

PERSONAL INJURY

If you have been in a car accident or a have had another accident, such as a slip and fall, it's a good idea to speak to an attorney as soon as you can, to make sure that you preserve your legal rights.

If you're in a car accident, you will need to exchange with the other driver your names, addresses, car owner's name and address, and insurance company name and policy number. You will need to report the accident to your insurance company. You're also required to report the accident to the police or CHP within 24 hours if anyone was injured, and you're required to report it to the DMV within 10 days if there was more than \$750 property damage, or if anyone was injured. Particularly if the police don't come and make a report, make a sketch of the scene as soon after as you can, so you can remember it. It's also helpful to take pictures of the scene and damage to the cars with your camera phone or other camera.

Some important first steps after the accident are getting a copy of the police report (if there is one), and locating any witnesses to the accident. If you were physically injured, take photographs of any visible injuries. It's also important to take notes about how you feel immediately after the accident, and as your healing progresses. Also note any pain medications you take, whether prescription or over the counter.

If an attorney takes your case, the attorney will help you collect all the information you need to try to settle your case. If the case is small enough that it isn't cost effective for an attorney to represent you, you can do your own settlement negotiations. The vehicle damage is generally settled first. If your car is totaled and you don't agree with the value established by the insurance company, you can try to increase their offer by documenting any recent maintenance work done to the car, and by researching recent sales of your model of car in your area.

If you were injured, once the injury has healed or is stable, you can try to settle the personal injury portion. You will need to gather your medical bills (including prescription charges) your medical records, and a statement of your wage loss from the employer. You will want to write a letter to the insurance company enclosing those documents, and telling them about how the accident impacted your life, such as the pain you went through, plans you had to change, and activities you weren't able to do. The amount you request for damages will take into account the amount of your documented medical costs and wage loss, "special damages," and your "general damages" for pain and suffering. Some factors that determine the settlement amount are whether the fault of the other party is clear, or whether your own fault contributed, the severity of your injuries, whether you have any lasting effects from the injuries, and special factors, such as if the other party was drunk or tried to flee the scene.

For slip and fall cases, the procedure is similar. You need to report the fall immediately to the store management, or other manager of the premises where you fell. In order to win a slip and fall case you have to prove the fault of the owner/manager of

the premises, i.e., that they knew or had reason to know of the unsafe condition and failed to correct it, or that they didn't have a reasonable maintenance schedule. It's generally difficult to prove fault in slip and fall cases.

The statute of limitations for personal injury cases is two years, so don't wait longer than that to file suit if you can't settle the case.

The attorney fees for personal injury cases are generally paid as a contingency fee, out of the settlement proceeds. The MEF/CEO legal benefits therefore don't cover the fees to represent an injured party. However, the legal plan attorneys can consult with you and advise you if you want to try to negotiate for yourself, or if you are the one being sued.

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