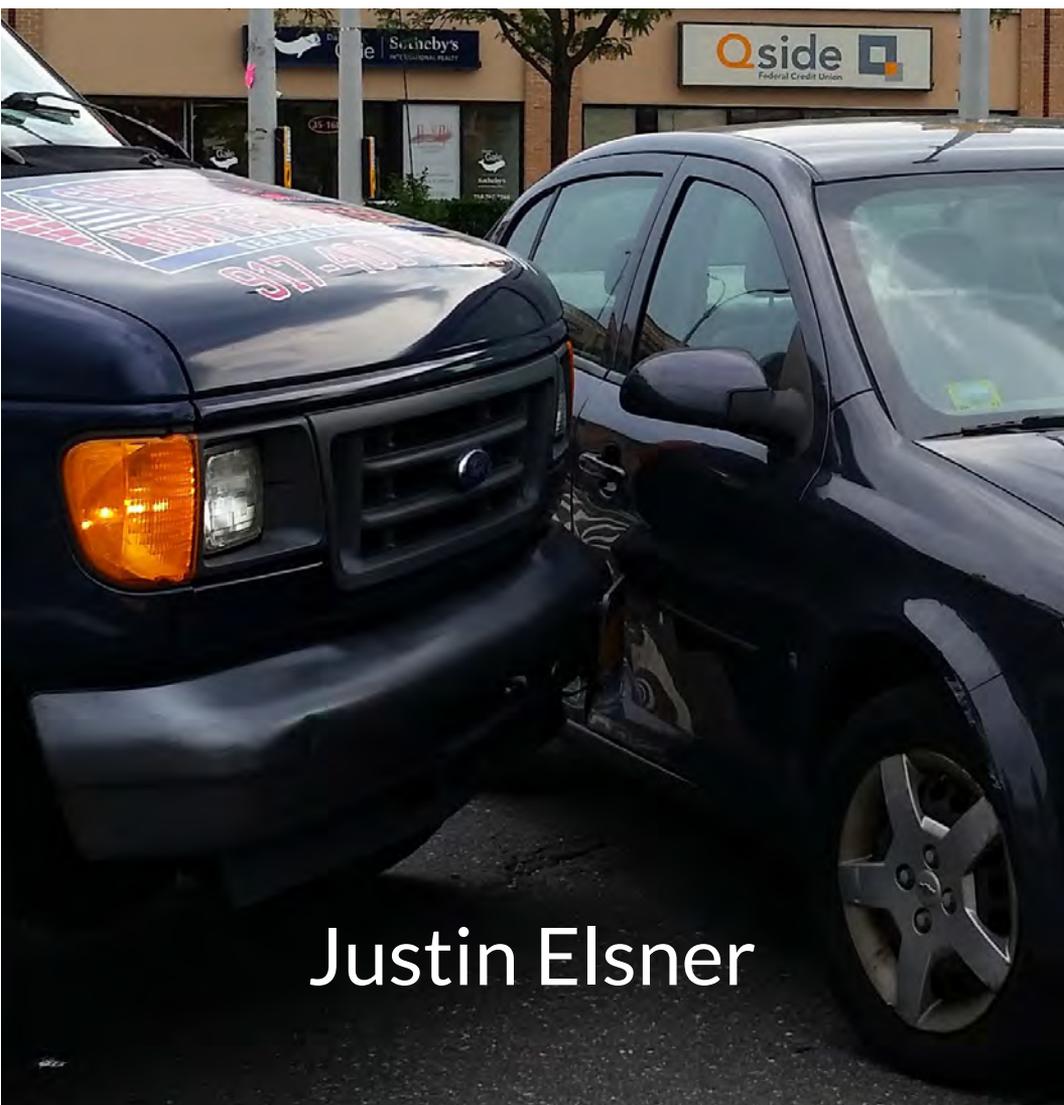


Been in a Crash?

Your Guide for the
First 30 Days



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Introduction

After ten years of helping injured people and seeing the same questions and confusion, I decided it was a good time to come up with a quick set of tips to help people through the first thirty days after a collision. It is often these times that people are completely confused and completely unaware of what to do and what their rights are. I hope that you find this guide helpful.





1

Start Documenting Immediately

One of the first and most important things to do after a collision, is to start documenting. You will need to document the entire case from collision until your case is settled to help ensure that your rights are protected and that nothing is forgotten. Often times the process for handling a collision can take years to resolve, so it's important to keep a notebook or files on your computer, of phone calls and any other correspondence and also keep track of your injuries and how your life has been impacted by the collision. The documenting should be done over the entire life of your case.

In the first thirty days, there are certain things you must document. To start with, you should take pictures of all the vehicles involved in the collision. Since the cars will often be repaired or totaled out and destroyed quickly, it is imperative to take the pictures immediately. If you are unable to take pictures of the vehicles at the time of the collision, you should go to the tow yard and take pictures before your car is destroyed. If you are too injured to do that, kindly ask a friend or family member to take the pictures for you. You should also take pictures of your injuries. This can include everything from bumps and bruises and cuts and scrapes to the casts you may have to wear or pictures of yourself in the hospital. The

insurance company will usually dispute the extent of your injuries and so having photographs will greatly help prove you were injured and if the case goes to court it will help demonstrate to the jury the extent of your injuries.

Next, if you get the opportunity you should take pictures of the accident scene. Often times there are more things than just the other driver that contributed to the collision. This can include such things as construction, the design of the road, weather conditions debris on the road, or a multitude of other factors that contributed to the collision.

If you are unable to get pictures of the scene immediately, try to go back later and get pictures of the scene so at least it's somewhat close to what it was when the collision occurred. As you progress through your recovery, you should continue to take pictures of your injuries as they heal.



QUICK TIP:
Take Pictures of:



All the vehicles
involved in crash



Your injuries initially
and as they heal



The crash scene

Aside from documenting what has happened to you and the collision scene it is good to document the entire process including:

1

Your Pain Level

This can start with daily pain levels and then change to weekly if your pain levels aren't changing drastically each day.

2

How Your Life is Impacted

Keep track of lost sleep, impacts on work and personal life.

3

Conversations With the Insurance Company

You will communicate with many insurance companies and adjusters. Keep emails and take notes of the phone calls including the name of the person you talked with.

4

Losses

Keep receipts for all out-of-pocket expenses and other losses you had such as cancelling a gym membership, fees to change a trip, paying for over-the-counter medications.

2

HOW TO FILE YOUR CLAIM WITH THE INSURANCE COMPANY

One of the first decisions you'll have to make is where to file your insurance claim. You'll need to start with determining what types of insurance you have – both health and auto.

First, you should start by looking at your auto insurance policy. You should determine whether you have full coverage or just basic liability coverage. If you have full coverage, you will need to decide whether to file a claim with your insurance company or with the at-fault party. The next sections will discuss the pros and cons of each.

What to look for in your policy:

In reviewing your auto policy you should determine if you have personal injury protection insurance. Personal injury protection insurance, often referred to as “PIP” insurance covers certain things such as medical expenses, essential services, which are things such as having your lawn mowed or your laundry done or your house cleaned if a doctor says you should not be doing those tasks. PIP

will also cover a limited amount of wage loss and some funeral benefits. The extent of coverage for those items is based on the amount that you purchase from your insurance company. PIP insurance is not included in every policy you have to pay extra for it. The great thing about PIP is that there is no deductible and there are no co-pays.

You should also take a look at your health insurance to determine what kind of coverage you have as it regards physical therapy, massage therapy, and chiropractic care. In the vast majority of minor collisions, doctors will recommend that type of care and so it's good to know what amount of coverage you have.

You should also check with each provider whether they are in-network or out of network so that you aren't hit with a surprise bill after many months of treatment. Now that you've determined how much coverage you have, you should decide whether to file the claim with the at-fault auto insurance policy or your own auto insurance policy.



QUICK TIP:

Check your auto insurance policy to see if you have Personal Injury Protection coverage

Do you file the claim with your auto insurance company or the at-fault insurance company?

Choosing to file with your auto insurance policy or the at-fault party, is based on a list of pros and cons for each scenario. Using your company is often the best and easiest process to file the claim. Since you have a contract with your insurance company, not only do they have a contractual obligation to you but there also are state laws that help protect you as a policyholder. Your insurance company is more likely to treat you fairly and handle your claim quickly because of their fears that they will get sued for breaching the contract or violating strict state law.

One downside to filing with your policy is that you have to pay the deductible. If liability is clear, oftentimes though, the at fault party will quickly reimburse you for your deductible. Another potential downside is that sometimes your insurance company may raise your insurance rates even if the accident is not your fault.

It is for these reasons that we always recommend that people regularly shop for auto insurance to find the best rate. There is rarely an advantage to keeping the same auto insurance company for years and years. We often find it's actually the opposite, that staying with the same company for many years results in paying higher premiums than if you shop around often.

There are some pros and cons with going with the at-fault party. With the at-fault party, you do not pay your deductible so you may not have to pay anything out of your pocket to get the claim going. You won't have a choice which company to go with if you do not have full

coverage; you will have to go with the at-fault party.

The downsides of going with the at-fault party are numerous, though. For example, the at-fault party may say that you are partially responsible for the collision even when it makes no logical sense to conclude that. If they decide that you are partially responsible, then you would have to pay for the portion they say you are liable for. Additionally, the at-fault party often processes the claim much more slowly than your insurance. This is because they do not have any state law obligations or contract obligations to handle your claim quickly. In theory, they could make every single person sue their insured to get their losses paid for.

On the flip side, one benefit of going with the at-fault party is that it will not impact your insurance rates. And one last disadvantage to the at-fault party, is that they may try to force you to sign certain documents, giving them access to all of your medical records, or getting you to waive all your right to future benefits for future claims, and so you have to be more cautious when working with the at-fault party.



QUICK TIP:

The insurance companies aren't your friend. You need to give your insurance company enough info to process the claim, but you are under no obligation to talk with the at-fault party. Remember that they are trying to come up with reasons to deny paying you anything.

3

Get Evaluated by Your Doctor

It is crucial to get evaluated by your doctor the same day of the collision or within in the next few days, especially if you are in extreme pain or feel nauseous, dizzy, fall over, or have any other issues living your day-to-day life. Even if you don't feel that you're in much pain, you still should get checked out by your doctor to ensure that you don't have any serious hidden injuries. It's best to get evaluated quickly because if you do need treatment, the doctors can get you on a plan to help try to get you better faster. People who wait a while to get treatment will often end up treating for a longer period of time than if they started earlier.

Continue to follow your doctor's orders and stick to your treatment plan until you are healthy or the doctor says that you have reached maximum medical improvement.



QUICK TIP:

When you get medical treatment be sure to let the provider know that you are there because of the accident not just because of the pain. It is important for them to know what has caused the pain.

4

Get Your Car Repaired

As the insurance companies evaluate your car, there will be a decision to be made as to whether the car should be repaired or is totalled and needs to be replaced.



First, if your car can be repaired you have the choice to take your car to any body shop of your choice. The insurance company cannot force you to take the car to one of their “preferred” body shops. The insurance company is generally the one that makes the decision on whether to repair or replace the vehicle. They make this decision based on the cost of the repair and the amount they would recover by selling the vehicle and determine which route is the cheapest for them.

In determining how much you are to get paid, the insurance companies have many databases they look into for determining the replacement cost of the vehicle. If your vehicle has any special after market parts or other additions that are not listed in the original manufacturer's information, you should let the adjuster know so that they can adjust your pay out accordingly. If it's apparent that your vehicle is going to be totaled you should quickly start looking for a new car. The insurance company will only pay for a rental car for a few days after they have given you the payment.

They will also need to know the loan information to get a final pay-out amount or if there isn't a loan then you will need to send them the title so it's important to locate that information early to help speed the process along.



QUICK TIP:

Choose the body shop that you feel most comfortable with – don't feel pressured to use the insurance company's body shop.



5

Talk With a Lawyer

Next, you should consider talking to a lawyer. Insurance companies are not on your side; it is their job to pay out as little as possible. They will try to get you to sign all kinds of documents that give them access to your medical records or waive your rights. They'll try to get recorded statements from you by asking slanted questions that they will use against you in the future.

For example, they might say, "Hi Miss Smith. How are you?" and Miss Smith responds "I'm fine. How are you?" If she responds that way, the insurance adjuster will put a note in her records that Miss Smith reported that she was doing fine. Based on that statement, they will use it as a basis to deny payment for her damages.

Talking to a lawyer will save you time and stress, help ensure that all your insurance benefits are provided, and that the insurance companies are following state laws.



QUICK TIP:

Personal injury cases can take years to resolve so make sure you choose a lawyer you feel comfortable with.

Concluding Remarks

Thank you for reviewing this guide; I hope that it has been helpful to you in navigating through a very difficult time in your life. Being in a collision is a very traumatic event. Oftentimes the first thirty days are the toughest, as there is a lot to take care of all while you're injured and not feeling up to dealing with the hassles. If you are in that phase right now I hope you have a quick and full recovery. If you have any questions, please don't hesitate to call me for a free consultation.



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About Justin Elsner



Justin Elsner, the founder and Managing Attorney of Elsner Law Firm, PLLC has been licensed to practice law in Washington since 2007. He is a cum laude graduate of Seattle University School of Law and a member of: Washington Association for Justice (WSAJ) Washington State Bar Association (WSBA) King County Bar Association (KCBA) ARAG attorney network.

He has extensive experience in all aspects of personal injury cases from determining liability for an accident to ensuring that insurance companies provide their victims the benefits that they are entitled to.