

Legal Bits

a publication
for the business-
minded

Electronic Edition

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Web site

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How to Recover From an Auto Accident

This newsletter provides basic tips to maximize compensation for injuries caused by an automobile collision.

1. Wear your seatbelt.

Evidence of your failure to wear a seatbelt may be introduced in an automobile collision case and the amount which you would be otherwise entitled can be reduced by a maximum of 5%.

2. Obtain information.

As soon as possible, obtain information from the other driver to assist you in pursuing recovery. Write down the license plate number of the other vehicle. Oregon law requires that the other driver provides you with his name, address and driver's license number, the name and address of any occupants and the registration number of the vehicle.

3. Get witness ID.

Immediately obtain the name, address and telephone number of any witnesses. A judge or jury is more likely to believe the version of events told by a neutral witness than you.

4. Seek immediate medical assistance.

Failure to seek treatment suggests that your injury is not substantial. The amount of compensation for an injury will be determined, in part, by the diligence in seeking medical treatment.

5. Attend all appointments.

Compensation for pain and suffering will depend mostly on the extent of your medical treatment. Failure to attend appointments is usually viewed as an indication that you are not

injured.

6. Keep your mouth shut.

Do not acknowledge or admit to anything you did wrong. Anything said could be used to prove liability. Even an apology can be construed as an acknowledgment of fault. Conversely, record any such statements made by the other driver.

7. Contact an attorney.

To be taken seriously in negotiating compensation, you will need to hire an attorney. An attorney can assist with assembling necessary medical and witness information as well as negotiating with the other side. Most attorneys in automobile collision cases do not directly bill you for their services but charge a percentage of the recovery.

8. Take pictures.

If you happen to have a camera at the scene of the accident, take pictures before moving the automobiles. Take pictures of skidmarks and the location of the vehicles. Always take pictures of your vehicle before any repairs to show the extent of damage.

9. Complete a DMV report.

If the accident results in injury or death or over \$1,500 of damage to your vehicle, damage to any other vehicle when any vehicle is towed, or property damage, Oregon law requires that you complete an accident report within 72 hours of the accident. Because the DMV report can be used as evidence to support your claims you may wish to contact an attorney before completing the report.

10. Notify your insurance.

Most insurance policies require that you immediately notify your insurance company of an accident. Otherwise, you may jeopardize your right to recover compensation under your policy. If your insurance company disputes the amount you are seeking, you should only correspond with your insurance company through your attorney.

11. Be wary of the other driver's insurance company.

All communication with the other driver's insurance company should be handled by your attorney. The other insurance company will attempt to contact you before you talk with an attorney. The insurance company will attempt to get as much information from you as possible and even want to record your telephone conversation. Although the insurance company may sound as if it is trying to help you, it is simply gathering information to be used to minimize your claims.

12. Evaluate before settlement.

Delay settlement until you know the extent of your injuries and have consulted with an attorney. Many automobile injuries

persist over time with continuing pain and ongoing medical treatment. By accepting an early settlement payment, you may waive your right to pursue compensation for these additional amounts.