

# MOST VALUABLE ADVICE FOR A SOLID PERSONAL INJURY CASE

*Being involved in a motor vehicle accident and sustaining spinal injuries can be a huge stressor in your life. Dealing with damage to your vehicle, depreciation of your vehicle as a result of the accident, where to get it fixed, what to do about your injuries, where to go, who will pay for your treatment, and how and which insurance companies are responsible for all these issues, are just some of the questions and decisions you will be faced with.*

*My advice is to rely on somebody with many years' experience and knowledge in this field. You do not have to re-invent the wheel by yourself. Good advice will go a long way in reducing the stress, healing your injuries, and knowing how to deal with the insurance company at fault.*

*Please feel free to contact me directly at my clinic, Agave Chiropractic, for advice on any of these matters. I can always be reached at 602-956-8736 or through email at [doctorvanberkel@msn.com](mailto:doctorvanberkel@msn.com)*

*Regardless, follow this simple, yet critical advice*



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# START 2 SEPARATE LOGS:



## 1. Symptom Log:

a. To be used to quickly notate how you feel. I would start with a brief notation of everything you feel (that is different than usual) the same day of the car accident. Make sure you add dates to each notation. You do not have to write a novel here but do keep track of any symptoms resulting from the motor vehicle accident.

b. Symptoms change and new ones can appear for weeks following an injury.

c. Write down not only how you feel but how these symptoms are negatively affecting your life as far as work, sports, hobbies, family life, household chores, etc. Even if you are able (or have to keep doing them), write down if you have lost enjoyment in performing these activities due to pain.

d. Document which doctors and/or what you have done for treatment. Keep track of dates and whom you went to for treatment. You will also have to keep track and gather up all your treatment records (including bills) for all treatment related to your injuries. Include any home treatment such as NSAID's, ice/heat, massage, etc. in your log.

## 2. Communication Log:

a. This log will be used to keep track of any and all communication regarding your motor vehicle accident.

b. Insurance company at fault, adjustor name and phone number, claim number, email address. Doctors name, address and dates of service. Keep updating this log when you have communication with the insurance company. Write down the date, whom you spoke with and what was said. Even write down if you called and left a message.

c. Where is your vehicle getting fixed? Keep track of communication, estimates and the final bill for the work done on your vehicle.

d. Police and accident reports should be obtained and stored in your log/folder. The accident report should be given to you at the time of the motor vehicle accident by the reporting police officer. It will have the other party's insurance information.

**These Logs are provided to our treating patients at Agave Chiropractic**



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# YOUR VEHICLE



The insurance company at fault for your motor vehicle accident is responsible for getting your vehicle fixed. You should call the insurance company at fault the day after your accident to get a claim number and open the claim. You can go to any body shop you want to get your vehicle fixed. The insurance company at fault will usually try to have you use one of their preferred body shops. You can also take your vehicle to one of the at fault body shops estimators (or even use their website or app sometimes) to get a quote on getting your vehicle fixed and they will write you a check for the damages and to get it fixed anywhere you like.

The insurance company at fault is responsible for paying for your rental car during the time that your vehicle is in the body shop. You likely will have to have a credit card on file with the rental agency, although nothing should be charged on this card. You will often also have to be 21 or older to qualify for a rental car. Each rental car company is different and has their own rules.



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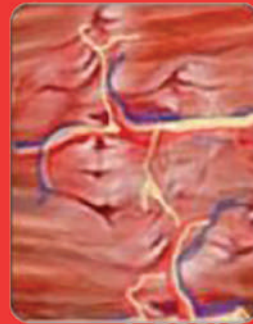
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# HEALING OF SPINAL INJURIES



**NORMAL**



**POST INJURY**



**FIBROSIS**

What I am about to say may surprise you. All injuries heal by themselves and without any “outside” help. However, it is the quality of healing that can change greatly. Spinal injuries, when left to heal on their own, typically heal with a lot of scar tissue, also called fibrosis. This scar tissue in your muscles and ligaments will result in poor quality healing with increased stiffness. Since your spine relies on proper motion for continued health, this stiffness (which resulted from scar tissue which resulted from the injury) now results in mechanical wear and tear and early onset arthritis in the region(s) of the spine injured. We call these future problems residual impairments. Or also know as problems at a later time which resulted from poor quality healing. The key to proper healing is the prevention of fibrosis and scar tissue formation in your muscles and ligaments.

Soft tissue (muscle, ligament, intervertebral disc) injuries of the spine are classified as sprain/strain injuries. Soft tissue spinal injuries continue to heal following their original cause (in this case your motor vehicle accident) for approximately 3-6 months. It is during this 3-6-month window of opportunity that you have the ability to influence how well your injuries heal. I strongly advise you to take your spinal injuries seriously and do everything you can to promote proper/quality healing and full recovery.

I caution every patient to not solely rely on the traditional medical community to heal their spinal injuries. The route of prescriptions in a combination of anti-inflammatories, muscle relaxants and pain meds is no different than having the “check engine” light go on in your car and merely unplugging the light bulb. This same route often is followed with advice to wait and see how things feel after your prescriptions run out. This active treatment gap is valuable time lost during which your body is healing with deposition of scar tissue in the injured muscles and ligaments.

Proper treatment for spinal injuries should involve a well-planned and orchestrated combination of chiropractic care, therapeutic massage, and therapeutic exercise. Even then, there is a huge difference from one chiropractor to another. One who spends 2 minutes in the room treating you and just puts you on ice/heat and muscle stim is not one I would want after a spinal injury.

I have post-graduate training of 120 hours in the diagnosis and treatment of spinal injuries. I sought out this additional training because our normal education in chiropractic school was greatly devoid of actual, practical knowledge and training in this specific field. Look for a chiropractor who has the Certified Chiropractic Spinal Trauma (C.C.S.T.) training.



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# LAWYER UP OR NOT?



Likely due to the constant TV advertising by personal injury attorneys (you all know the jingle), we are led to believe that getting an attorney is the first step in getting you better. This would be the first mistake instead! All the big, cheesy law firms out there are terrible at representing your interest. You are merely a number to them, their attorneys and paralegals are overworked, and they are all "black-listed" by the insurance companies on whom they are dependent. Do yourself a favor and do not go this route.

There is a real debate on whether you need an attorney to represent your best interest following a motor vehicle accident. This debate and discussion should be had between your chiropractor and yourself. Just so you know, you can settle a personal injury claim and get your deserved "pain and suffering" all by yourself. Settling a claim with the at fault insurance company by yourself will result in not having to pay out the 33 or 25 % fee the attorney takes, and it will result in turning your claim much faster as my experience with attorneys is that it takes 3 months to 2 years upon completion of your treatment. There are a number of variables I look at in my determination on whether a patient should seek the help of an attorney:

- How did the insurance company at fault (third party insurance) do in dealing with your property damage?
- Is the insurance company at fault trying to get you to settle for a quick, lowball offer after admitting guilt?
- Are they denying or undermining your injuries?
- Who is and what is the reputation of the at fault insurance company?
- Can you (as the patient) write a demand/settlement letter upon completion of your treatment?  
I personally help my patients with this process should they decide to go without attorney representation.

There are times when representation by an attorney is the safe way to go. However, not just any personal injury attorney will do. Certainly not the big, advertising law firms. I have referrals to small, independent attorneys who will get to know you, your case, and have the time and experience to help you.

Please take the time to discuss this matter in detail with myself on the phone (602-956-8736), through email ([doctorvanberkel@msn.com](mailto:doctorvanberkel@msn.com)), or in person at the clinic.

Having been involved in a motor vehicle accident is no laughing matter. The stress of having to deal with many new legal matters on top of not feeling well can be overwhelming. Spinal injuries need to be taken very serious should you not want them to come back to haunt you in the near future and possibly for the remainder of your life.

**We are here to help you! To give you sound medico-legal advice, to listen to you, and to guide and coach you with proper treatment.**



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