

## PROCEDURE AFTER AN AUTOMOBILE ACCIDENT EXPLAINED

First of all you must stop whether you are in an accident involving a pedestrian, another car occupied or not, or someone else's property period. If you drive away you are guilty of "hit and run" - even if the accident is not your fault and even if the only damage is a small dent in a parked car or a neighbors fence. Hit and run penalties are severe, and you can be sentenced to heavy fines, substantial custody, and loss of your drivers license.

If you hit a parked car or even a fence and no one is around you must try to locate the owner and provide your name, address, drivers license number, and insurance information. Even if you can't find the owner, you must leave all of this information in a place where the owner will find it easily.

If someone else is injured or the accident involves more than \$500.00 you must call the local police immediately. Second, report the accident to your insurance company, and you must also complete a DMV Report within 15 days. If no one is injured and there is only property damage, you may not need an attorney. However, if anyone is injured you should contact an attorney as soon as possible.

If you are injured you should see your family doctor or go to the emergency room immediately depending on the severity of the injuries. As soon as possible you should see an attorney to ensure that your rights are protected. If the accident is the other parties fault an attorney can assist you in collecting for your medical expenses, lost income, as well as your pain and suffering from the party at fault or from there insurance company. Even if the party at fault is uninsured or not sufficiently insured, if you have uninsured motorist coverage on your own policy an attorney can assist you in collecting your damages from your insurance company. Never try to negotiate a settlement yourself whether you are dealing with the other parties insurance company, or your own insurance company. Remember even when dealing with your own insurance company regarding a personal injury claim, they are not on your side.

Insurance companies are in business to collect premiums, and make a profit, not to pay claims. The insurance company wants to pay out as little for claims as they possibly can, and generally you as a layman are at a great disadvantage in trying to deal with them yourself. Also by obtaining an attorney immediately, the attorney can advise you of the things you need to do to protect your specific claim. Many injured persons cause the damages that they can collect to be reduced because they failed to do the required things to protect their claim. Therefore it is important to hire an attorney as soon as possible after the accident.

Even if the accident was partly your fault you may still have the right to collect damages for your injuries, so don't let this fact or opinion stop you from seeing an attorney at the earliest possible time. For an depth discussion of this particular issue see my article entitled California Personal Injury Law: Contributory Negligence on this web page.

If someone sues you regarding their injuries you should contact your insurance agent, and your lawyer right away. Your insurance company will assign you a lawyer to handle your case, but if you are being sued for more money than you have insurance coverage, or it is unclear how much you are being sued for you need your own attorney as well as the insurance company lawyer. You are always entitled to

hire your own lawyer, even if the insurance company is providing you with one, however this would be at your own expense. This is important however when a judgment could be entered against you personally over and above what the insurance company would pay.

Lastly but not least even if you think the accident was your fault, never volunteer any information about whose fault the accident was. You should talk to your insurance agent, and your lawyer before taking the blame. You may think you are in the wrong and then learn that the other driver is as much or more to blame than you are. Anything you say to the police or the other driver can be held against you later. However, you certainly should cooperate with the police officer investigating the case. But stick to the facts; do not give opinions. For example, if you were driving 30 Miles Per Hour, say so. Do not say, "I wasn't speeding."

At the law office of Ronald Pullen, I have been representing clients for over 23 years in the area of auto accident, and personal injury litigation involving all of these issues. I can be reached by telephone at (619) 591-8244, or E-mail me.