

WHAT NOT TO DO AFTER A CAR ACCIDENT

If you are involved in a motor vehicle accident, hopefully you have pulled your car to safety, exchanged insurance information with other drivers, called the police, used your smart phone to take photos or videos of the damage to the vehicles and accident scene, and made a record of witnesses and pertinent details so you don't forget them.

Now that you know what you should do after a motor vehicle accident, here are some things you should *not* do.

- (1) If you have not been seriously injured or incapacitated, do not leave the scene without speaking to the responding law enforcement officers.
- (2) Don't admit fault. Describe the facts of the accident and how it happened, but you do not need to reach any conclusions as to who caused or contributed to the accident. By stating you "could have paid better attention" or "driven slower" you may be accepting responsibility, and liability for an accident that may not be entirely your fault, or your fault at all. Again, just stick to the facts.
- (3) Don't sign any documents without consulting an attorney first. Before agreeing to anything, have an attorney look at what you're signing.
- (4) Don't talk to the other driver's insurance company directly. Your attorney's job is to deal directly with the insurance companies regarding your bodily injury or personal injury claim. The insurance adjustor has no duty to look out for your best interests. Your attorney does have such a duty to you. Also, you have no obligation to give a recorded statement to either insurance company. Anything you say in a recorded statement could be used against you by the insurance company's attorneys. The statement can be used to attack your credibility, and could cause you to lose your case. It is important that you receive legal advice from an experienced attorney before providing such a statement.
- (5) Don't share information on social media. If you have been injured in an accident yet post pictures that may be misconstrued as showing someone healthy with no injuries, that may be used later by the insurance company's attorneys to weaken your claim. It is safest to stay off social media until your case is settled, or tried to verdict. Also, be aware of what your friends may post about you, and ask them to refrain from posting any content you would not want used against you.
- (6) Don't wait too long to follow up with medical care providers. Many symptoms can appear days or even weeks after the accident, but you should not wait that long before seeking

medical care. See a doctor soon after the accident, and report any symptoms you have experienced, no matter how minor such as mild headaches, or muscle pain. Be honest with health providers and describe all symptoms. Radiating symptoms in the arms or legs can be indicative of nerve impingement caused by injury to the neck or back. Similarly, if you lost consciousness or were dazed even for a short period after the collision, you may have suffered a concussion or closed head injury. This can cause cognitive and behavioral changes if left untreated. These types of injuries may need to be evaluated by medical specialists.

- (7) Don't wait to pursue uninsured or underinsured motorists (UM/UIM) benefits under your motor vehicle insurance policy. Unfortunately, the other driver may not have enough insurance to cover your medical bills, lost wages, and other consequences of the accident, such as pain, suffering, disability and loss of the ability to enjoy usual activities. You may have UM/UIM coverage limits over and above the bodily injury liability limits of the at fault driver. There are time deadlines under which a UM/UIM claim and demand for arbitration need to be made. Moreover, you are required to cooperate with your insurance company in furnishing information, and must follow the strict terms of the UM/UIM insurance policy to secure these benefits. There may also be other insurance covering the at fault driver, and umbrella policies providing more coverage. Consequently, it is important that you consult with an experienced attorney to protect your rights to these benefits and adequate compensation.
- (8) Don't delay. Perhaps the most important thing you can do is consult with an attorney who specializes in plaintiff's personal injury law as soon as possible to protect your rights. This gives your attorney an opportunity to investigate the accident, marshal the evidence before it dissipates, and prepare a stronger case on your behalf. Your attorney can advise you on issues ranging from how to make sure you are fully compensated for your vehicle, getting medical bills paid, protecting medicare, and pursuing med pay coverage, to making sure you get the best medical treatment available.

At Church & Fisher, LLC we work on a contingency fee basis, which means there is no legal fee unless we recover compensation for your injuries. Contact Church & Fisher, LLC 630.338.8740, or info@churchfisherlaw.com, for a free legal consultation. You have no obligation to hire us.