

10 Things You Must Do After an Auto Accident.

At the scene

1. At the accident scene, first of all, make sure that you are safe and secure. Generally, you should not move your vehicle until law enforcement officials have responded to the scene. In no case should you move your vehicle if you feel that the other party may dispute who was at fault for causing the accident. If you feel your injuries are severe, you should stay in your car, if possible, until emergency medical personnel can evaluate your injuries.
2. Do not make any statements about who or what caused the accident except to law enforcement officers on scene. In the meantime, you may want to consider asking for witnesses to the accident and trying to get their names and contact information. Do not apologize for the accident. This may be construed to be an admission of fault for the accident.
3. Do not leave the scene without having the name and address of the other driver(s), their insurance information and license plate. Also, the responding law enforcement official should give you a case or incident report number which you will later need in order

to request a copy of your accident report.

Prompt medical care

4. Get medical attention immediately: Early documentation of your physical injuries is essential to proving your case for damages. Suffering through your pain only prolongs your recovery and can hurt your case. Please keep in mind that most "soft tissue" injuries do not materialize right away. Instead, it may take a day or two for the trauma of the accident to settle in. In this regard, accident injuries can often be like a sports injury where you feel fine at first, but wake up stiff and sore the next morning. If you have cuts, bruises or other visible injuries, document these immediately with photographs.

Important Tip: When you visit your doctor, be very thorough in reporting all of your complaints since the accident. For example, if you have been having headaches since the accident, do not forget to report this even if you do not have a headache on the day of your visit. Do not exaggerate your symptoms as your doctor will be able to pick up on this and it will hurt your case.

Take notes of what your doctor says and recommends. Follow these recommendations to the letter. If you do not feel that your doctor is being responsive to your pain complaints, do not be afraid to get another doctor's opinion.

You should also start keeping a file with all prescriptions, receipts and medical records you receive in these visits. I also recommend that accident victims keep a "pain journal". This can be as simple as writing in a spiral notebook or keeping a running computer document. It is important to chronicle how your recovery progresses and any setbacks that you may have.

Dealing with insurance

5. As soon as possible, you will want to notify your insurance carrier so that they can open a claim file and extend any available benefits under your own policy.

6. DO NOT give a recorded statement immediately after the accident. You are under NO obligation to give a recorded statement to the other driver's insurance company. However, when handled properly, a recorded statement can be a very effective way to advise the insurance adjuster of the potential scope and seriousness of your case. If the statement is handled improperly, it can potentially damage your case.

In no event should you give a recorded statement until you have recovered from the shock of the accident, have had the opportunity to seek medical treatment, and have had the opportunity to review the accident report in your case. If there are errors in the police report, you should contact an attorney

immediately and decline to give a recorded statement.

You should always make your provision of a recorded statement conditioned upon your being provided a copy of the statement. You may also ask for a copy of the recorded statement from the driver that hit your car, although the adjuster probably will not be willing to provide this information. The adjuster's refusal to give you a copy of the recorded statement from the driver that hit your car is just a reminder that the adjuster is NOT on your side.

When giving a recorded statement, it is very important to be completely truthful and avoid speculating or guessing when you do not know, or are not sure about, the answer to a question. Do not understate or overstate your injuries. Tell the adjuster that you would refer all questions about your injuries to the doctor treating your injuries.

7. DO NOT sign an opposing insurance company's "open" medical releases. Nearly every insurance company sends out releases that allow the adjusters to request your medical records from every physician with whom you have treated, even those from before the accident.

Important Tip: Only sign releases that are specifically addressed to the doctors and providers you are seeing for your accident-related injuries. Also, DO NOT sign a release that allows an adjuster to **speak** with your physicians directly.

Note: If you have health or auto med-pay insurance coverage, your insurance company will require you to sign a medical release. Your own company will need, and is contractually entitled to, your medical records in order to process your medical bills for payment.

Damage to your car

8. While you will want to make sure that your vehicle is repaired or replaced as soon as possible, you must also look at your damaged vehicle as evidence supporting your injury claim. Keep in mind that all evidence of your claim must be preserved. Consequently, make sure that you have very good photos clearly showing all of the damages done to your vehicle. If you have visible injuries or marks on your body, be sure to take photographs of the injuries or marks on your body. Since we are talking about the photographs you will be taking, let me give you this tip: Print the photographs immediately so that if for some reason they did not turn out you can take them again before the evidence disappears.

If your vehicle is a later year model, it may be equipped with computer sensors that record the collision data such as speed at time of impact. An engineer may be required to retrieve and analyze this data in some cases.

In the days after the collision, a property damage adjuster for

the other driver will most likely look at your car and make an initial estimate of the damages. If the damages exceed a certain percentage of the vehicle's fair market value (usually more than 75%) the adjuster will declare your vehicle a total loss. At this point he or she will determine what the fair market value is and make a settlement offer based on this amount.

You should verify that the offered value is accurate for a vehicle of your year, mileage and general condition. Value can be verified by an Internet book value calculator such as Kelly Blue Book, through researching local newspaper ads or by talking with used car dealers. Make certain that the property damage adjuster's offer is truly for "fair market value."

Caution: Some insurance companies will tell you that their offer is based on the cars "blue book value"; however, they can come up with much lower amounts by either quoting you the "wholesale value" or by understating the condition of your vehicle. Either method will seriously undervalue your vehicle but are still "blue book values".

If your vehicle is repairable, then you must make sure that a reputable body shop performs the work. I recommend using a dealer auto body shop that specializes in your make of vehicle or at least a shop recommended by your dealer. Even if the property damage adjuster offers to estimate the damages, consider getting additional estimates on your own from trustworthy body shops.

Property damage adjusters may lower estimates by using non-original manufacturer parts that may not fit as well as manufacturer (OEM) parts.

If you and the property damage adjuster are able to agree on an estimated amount for the repair and you agree to have the repairs started, also make sure that the adjuster agrees that any damage which was not covered in the initial estimate, but is discovered once the repairs begin, also be covered.

Caution: You will usually be asked to sign a release when the property damage portion of your insurance claim settles. **READ THIS RELEASE CAREFULLY** to ensure that it is limited to the property damage portion of the claim and that you are not releasing the responsible driver's insurance company for any bodily injury losses. If you are not certain about what the release is covering, contact an attorney before you sign the release.

Documenting treatment and wage loss

9. Hopefully, you will already have an established relationship with a primary care physician or family doctor who will be your first contact with a medical professional unless you need emergency or urgent care.

Important Tip: Before going to the doctor, make a list of all of

your symptoms so that you are sure that you tell your doctor about every accident-related complaint you have. If you fail to make a list of all your symptoms, you will almost certainly forget to tell the doctor about something. Also, be sure to list all of the normal activities that you cannot perform because of the pain.

Make sure that the doctor gives you a clear diagnosis and treatment plan and be sure to follow up with all of the doctor's recommendations. Do not be afraid to change physicians if you feel that your doctor is not listening to your complaints or doing enough to help you recover.

It is also very important that your main treating physician makes the appropriate referrals for complementary care such as physical therapy. Get a prescription slip for each of these referrals and keep a copy for your records.

Chiropractic is now widely recognized as a valid treatment protocol for acute biomechanical injuries after an accident. It is often effective at relieving the spasms, pain and stiffness associated with soft-tissue whiplash-type injuries when other treatment options have failed.

A Special Note on Chiropractic Care: Do NOT continue chiropractic treatment beyond six weeks or eight weeks at most without getting a note from a medical doctor to continue chiropractic treatment. This is very important because insurance

companies always, always like to complain that chiropractic treatment beyond six weeks is excessive and unnecessary treatment that they are reluctant to pay for. Get an M.D. to say grace over treatment that continues beyond six to eight weeks.

10. You are entitled to recover for lost wages. If you used your sick leave or vacation time to recover from your injuries, you are entitled to be reimbursed for that time as well. If your main treating physician directs you to remain off work for any period of time, make sure that this directive is in the form of a prescription which you can provide to your employer. Also, be sure to keep a copy of the "work release" prescription for your records. Document all time lost from work due to your injuries, including time spent attending medical visits and physical therapy.