



## Car Wrecks

by John D. Whitaker

Ok, so you have been in a car wreck. What do you do now? Well, bring your "A" game to the table because this process can get complicated.

Let's start with the injuries. If you are injured you obviously should seek medical help, but who pays for it? A quick trip to the hospital can cost thousands of dollars. The immediate answer to this is that you or your insurance company will have to pay first. I am always surprised at how many people only carry liability insurance. Liability insurance will only cover you for damage you do to someone else. If you get injured in a car wreck and you don't have medical payments coverage you must pay the medical bills out of your own pocket or use your own health insurance. This is true even if the other guy was at fault. His insurance company will only pay your medical bills when you prove he was at fault or the case is settled. This process can take years. I can guarantee you that the hospital will not wait for years to get paid. Medical payments coverage will cover your medical bills if you have this type of coverage but you must stay within your coverage limits. If you go over the limits you must come up with the balance. If you don't have it, you should. A lot of insurance companies sell low limit insurance policies, but get what you pay for. Cost is always a consideration when buying insurance but this is not a good time to scrimp on coverage. Make sure your limits will last more than five minutes in an emergency room.

What about your car? If your car is totaled, and you do not have insurance to cover the loss, you must again wait until you settle your case or win at trial. This, of course, assumes that the wreck was not your fault. If it was, you are on your own. Frequently we see people who have reliable older cars with lots of mileage. It may be a car that your grandmother bought for you years ago and it is steeped with sentimental



value to you. You will quickly find that the adjuster for the guy who caused the wreck will not appreciate the scope of your loss. He will pay you no more than the blue book value of the car, period. The fact that you cannot replace your car with an equally reliable car for the money they offer is not his problem.

If the wreck was not your fault, one of the first people you will hear from is the other guy's insurance company. His insurance company will have an adjuster call you to take a statement. The adjuster works for the insurance company and he is not on your side. Remember that when you talk to him. I always participate in these discussions when my clients talk to adjusters to make sure the adjuster does not ask unfair questions. It has been my experience that most adjusters are decent and fair people, but there are exceptions. In any event, this is a critical event in the life of a car wreck case and it is not a good idea to talk to an adjuster when you are in the hospital on a morphine drip. You need to have your head in the game when this statement is taken.

If the wreck was your fault, you should immediately contact your insurance company and tell them what happened. If you don't cooperate with your insurance company it could lead to losing coverage for the loss. You should also keep in mind that your best interest in the case may be different than your insurance company's interest. It is not a bad idea to check with your own lawyer during this process to make sure that your own insurance company is doing what is necessary to protect you.

When a car wreck victim asks me whether I think they should get a lawyer I am always reminded of the old saying that a man who acts as his own lawyer has a fool for a client. There is nothing stopping you from acting as your own lawyer just like there is nothing stopping you from performing your own knee surgery if you want, but you sure may not like the result.