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**SHERVIN
LALEZARY, Esq.**



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ACCIDENT GUIDE

Everything You Need To Know About Your Accident Claim

Accidents are fairly common in California. However, it can be difficult to determine how to move forward if you or a loved one have been injured in an accident.

This guide will educate you on what to do and not to do when dealing with insurance companies, how to hire the right attorney, and how you can maximize your compensation and recovery.

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Accident Guide:

Everything You Need To Know About Your Accident Claims In California

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Automobile accidents are one of the biggest causes of death and serious injury in California. In the county of San Francisco alone, 5,206 victims were killed or injured in automobile accidents in 2017. According to the Centers for Disease Control and Prevention (CDC), accidents, including automobile accidents, were the sixth leading cause of death in California in 2017. Automobile accidents are fairly common in the state. However, it can be difficult to determine how to move forward if you or a loved one have been injured in an accident. This guide will educate you on what to do and not to do when dealing with insurance companies, how to hire the right attorney, and how you can maximize your compensation and recovery.

What Do You Do After An Accident?



The first step to take after an accident is to ensure your safety and to seek immediate medical care. Do this even if you don't believe you need medical attention—injuries don't always appear right away, and sometimes the injuries that aren't obvious are the most dangerous.



At this point, if no one has already done so, call 911. The police or CHP will arrive to make a report and request paramedics if necessary.



Once your immediate needs have been tended to, it's time to gather evidence. This includes speaking to witnesses and collecting their contact information, taking photos and videos of the scene of the accident, and photographing any injuries you might have.



Insurance adjusters and investigators will begin reaching out to you sooner than you might think, sometimes when you are still recovering. Do not give any statements until you have contacted an attorney.



Above all else, do not admit any fault or wrongdoing. If you have not yet spoken with a lawyer, now is the time to do so. They can help protect your rights and best interests as the case proceeds.



When speaking to any adjusters, the police, or your attorney, stick to the facts and don't embellish or fill in details that might seem logical to you — if you don't recall something, be honest.



Avoid signing any paperwork unless the police give it to you themselves, and remember that even if you believe you might be at fault, there could be elements of the accident you have yet to consider.



Finally, it's a good idea to create a diary of the accident as well as the aftermath. Record the injuries and damages you've suffered as well as any details about the accident you can recall. Because memories can fade surprisingly quickly, doing this as soon as possible after the accident is a good idea. Make the content an ongoing record of your experience, and make sure to share the information with your attorney.

What Is The Role Of Law Enforcement At Accident Scenes?

Accidents can be extremely disorienting, and sometimes it's difficult to catch your bearings and take note of the important details. This is one of the reasons that involving law enforcement as quickly as possible is so important. When contacted promptly, police officers can help ensure your safety while recording details relevant to your case.

Remember that police officers are professionally trained to manage and investigate accidents, making them the perfect people to call. They have the authority to do a variety of things at the scene:

- Secure the Accident Scene
- Gather Evidence
- Determine the Cause of the Accident
- Coordinate Transport and Care for Victims
- Issue Citations
- Conduct Sobriety Tests

If you're involved in an accident, don't hesitate to call on law enforcement officers to help record the situation and ensure you receive the medical help you need.

Can I Recover For An Accident If I Am Partly To Blame Or Contributed To The Accident?

Many people believe that accident cases find one person completely at fault. While there are cases where one party is undeniably at fault for 100% of the damages resulting from the accident, many other cases feature two parties that both share some of the blame. Even if you were at fault for a portion of an accident, in other words, you could still have your case tried and seek compensation. How much you recover, however, will depend upon how much of the accident was your fault.

California is a "comparative fault" state. This means that your fault will be compared with the other party's fault, and your overall recovery will be impacted by the degree to which you contributed to the accident. If you are deemed to be 10% at fault, for example, then you can't seek 100% of your damages. You can, however, seek the remaining 90% for which the other party is responsible. Speaking with an attorney can help clear up any misconceptions or confusion about this part of the lawsuit.



Do You Need To Hire An Accident Lawyer?

Because the aftermath of automobile accidents can be so expensive, many people wonder if hiring an attorney is necessary, or if they can avoid this step and figure things out on their own. There are a few factors that impact the necessity for an attorney.

If the accident involves only minor property damage and no injuries, it's possible that hiring an attorney would be an unnecessary expense. Note that this only applies to disputes that can be resolved directly through either the parties involved or their insurance providers. If the accident or the case escalates beyond the above parameters, then it's time to involve an attorney.

If the automobile accident resulted in serious injuries—injuries that required medical care to resolve—you should contact an attorney as soon as possible. This is especially true if those injuries led to hospitalization or caused you to miss work, and disabling injuries that prevent you from continuing in your chosen field are included.

Another instance in which contacting an attorney is the best bet is when either party has an issue with insurance. This can encompass a few different problems. If you were involved in an accident and either of the involved parties (including you) lack insurance, an attorney should be involved. The same is true if either party is underinsured.

If there is a dispute about who is responsible for the accident, consult an attorney. The same is true if the other party's insurance provider refuses to cover damages resulting from the accident. And, should the other party involved in the accident be a government entity, one should be aware that they might potentially have "sovereign immunity" and would therefore be protected from a lawsuit. Reach out to an attorney for help in this instance.

Statute Of Limitations

When you decide to pursue legal action against the other party involved with your accident, you have a certain time frame within which that can happen. If you wait too long to file your lawsuit, it is possible that you won't be able to pursue recovery. The amount of time you have to file your case is known as the "statute of limitations", and it's important to understand what that means and how it could impact your case.

The statute of limitations is dependent upon the type of claim you are pursuing as well as where you are located and can vary from state to state. Always make sure that you know the state-specific statute of limitations if you're filing in a state unfamiliar to you. In the state of California, you have two years from the date of the accident to file a lawsuit after an automobile accident.

If you are filing a lawsuit against a government entity, you have a much shorter window of opportunity. Instead of two years, you have just six months to file suit. If you are unsure if the statute of limitations has passed for you, reach out to an attorney who can help you sift through the details and determine the viability of filing your case.

I'm Undocumented, Can I Still Get Help?

It is normal to feel apprehension about the possibility of going to court when you are undocumented. It's important to understand that your status does not preclude your ability to seek recovery. In fact, the state of California has made it illegal to use immigration status against any party. That means that regardless of whether you are documented or not, you can retain an attorney and seek compensation for any damages you sustained.

How Much Is My Case Worth?

One common question many victims have after they've been in an automobile accident is how much they can expect to recover from their case. After all, many people have medical bills to pay, lost wages to cover, and property damages to consider, and many of them can't afford to pay for these things out of pocket. The truth is that there are many factors that go into this kind of estimate, and you might not receive an accurate number until more information about the accident and its consequences becomes apparent.

The most common elements of an accident that have a big impact on a case's potential compensation are physical injury and the resulting damages. This likely sounds obvious, but there are a few different things to know about what these two categories mean and why they can make estimating a recovery amount difficult. The extent of your medical injuries, for example, might not be apparent until months after the date of the accident, and new developments could impact the amount you owe, as well as your ability to work. It's important that all of this information be included in your case before you settle.

Keep in mind that once you agree to a settlement, you cannot pursue any further legal action designed to recover additional compensation. That means that if you settle with the other party, be it an individual or an insurance provider, only to realize a few months later that the extent of your injuries is much more severe than previously anticipated, you won't be able to seek further compensation, even though the information is new to you. When you sign a release, you are forever barred from procuring any additional compensation – that's why it's important to have all of the facts beforehand and why providing an estimate can be difficult.

Beyond the above, there are additional contributing factors that impact how much your case might be worth. The first of these is who was at fault and to what degree they were at fault. If the other party was responsible for some of the accident, but not all of it, your compensation will be adjusted to reflect your part. The injuries, both the type of injury and the severity of the injury, also impact your recovery. In general, injuries that are permanent or especially debilitating, like head trauma or the loss of a limb, will command a larger compensation amount. Finally, the insurance coverage the responsible party has will impact how much financial compensation the victim can receive.





What Types Of Compensation Am I Entitled To?

There are a few different types of compensation you might be able to pursue if you decide to file a lawsuit after your automobile accident. Determining which ones will apply to your case depends upon the type of damages that you have experienced. There are two main categories to keep in mind here—compensatory damages and punitive damages.

Compensatory damages

Compensatory damages are damages that are awarded to the victim in order to compensate them for the money they've had to spend as a result of the accident. Medical expenses, for example, are major compensatory damages that many victims pursue. Note that these expenses can encompass much more than simply the money you've spent on treatment. Compensatory medical damages include compensation for:

- Hospital Bills
- Ambulance Bills
- Consultations with Specialists
- Physical Therapy
- Psychiatric Counseling
- In-Home Care Services

Make sure that you include all of these in your lawsuit to ensure you receive the full compensation to which you might be entitled.

There are a few additional compensatory damages to consider when filing a suit. Property damage, for example, entitles you to receive compensation for any damage to your property — in many automobile accidents, this includes the cost of car repair or replacement. Pain and suffering and emotional distress are compensatory damages that are a bit more complex to assess, but they can add quite a bit to your ultimate financial recovery.

Additionally, should you have been seriously injured enough that you are no longer able to live your life as you did before the accident, including continuing in your chosen career and maintaining personal relationships, you might be entitled to additional compensation. These damages are known as loss of income, loss of earning capacity, and loss of consortium.

Punitive damages

The second category of compensation is known as “punitive damages.” Punitive damages are assessed in cases where the actions of the plaintiff were so egregious that the court finds they should be punished beyond compensating you. In other words, these damages aren't awarded to pay for a specific issue but are applied purely to punish the plaintiff. This is normally reserved for intentional acts or circumstances involving particularly negligent or reckless drivers. Note that this type of compensation is not always awarded and that there are specific circumstances that must be met in order for the courts to assess them.

Proving Fault For The Car Accident



If you've been injured in an accident, you might believe that you should be awarded compensation no matter what. In reality, that's not quite how the system works. If you are found to be partially responsible for the accident, for example, you might not be entitled to the full compensation you might have otherwise received. That's why proving fault in automobile accident cases is so important. You want to ensure that the facts come out and clearly show that you were not the responsible party for the crash.

In many car accident cases, the case is won or lost based on fault. It's a good idea to understand exactly how fault is decided in these cases, then, to make sure you know what to expect when it comes to your specific case.

Fault, also known as "liability" in car accidents, is determined based on the legal theory of negligence. Failing to exercise care that most people would consider reasonable is considered "negligent". Failing to look for cross traffic on a busy road and causing a car accident as a result would likely be considered negligent because most people would exercise due caution in that scenario.

There are a few different ways that negligence can be shown with regard to car accidents. First of all, proving that the driver was careless is important. This shows that the other driver was not taking reasonable action to keep themselves and others on the road safe and that they directly caused the accident by this lack of action.

Once the fault has been proven, there must be some kind of damages to collect. If you're in a car accident but suffered no injury nor property damage as a result, there are no damages to seek and no reason to pursue a lawsuit.

Finally, it must be established that the driver, in addition to causing the accident, was directly responsible for the damages suffered by the victim.

If neither party in an accident is completely responsible for the accident, then it's important to understand that there are two different types of negligence that could be considered: contributory negligence and comparative negligence.

Comparative negligence seeks to award the victim something based on the percentage of fault that they carry. If they were 20% at fault while the defendant was 80% at fault, for example, then they might be able to recover 80% of their damages rather than 100%.

Contributory negligence, on the other hand, won't award the injured party anything if they are found to be at fault for even a small percentage of the accident. In both of these cases, the injured party's guilt will need to be proven by the defense.



The Legal Process And Time

Once you've decided to file a lawsuit, you might expect things to move quickly. The reality, however, is that the legal process is rarely a quick one, and you might be waiting a while to see much visible progress. That doesn't mean that progress isn't being made at all, of course, but rather that there are quite a few steps to move through before you reach different stages of the lawsuit process. There are a number of steps you will need to cover as you move through the different phases of your legal claim. These can be divided into two main categories: things to do before you file suit, and things to do after you file suit.

Before Filing Law Suite

There are a few things you need to complete before you consider filing suit.



Hire an Attorney

The first is to hire an attorney. While it can sometimes be possible to move through a legal claim without professional representation, this is not the case in any accident claim where significant injury or property damage has occurred — reach out to an experienced lawyer for help.



Achieve Maximum Medical Improvement

Once you have hired your attorney, focus on recovery. Speak to your doctors about their opinions regarding your injuries and your prognosis, including to what extent you will recover and what limitations you might be facing permanently. This will help you determine your maximum medical improvement and give your attorney a better idea of what to include in your lawsuit.



Demand Letter

Once you've reached maximum medical improvement, it's time to send a demand letter. Your attorney will handle this on your behalf, and it will include your compensation demands.

Once the other party has received your letter, they will look at everything your lawyer has included and decide whether or not they're willing to cover the expenses listed.



Settlement

At this point in time, you reach the settlement negotiation phase. This is where your attorney will negotiate with the other party to keep your best interests in mind and secure fair compensation. If the settlement negotiation goes well and you agree with the proposed recovery amount, then you have reached the settlement phase of your legal claim.

If you do not agree with the proposed settlement, then the claim will need to be escalated to a lawsuit.

Filing a Lawsuit

When attempts at settling outside of court fail, a lawsuit is often the only recourse you have to receive compensation. When you file a lawsuit, the other party has 30 days to answer the complaint. The answer is a rewritten declaration of the party's defense against your claim and must be filed with the Clerk of Court. From there, things move on to the written discovery phase of your lawsuit.



Written Discovery

During this process, both parties in a lawsuit "discover" relevant information and facts about the claim via three kinds of written discovery: requests for production of documents, interrogatories, and requests for admissions.



Depositions

After written discovery comes depositions, where you and the other party will give sworn testimony out of court. This aids in gathering evidence. Next comes the retention of expert witnesses.



Expert Witness

Your attorney will help find witnesses with expertise that allows them to assess the facts surrounding your accident and testify in your favor during the upcoming trial.



Settlement Discussion

Once all of the evidence has been gathered and submitted, you will enter into a settlement discussion. Sometimes, once all of the information is in place and has been examined, the position of one of the parties will change. If the defendant refused to settle before the lawsuit was filed, in other words, they might change their mind once they see the evidence against them. If this process goes well, then there is a chance for potential mediation and the opportunity to avoid a trial altogether.



Trial Preparation

Should the settlement discussion not go well, the next stage of the lawsuit process is trial preparation. Your attorney will meet with you to tell you what to expect and discuss the evidence that has been submitted. From there, you will enter into the actual trial itself.



Trial

This is the point where your attorney will argue your case, lay out the facts, and explain the damages that you should be awarded. The defendant will likely have a defense attorney arguing against your claims, and both attorneys will present their evidence to the best of their ability.

At the end of the trial, the court will award damages and name a recovery amount and terms. This leads to potential post-trial motions or appeals. If none are filed or are successful, then your settlement should be distributed.



Why Choose Lalezary Law Firm?

Making the decision to pursue legal compensation can be an overwhelming one, but it doesn't have to be difficult. When you work with us, you're teaming up with experienced professionals who will always keep your best interests in mind. And our diverse team, featuring two Reserve Deputy Sheriffs, means that we are uniquely positioned to provide excellent and in-depth care to accident victims.

We have the crucial experience needed to understand how accidents play out and how best to fight for your rights. Our team treats each and every case as though it will go to trial, and we collect every shred of evidence possible to ensure you receive the compensation you deserve.

We are skilled negotiators with a strong reputation, and we're often able to secure settlements in our clients' favor without having to take a case to trial. In other words, we don't forge ahead unnecessarily, but we're not afraid to take your claim to court if that's the best option for you. We understand that accidents and their aftermath are expensive. That's why we secure for you immediate medical attention as well as immediate access to a rental car, and we come to you.

You don't need to pay us anything up front—we'll cover all the associated costs of investigating your case and going to trial out of our own pockets until we're certain 'secured your compensation. We also don't believe that you should pay for services that aren't successful. That's why if we don't secure a favorable recovery for you, we don't charge you. That's how committed we are to providing excellence in legal representation.

Get Help After an Accident From the #1 Personal Injury Law Firm in California



\$0 Upfront Fees



We'll Come to You



Immediate Medical Attention



Recover Lost Income



Zero Fees Unless You Win

“ Professional. Polite. The firm has been a blessing. The process is what it is but they've fought, communicated, and have been on par since day one. If you need representation, give them a call. Thank them and yourself later.

- Christ Hagen

Founding Attorneys

SHAWN LALEZARY, ESQ.



As a graduate of the University of Southern California, Southwestern Law School, and the Los Angeles County Sheriff's academy Mr. Lalezary has a unique perspective of the law.

In addition to being a dedicated personal injury attorney, Mr. Lalezary is a patrol deputy for the Los Angeles County Sheriff's Department.

His duties as a police officer have resulted in his having to testify many times in court. All of these skills have given him a unique perspective and a distinct advantage in advocating for his personal injury clients.

It is because of these skills that he makes the outstanding personal injury attorney he is today. He has a unique, well rounded view of accident situations that others in the legal profession may not. This means he knows exactly how best to advocate for you to get you the settlement you deserve.

SHERVIN LALEZARY, ESQ.



Shervin Lalezary is a tenacious attorney who is known for leaving no stone unturned. Mr. Lalezary has spent virtually his entire life in the Los Angeles area – receiving his Bachelors of Arts in Business-Economics from UCLA alongside a double minor in Spanish Linguistics and Jewish Studies. Mr. Lalezary then went on to USC for his law school education. At USC, Mr. Lalezary externed for the Los Angeles County District Attorney's Office Compton Hardcore Gang Unit. It was at this unit that Mr. Lalezary received hands on pre-litigation and trial litigation experience. Mr. Lalezary was not only involved in the intricacies of the discovery process but also had the opportunity to argue motions before the court and against live defense counsel – including sentencing motions and preliminary hearings.

Mr. Lalezary has taken his passion for the law into the field of law enforcement by becoming a Reserve Deputy Sheriff for the Los Angeles County Sheriff's Department. Currently assigned to patrol with the West Hollywood station, Deputy Lalezary has handled and assisted with an array of incidents from traffic collisions and DUI investigations to burglaries, robberies and other serious felonies. In 2012, Deputy Lalezary received various city, county, state and federal commendations after he arrested a serial arsonist who lit over 50 fires in densely packed apartment buildings all over Los Angeles.



Practice Areas

Our team has experience in a wide variety of accident and personal injury areas.



Slip and Fall

These cases center around injuries that result from a slip or fall caused by someone else failing to do their due diligence and keep their property, be it public or private, safe for visitors.



Dog Bites

If you've been injured by a dog, you have every right to pursue compensation for your injuries. We can help.



Car Accidents

Automobile accidents are all too common, and we're here to help you get through them.



Pedestrian Accidents

You have the right to walk without fear of being hit. We'll fight to ensure that your rights are upheld and your injuries tended.



Premises Liability

Property owners have the responsibility to ensure their property is safe. That includes fixing things like broken sidewalks, providing proper illumination, and keeping floors dry and clear of ice or snow.



Motorcycle Accidents

Motorcyclists are at a unique risk for injury, and sometimes it can seem as though the law is favored against them. We make sure you receive fair representation.



Bicycle Accidents

Drivers aren't always as aware of the road as they should be. If you've been injured due to the negligence of someone else, we're here to help.



Products Liability

If something is for sale, you should be able to be confident that it is safe for consumption. When that isn't the case, you might have a right to compensation for your injuries.



Truck Accidents

Trucks can pose unique dangers on the road. If you've been injured by a truck, we know just how to ensure you receive the recovery you deserve.

Attorney Referral

It's not just clients who trust us to handle their cases well. Attorneys who recognize that they'll need a team that can take on trial cases and win them refer many of our clients to us. And, true to form, we tenaciously represent those clients and maximize the referral fees for the attorneys that work with us. If you have a case you'd like to discuss with us, reach out today. Our team is ready and waiting.

What Our Clients Say

- “ I found the Lalezary Law Firm on Yelp and ended up meeting with Shawn Lalezary in person in Beverly Hills. At first I was not considering hiring an attorney, but James River insurance kept fighting with me about property damage, medical bills, and already trying to get me to sign a settlement before I had even gone in for physical therapy. I spoke with Shawn and his assistant and decided that I would give this law firm a try to see how things went. I've never used a law firm and now see there is a huge benefit. Almost instantaneously the insurance company changed their attitude and started helping me with my injuries. Shawn and his team covered the cost of my emergency room visits and my physical therapy, and even offered to help out financially. I am happy that this process is almost over, but I am thankful for meeting the team at Lalezary.
- Noshington Wells
- “ It was a very pleasant experience. Worked closely with my case manager. Communicating with them was a breeze. I was able to reach them via text, email or phone. Very nice to have those options as I have a busy schedule and don't always have the option to pick up my phone.
- Cesar Menendez
- “ Honestly can't say enough positive things about Lalezary Law Firm! I got into a severe car accident at the end of 2016 and they've been with me every step of the way ever since. Almost 4 years! I want to thank everyone there especially Caitlyn, Shawn, and Yasmeen. They have been responsive, helpful, and reassuring and I don't know what I would've done if I didn't have the legal support that I was able to get along the years. They are super professional and really helped me get through this hardship in my life. I would definitely recommend!!!
- Ivonne K.
- “ I had gotten into an accident and had no idea what to do. Friends and family recommended I get a lawyer since I was not at fault. I found this firm and I was beyond impressed. They handled everything for me from car insurance questions to finding doctors for me to visit. After my accident all I had to do was make appointments with various doctors to help with my pain. I give five stars because this firm went above and beyond and continued to follow up with me. I highly recommend if you are in need of a lawyer to use them.
- Jacqueline D



This law firm is a team of miracle workers! Lalezary Law Firm saved me from suffering at another law firm from Century City. My case manager Jonathan was able to gather all the details from my accident (literally within a week!) and keeping me updated consistently to keep me at ease. They work diligently and keep at it until your case is completed. I went through a car accident that almost took my life away but thanks to the higher power and Lalezary Law Firm, you won't even hesitate to choose them because I felt trust and integrity throughout my case and I feel happier in my life, which in my opinion, matters the most at the end of the day.

- Jason Avelar

“ The team at Lalezary we're amazing! I am not the kind of person to seek legal counsel, but I was hit by a car while riding a motorcycle and the driver's insurance was avoiding my attempts to get reimbursed. They were able to not only get a settlement that replaced my motorcycle, but they found me physical therapy which was close to my work. Now I am back to where I was physically before the accident and I am able to ride a motorcycle again. They were always responsive to my texts, calls, and emails. They even would systematically check to see how I was healing and if the support they linked me to was satisfactory.

- Charles Mortensen

“ Lalezary was helped me win my case! At first I was very desperate because I didn't know if I would get the money back from my car accident. I didn't know what to do after a driver wrecked my car and he had no insurance. I called Lalezary law firm after finding them online and immediately they connected me with an agent. One day later, one of their agents came to speak with me in person about the process and had me sign the papers if I wanted them to take on my case. Keep in mind that they never rushed me into anything, they had me read all the papers thoroughly before signing them, and answered all my questions with honesty before I signed. 3 days later I was already seeing a chiropractor for my injuries. They handled the entire case on their own. Ofcourse, THEY ARE VERY BUSY, so I always made sure to contact them for updates or questions. They were so easy to work with and I am so happy that they handled my case. I wouldn't' change a thing about the process. They were very respectful and professional and met all my expectations.

- Kenny Bonilla

“ I had a good experience wit Lalezary Law Firm Jasmine who took my case was very helpful always answering my questions and keeping me at date I was going on on my case I truly recommend Lalezary Law Firm all the team it's fantastic and helpful.

- Ramón Zendejas

“ I was a client to Lalezary firm for about a year, the staff is really nice and professional. I would get updates on the case status and when I did call I would usually get a call back within 24 hours. I really appreciate the work that was done for me. I got the most out of my settlement and when I called to have a break down of the costs, Genesis was very patient and gave me a break down on all of it. I will definitely recommend this law firm to friends and family, as well as call them in the future if needed (hopefully not soon).

- Erendira Landa



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THE LALEZARY DIFFERENCE

Our proven track record for serving our client's needs allows us to promise that if we do not recover monetary damages in your case, we will not charge you any fees. Insurance companies know that Lalezary Law Firm is not afraid to aggressively litigate cases when necessary. We approach each case as if it were going to trial, standing ready to go up against the insurance companies present in the courtroom to protect your rights. Our strong reputation and skillful negotiation tactics give us an edge over our opponents, and we are frequently able to achieve favorable settlements for our clients without the need for trial.

Absolutely no fees, unless you win!

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