

A STANDARD MOTOR VEHICLE CLAIM

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Being injured in an accident is very stressful as well as painful. Most of the clients that I represent have never been in a motor vehicle accident before the one that brought them into my office. They do not understand what they are suppose to do first. Initially, an insurance adjuster will ask for your recorded statement and for executed medical authorizations. An insurance company has the right to obtain your medical records to evaluate your claim. However, it is a good idea to speak with a personal injury attorney before giving a recorded statement or medical authorizations to the opposing insurance company.

Here is a basic summary of a standard motor vehicle claim.

There are two main parts to an accident that involves injury: liability and damages.

Liability is whether the other driver is at fault. A rear end collision at a stop sign or red light is usually clear liability. There can also be more than one person at fault. This is comparative fault. An example of this would be if one party had the right of way but was speeding. A court might find them partially at fault for some of the damage.

Damages is what a case is worth. There are two types of damages that are added together to get a value in a case: general and special damages. General damages include such damages as pain and suffering, aggravation, inconvenience, and mental suffering. Another element of general damages is loss of consortium. This type of damage is where an injured wife cannot cook for her husband or go to her son's football games. Her family has also suffered a loss.

The value of general damages usually depends on the length of treatment and the type of injury. The length of treatment begins from the date of the accident through the discharge date from the doctor. Important in the length of treatment is whether there are any big gaps in treatment by the doctor. Long gaps in treatment tend to lower the settlement value of the case. One has to remember that the doctor documents your complaints of pain and supplies the proof that you are injured. You cannot be compensated for an injury that the doctor does not relate to the motor vehicle accident. Other considerations for amount of damages would be permanent scarring and disabilities.

Special damages include property damage, rental car, lost wages, and medical bills. Unlike general damages, these damages are easier to prove.

Being injured in an accident is emotional. However, emotions should not get in the way when you are evaluating your claim.

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