

What should I do if I am in a car wreck that is not my fault?

First and foremost, you need to **concentrate on getting better**. Make sure that you attend all doctors' appointments and follow all medical orders and attend all scheduled appointments.

At the scene, if you are physically able, try to obtain the **other driver's insurance information**. This will save you or your lawyer time and trouble later by not having to track down that information. Often, the law enforcement officer responding to the scene will get this information but you should make sure that you have that information one way or another.

If you are physically able, take **photographs** of your vehicle and the accident scene. If you are not physically able, see if a family member or friend can do this for you. If you are unable to do this at the time of the accident, try to do it within several days of the accident. Also, write down any remarks or **statements made to you by the other driver**. This will help you remember exactly what the other driver said to you should it become an issue later. Sometimes, a driver may admit fault at the scene but later change his or her position. You should also write down the name, address, and phone number of any **witnesses** to the accident. Even though the police officer at the scene will generally do this, the officers are very busy and accident scenes are very chaotic and from time to time they may miss a witness.

Insurance adjusters or investigators representing the insurance company of the other driver will try to contact you in the hours or days after the accident. **You are under no obligation to speak with insurance adjusters or investigators**. You may choose to provide them with basic contact information but beyond that you may make statements with the best intentions which will damage your case. You should worry about getting physically healed and not about making statements to an insurance adjuster that they will later try to use against you. **You should not make a statement** about how the accident happened or about your injuries to an adjuster or representative of the other driver's insurance company until you have had time to consult with an attorney. Although you are certainly free to give a statement to an insurance adjuster any time you wish, it is rarely in your best interest to give a statement without an attorney being present.

Keep in mind that **insurance adjusters don't work for you, they work for the insurance company**. In many cases, insurance adjusters and investigators should be able to find out what they need to know about the accident by obtaining a copy of the accident report prepared by the police, sheriff, or highway patrol. If it is your insurance company that is requesting a statement, you may have an obligation to cooperate, but it still is in your best interest to have an attorney representing you when giving a statement.

In any event, if you choose to give a statement you should always tell the truth. You should not answer any question if you are uncertain or not confident in the answer. You should ask that any confusing question be re-worded, and you should insist on receiving a copy of your statement before agreeing to give a statement.

You should **notify your own auto insurance company** about the accident even if the accident is not your fault. Auto insurance policies typically have a notification clause which requires you to

put your insurance company on notice within a certain amount of time if you are in an accident. It may turn out that you are entitled to receive benefits from your own insurance company, so it is important to comply with the notice provision.

Various issues arise in most car wrecks involving **health insurance, Medicaid or Medicare**, and applicability of your own auto insurance. It is best to contact an attorney knowledgeable about auto collision cases and insurance law to discuss these issues early so that any problems are anticipated and addressed immediately. Oftentimes, you will need a report from your physician or need to be examined by a specialist physician of some kind to enhance the value of your claim. An experienced injury attorney will be able to provide the best advocacy possible on all of these issues.

You may have health insurance companies, hospitals, doctors, or a public entity like Medicaid or Medicare claiming a part of any recovery you make. These issues can be very complicated but it is important to understand that simply because a person or company says you owe them money, it doesn't necessarily mean that you owe them or that you owe them the amount they claim. An Eng & Woods attorney can navigate these complex issues to put you in the most favorable position possible while **maximizing your recovery**.

In some instances, it is necessary to hire investigators and **accident reconstruction experts** to determine, as best as possible, the circumstances of the collision. It is very important that appropriate experts are engaged as close in time to the accident as possible so that evidence like skid marks, vehicles, and debris are preserved as much as possible. Eng & Woods works closely with many accident reconstruction firms and covers the cost of any such investigations or reconstructions. Any such amounts advanced by us would be reimbursed to the firm by you only upon recovery.

It is important to understand that in Missouri any motor vehicle collision will be subject to the principles of **comparative fault**. This means that if a case does not otherwise settle, a jury is asked to compare the fault between or among the parties and assess the fault based on the evidence before it. For example, if a jury determined that you were five percent at fault and awarded you a certain amount of money, the judge would reduce the award by your share of the fault (5% in this example). In some cases, where it appears initially to law enforcement or the other insurance company that you are at fault, you may well still be entitled to make a claim against the other driver because those initial conclusions are wrong or because the other driver is partly at fault. If you receive a **traffic ticket** in connection with an accident, it is very important that you discuss that ticket with a lawyer before pleading guilty or paying the fine so that you understand the consequences.

Depending upon the circumstances of your particular case, you may recover **items of damage**, including past and future medical bills, wage losses, loss of future income or earning capacity, cost of medications, prosthetics, dental work or any other collision-related out of pocket cost. Recent changes in the law will negatively affect the value the insurance company assigns to your medical bills in its evaluation of your claims. There is generally very little you can do to change the insurance company's interpretation of the law at the claims stage. However, an experienced

attorney can present your case including your medical bills in the best light to a judge and advocate to the court that the insurance company's interpretation of the law is wrong.

In addition, you may be able to recover additional amounts for **non-economic damages including pain and suffering, loss of enjoyment of life, mental anguish, emotional disability, scarring and disfigurement, and permanent impairment or disability**. A seasoned attorney knows how to obtain physicians' reports or other experts' opinions which will put you in the best position possible when presenting your case to the claims adjuster and, if necessary, to the jury.

You should be aware that the law imposes limits on the amount of time you have to bring a cause of action against the persons or entities responsible for your damages. These laws are commonly referred to as '**Statute of Limitations**'. Generally, if you have not filed a lawsuit naming as defendants each individual or entity whom you believe to be responsible for your injuries within the time allowed by the law, you will be forever barred from making a recovery for your damages from any individual or entity not sued within the time authorized by law.

Also, though your particular circumstances may mean you have much time available to you under the applicable statute of limitations, it is always best to pursue your claim as quickly and aggressively as possible so that evidence is preserved, witnesses do not move away or forget what they saw, and your interests are otherwise protected. Even though you are not certain you want attorney representation, it is prudent to seek the advice of an attorney as close in time to your accident as possible for these reasons. After speaking with an attorney, you may decide at that time that you don't want attorney representation but, more often than not, you will obtain information from your meeting with the attorney that will be helpful to you.

The attorneys at **Eng & Woods** are **experienced trial attorneys** who have handled a large number of **car, truck, eighteen wheeler, and motorcycle wreck cases** to successful conclusion through trial or settlement. We are **strong advocates who are aggressive, honest, and professional in maximizing the recovery for our clients**. You can concentrate on getting better while the attorneys at Eng & Woods advocate for you with the liability insurance carrier of the other driver, your health insurance company, law enforcement, Medicaid or Medicare, your own auto insurance company and anybody else that is necessary to fully maximize your recovery.

We have handled state and federal cases and tried jury cases all over Missouri including Boone County, Callaway County, Randolph County, Chariton County, Cooper County, Howard County, Cole County, Audrain County, Montgomery County, Monroe County, Camden County, Morgan County, Moniteau County, Jackson County, St. Louis County, St. Louis City, Pettis County, Saline County, Macon County, Dent County, and Phelps County.

We primarily handle these cases on a **contingency fee** basis which means that we only get paid if and when we make a recovery on your behalf. Along with a fee for our time, the client agrees to pay us back the expenses we have advanced to further the case from the money recovered. We will **schedule a free initial consultation** as soon as possible once you contact us. **We make hospital and home visits frequently, and evenings and weekend meetings are not a problem.** Our office is open Saturday mornings to accommodate the schedules of our busy clients. Please

understand, however, that we cannot form an attorney client relationship simply by your visiting our website or emailing us.

Our attorneys belong to the Missouri Association of Trial Attorneys and the American Trial Lawyers Association, both of which are groups composed of attorneys who advocate for and represent injured people only. **We do not represent insurance companies.**

You will be pulled in many different directions if you are involved in a collision. You will receive calls from your insurance company and the other driver's insurance company. You may receive calls from your healthcare providers. You may receive communications from your health insurance company or Medicaid or Medicare claiming that you owe them money if you make a recovery for your injuries. Hiring Eng & Woods enables you to concentrate on healing while someone you trust aggressively represents you and advocates for you.

Please call toll free (877) 888-2345 and speak with one of our experienced attorneys right now. Or email Matt Woods at mwoods@engandwoods.com Thad Mulholland at tmulholland@engandwoods.com or Jon McQuilkin at jmcquilkin@engandwoods.com Please keep in mind that we cannot begin representing you until we have spoken and you have formally retained our firm to represent you.