

Lowcountry Injury Law

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WHAT TO DO IN CASE OF AN AUTO ACCIDENT

STOP

Stop your car at the scene of the accident or as close to the scene as possible without obstructing traffic unnecessarily. If you do not stop, you can run into some very serious criminal problems. Take all possible precautions to prevent further accidents and ensure the safety of those involved. Station someone to warn any approaching vehicles and, if at night, put flares and reflectors out, and if you have none, use a flashlight.

ASSIST THE INJURED

If someone appears to be hurt, call an ambulance. Do not move the injured person unless you know what you are doing. Good intentions on your part may result in further injury to the victim.

CALL THE POLICE

Call the local police department if the accident occurs in the city limits. If the accident occurs outside the city limits, notify the county sheriff's office or the South Carolina Highway Patrol. Even in seemingly minor accidents where there are no serious injuries or property damage, notify the authorities immediately. An officer's official report may assist you later if a claim for liability is made.

COMMENTING ON THE ACCIDENT

Cooperate with the policeman, but be cautious. South Carolina law requires the driver of any vehicle involved in an accident to give his or her name, address and the registration number of the vehicle he or she is driving, and to show his or her driver's license if requested. Every law enforcement officer who investigates a motor vehicle accident, by interviewing participants and witnesses, has a statutory duty to file a written report of the accident. You are obligated by law to assist any officer in this investigation by answering questions and discussing the circumstances. Be aware that any statement can be held against you. You should not admit or sign anything even if you think you are in the wrong. You may learn later that you were not at fault or that the other driver was equally at fault. If at a later date the facts show clearly that you alone were wrong, then is the time to admit blame.

OBTAIN NAMES OF WITNESSES

Do not depend upon the investigating officer to obtain names and addresses of the witnesses--they usually do not bother. You should get the names, addresses, and the home and work telephone numbers of anyone who says that they saw any part of the accident or came on the scene afterwards. Try to get statements from them as to what happened. If they will, have the witnesses write down this information at the scene. Always have a pencil and pad, as well as a printout of this brochure, in your car.

SEEK MEDICAL ATTENTION

If you are injured in any way, or if you are not sure, go immediately to the emergency room. This is very important. Your adrenaline will flow because of the collision, and this may prevent you from noticing a problem. If you are unsure, be on the safe side and go the hospital right away. It never hurts to get checked unless you are 100% sure you are fine. You may not be aware of the extent of your injury until several days after the accident. Seeing a doctor immediately is very important in getting fair compensation, if you have a claim. Insurance companies always like to complain about paying when there is any kind of a delay between the accident and the beginning of treatment.

TAKE NOTES ON THE ACCIDENT

Make your own written notes on all significant circumstances concerning the accident. Show the position of the cars after the accident. Walk off the exact distances of skid marks and other important distances. Be certain that at a later date you can point out on the road where the vehicles collided and where they came to a stop. If you or someone else has a camera at the scene, take photos to preserve skid marks, positions of cars and other physical evidence that will disappear after the accident. Complete the **Accident Information Form** at the end of this page as far as it is appropriate to the circumstances and type of accident in which you are involved. Make a diagram of the accident.

FILE REPORTS

You will be given a green piece of paper (in South Carolina - other states will do this differently) called an FR-10. You must take this to your insurance agent within 15 days of the accident. Take it sooner than that, and keep a copy. Your insurance agent will fill in their part of this form and send it in to Columbia to let them know that you are, in fact, insured. This is extremely important regardless of whose fault the accident was. Ask you agent for a copy of the document or make one before you give it to your agent. This document will provide your lawyer with most of the information he needs to get started.

SEE YOUR LAWYER RIGHT AWAY

The sooner your lawyer can get to work, the better he or she can advise you and protect your rights. Your lawyer will help you process your medical bills, work with the insurance company and help you get a fair recovery for your injuries. There is another benefit to seeing a lawyer soon after the accident that most people forget. Being in an accident causes all sorts of worries and disruptions to your life. Your lawyers can take a lot of these worries off of your shoulders. Lots of times folks simply do not understand the process, and a little reassurance from your lawyer that things are progressing the way they should will go a long ways.

Be cautious in dealing with persons offering to adjust your case or trying to hurry you into a settlement. Once a release is signed, it is very difficult to reopen a case. Consult your lawyer, who is trained to assist you in handling the problems resulting from an auto accident. If the opposing insurance company offers a settlement or asks you to sign a release, consult a lawyer immediately.

DON'T PREJUDICE YOUR CASE

Be careful with whom you discuss the accident. You normally shouldn't talk to anyone about your collision except your lawyer. It is generally OK to talk to your own insurance company about the accident, but if you are not sure, ask your lawyer. Don't give anyone a recorded statement over the phone or in person without talking to your lawyer. Don't plead guilty to any traffic offenses or pay any tickets in connection with the collision without talking with your lawyers first. If you get a ticket, call your lawyer for advice on the best way to proceed.

HELP YOUR LAWYER GATHER INFORMATION

Give your lawyer the names, addresses and telephone numbers of all witnesses to the collision and people who came on the scene after the collision. Take pictures of your injuries, especially cuts and bruises, and of the damage to your car. Give copies of to your lawyer. If your car has not been fixed, do not do so until you see your lawyer, because it may be a good idea to take pictures or have the car inspected. If it has been repaired, give your lawyer copies of all estimates and bills.

Keep a diary of your condition and progress. Record how you feel and how your life is affected by your injuries. This can be very helpful in dealing with the insurance company and if a trial is necessary, it can help jog your memory about what you went through. Don't minimize or exaggerate your problems, because that simply wouldn't be the truth. Write down exactly how you are feeling.

Keep an accurate record of the time you lose from work because of your injuries, including time off to visit doctors and other providers. Ask your boss to send your lawyer written confirmation of this and the amount of wages represented by this time lost. Your lawyer needs this information even if you are compensated for your lost pay through sick leave or vacation time.

Keep copies of all your medical, hospital and drug bills, and send the original bills to your lawyer. You should keep records of all the expenses you have in connection with your accident, such as the hiring a maid or mileage or taxi fare for visits to the doctors. If you have health insurance, be sure your lawyer knows about it, but go ahead and turn in your bills to that company. The worst that can happen is that they will be repaid (usually on a reduced basis) from the proceeds of any settlement.

COOPERATE WITH YOUR DOCTOR

Do what your doctor says. Do not get more medical care than you need, and do not get less medical care than you need. If you feel that you are not being treated appropriately - either too much or too little care - tell your lawyer. He will usually know the general reputation in the community of most doctors you will encounter. He can help keep you away from the (very few) doctors and other medical providers who may not have your best interest in mind.

KEEP IN TOUCH

Stay in touch with your lawyer. There is no need to call every day, or even every week, but you should check in from time to time. The lawyer may not call you unless he has some specific news about your case, and in the beginning, while you are still treating, this will not be often. Let your lawyer know any time you change doctors, go into the hospital (even outpatient) or see a new medical provider. Also, if you move or change jobs, your lawyer will want to know.

THEY ALL KNOW "SOMEONE"

Take comments from friends and relatives with a grain of salt. Most folks have a cousin or aunt or co-worker "who knows someone" who had the same sort of injuries, and will be happy to tell you all about their case. Invariably, this "someone" got many, many times what your lawyer thinks your case is worth. It is very difficult to evaluate an injury case without knowing all the facts. Each state and county has different parameters for what makes a fair settlement, and this changes over time as well. So long as your lawyer is experienced in these types of cases, listen to his evaluation of your case very carefully. Remember, you are paying him for his advice!

DISCLAIMER

This document is not intended to, and does not provide legal advice or a legal opinion for your particular situation. This document is intended for the general education and information of the public. You should not rely upon any of the information in this document in making decisions which could affect your legal rights. For an actual legal opinion and advice, consult a licensed and qualified attorney.

ACCIDENT INFORMATION FORM

The following should be filled out at the scene or shortly after leaving the scene.

THE ACCIDENT:

Date of accident _____ Time _____

Location of accident _____

Type of road (grade, curve, etc.) _____

Speed of your car just before accident _____

Speed of other car just before accident _____

Direction of your car _____

Direction of other car _____

Were you turning? _____

Was other driver turning? _____

Did the other driver signal properly (with arm, horn, lights, etc.)? _____

If at night, were other vehicle's lights on? _____

How far away from you was the other car when you first saw it? _____

Other pertinent facts _____

The Other Driver and His or Her Car:

Name: _____

Address: _____

Vehicle registration/year/license number _____

Make/model of car _____ Year _____

Does driver appear to have been drinking? _____

Any statement made by other driver as to cause of accident:

Passengers in Other Car:

Name: _____

Address: _____

Name: _____

Address: _____

All Possible Witnesses to Any Fact:

Name: _____

Address: _____

Name: _____

Address: _____

Conditions Noted Immediately after the Accident:

Position of your car after accident _____

Position of other car after accident _____

Location of any tire marks, blood, broken glass, dirt, etc. on road or side of road _____

Location of point of impact in relation to center of road or some physical object _____

Did your car skid? _____ If so, how many feet? _____

Did other car skid? _____ If so, how many feet? _____

Road Conditions _____

Traffic conditions _____

Weather conditions _____

Traffic controls (traffic lights, stop signs, etc.) _____

Place of impact on other car _____

Name/address of wrecker that removed other car _____

Other conditions that affected accident _____

(Produced by SC Bar Association)