
FREQUENTLY ASKED QUESTIONS ON AUTOMOBILE ACCIDENT CASES

1. I've been involved in an automobile accident. The other driver was at fault. My car is damaged and I have been injured. What should I do?

Make sure you get the other driver's information at the scene. You can use this to contact his/her insurance carrier. The carrier will usually want to get a brief statement from you and their insured. This statement will be used to determine if they will accept liability for your claim and in any trial that may result. If there is some doubt as to whether liability will be accepted, you should seek legal counsel first. If there is car rental coverage available, you should request to be set up in a rental car until your car has been repaired. The carrier should also assign an appraiser to inspect the damage to your car. Make sure you inform the adjuster of any and all injuries and that you are receiving medical treatment (if Necessary). Also, if there are any witnesses to the accident, you should get their names, addresses and telephone numbers.

2. How are my property damage and personal injury claims handled?

These claims are generally handled separately. Frequently, the property damage issue is resolved first, depending on the circumstances. It is in your best interest not to sign any Releases until: (1) You are certain as to exactly what you are releasing; (2) Your repairs are completed to your satisfaction and; (3) Until you are medically stable and your treatment is complete (if releasing any injury claims).

3. Are there any time restrictions on my claims?

Yes. If the accident occurred in North Carolina, you usually have 3 years from the date of the accident to have either resolved your claims or, to have filed a lawsuit. This is called your "statute of limitations". If you fail to do so within this time frame, you are legally barred from making any attempt at a claim from thereafter. In some cases, the time frame could be shorter so, be sure to seek prompt legal advice.

4. What damages can I claim?

There are several types of damages that you are entitled to claim. Generally, the adjuster will require some type of written verification and/or records to document your claims. The types of claims are:

- (a) Repairs to your car or, if a total loss, fair market value for same. (In some cases, it is also possible to make a claim for depreciated value);
- (b) Medical treatment and prescription medication expenses (you may be required to produce medical records and bills and/or sign a medical release authorization);
- (c) Lost wages from your employment (you may be required to produce verification from your employer or even tax records);
- (d) Reimbursement for any personal property items that may have been damaged or destroyed in the accident;
- (e) Pain and suffering.

5. What is your fee for representation in Personal Injury cases arising out of automobile accidents?

Generally, we do not charge a fee for our assistance with your property damage claim if we are handling a personal injury claim on your behalf as well. Our fee is deducted from

your personal injury settlement. This amount is 33 1/3% of your total recovery. We are also entitled to be reimbursed for any costs we may have to advance on your case (for instance, we are sometimes charged by physicians for copies of medical records, etc.) In some cases where the recovery is less than \$10,000.00, the court may award attorney fees to be paid by the other insurance carrier.

HELPFUL HINTS

1. Check your own automobile insurance policy for Med Pay benefits. Many people do not even realize they have this coverage. Whether the accident was your fault or not, you may be entitled to collect these benefits from your policy. Med Pay is for your medical expense. The limits of this coverage may vary. Check with your agent.
2. Take photographs showing the damage to your car. If you have any visible injuries, photograph those as well. In the event your claim is disputed or, if you have to go to court months or even years down the road, you will have some visible evidence as to the extent of your damages.
3. Keep receipts for all out-of-pocket expenses.
4. Keep a diary of your injuries and how they are affecting your daily life.
