of the right-side nerve roots in the lower back. Therefore, it seemed like all of the symptoms the man was complaining about were consistent with, and confirmed by, the objective findings of this exam. Because of the extent of these findings, the doctor did not think physical therapy could help, and said steroid injections would be needed in the upper and lower spine, and quite likely, surgery. The man did not have health insurance or out of pocket funds to undergo surgery, however.

Also, the responsible driver was uninsured, so the case was being pursued against the client's own uninsured motorist policy.

It sounded like a strong, straightforward case, and the man appeared very sincere. I took the case, and aggressively argued with his insurance company that he deserved the full policy limits of his uninsured motorist coverage, because of the severity of his injuries and his need for future surgery.

Then came the wrinkles in the case. The insurance adjuster made surprisingly and (what I believed at that time to be) ridiculously low offers for settlement. I repeatedly demanded to know why, and was simply told by the adjuster that they had "reason to believe" that the injuries were not caused by this accident. With no further details being given to me, I repeatedly questioned my client if he knew what the insurance adjuster could be talking about.

"No," he declared. "I never filed for injuries before. They're lying."

With no evidence to the contrary, I was bound to stand by my client, so I filed suit against the insurance company to seek either a better settlement offer, or take the case to trial if necessary.

Once a defense attorney got involved, the offers went up, but not by much. The defense attorney told me on a couple of occasions that this person had filed "multiple prior injury claims." I again called my client, demanding to know everything I needed to know, otherwise I could not effectively represent him.

Again, he strongly denied any of these claims, calling them “all lies.” He maintained innocence and stated that he had no such prior injuries to these areas.

Eventually, I was able to request the defense insurance company (through demand for written discovery) for the names of some other insurance companies that my client used to have policies with. I then ordered (at considerable cost to my firm) copies of all medical records and claim files from those insurance companies.

When I received these files, I couldn’t believe my eyes. Sure enough, my client had been outright lying to me all along. On at least four (4) separate prior occasions, he had filed auto accident claims and worker’s compensation claims, alleging injuries to the exact same parts of his body: head, neck, back, and right hip. In fact, MRI scans of the neck and back taken about five (5) years earlier revealed the exact same findings of herniated discs.

This man had been milking his injuries for all he could get. Every time he got a little hurt on the job or in a car accident, he would claim he was feeling these same injuries “for the first time.”

Not only had he deceived the doctor with these lies, but also my firm, which had invested considerable money in the case by taking it through lawsuit. Even more frustrating was that the client continued to feign innocence, claiming he just “honestly forgot” about those prior injuries.

We promptly settled it for what little we could get, enough to cover our costs and the medical bills. The client got some recovery in his pocket as well, and in my opinion, anything was more than what he deserved.

A reputable plaintiff’s attorney is not in the business of cheating the system and representing frauds. People like these cause the worst labels and stereotypes to be attached to the field of personal injury law, and ruin it for deserving people with legitimate claims.

If I had not ordered all of the prior medical records and claim files, and had continued pursuing the case to trial based on the client's false promises, I can only imagine how much more money would have been lost. If he had been confronted with the evidence of his prior medical records for the first time on the witness stand, there is no doubt the jury would have punished him with a zero verdict. In such a case, it is not the client who loses the money, it is the law firm, because plaintiffs' lawyers take on the risk and advance all expenses on these types of cases.

A lawyer cannot effectively represent and protect a client if the client conceals and fails to disclose crucial information that his lawyer needs to know. A client may believe that he can get away with it, but sooner or later, the evidence will be discovered in the course of the lawsuit. Not only is there financial risk to the law firm, but the client exposes himself to criminal risk, both for lying in general¹ and for committing fraud against an insurance company in particular.²

The moral of the story should be obvious, but is worth repeating: do not lie to your lawyer!