

These are the steps you should take immediately after an accident:

- Call the police and file an accident report
- Get the other driver's insurance and contact information
- Take pictures or videos of the crash aftermath
- Seek medical attention
- Don't admit fault
- Contact an experienced car accident lawyer



FIRST STEPS TO TAKE IMMEDIATELY AFTER AN ACCIDENT

CALL THE POLICE AND FILE AN ACCIDENT REPORT

Even in a minor accident, you need the account of an on-scene police officer to ensure insurance companies can't challenge your version of the accident or say it never happened. If nobody suffered serious injuries, you can call the non-emergency line rather than 911.



The police will:

- Take statements from drivers and witnesses
- Take photos and videos and diagram the accident
- Prepare a crash report with all the information about the accident
- Give you a copy of the Driver Exchange Form

GET THE OTHER DRIVER'S INSURANCE AND CONTACT INFORMATION

Hopefully, the other driver has insurance, and you will get their insurance information. If the other driver is uninsured, get their contact information including their name, phone number, and address.

COLLECT EVIDENCE

While the police will also collect evidence, you should get what you can for your own records. Take pictures or videos of the scene of the accident, the damage to your car, and any injuries you got in the accident. Get the names and numbers of as many bystanders and witnesses as possible - their testimony could be vital to your case.

WHAT DO I DO ABOUT MY CAR?



- If you can't drive your car from the scene, police dispatchers rotate through a list of certified towing companies and pick the next available company.
- You can tell the tow truck driver to take your car to your preferred body repair shop or dealership. Otherwise, they will tow it to their lot.
- If your car is a total loss, they will tow your car to the tow yard or a salvage yard.
- The Arizona Department of Transportation sets towing fees. Companies can charge up to \$151 per hour to tow your car (it takes an average of one or more hours to tow a car) plus \$30 for administrative fees and \$45 per day for storage.



SEEK MEDICAL ATTENTION (EVEN IF YOUR INJURIES SEEM MINOR)



You should always seek medical attention after a car accident, even if your injuries seem minor.

Why?

For one thing, your injuries may be worse than you realize. The last thing you want is to go to bed with a headache and never wake up because a brain bleed killed you in your sleep.

Additionally, if the accident was caused by the other driver, you will need proof that you suffered injuries due to the accident. Going to a doctor or chiropractor will provide a written record that stands up in court better than your word or some pictures you took while you recovered at home.

Finally, the car insurance of the responsible driver should pay your medical bills, so don't let a lack of adequate health insurance prevent you from getting the care you need.



Where Do I Find Doctors?

Obviously, if you have life-threatening injuries, you should go to the emergency room, but what if your injuries aren't severe?

- Your primary care provider (PCP) may be a good option if they can see you within a day or two.
- Urgent care clinics are an excellent place to find care when you can't wait to get in to see your PCP.
- If you are experiencing back or neck pain, chiropractors may be able to help, and they frequently work with accident victims.

OPEN YOUR INSURANCE CLAIMS

The No-Fault Insurance Claim

Call your insurance company (not the at-fault driver's insurer) as soon as possible to set up the No-Fault Insurance claim. No-Fault Insurance includes:

- **Personal Injury Protection (PIP)** pays at least \$3,000 of medical bills, depending on your coverage.
- **Wage Loss Benefit** pays up to 85% of your weekly wages or \$250 per week, whichever is less.
- **Household Services Benefit** pays \$20 per day for your inability to perform household chores (like cooking, cleaning, or mowing).

The Bodily Injury Claim

The bodily injury claim is made against the at-fault driver's insurance company.

- Call the at-fault driver's insurance company and give them all the information you have about the accident. The insurance adjuster (the person who handles your claim) will decide who is at fault and how much your injuries are worth.
- Provide all the information the insurance adjuster asks for and regularly update them about your medical treatment, employment and wage loss status, and overall condition.

The Uninsured or Underinsured Motorist Claim

If you have Uninsured Motorist (UM) coverage, you can use it if the other driver was at fault and does not have car insurance. Your insurance company will pay up to the maximum amount covered by your policy. Underinsured Motorist (UIM) coverage, if you have it, pays after the at-fault driver's insurance company has paid its policy limits. You make a UIM claim with your own insurance company.



Insurance Companies Aren't Your Friends

Insurance companies make their profits by paying as little as possible, which is why you should have a personal injury lawyer on your side after you've been in an accident that wasn't your fault. If you're tired of fighting with insurance companies after an accident, contact Wade & Nysather for a free consultation.

DON'T ADMIT FAULT

Even if you believe you caused the accident, there may be extenuating circumstances you aren't aware of. Never admit fault - not to the other driver, not to the police, and not to the insurance company. An experienced personal injury attorney may be able to argue that you weren't entirely at fault for the accident.

NEXT STEPS

Address Your Job Situation

Wanting to get back to work & taking the time you need to recover is a balancing act. Returning to work too soon may aggravate your injuries, lengthening your recovery time & ultimately keeping you out of work longer.



- **Have your doctor write a disability note or work release.**

This note will explain why you are unable to work and how long you'll need to be away from your job.

- **Communicate with your employer.**

Give them a copy of your disability note or work release and make clear that you were in a car accident and need to rest, per doctor's orders. Provide your employer with updates about your condition regularly by email or other written communication (so there's a paper trail).

- **If you're self-employed, give a copy of your disability note or work release to your insurance company.**

They will need this note to pay your wage loss benefit under the No-Fault portion of your car insurance policy.

- **If you miss more than 3 months of work, ask a physical therapist for a functional capacity evaluation (FCE)**

to help determine your ability to perform job functions. If you can't complete the tests due to your injuries, accommodations can be made at your job.

Car Repair or Replacement

Determining Fair Market Value (FMV)

Before negotiating with the insurance company, you must know the fair market value (FMV) of your car. To get a good idea of your car's value, enter your car's information into both the Kelley Blue Book (kbb.com) and NADA guides (nadaguides.com), then average the FMV between the two sites.

- **If you have a newer car**, the insurance company will offer you much less than the purchase price due to depreciation.
- **If you have made upgrades or improvements to your vehicle** (such as new tires, a truck bed cover, or a new stereo) in the year before the accident, provide receipts to the insurance adjuster for reimbursement.



Appraisal and Repair

- If the estimated repairs would cost more than the vehicle's FMV, your vehicle is deemed a total loss, and the insurance company will pay you (or your loan company) the FMV.
- If the estimated repairs are less than the vehicle's FMV, you have to get the car repaired.
- The at-fault driver's insurance company will pay the repair shop directly.



Negotiating Your Property Damage Claim Settlement

As a starting point, the adjuster for the at-fault insurance company will almost always offer you less than they're actually willing to pay, so you should reject the first offer and make a counteroffer using the FMV you have researched yourself.

THE LEGAL PROCESS

DO I HAVE A CASE?

Every case is unique and involves many factors. Here are some questions we may ask to decide whether we can take your case.

Who Is at Fault?

The fault must be more the other person's than yours. Since Arizona is a comparative fault state, you may still be able to get compensation for your injuries even if you are partly at fault for the accident. However, the accident must be less than 50% your fault for us to be able to pursue compensation for you.

Can We Prove The Accident Caused Your Injuries?

Sometimes, this is straightforward, like if you suffered broken bones, cuts, or seatbelt bruising. Other times, especially if you had a pre-existing condition that was made worse by the accident, the insurance company may argue that the pre-existing condition was the problem rather than the car accident.

Does the At-Fault Person Have Car Insurance?

Most people who don't have car insurance also don't have money to pay you out of pocket, so it isn't worth suing them. Almost 100% of our clients' compensation comes from insurance companies.

Do You Have UIM/UM Insurance Coverage?

As your attorney, we will need to know how much UIM or UM (depending on the circumstances) coverage you have so we can maximize the compensation you receive.



HOW MUCH IS MY CASE WORTH?

The value of your case depends greatly on how much information you gather about your injuries. Your case is worth only as much as you can prove. Additionally, a wide variety of factors go into every case, and each factor may dramatically affect how much compensation you may be able to receive.



An experienced car accident lawyer like those of us at Wade & Nysather can listen to the details of your case during a free consultation and give you a general idea of how much compensation we think we may be able to get you.



WHAT TYPE OF DAMAGES CAN YOU SUE FOR?

Damages are what you lost because of the accident.

Property damage to your car is the easiest damage to understand and calculate - the at-fault driver's insurance must pay to repair or replace your car.

Damage to your body is harder to calculate. There are two types of "bodily injury" claims.



Special Damages

Special damages are easy to calculate and are backed up by receipts proving the amount of damage. Special damages typically include past and future medical bills, lost wages (past and future), mileage to medical appointments, and the cost of household services.

- **Medical bills** may be the most important measurement of your damages. Even if your health insurance pays part of your medical bills, damages are calculated for the entire amount.
- **Claims for past and future lost wages** are similar to medical bills, calculated by the amount of time you've missed work (or expect to miss work in the future), multiplied times your wages. This includes lost employee benefits such as vacation time, paid time off, 401k, and health insurance.
- **Household services** damage is compensation for the time you can't do chores around your home like laundry, vacuuming, cooking, and yard work.

General Damages

General damages are harder to calculate and include pain and suffering, loss of enjoyment of life, inconvenience, disfigurement (such as scarring or loss of limbs), emotional distress, depression, mental anguish, and loss of companionship and society. The worse your physical or mental injuries, the higher your compensation may be.

Punitive damages

(also known as exemplary damages) can be imposed as additional punishment on the wrongdoer if they acted recklessly, without regard for the safety or life of another.

WHAT IS NEGLIGENCE AND HOW DOES IT AFFECT MY CASE?

We must all follow the rules of the road when we drive, like stopping at stop signs, yielding to oncoming traffic, and not texting while driving. When somebody breaks these rules, they are considered negligent.

As the injured person in a negligence case, you must prove 4 things:

- **Duty:** A rule exists that must be followed
- **Breach:** The person who injured you didn't follow that rule
- **Causation:** Your injuries happened because the person did not follow that rule
- **Damages:** You were injured and have damages



If you can show these 4 elements, you can recover money from the at-fault person's insurance company.



HOW LONG DO I HAVE TO FILE A CASE?

The time period for filing a case is called the statute of limitations. In Arizona, the statute of limitations for most car accident cases is 2 years, meaning you have 2 years from the date of the accident to file a case. At Wade & Nysather, we can settle most car accident claims well before the two-year deadline.

If the at-fault person was working for the government at the time of the car accident, you only have one year to file a notice of claim with the proper governmental agency. This gives the government notice of your plan to make a claim and gives a description of your injuries.

SHOULD I HIRE A CAR ACCIDENT LAWYER?

Injured people who hire a lawyer get, on average, 3.5 times more money than those without a lawyer. Even after paying your attorney, you will end up with more money on average than if you don't have legal representation.

What Do Car Accident Lawyers Do?

Car accident lawyers:

- Help you get the medical treatment you need and make sure your bills get paid.
- Deal with the insurance companies so you can focus on healing.
- Help you get more money for your injuries.
- Investigate the accident
- Coordinate No-Fault benefits
- Help with property damage claims
- Negotiate payoff amounts for medical bills and liens
- File a lawsuit and litigate to trial, if necessary
- Offer ideas for financial planning, disability & pre-settlement loans
- Help guide you with post-accident career decisions



How Much Do Car Accident Lawyers Cost?

For car accident cases, you don't pay your lawyer until you receive money from a settlement, judgment, or award. Once you get your money, you pay your attorney a percentage of the settlement, usually around $\frac{1}{3}$, for attorney's fees.

The lawyer also pays all case expenses for you, such as fees for getting the police report or in-office costs like postage or travel.

In short, there are no out-of-pocket expenses when you hire a car accident lawyer; fees and costs come out of the final amount you receive.

When Will I Get My Settlement Money?

You only get to sue once, so you shouldn't settle your case before you're medically stable. Otherwise, if your condition worsens after you receive your settlement, you can't pursue additional compensation for those costs.

Once your medical treatment is finished, it takes about 45 days to resolve your case. While this process may seem like it takes forever, a slow and steady approach ensures you get the best possible settlement at the finish line.

SCHEDULE A FREE CONSULTATION WITH WADE & NYSATHER

If you were injured due to somebody else's negligence, schedule a free consultation with Wade & Nysather to discuss your case. We may be able to get you the compensation you need to move on from the injuries you sustained in a car crash. Call us today at 602-932-0062 or text 480-522-7794.

