

PROTECTING YOUR RIGHTS AFTER A CAR ACCIDENT

By: Elliott Andalman, Esq.

Here are some steps to take to protect your rights in an automobile accident, in addition to contacting a lawyer:

Find witnesses. No matter how simple the accident or how obvious the liability may seem, try to find witnesses. I have seen too many people struggle to prove the other driver was at fault because there were no independent witnesses located. Take down the name, address and phone number of any person who tells you that s/he saw the accident. Do not rely on the police to take down this information.

Call the police and wait for them to arrive and prepare a report. The delay can be frustrating and in some cases the police will tell you the accident is too minor to prepare a formal report. Always obtain the responding officer's name, badge number, phone number, police department, and any accident report number. Be polite, but be sure to explain how you believe the accident occurred.

Take notes. Whether or not the police come to the scene, exchange information with the other driver (including name, address, insurance carrier and policy number, driver's license, place of business, and license plate state and number, make and model. Also make a record of the location, what happened, the date and time, and the names, addresses, and phone numbers (at least) of any passengers or witnesses.

Be careful. If you do not feel safe because of the behavior of one of the other drivers or because of the neighborhood where the accident occurs, you can leave the scene of the accident. Only leave the scene if you fear for your physical safety. If you leave the scene, contact the police immediately, notify them of the accident, and offer to return to the scene with the police. If you do not immediately contact the police, you may end up charged with leaving the scene of an accident.

Call your insurance carrier. Do this as soon as possible after the accident. Many companies have 24-hour hotlines. Even if you think you were at fault, you may not have been. Discuss the details of the accident with your adjuster. You may have acted reasonably given the circumstances. Do not talk to the other driver's insurance company without consulting your carrier and your attorney. Do not discuss the accident with strangers ☹ you may discover you have been speaking with a private investigator.

See a doctor. If you are injured visit an emergency room or the physician of your choice as soon as possible after the accident. When you see the doctor, make a special effort to be thorough in explaining what happened to you and what hurts. Remember, if you do not tell the doctor something about your injuries or medical history then the doctor cannot consider that in determining the correct treatment. Furthermore, the doctor will not note it in his or her records. An insurance company may rely heavily on these records when considering your claim for damages.

Take photographs. Photograph the damage to your car before you have it repaired and photograph any bruises, cuts, or other injuries that you receive. Remember, a picture can be worth a thousand dollars ☹ oops, I mean a thousand words.

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