

You Have Just Been Involved In An Accident And Now You Are Wondering WHAT DO I DO NOW?

1. Do not speak with insurance agent or claims adjuster.

Insurance claims adjusters are skilled questioners. They will twist your words. They have been taught certain questioning techniques designed at making it appear that you are completely liable or partially liable for the accident even when you are not. They will attempt to get you to minimize your injuries. Remember, an insurance company makes money by not paying out on claims. If you have been injured due to the negligence of someone else, the insurance company wants to pay you as little as possible to make you go away. **YOU NEED TO TALK WITH AN EXPERIENCED ATTORNEY, LIKE JEFFERY A. HANNA, AS SOON AS POSSIBLE.** Keep in mind that a lot of injuries, such as whiplash, neurological injuries, brain injuries, etc. are not usually diagnosed immediately after an accident because it takes several hours or days before the symptoms are apparent. In a lot of cases you will not know nor will your doctors know the full extent of your injuries for several days or weeks. This is why insurance claims adjusters want to talk with you as soon after an accident as possible—they want to get you to say that you are not injured before your injuries are apparent—so they can use your own words against you at trial.

2. Do not give a recorded statement.

Immediately after an accident you may not be fully aware as to how the accident happened or the extent of your injuries. As law enforcement investigates the accident they will usually uncover facts about how the accident happened that you were unknown to you. In a lot of cases the nature and extent of your injuries will not be known to your doctors for several days or weeks. Insurance claims agents/adjusters want to take a recorded statement from you before you have had a chance to fully understand how the accident happened and the nature or extent of your injuries. Remember the insurance adjuster for the other driver is not your friend—he/she is not there to help you. His/her job is to pay you either no money or as little money as possible. **YOU NEED TO TALK WITH AN EXPERIENCED ATTORNEY, LIKE JEFFERY A. HANNA, AS SOON AS POSSIBLE.**

3. Don't sign anything.

The 3 “golden rules” following an accident are: don’t talk with an insurance adjuster/claims agent; don’t sign anything; and TALK WITH AN EXPERIENCED ATTORNEY, LIKE JEFFERY A. HANNA, AS SOON AS POSSIBLE. Insurance adjusters will usually try to get you to sign a medical authorization so that they can get all of your prior medical records and will try to get you to sign an employment authorization so that they can get your entire personnel file for your employer. They are fishing for information that they can use against you in order to pay nothing or as little as possible for your injuries. Generally under Missouri law they are not entitled to all of your prior medical records or your entire personal file—these are protected by a medical privilege (doctor-patient privilege) and a right of privacy that you have with your personnel file. However, if you sign a release you will have waive your privilege/right of privacy potentially harming your case and lower your recovery.

4. If possible take pictures of autos involved in accident and the scene.

As soon as possible after an accident take pictures of your automobile, any other automobile involved in the wreck and the scene. Remember the old saying that “a picture is worth a thousand words”—it’s true. It’s one thing to talk about the impact and the resulting damage; it’s more impressive to use pictures. Studies indicate that people remember substantially more when they see and hear about an event as opposed to only hearing about it. This is particularly useful when explaining to a jury about your accident. It makes more of an impression with a jury when they can see photographs of your accident as well as hear your story about how it happened.

5. Keep detailed notes of all conversations with witnesses and other driver, how the accident, speed, movement of vehicles, weather conditions, etc.

As time goes on, it is only naturally that we forget, confuse details or are less sure of events. Because of this, it is important that as soon after an accident as possible, you start keeping notes as to how the accident happened, statements made by the other driver, your injuries, your doctor’s appointments, the nature of your medical treatment, etc. This information will be invaluable to you in helping you remember important events. Keep in mind that your lawsuit may take 1 ½ years to 2 years to get to trial.

6. Cooperate with the police.

Cooperate with the police and answer their questions, but do not make comments which could be construed as admitting responsibility for the

accident. The determination as to who is responsible for the accident can be complex and you may not have all of the facts necessary to draw an informed opinion.

7. See an experienced attorney as soon as possible.

Studies have confirmed that an injured person who hires an experienced attorney receives substantially higher compensation than a person without an attorney. The important point is experience. Don't just hire your family attorney who handles speeding tickets, drafts wills, powers of attorney, real estate contracts, family law matters, etc. You need AN EXPERIENCED PERSONAL INJURY ATTORNEY LIKE JEFFERY A. HANNA. An experienced personal injury attorney can assess your case and tell you whether or not its worth you time to pursue your case. An experienced personal injury attorney can navigate past the roadblocks thrown up by the insurance companies and help you get the most money for your injuries. Experienced personal injury attorneys have a team of experts that they will bring to bear on your case, such as: accident reconstructionists, medical experts, private investigators, vocational rehabilitationists, economists, etc.

8. What to bring with you to your meeting with an attorney.

You should bring the following items with you to your meeting:

- (1) Any photographs of your car taken after the wreck;
- (2) Any photographs of any other car involved in the wreck;
- (3) Any photographs taken of the scene;
- (4) All medical bills (i.e., hospital bills, doctor bills, prescription medicine bills, etc) related to the wreck and explanation of benefit forms;
- (5) Any medical records or reports from your doctor/hospital related to the wreck;
- (6) Your automobile/homeowners insurance policy;
- (7) All correspondence that you have from your insurance company or the other driver's insurance company related to the wreck;
- (8) Police report, if you have it;
- (9) Doctor's orders (such as placing you on light work duty);
- (10) Identifying information of the other driver; and
- (11) Names and addresses of any witnesses.

9. How long do I have to sue for my injuries?

How long you have to sue someone is commonly referred to as the “Statute of Limitations”. Different types of cases have different statute of limitations. In Missouri the statute of limitations for automobile wrecks is 5 years and medical negligence is 2 years. There are exceptions that may apply to length the statute of limitations. You need to consult AN EXPERIENCED ATTORNEY LIKE JEFFERY A. HANNA, who can tell you what the statute of limitations is for your case. If you wait too long you may be barred by Missouri law from bring your lawsuit.

10. What can I sue for?

The type of damages that you can sue for depends upon the type of case, but the following is a list of the general categories in most negligence cases.

- (1) Medical bills (from date of accident and into the future);
- (2) Lost wages/earnings capacity (from date of accident and into the future);
- (3) Physical pain and suffering (from date of accident and into the future);
- (4) Mental anguish/emotional (from date of accident and into the future);
- (5) Disfigurement (from date of accident and into the future);
- (6) Physical impairment (from date of accident and into the future);
- (7) Loss of mental/intellectual functioning (from date of accident and into the future);
- (8) Loss of enjoyment of life (from date of accident and into the future); and
- (9) Punitive damages (in special cases).

11. See a doctor and be sure to tell your doctor all of your injuries—it needs to be documented.

If you have any injuries or pain following an accident, even if it is a small ache or pain, you need to go see a doctor. First, a small ache or pain can be a sign or symptom of a more serious injury. You are probably not a doctor, only a properly trained healthcare professional can determine if your ache or pain is a symptom of a more serious injury. Secondly, if you end up in a lawsuit, it is extremely important that all of your aches, pains, injuries, etc., are documented. There is no better witness at trial for you to document your aches and pain than a doctor. Be sure to tell your doctor all of your aches and pains.