

Law Office of R. Steven Chandler
ACCIDENT VICTIM CHECKLIST

1. Seek medical attention and make all doctor appointments.

Your failure to seek immediate medical attention will be used against you by the insurance companies and their lawyers who will argue that you would have sought medical treatment immediately after the accident if you had been seriously injured.

2. Report the accident to the DMV or your insurance company.

In any collision with resulting property damage over \$500, or involving injury or death, you must file an FR-10 form. This is the green form you probably received at the scene. Generally, your insurance agent can help you file this form, or you can contact the DMV and file it directly yourself.

3. We will take photographs of your injuries, the damage to the vehicle and the scene of the accident.

Good pictures can make a huge difference in the outcome of your personal injury case. We will take dozens of photos following the accident and develop them immediately to ensure we get good photos of your injuries, damages to the vehicles, and the accident scene.

4. Don't discuss the accident with the other driver, their attorney or any insurance company – even your own. Also, never give a written or recorded statement, unless it is under my advice.

Anything you say from the time of the accident until your case is resolved can be used against you in court. Additionally, any statement you give to opposing attorneys and insurance companies will be used by them to hurt – not help – your case. Further, in uninsured and underinsured motorist cases, your own insurance company will act as if they are the insurance company of the uninsured or underinsured driver that hit you. For this reason, you have to be careful not to share information about your injuries or the events of the accident with them as well. It is in your best interest to consult with me before speaking to any opposing attorney or insurance company representation – even your own. Please note, however, that by law you must exchange driver and insurance information.

5. Have a police report prepared and obtain a copy of the report.

Most of the time the investigating police officer will prepare an accident report. If, however, the police do not come to the scene of the accident, then you need to visit the nearest police station and fill out an accident report. Make sure you list all of your injuries and any statements of fault made by the other driver.

6. Keep a record of the names, addresses and phone numbers of all witnesses to the accident.

The police do not always include all witnesses in the police report. Many cases have been won – and many lost – by not having a witness to support a claim.

7. Keep a log of the time you take off from work as a result of the accident.

You can use this log to support your claim for lost wages, and as an exhibit in court to prove your wage loss or settle your case.

8. Keep a log of the names, dates of service, and reason for seeing all medical professionals since the time of the accident.

My staff and I can use this log to prepare a medical history relative to your accident, and to obtain the necessary records for advancing the settlement or trial of your personal injury claim.

9. Keep a log and receipts for your out-of-pocket expenses resulting from the accident.

You are entitled to reimbursement of all reasonable out-of-pocket expenses resulting from the accident. These can include rental cars, clothing, medical expenses, non-prescription medication, and other expenses not covered by your insurance policy.

10. Follow through with all necessary medical care promptly and diligently.

If you don't obtain the medical care you need, the insurance companies and their lawyers will argue that you are not really injured as badly as you are claiming. Obtain all necessary medical care in a timely manner, and don't give them that opportunity.

11. Avoid signing any documents or releases of information unless you are advised to do so by me, or another attorney in our office.

The insurance companies and their lawyers will use all available means to reduce the amount of money they have to pay you. They will try to obtain your medical records, and other records, by telling you that they need them to evaluate your claim. In reality, they will use the information they obtain to discredit your claims. Consult your attorney if you are asked to provide any records, even to your own insurance company.

12. Review your insurance coverage to see if you have Medical Payments Coverage and Uninsured/Underinsured Motorist Coverage. If you do not have these types of coverage, add them to your policy for the future.

Medical Payments Coverage can be used to cover your medical expenses resulting from an accident. Unlike HMOs and PPOs that limit your medical care decisions, Medical Payments Coverage allows you to choose the doctors and the treatment you receive, so long as it is reasonable. With Uninsured/Underinsured Motorist Coverage, if the driver that hit you is not covered by insurance or lacks sufficient coverage to compensate you for all of your damages, your own insurance company will step in and compensate you for your damages as if they were the insurance company of the other driver.

13. Keep copies of everything.

You must be able to prove all elements of your case, and this requires appropriate documentary support. Don't try to guess what you should keep, because you never know what supporting information you will need later in your claim. Keep records of everything, including the police report, witness information, FR-10 form, medical bills, lost wages and medical history logs, and anything else that might support your case. If you don't think you need it, check with me before tossing any piece of evidence.