

Stephen Williamson:

What we often see in our cases is the insurance companies and their lawyers will defend the cases both during the litigation and at trial, by attacking our clients, attacking not just the injuries and their connection to the incident. But attacking who our clients are, attacking their credibility, attacking their integrity by saying that the claims aren't legit, the injuries are exaggerated. They are not working because of the injuries from the incident. They'll say, "No, he can go back to work. He can work just as he did before." And if you think about it, the implication or the logical conclusion of what they're saying is that our clients are not truthful, that they're liars, or that they're trying to cheat the system, or that they're putting forward a fraudulent case. I mean, that's what it boils down to.

And what we've learned to do is to turn that around on the defendants, to turn that around on the insurance companies. Because most of the time, while they make those arguments or they try and make those arguments, the arguments are not supported by the facts in the case. The arguments are not supported by a close look at who our clients are, an examination of their lives. In fact, most of the time the opposite is the case. That if you take a close look at our client, if you look at their background, if you look at their life story, if you look at how they were living their lives at the time of the incident before they got hurt, there's no basis, there's no legit basis to call them a liar. There's no legit basis to question the credibility of their claims. There's no foundation to say that there's an exaggeration or a fraud going on here.

And so rather than allow the defense to dance around it and say it indirectly or say it by implication, we try and force them to take that position in a stark way or at least make it known to a jury in a courtroom that that's what's really going on here, that's really the position that they're taking. And in doing so, we can suggest effectively to the jury that the reason why the defendant is taking this position is not because it's based on the facts, it's not because it has a legitimate foundation. It's because it's their strategy to win the case. It's their strategy to avoid responsibility. It's their strategy to avoid paying for the harm that they caused. And we try and draw as stark a contrast between this defense, which is nasty and not based on the evidence with who our client really is.

And we had a recent case that went to trial where the case was righteous. The client, he never did a thing wrong in his life. This was a guy his whole life up until the incident, who worked hard and played by the rules. He came from a meager background, his family didn't have a lot of money. He worked his way through school, he worked hard to get a great job and a good profession. And he was sort of right at the beginning of a great life, a great career with the woman who would become his wife. And that's when he got hurt and that's when he stopped working because of the injuries from the incident. And there was just no basis to say, this guy is a liar. There was no reason to think that he would throw away everything he had to put forward claims that were bogus. And there wasn't anything in the record, there wasn't anything in the evidence, both of his injuries and suffering after the incident. But even more importantly, in the years before.

Because what we try and do to show that our client is not this characterization that they try and put forward is we go back and we get records from the years before the incident. If there are school records, we get them. If there are employment records, we get them. If there are photographs and videos, whatever we can get to speak to the life that the client was living before the incident, we gather that information and we show it, we tell the story visually in the courtroom so that the jury's aware that this is a person who is legit. This is a person who has worked hard and played by the rules. This is not someone who would be capable of putting forward something in a lawsuit that's not true. This is not someone who would have the incentive or motivation to do such a thing, that this is just far afield of what the defense is saying.

So we'll gather as much information about our client's life before to verify what we're saying about who they were beforehand. We'll obviously have all the evidence of the injury and the impact of the injuries and the medical treatment after the incident, after the injury. And the sum total of that is to show that the client is on the level, that they're telling the truth, and that everything the defense is saying about you should be suspicious, you should question, this isn't true, just doesn't hold sweat. It just doesn't add up. It's just not supported. And we go even further. What we try and demonstrate for the jury in the courtroom is this is not just a lawyer standing up and saying, I'm questioning the plaintiff's claims. If you boil down to its essence, if you follow it to its logical conclusion, what the defense is saying, it's that our client is not telling the truth, that the claims are not legitimate. And what does that mean? It means that we're putting forward a bogus case, fraudulent claims.

Well, if you're going to say something that stark in a courtroom, if you're going to make an accusation like that in the courtroom, and that's really what it is, it's an accusation about our client's credibility and the worthiness of the claims in the case. You've got to have the goods. You can't just stand up in a courtroom and make such a statement without having the evidence to back it up. And that's what we point out.

And then we go to the next step, which is to show they don't have the evidence, that what they're saying or implying about the client and the case, that it's not legit, that it's somehow exaggerated or false is without any basis. And if we can show that, then it's very easy to go to the next step, which is to show that this is not something being put forward by the other side based on evidence, but rather it is a concerted, deliberate attempt to avoid responsibility in the case and ultimately to avoid justice, to avoid paying for the harm that they caused. And we have decided that we're not going to allow that to happen anymore. Not during the litigation, not at trial. If they're going to make these kinds of accusations against our client, we're going to call them out on it in a stark way, say, "Okay, this is what you're saying. Let's make it plain to everybody what you're really trying to say here, and let's see if you can back it up."

And most of the time, not only do we show that they can't back it up, we draw a stark contrast between what they're saying and who our client really is by showing that our clients are hardworking, legitimate people who have gone through their lives up until the time that they got hurt, working hard and playing by the rules. They didn't ask for any of this to happen. And then when it did, when they got hurt, they did the best they could under difficult circumstances to get from that point up to now.

I think the strategy that we see during the lawsuits, and especially at trial because trial is when in the courtroom, all of this stuff unfolds in vivid detail, is part and parcel of the larger strategy that the insurance companies have. In the public sphere, they are constantly putting out information, most of which is not accurate or legitimate. That most injury claims are exaggerated, that most personal injury lawsuits are suspicious or without a worthy basis. That is put out there as best as they can do into the public consciousness so that people have this negative impression, a negative stereotype about injury cases, about injury lawsuits, about people, people who make injury claims. And the reason they do that is because then when a legitimate person really gets hurt and has a righteous claim to bring, they have an uphill battle to climb.

Because whether it's in the claims process, whether it's during the life of the litigation, whether it's in court with a judge or a jury, they're the ones oftentimes who are looked at with suspicion because they're the ones who brought the lawsuit. They're the ones who were suing when in fact they're actually the victim. And none of this was brought about through any fault of their own. And it's certainly not anything they went looking for or asked for. And most of the time, our clients, it's not about the money. They just want their life back. It's not about winning the case insofar as getting some large monetary settlement or judgment. It's about getting back what they had before the incident. It's about what they've lost and that we can't do for them. We can't dial back the hand to time. We can't undo the harm

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done and give them what they've lost emotionally, physically, spiritually, in a functional way, in the day-to-day in their life and with their family and friends and at work.

But we can give them closure and we can give them civil justice. And at best, we can give them the resources to make their lives better in a lot of little ways, all at once.