



Personal Injury Lawsuit in Tennessee - from start to finish (part I)

So how does a personal injury lawsuit work? There's a lot that goes into it. From start to finish, we will discuss how the process plays out, what this means for you if you find yourself in this situation, and, most importantly, how to protect yourself from these types of lawsuits.

01

The Actual Car Accident

Let's talk about a car accident for the purposes of this 4-part legal guide series. We'll start by talking about a rear-end accident. You're driving down Broadway and you're stopped at a stoplight and, "boom," you're thrown forward in your car and you hit your head on the steering wheel. That person texting behind you has run into your vehicle. Congratulations, you've just been involved in a car accident.

Once you've realized what has happened, gather your wits about you, because these next few moments are critically important. There are even apps that you can download so you can remember what to do, you can write down what you recall, what was said, and document everything going on.

The first thing you want to do is make sure that you and everyone in your vehicle are okay physically. Now people may be injured in your vehicle, sore necks, injured backs, etc., but they may not require emergency care or an ambulance.

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Check Your Surroundings

Then, once you've done that, you want to get out of your vehicle, safely, and see if there is anyone else involved in the accident that needs medical attention. If there is anyone who needs medical attention in your vehicle or another vehicle, immediately call 9-1-1. Getting people cared for, who have been in an accident, is your first priority.

Now, when you are involved in an accident, and the accident is not your fault, individuals can often react poorly to having their vehicle damaged, not to mention themselves. The worst thing you can do is to get out of your car and start yelling or making a scene. Rest assured, whatever you say will come up again in interviews, or maybe even in court, so keep your cool.

You've taken a deep breath and now you are going to call the police to report the accident. Unless the accident is a minor one with no injuries to either party, you will want the police to make a report. In some accidents, when no one is hurt, and it's just property damage, individuals will often just exchange contact and insurance information and then drive off.

Once you're out of the vehicle, assuming you're able to get out of your vehicle (if you're not, stay put and wait for help), you want to see if you can safely take pictures of the damage to all vehicles involved in the accident.

03

Take Pictures and Get Documentation

If you or any of the passengers in your vehicle have any visible injuries, you will want to take pictures of those as well. You will also want to take pictures of your surroundings and the road on which the accident occurred.

Once you have taken pictures, you may want to speak to the other drivers involved in the accident and get their contact information. If an officer comes on the scene, he will make an accident report and get everyone's contact information and insurance information. He will assess how the accident occurred and who is at fault, if anyone, and potentially issue citations to the at fault driver, or maybe even arrest them.

If and when a police report is done, you will be able to get a copy of it from the sheriff's office or police department within a few days.

One other thing you may want to do is record any conversations you have with anyone. That way you can clearly remember what was said. It might be even a good idea to dictate a narrative of what happened, so your memory doesn't get worse of the events as time passes. This is pretty easy to do, as all smart phones have an audio recording feature in them. But the hard part, is remembering to do it!

Again, that is why those auto accident phone apps are really important. Almost all major insurance companies have an app you can download.

04

Repairing and Replacing Your Vehicle

Once the officer has interviewed everyone, he will give cards to everyone with their case number on it, so they can call and get a copy of the police report a few days later. Then, the officer will call for a tow truck to remove any vehicles that can't be driven, and those people will need to arrange for someone to pick them up somehow.

It can really be tough if you total a car somewhere other than a town where you live. Can you afford a rental car? Do you need to find a bus station? What about the stuff in your car? These are huge decisions that you will have to make very quick judgments on right away.

In a whole bunch of different ways, car wrecks can be terrifying, devastating, and life altering. I've seen minor accidents cause people to need serious back surgeries. I've seen kids die from head-on collisions half a mile from their house. A car accident is nothing to take lightly.

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Reporting the Accident and Getting Treatment

The next thing you want to do is call your insurance adjuster and let them know that you've had an accident. Now, when I say, "call your insurance adjuster" that assumes that you have car insurance. Lots of people don't.

I know it can be expensive and not possible for some people to have insurance, but I will tell you that it is against the law to drive in Tennessee without having car insurance in the minimum amount of \$25,000.00.

Once you've completed that step, you may end up calling your doctor that day to make an appointment or going to the ER on your own. I've been involved in an accident myself, where I refused treatment on the scene, but went to the doctor on my own that day for X-rays. This is very common, generally because individuals don't want to have to pay for the ambulance to transport them.

So now you've called your insurance company, you've received medical attention, if you need any, and you've documented, documented, documented. Documenting will be a theme throughout our discussion of car accidents, and far and away the most important thing you can do while going through the car wreck process is keep very good notes.

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Hiring a Lawyer

We will get more in to the legal aspects of a car wreck case in the following legal guides as we determine when you will encounter and probably need a lawyer.

We've discussed so far that you've been in an accident, you've documented the damage, you've gotten the police report that says who was involved and who their insurance company is, and you're receiving medical treatment, and you think you may want to hire an attorney. You're calling around, you're trying to figure out who to hire, you're watching TV, you're looking online. Who do you hire?

Well, in Knox County and the surrounding counties, there are lots and lots of very competent attorneys. You may want to go meet with a few and see who makes you the most comfortable. I would encourage doing that over making a snap judgment. Whoever you hire will likely charge you 1/3 of whatever is recovered plus their expenses.

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How Does the Lawyer Get Paid?

For instance, say you settle your case for \$100k, the attorney will get \$33k, and then if they spent \$5K getting your case ready for trial or settlement, they will get reimbursed out of your share. On top of that, if your medical insurance paid for medical bills that you incurred related to the accident, they will often want reimbursement from the at-fault driver's insurance for what they paid.

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What Gets Paid Before You Do?

Now this will get really complicated, really quickly, but if this sounds crazy, it's because it is. I hate insurance companies because of my dealings with them in these types of cases.

If you have Blue Cross Blue Shield, and you've got \$30K in medical expenses, they have a subrogation interest in your claim, and are entitled to be reimbursed what they paid if you settle. As in the example above, if you settle for \$100k, your attorney gets \$33K as his fee, \$5K for his expenses, and your medical insurance gets \$30K.

Now you're actually getting \$32K, not \$100K. But wait; there is some silver lining. Insurance companies have these deals worked out with medical providers, that if someone without insurance has to pay \$200.00 for a doctor visit, the insurance company will only pay \$30.00 for that visit. So although you have \$30K in medical expenses, the insurance company has only paid out \$8K on your behalf. So then your \$32K has gone back up to \$54K.

Was that complicated enough? So we kind of jumped ahead there, talking about settlement numbers and got very confusing. The main thing to remember is, attorneys charge 1/3 plus costs, and if your medical insurance pays your medical bills, they will likely want reimbursement for what they pay.

In part 2, we will walk through the process of filing a personal injury lawsuit.

Additional Resources:

[Author Website](#)

About this Author:

Born and raised in Knoxville, Tennessee and received his education just up the road at Carson-Newman, Jed loves everything about East Tennessee, from the Smoky Mountains to his hometown Tennessee Vols. After a brief stint practicing law in Clarksville, TN, Jed came back home to Knoxville where he has enjoyed practicing law since 2008.