



Automobile Accident Do's and Don'ts

It wasn't your fault, but it happened anyway. You or a loved one were in an automobile accident caused by a driver who was speeding, texting, under the influence, or careless. Now you're left to deal with the injuries someone else caused. How will the medical bills get paid? What if surgery is needed or you're out of work? Who is responsible if your injuries don't heal completely and impact your quality of life?

Most people who face these questions have never considered them before. They've never considered bringing a claim against someone else. Often, they've never thought about hiring a lawyer before at all. And they're sometimes hesitant to seek legal advice, even though an initial consultation is free because they don't want to think of themselves as the "suing kind."

An insurance company adjuster is assigned in almost every Florida automobile accident caused by a driver with bodily injury insurance. And while it may be the only wreck you've ever experienced, insurance adjusters handle hundreds or thousands of claims. Some people elect to interact with those adjusters before obtaining legal representation, and others accept whatever is offered and sign a release without hiring a lawyer.

Insurance adjusters are permitted to contact you after an accident and may ultimately offer you money. But they don't represent you and aren't allowed to provide legal advice about what to do or not to do to protect your legal rights.

You may think the insurance company is on your side and will make sure you don't do anything to harm your full and fair recovery. But you may find out too late that something happened that negatively impacts your claim. You may even discover that your insurance will impair your recovery.

This checklist of automobile accident dos and don'ts highlights some of the common things that could impact an automobile accident recovery.

DO: Check your coverage to see if you have uninsured motorist coverage.

You can only reap the significant benefits of uninsured/underinsured motorist coverage if it's included in your coverage before an accident takes place. This coverage is the most valuable available for the premium dollar. But most Florida drivers don't have it or realize its importance.

Uninsured motorist coverage provides supplemental coverage if the driver who hit you either has no liability coverage or has insufficient coverage to provide for the injuries you sustain. It also travels with you as a passenger in another person's vehicle, regardless of their coverage. Far too often, drivers who cause serious injuries to others have little or no liability insurance in Florida. This coverage could be the only way to protect yourself from the at-fault driver's insufficient coverage.

Stacked uninsured motorist coverage allows you to multiply the amount of your coverage by the number of vehicles you own, which allows you more coverage to protect yourself. It also provides coverage if you're injured while driving a vehicle you own that the policy doesn't cover.

DON'T: Sign an uninsured/
underinsured rejection form
without fully understanding
the potential ramifications.

Signing this form will impact accident coverage you're able to receive. Don't sign anything that may cost you in the long run without first consulting with a lawyer. Insurance adjusters want to wrap up your claim quickly, but that's not necessarily in your best interest.

DO: Seek medical treatment for
any injuries sustained.

In the most serious crashes, first responders make the initial decision about treatment. But many other significant injuries go untreated initially because the injured party decides to forego evaluation by a medical professional. Don't assume that your injuries aren't that bad. If you're injured, go with emergency services to check your injuries. Many people think they're fine when the adrenaline flows after the crash but wake up a day or two later feeling symptoms.

Untimely treatment can negatively impact physical recovery. Also, in Florida, untimely treatment could result in denial of certain insurance benefits.



DON'T: Assume the insurance adjuster who contacts you after an accident is on your side.

You also shouldn't assume that just because the accident wasn't your fault or the insurance adjuster says they are "accepting responsibility" that they won't ultimately try to blame the accident totally or in part on you. Consider consulting with an attorney before giving the other side's insurance company a recorded statement. It's up to you to be proactive in protecting yourself and your interests.

DO: Continue with follow-up medical care

Many accident victims go to an initial doctor's visit or to the emergency room following the wreck, then quit going to follow-up care for various reasons. If you are injured, continue going to your doctor's appointments and receiving the care you need. Taking your injuries seriously means the insurance company will as well. Prioritize your health. You deserve to heal properly, and it could be an important part of your case.

DO: Take steps to document the damage caused

Photograph your vehicle before it's repaired or destroyed. If it's repairable, get a written estimate from a qualified auto repair facility for getting it fixed. Also, be aware of black box data for both vehicles. Experienced attorneys know how to gain access to this potentially critical data.

DON'T: Share photos or other wreck-related information online.

Avoid posting photos or telling people about the wreck on social media or elsewhere online. An insurance company might use anything you post online against you, even if it isn't directly related to your case. It's best to keep information about the wreck to a limited audience that's focused on helping you heal and representing you.

DO: Keep all records related to your health

Keep copies of medical bills, medical records, prescription receipts, and receipts for any medical equipment or devices. Maintain records of all medical care pertaining to accident injuries.

Also, don't forget to document how your injuries are impacting your life. Are you unable to work? What about your ability to enjoy hobbies, perform daily tasks, or participate other regular activities? Document with time, date, and details any ways in which your injuries are changing your life. Make sure your legal representation knows you have this information.



DON'T: Trust that the insurance company will preserve and document evidence that is favorable to you.

Collect all of the necessary information and evidence you need, including:

- The other driver's full name and contact information
- Their insurance company and policy number (take a picture of their insurance card, if you can)
- Their driver's license and license plate number (take pictures, if you can)
- The color, make, and model of their vehicle
- The location of the accident
- The responding officers' names and badge numbers (They usually provide their business cards.)
- A copy of the accident report
- Photos of the accident, your vehicle, and your injuries
- The names and phone numbers of anyone involved in the wreck or who witnessed it

If you have a question about whether to document something, go ahead and document it.

DO: Tell your medical doctors about any prior treatment to the areas of injury.

Insurance adjusters will obtain your medical records. Insurance companies will look for anything in those records to make it look like you weren't being truthful.

In Florida, if the negligence of others injures you, you are entitled to recover for both new injuries and aggravations of previous injuries.



DON'T: Believe an insurance adjuster who implies that because Florida is a “no fault” state, your damages are limited to the amount of no-fault insurance.

No-fault insurance makes it more difficult for you to get the payment you deserve without legal assistance, but it isn't impossible. You shouldn't have to pay your medical bills or other accident-related expenses when you didn't cause the accident.

DO: Consider hiring an attorney before taking on the claims process alone or putting your faith in an insurance adjuster's hands.

There is a lot of confusion about charges. Almost all attorneys handling injury cases in Florida offer free consultations, charge a percentage of the recovery as a fee, and only get paid if the case is won or settled.

Studies show that those with attorneys statistically net more in recovery even after attorney's fees than those who are unrepresented.

DON'T: Assume a lawyer is local and has local legal knowledge.

Seek local representation that understands the law in your state. Just because you see many advertisements for a law firm doesn't mean they have local lawyers. They may never even have been in the courthouse in your county.

You want representation who understands this area of law in your state and the local process.

DON'T: Feel ashamed or reluctant to seek representation.

With distasteful advertising and billboards with smiling clients holding fake giant checks, some people assume consulting a lawyer is negative. But who will protect your interests if you don't? No one!

If you or someone in your vehicle was injured in the accident **Call Gould Cooksey Fennell** to ensure you get the care and compensation you deserve.