

# CRASH COURSE: HOW NOT TO WRECK YOUR ACCIDENT CASE

No one expects to be involved in an accident. Sadly, vehicle-related crashes are an all-too-common occurrence in Louisiana—and they can leave you seriously injured and unable to work, while unmanageable medical and household bills mount. However, if the incident in question wasn't your fault, you don't have to just accept the situation and the increasing debt. You may be entitled to compensation from the party responsible for your accident, injuries, and other damages.

If you or someone you love was injured in an accident—or suffered significant property damage—caused by another person or company's negligence, you can benefit from the nationally recognized legal services Neblett, Beard & Arsenault provides. Injured in an accident? Read on to learn how to avoid wrecking your personal injury case and find out more about how the team with Neblett, Beard & Arsenault can assist you in seeking compensation for damages.

## Hire an Experienced Louisiana Accident Lawyer

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Accident victims often assume that they can rely on their insurance companies to handle their claims without issue. Going through your insurance company might work out just fine if you weren't injured and only suffered minor property damage, but when serious injuries and property damage are involved, hiring an attorney to represent you is almost always the better option.

Why? Well, it might surprise you to learn that an insurance company's allegiance is to their bottom line and not you, the policyholder. Insurance adjusters often actively work to minimize the amount paid out to claimants, which can result in you receiving a smaller settlement than you deserve. Fortunately, not only do personal injury lawyers know how to spot sneaky insurance tricks, but they can fight for you to receive what you are owed—and, if the at-fault party ends up hiring an attorney, having legal representation of your own can help level the playing field.

Whether you were hurt in a car accident, truck crash, motorcycle wreck, or pedestrian accident, our knowledgeable personal injury attorneys can advocate for you throughout the claims or litigation process. We can even help you negotiate a better settlement than you would receive on your own—and if a fair settlement can't be reached, we can file a lawsuit on your behalf to protect your interests. Here are just a few of the ways a lawyer can help you throughout the negotiation and litigation process:

- Answer questions about your legal rights and options
- Evaluate the strength of your personal injury case
- Communicate with the other driver's insurance company—or their attorney—on your behalf
- Gather and organize your medical records and accident-related bills to document your losses and need for compensation
- Work with your doctor to document your injuries, including obtaining missing records or bills from your healthcare providers
- Arrange for experts to testify to the severity of your injuries, as well as who was at fault for the accident

- Defend you if the other party claims you were responsible for the accident
- Negotiate with the insurance company—or the other driver’s defense team—to secure a fair settlement
- Let you know whether a settlement offer you’ve received is fair
- Handle the legal aspects of your case so you can focus on recovering from your injuries

## Don’t Assume You Can’t Afford an Attorney

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Sometimes people who have been injured in accidents and may be eligible for compensation fail to take legal action because they are afraid they can’t afford to hire an attorney to represent them—effectively walking away from money they both need and deserve. Don’t let this happen to you.

At Neblett, Beard & Arsenault, we believe that every personal injury victim deserves the opportunity to seek justice—regardless of the size of their wallet or bank account. That’s why our firm takes cases on a contingency fee basis. Rather than billing you for our legal services up front, our payment comes out of the settlement or financial award you receive when we win your case. If the matter can’t be resolved in your favor and there is no recovery, there is no fee.

## Follow These Steps to Protect Your Right to Recovery After an Accident

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Being the victim of a car crash, truck wreck, or other vehicle-related accident can be an extremely jarring experience. Though it’s normal to feel shaken up, it’s important to realize that what you do—and how you conduct yourself—in the minutes, hours, days, and weeks after an accident can have a lasting impact on your ability to obtain compensation for injuries and other damages. Here’s what you can do to protect your right to recovery.

### Immediately After an Accident

- **Stay calm, cool, and collected.** Resist any urge to place blame or apologize. Even a casual apology can be misconstrued as an acceptance of liability.
- **Check yourself and your passengers for injuries.** Call 9-1-1 if anyone is injured.
- **Move your vehicle to the side of the road.** Only do this if the damage to the vehicle is minor and it’s safe to do.
- **Turn on your hazard lights.** This alerts approaching motorists that there was an accident and helps prevent additional crashes.
- **Check to see if the drivers or passengers in the other vehicles are injured.** Make sure to exit your vehicle safely and stay out of traffic.

- **Call the police.** It's important to report the accident to law enforcement even if there are no injuries. Stay at the scene of the accident until the police arrive and you've had the opportunity to speak with them.
- **Be polite and truthful when speaking with the police.** Answer questions honestly, but don't attempt to speculate or provide more information than is necessary.
- **Take photos.** Document the accident scene—including relevant road or weather conditions—and damage to any of the involved vehicles.
- **Exchange information with the other drivers.** This information should include name, address, phone number, license plate number, driver's license number, and insurance details.
- **See if anyone witnessed the accident.** If so, write down their names, phone numbers, and addresses.
- **Remove valuable or personal items from your vehicle if it's being towed.**

### The First 10 Hours After an Accident

- **Seek medical attention, even if you think your injuries are minor.** Let the doctor know you've been in an accident, mention any pain or other symptoms, and identify the areas of your body that were impacted in the crash.
- **Write down everything you remember about the accident.** Make a note of the time, weather, location, statements made by those involved, and any other relevant details.
- **Contact your insurance company to let them know you were involved in an accident.** This is an essential step, even if you weren't at fault. Failing to inform your insurer that you were in an accident in a timely manner may violate the terms of your policy.
- **Revisit the accident scene to take additional photos, if necessary.** Photos of skid marks, crash debris, or other details on the scene can serve as powerful evidence.
- **Photograph any visible injuries you sustained.** These can be used as evidence, along with your medical records.
- **Let your employer know you've been in an accident.** Depending on the severity of your injuries, you may have to take time off to recover.
- **Take photos of the property damage to your vehicle.** Get written repair or replacement estimates.
- **Obtain a copy of the police accident report.** Request the report as soon as it's available.
- **Decline to provide a recorded statement to the other party's insurance company until you have spoken with an attorney.** Insurance adjusters often pick these statements apart and use them against claimants. An attorney can help you prepare for what to expect and how to answer the adjuster's questions.
- **Contact Neblett, Beard & Arsenault.** Act quickly—claims must be brought within specific time periods, or they are forever barred.

## As Your Case Progresses

- **Attend follow-up visits with your doctor and follow the prescribed treatment plan.** Failing to do so invites insurance adjusters and defense attorneys to question the severity of your injuries.
- **Discuss the case with your attorney—and no one else.** While your conversations with your attorney are confidential, the same can't be said for conversations with friends, neighbors, etc.
- **Be patient.** Don't be tempted to accept an early, lowball settlement just because the bills are piling up. We can help you find ways to pay your medical and household bills while your case is pending.
- **Watch what you say on social media.** Insurance adjusters and defense attorneys will be poring over your social media accounts to see if you're as injured as you've claimed, and they're not above misconstruing what they find. Avoid posting about the accident, your injuries, or the case—and ask friends and family to avoid posting about you or photos of you until your case is resolved.

## Understand How Insurance Coverage Pays for Accident-Related Injuries

Insurance can be confusing, especially after an accident. You may find yourself wondering who pays for what, or what happens if the at-fault party doesn't have insurance or doesn't have enough insurance to fully cover your injuries. If you were hurt in a car accident that wasn't your fault, these insurance coverages can help pay for your medical expenses:

- **The at-fault party's bodily injury liability (BIL) coverage:** The amount of coverage a person or entity carries varies depending on the individual or corporation. Typically, the more assets someone has, the greater the coverage. Some will have coverage in the hundreds of thousands of dollars range; others will have the state minimum. Louisiana requires motorists to carry a minimum of \$15,000 in insurance coverage for the injury or death of a single person, and \$30,000 in insurance coverage for the injury or death of multiple people in a single accident. If the at-fault party has this coverage, it can be used to pay for your injuries, up to the policy limits.
- **Your own uninsured/underinsured motorist (UM) coverage:** Unfortunately, not all motorists carry the required insurance coverage. If you were hurt in an accident caused by an uninsured driver, your own optional UM coverage can pay for your medical expenses, up to the limits of your policy. UM coverage also comes in handy when the at-fault driver doesn't have enough insurance to fully cover your injuries. In these cases, UM coverage steps in to pay the difference, up to the policy limits.
- **Medical payments (MedPay) coverage:** This optional coverage can pay for accident-related medical or hospital expenses incurred by you, your passengers, or pedestrians—up to the limits of your policy—regardless of fault. Usually, it is sold in the \$1000 to \$5000 range. It also pays for injuries you or your family members sustain as a pedestrian or while in someone else's vehicle, and can even pay for funeral expenses in certain instances. MedPay coverage is helpful when the at-fault driver doesn't have insurance or doesn't have enough insurance to cover your medical bills.

## Know What Compensation May Be Available for Your Injuries

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If you were hurt in a vehicle, motorcycle, or pedestrian accident caused by someone else, Louisiana law allows you to seek compensation for the following types of damages:

- **Medical expenses:** This includes all accident-related medical costs, such as ambulance transportation, emergency room care, doctor visits, surgical procedures, hospitalizations, prescription medications, and physical therapy, as well as the cost of future medical care for these injuries, and medically necessary modifications to your home or vehicle.
- **Lost income:** Not only does this include payment for wages missed while out of work recovering from your injuries, but it can also include the loss of future wages if the injuries require you to take a lower-paying job—or you are unable to work at all.
- **Pain and suffering:** This general term covers the physical and emotional trauma experienced during the accident and recovery process. It can include compensation for physical pain, accident-related mental health issues such as anxiety, depression, or Post-Traumatic Stress Disorder (PTSD), loss of self-esteem or confidence associated with scarring or disfigurement, and more.
- **Punitive damages:** Though rare in personal injury cases, punitive damages are awarded when a judge or jury determines that the at-fault party's conduct was particularly outrageous. For example, a person with a history of drunk driving who causes an accident that results in serious injuries while under the influence of alcohol may be required to pay punitive damages. These damages are intended to punish the responsible party and deter similar conduct in the future.

## Don't Go Broke Fixing or Replacing Your Vehicle—Find Out How to Get Your Property Damages Paid

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At Neblett, Beard & Arsenault, we understand just how frustrating it can be to have your vehicle damaged and out of commission due to someone else's negligence. If you don't have a functioning vehicle, you can't get to work, and if you can't get to work, you could lose your job—and that's the last thing you need after being hurt in an accident that wasn't your fault. That's why we help clients get their damaged vehicles repaired or replaced—and into a rental car in the meantime.

After an accident, the at-fault party is responsible for paying for the repairs to your vehicle, using their property damage liability (PD) insurance coverage. Louisiana law requires motorists to carry a minimum of \$25,000 in insurance coverage for property damage, which can be used to repair or replace your vehicle in the event of a crash. Some people or entities have more coverage.

If you weren't at fault for the accident, the other driver's insurance should cover the cost of your rental car. If they won't, you may be able to file a personal injury lawsuit to recover the cost of the rental vehicle, as well as other accident-related damages.

Ready to get your car repaired? Just choose a repair shop, get a written estimate, and contact our law office to find out more about how we assist clients in getting these costly repairs paid. We can even help clients get their cars replaced for free if they were totaled in the accident.

Not all motorists have the insurance coverage required by law. If your vehicle was damaged by an uninsured driver, you may have to rely on your own optional collision (COLL) or uninsured motorist property damage (UMPD) coverage for repair or replacement. When using your own insurance to get your vehicle repaired, you will have to pay the deductible. In cases like these, insurance companies often go after the at-fault party to recoup their money, including the deductible amount. If that happens, we make sure the insurance company reimburses that deductible to our clients.

## **Contact Us to Schedule a Free, No-Obligation Case Evaluation**

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Did you sustain injuries or property damage in a Louisiana car crash, truck collision, motorcycle wreck, or pedestrian accident, but aren't sure if you have grounds to file an insurance claim or lawsuit? Call Neblett, Beard & Arsenault today and let our attorneys help determine if you have a case.

Our firm has recovered more than \$10 billion in damages for personal injury victims throughout Louisiana. Let us help you pursue the compensation you need to get your life back on track after a devastating accident.

We offer clients professional, compassionate, and personal legal services, along with the highest level of dignity and respect. At the negotiation table or in the courtroom, we're aggressive and relentless litigators who will fight for your best interests. Don't wait—call today to find out what we can do for you.

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