

WHAT TO DO IF YOU ARE IN AN ACCIDENT?

The first thing everyone should do BEFORE getting into an accident is to be fully prepared so that if you have an automobile accident, you can readily complete the necessary steps even in the midst of the confusion and shock that often accompanies such an event. When you are in an accident the first few minutes can be vital to your health and to your ability to recover the damages that you sustained in this accident. An accident is a disorientating event. Immediately after an accident it's likely that you will not be able to think clearly and act decisively unless you are prepared before hand.

BEFORE YOU ARE INVOLVED IN AN ACCIDENT

- Everyone should carry a disposable camera in the car, if you don't have ready access to a cell-phone camera of good quality. These cameras can be purchased in any drug store or super market for a nominal sum. They are packaged in metallic paper that protects the film for quite some time. I would suggest you replace such a camera once a year for best results.
- The importance of this camera can not be overstated. The uses for it include:

A picture of the other vehicle serves to document the accident and the involvement of the vehicle in it. You would be surprised to hear how often other drivers flee the scene of an accident and deny it even occurred. Insurance companies are aware of this and it can speed the processing of your claim to confirm for that company that the accident did, in fact, take place. A photograph that also includes the license plate number of the adverse vehicle in the accident is valuable in tracking down the registered owner of that vehicle. This is also of importance because, in the shock and confusion of an accident, people often incorrectly record the license plate number of the other vehicle and this can add weeks to the handling of any claim.

Photographs can be very helpful in understanding the severity or cause of the accident, if they exist for all vehicles and include the overall scene of the accident as well. Remember that although you will have many opportunities to get pictures of your own vehicle, the only chance you have to get pictures of the other vehicle will be at the scene of the collision. Insurance companies are quick to assert a "minor impact" defense as a reason to deny or minimize your claim and having photographs which show the damage at the scene can help defeat this.

- Always carry our "Glove Compartment" cards in your vehicle. This card covers all the key pieces of information you should record at the scene of the accident. Call us at 818-547-6650 and ask for a copy which we will be more than happy to mail to you free of charge.

It should only take 5 minutes or less to record this information at the scene but failing to do so can add several days or even weeks to the processing of any accident claim.

STEPS TO TAKE IMMEDIATELY AFTER BEING INVOLVED IN A TRAFFIC ACCIDENT

- All vehicles involved should first be moved to safety so as not to cause further injury to yourself or others. This is easier said than done when you have just been involved in a collision, but is critical nonetheless. This is not the time for rage or other negative reactions as these can often make the situation worse for you or others passing by. Of course you would like to be able to take photographs of

the vehicles at the time of collision (and before the vehicles are moved) but sometimes it is necessary to first move the vehicle to prevent more serious injuries from occurring.

- Obviously you must immediately take care of any serious or life threatening injury, by swift application of first aid measures and the immediate contact of an emergency medical service (ambulance), or other means.
- Assuming that the above have been done (or are not necessary), the very next step usually involves a BRIEF discussion with the other party, but we strongly urge that you not get involved in any argument, debate, accusation or hostility regarding the accident. A simple: “Are you OK?” or “Well, let’s get the information for our insurance companies so this can be sorted out” should be sufficient.
- Then you should start taking the necessary photographs described above (i.e., photographs of the position and damage to vehicles if you were not able to take photographs of the vehicles as they were at the moment of impact; photographs of the license plate number(s) of the vehicles involved; and photographs of the scene, including the presence of any skid-marks, debris caused by the accident, and traffic controls (such as stop signs).
- Be careful about taking photographs of the adverse driver as this can cause antagonism, or worse, since some people strongly object to having their photograph taken without their permission. Use judgment.
- See if there are any independent witnesses to the accident. “Independent” means someone with whom you have no personal or other connection (such as a passenger) -- in short, an individual with no personal or financial interest in the outcome of any claim you might bring. Be sure to record their contact information on your pre-printed form and, if appropriate, that they wait around for the preparation of any police report.
- Courteously exchange the necessary insurance information with the other parties. Be careful not to make comments or statements that could be misconstrued later as admissions against your own interests.
- If possible, contact the local police and have them come out to the scene and make a report. In the absence of an independent eyewitness the very best evidence that you can preserve is a statement by the other party to a Police Officer who writes this statement into his report at the scene of the accident.
- Contact my office for legal advice. There are many other possibilities which could require immediate legal advice and action and it is not possible to discuss them all in a general article of this nature. For instance, we have seen many instances of contacts by insurance company representatives for the adverse driver (the one who caused the accident) to demand or solicit recorded statements about the accident. Such statements often take advantage of the person’s lack of legal representation and seek to place him/her at an unfair disadvantage. Sometimes, these contacts are even more aggressive and seek to convince individuals to quickly accept settlement amounts that are well below the value of the claims in question [LINK TO ARTICLE RE RECORDED STATEMENTS – TO FOLLOW]
- Immediately seek treatment for any non-emergency injuries you might sustain. In many instances, these contacts will be to a Dr. of Chiropractic, a Medical Doctor or licensed Physical Therapist.

The very *best* way to insure that yours does not become a long drawn-out claim requiring extensive litigation is to immediately consult with an attorney who can help you decide your best course of action. This consultation is free of charge at our office and I can assure you that your concerns will be addressed by an ethical and competent attorney.