

Watch Out For Motorcycles!!![®]

Injured From A Crash? Things To Know:

By Brad Souders

This column wraps up the discussion that was started in last month's issue concerning the recommended do's and don'ts following a crash.

Preserve The Evidence:

As soon as possible, the injured person, someone they know or their attorney's private investigator should consider obtaining pictures of the property damage, all injuries and the accident scene itself. You cannot rely on police agencies, insurance claim representatives or others to take pictures. The best course is to rely on your own resources to obtain such pictures as soon after the crash as possible.

Property damage photos should be taken of the damage of the exterior and interior of your vehicle, where applicable and from view(s) showing the true extent of the damages. Pictures may also be taken even after repairs have started. If the vehicle is totaled, you want to obtain pictures of each of the four sides of the vehicle, the front, left side, rear and right side. All pictures, towing invoices, repair estimates, invoices and other related records may all be used as trial exhibits.

Injury photographs or video should be taken of each part of the body injured, including pictures of head injuries, facial injuries, neck and back injuries, bruising from seat belts, arm and hand injuries etc, also including pictures of medical treatment (e.g., staples or casting) or other results from injuries. Injury photographs or videos may be helpful and such items may also be used as claim or trial exhibits.

Scene photographs or videos should be taken, demonstrating the view each driver had in the subject crash, the applicable traffic control devices if any and the condition of the road, including impact marks, skid marks and the length of those marks. Careful attention should be focused upon whether the other driver had a clear and unobstructed view; or, was their view blocked by an fixed obstruction, such as something on a street corner or side of the road; and if so, document who is responsible for obstructing the other driver's view. Keep your own copies and forward a copy to your attorney for his or her use and safekeeping. The accident scene photographs or video may be used as claim or trial exhibits.

Insurance Companies Requesting Statements:

The other driver's insurance company AND your insurance company typically want to take recorded statements of all drivers and witnesses as soon as possible. Claims representatives sometimes drive to the scene, knock on your front door, visit at your hospital bed or call you at home afterwards, asking you to give a recorded statement. Providing a statement is not always in your best interest and most attorneys advise against giving such statements alone.

For example, you may not be in the best condition to provide a statement, may not understand the questions asked, or you may mistakenly give guessing or wrong answers to the questions. By such evidence, you may find yourself "your own worst enemy." The insurance company or their driver may use such a statement(s) later to argue against your claim, quoting chapter and verse at trial. They may take parts of your statement to argue you were at fault for causing the collision; you had the opportunity or the last clear chance to avoid the accident; or you did not complain of such all injuries, so this accident must not have caused you such injuries; or, you did not mitigate the damages.

Remember, you have no legal obligation to the other driver's insurance company to give any statement; and doing so, may only be helping the other side prepare their battle against you. As to your own insurance company, depending on the language of your own policy, you may be required to provide them a statement. Thus, you may have a "contractual" obligation to cooperate and give a statement to the carrier at a reasonable time after the accident. Before giving the statement, most attorneys advise to first obtain legal representation and such a statement may be scheduled through the lawyer's office, allowing for your preparation beforehand.

Hopefully, the above discussion has been informative. Future submissions hope to continue this subject towards addressing other topics such as: hiring an attorney; seeing doctors; past and future medical bills; past and future lost wages; past and future pain and suffering claims etc.



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**To Be Continued ...and remember:
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