



15 THINGS YOU WANT TO KNOW AFTER A CAR WRECK

MOST COMMONLY ASKED QUESTIONS



1.

SHOULD I CONTACT THE POLICE?

Yes. You should notify the police after any car wreck or accident, even if it did not seem like a big deal. There are a few reasons:

- Louisiana law requires you to report any accident that results in more than \$500 worth of property damage. Since you don't know at the scene how much property damage there is (and since some property damage may not be immediately obvious), you won't know if it's more than \$500 or not.
- A police report helps prove fault. Even if you do not intend to file a claim, the other person might and could argue that the wreck was your fault. Without a police report, it can be difficult to prove otherwise.
- If you do file a claim, the other person's insurance company may try to deny your claim if there is no police report. They will try to say it was not their driver's fault. Again, without a police report, it's difficult to prove otherwise.
- The police report will be full of valuable information like the names and addresses of everyone involved, insurance information, details about the vehicles, and more. This is all good information for you to gather at the scene, but being in a wreck is shocking and many people forget to get this information. It will be needed if and when you make a claim.

2.

DO I REALLY NEED TO SEE A DOCTOR?

Yes. You know how parents tell their kids not to scream for help unless there is blood, barf or broken bones?

Well, this rule of thumb does not apply to car wrecks.

There are very few situations where we don't recommend seeing a doctor after an accident, and the sooner the better. First, getting quick medical treatment is your best chance of recovering physically from the wreck. Waiting can cause any injuries you have to get worse, which can make your injuries harder to treat.

DO I REALLY NEED TO SEE A DOCTOR? (continued)

From a legal standpoint, getting immediate medical treatment will be really helpful if you do try to make a claim.

Not receiving immediate treatment can raise concern about the severity of your injury. I mean, how badly could you have been hurt if you didn't even need to go to the hospital or see a doctor right away? (We know this isn't true, but this is what the insurance company will say.)



CAN'T I JUST WAIT UNTIL I FEEL PAIN TO SEE A DOCTOR?

You could. After all, you wouldn't normally go to the doctor "just in case" you were injured and didn't know about it.

But we wouldn't recommend waiting from a legal perspective.

In our experience, the longer you wait to see a doctor, the more reason you give the insurance company to say they aren't responsible for your injuries.

Again, they will argue that your injuries can't be that bad if you didn't need to see a doctor right away. Plus, they will argue that any number of other things could have caused your injuries. For example, we had a client who was in a moderate wreck but had no obvious injuries. At first he wasn't going to see a doctor because he didn't think it was necessary.

We explained how important it was, and he decided it was probably in his best interest to go. After not responding to a few rounds of treatment, an MRI revealed a shoulder injury that required surgery. If he had waited until his shoulder was *really* bothering him, the insurance company would have argued that picking up his kids, doing work on his house, or playing golf caused the injury...not the wreck. And that would have significantly reduced what the insurance company would have been willing to pay.

Ultimately, if it wasn't your fault, you shouldn't have to deal with the nuisance or pain of an injury for years to come.

Getting the right medical treatment quickly is your best bet for avoiding that AND for being fairly compensated for something that shouldn't have happened to you.

4.

WHO PAYS MY MEDICAL BILLS AFTER A WRECK?

Ultimately, you are responsible for your medical bills after a wreck. This is definitely upsetting if it wasn't your fault.

However, there are many ways to handle the bills after a car wreck including using your own health insurance, using your MedPay coverage (if you have it), and/or filing a claim for compensation and reimbursement from the at-fault driver.

5.

DO I HAVE TO PAY FOR MY RENTAL AFTER A CAR WRECK?

You might. If you don't have rental insurance as part of your car insurance coverage, and you need a rental while your car gets fixed, you will have to pay for it.

If you do have rental insurance, your insurance company will either pay for it upfront or reimburse you. You should call your own insurance company after a wreck to find out how they handle it.

If the wreck wasn't your fault and you make a claim against the other driver, you could get reimbursed for the cost of the rental when your claim is settled.

6.

CAN I MAKE A CLAIM IF I WAS A PASSENGER IN A CAR WRECK?

Yes. You can make a claim against the at-fault driver **or** the driver of the vehicle you were in.

If either of the drivers were uninsured/underinsured, you may be able to make a claim for your own Uninsured Motorists coverage if you have it (and we definitely recommend having it.)



I JUST WANT MY CAR FIXED. HOW DO I DO THAT WITHOUT GETTING INVOLVED IN A LAWSUIT?

I hear this a lot from clients. Often clients don't feel like their injuries are worth seeing a doctor for. And that's fair...after all, I don't know a lot of people who enjoy going to the doctor.

But one thing most people will NOT let slide is the damage to their vehicle. They may put up with a little stiffness, but they want their car fixed.

In most car wreck cases, there are two separate claims: **the bodily injury claim and the property damage claim.**

The bodily injury claim addresses the physical and mental injuries you experience from the wreck. The property damage claim addresses the damage to your vehicle and any other property that was damaged in the wreck. This could include things like child car seats (which should be replaced after any collision, even a minor one), computers, phones and any other valuable item that will have to be replaced because of the wreck.

So you can make a property damage claim without making a bodily injury claim.

In Louisiana, all drivers are required to have at least \$25,000 in property damage insurance. In many cases, this will be enough to adequately repair your vehicle.

However, if the other driver damaged more than one piece of property (typically this would be vehicles but could include other property like a building), the insurance company will split that amount up based on the amount of damage to each property.

There's also the chance that the at-fault driver was not insured. *When this happens, the burden of paying for your car repair falls on you.*

It's possible that there is a third party who might be responsible, and it's also possible to sue the at-fault driver directly instead of making an insurance claim. But typically, if the driver does not have insurance, he/she probably does not have the money to pay for your repairs.

This is when having Uninsured Motorists Coverage and/or Collision Coverage on your own insurance policy will really be handy. This is coverage *you* pay for that protects you in these unfortunate situations. (Check out our guide *The Insurance Coverage You'll Wish You Had* at www.blaseinzina.com/guides)



WHAT IF MY PHONE/IPAD/COMPUTER, ETC. WAS DAMAGED IN A WRECK?

Like your vehicle, your phone would be considered your damaged property and would be handled under the property damage claim.

Every Louisiana driver is required to have at least \$25,000 in property damage coverage, which would go toward paying you for your damaged property.

Of course your vehicle will most likely be the most expensive to fix, but if there is coverage left after fixing your vehicle, you could make a claim for the amount needed to fix or replace your other property like phones, children's car seats, etc.



IF I'M GETTING WORKERS' COMP, CAN I ALSO MAKE A CLAIM?

Possibly. If you were injured while you are at work or were performing your work duties, you may receive workers' comp benefits, but you won't be able to make a claim against your employer (most likely...there are exceptions).

However, if your injuries were caused by someone other than your employer, you can file a third-party claim against the person that was responsible.

For example, if you were on an errand for your boss and got rear-ended by another driver, you could receive workers' comp benefits from your employer, but you could not hold your employer responsible for the wreck. However, you could make a claim against the other driver and possibly receive compensation from that person as well.



HOW DO I FIND OUT WHAT MY CASE IS WORTH?

First and foremost, you should know that there is not a one-size-fits-all calculator that can tell you exactly what your case is worth.

If an attorney tries to give you a dollar amount in your first few conversations, it's very likely he or she is just trying to hook you.

The value of your claim depends on three main things:

- Whose fault it was
- How bad the injuries are
- How much insurance coverage is there.

We go into a lot of detail on how each of these factors affect your case value in our guide *How Much is My Case Worth?* which you can find at www.blaseinzina.com/guides.

11.

THE INSURANCE COMPANY TOLD ME I DON'T NEED TO HIRE A LAWYER. IS THAT TRUE?

Honestly, it depends. Obviously we are lawyers and rely on people hiring us to make a living.

But truthfully, not every injury claim needs to be handled by a lawyer.

If there was little to no property damage and absolutely no injuries, it is possible for you to handle your claim with the insurance company yourself. We even wrote a guide for you explaining how to do it. (Go to blaseinzina.com/guides to download it.)

HOWEVER, do not be fooled by the insurance company. THEY ARE NOT YOUR FRIEND!

Their goal is to pay as little for each claim as possible. And they know they are much more likely to pay what you really deserve if you have a lawyer helping you. (In fact, studies show that injury cases handled by a lawyer get on average 3.5 times more compensation than when a lawyer is not involved.) We also talk a lot about the insurance companies and their tactics in our guide *Stealing Candy from a Baby: Sneaky ways insurance companies screw you without you even knowing it.*

12.

HOW MUCH DOES IT COST TO HIRE A PERSONAL INJURY LAWYER?

The simple answer that kind of makes us cringe is “Your lawyer doesn’t get paid unless you do.” (We don’t like it because it makes us think of slimy personal injury attorneys, but it is a phrase most people generally understand.)

Most personal injury lawyers do not charge an upfront retainer fee. The majority of personal injury cases are handled on a contingency fee basis. This means that the lawyer receives a fixed percentage (usually 33% or one-third) of any settlement amount. If the lawsuit is unsuccessful (as in, no damages are awarded), the client does not owe the lawyer any legal fee.

13.

HOW LONG WILL IT TAKE TO SETTLE MY CASE?

Every situation is different. Generally speaking, however, cases typically take anywhere from six months to two years before they are resolved.

We generally try to settle your case first out of court because a lawsuit can take even longer.

It's really important to know, though, that settling your case too quickly can mean leaving a lot of money on the table.

You'll want to finish your medical treatment before you accept a settlement because you otherwise don't know if the settlement will cover the extent of your injuries. If your treatment will be long-term, your lawyer may demand the maximum policy limits to account for your future medical bills and pain and suffering.

If the insurance company will not agree to a reasonable number outside of court, then a lawsuit will have to be filed. Again, this can take longer and it does put you at the mercy of a judge/jury, but it's also possible that it will force the insurance company to compensate you fairly.

14.

IF I MAKE A CLAIM, WILL I HAVE TO GO TO COURT OR TO DEPOSITIONS?

Not necessarily.

The general practice is to try to settle your claim without filing a lawsuit. This is the easier, simpler, and usually faster way of getting you compensated.

However, sometimes insurance companies put up a hard fight and refuse to pay you what you deserve. In that case, filing a lawsuit is the only way to get what's fair.

During the settlement phase, you will not have to go to court or have your deposition taken. The insurance company will gather documents to evaluate your claim and will make you an offer (or maybe even deny your claim) based on what they find. Again, if that offer is fair and reasonable, you can accept it without having to file a lawsuit or go to court.

But if their offer is unfair or if they are denying your claim altogether, filing a lawsuit is the only chance you have of forcing them to compensate you. And if you file a lawsuit, you will very likely have your deposition taken and may ultimately end up in court.

15.

I DON'T WANT TO SUE ANYONE. CAN I GET COMPENSATED WITHOUT SUING?

It's possible.

In many situations, you will start by making a demand or filing a claim to the at-fault driver's insurance company. When you do that, you are telling the insurance company that their driver caused you injury or damage to your property. They will investigate to verify your claim and will then make you an offer for compensation if they find their driver was indeed at fault. *This step happens outside of court and without "suing" anyone.*

If the offer they make is unreasonable, or if they deny your claim saying it wasn't their driver's fault or that they aren't responsible for your damage, *the next step is filing a lawsuit* against the insurance company, the at-fault driver, and the owner of the vehicle.

Sometimes, when there is seemingly only damage to the vehicle or other property, the at-fault driver may offer to pay for your repairs out-of-pocket instead of you filing a claim against their insurance company.

If you decide to accept this, keep in mind a few things:

- Louisiana law requires you to report any accident that results in more than \$500 of property damage.
- Most insurance policies require you to report any damage to the car they insure within a reasonable amount of time. If you let the at-fault driver pay for your repair and never report it to your insurance company, **they could deny you coverage in the future.**
- You have only **one year** from the date of the accident **to file a claim.** If the at-fault driver doesn't follow through, you may have wasted your opportunity to get compensated from the insurance company.
- If there is the possibility of **any injury at all**, you need to file a claim as soon as possible.

have other questions?

GIVE US A CALL! WE'RE HERE TO HELP.



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