

WHAT TO DO AND NOT DO OF YOU'RE INVOLVED IN AN ACCIDENT

What should I do if I am in an automobile accident or any type of motor vehicle accident?

- Call the police and make a report at the scene; do not admit fault just give them the facts;
- Get names and phone numbers of any witnesses to the occurrence if they support your version. If you are unable to obtain names and numbers due to injury, have someone else get names if possible.
- Get medical attention as soon as needed.
- You should offer your health insurance information to pay for your medical bills; the health insurance carrier will be able to recover their payments later from any recovery you make.
- If you don't have health insurance then the vehicle in which you were riding may have what is called a medical payments coverage, whereby it will pay your medical bills resulting from the accident up to the coverage limits.
- You should report the accident to your insurance carrier as soon as possible.
- If there is clear liability and the other parties insurance company accepts responsibility they will pay for the repair to your vehicle or give you the fair market value if the vehicle is a total loss. If the other parties insurance company will not accept responsibility and you have coverage, then your insurance company will pay for the repairs to your vehicle, less your deductible. Your insurance company will pursue a claim for that money against the other driver or his insurance carrier.
- DO NOT GIVE A RECORDED STATEMENT TO ANYONE CALLING FROM THE OTHER PARTIES INSURANCE COMPANY YOU ARE NOT REQUIRED TO DO SO. YOU DO HAVE TO GIVE YOUR INSURANCE COMPANY A VERBAL REPORT AND COMPLETE A WRITTEN REPORT, IF REQUESTED, BUT DO NOT GIVE A RECORDED STATEMENT TO YOUR OWN INSURANCE COMPANY UNLESS IT IS CLEARLY THE FAULT OF THE OTHER DRIVER. YOU DO HAVE TO COOPERATE WITH YOUR OWN COMPANY REGARDING THE INVESTIGATION OF THE OCCURRENCE.
- Get photographs of your vehicle if there is significant damage. Take pictures of any visible injuries to your body.
- Call an attorney as soon as possible to go over the facts and get advice on what you need to do. You may hurt your chances of a full recovery by saying or doing the wrong thing! It costs nothing to call because the recovery for an injury case is based upon the amount recovered. If you recover nothing, you pay nothing.
- If the other driver received a traffic citation then you need to consult with your attorney Whether you should attend traffic court. The only finding at traffic court that is admissible in a civil case would be if the person plead guilty to the charges on the ticket. If you testified at traffic court anything you say could be used against you in the civil case and Attorneys usually advise their clients not to appear unless accompanied by the attorney.
- If the vehicle which caused the accident or the driver was not covered by insurance or does not have enough insurance to cover your loss, then you may file a claim against your own insurance company under a provision called uninsured/underinsured coverage. Most policies provide for this type of coverage. You pay a separate premium for this type of coverage so don't feel bad about making a claim.

Public Transportation Liability

There are countless types of transportation accidents which can include a car service, limo service, livery, CTA bus, el-train, subway, school bus or railroad. Some are multi vehicle accidents and some involve only one type of transport, such as a train derailment. Depending on the type of transportation your rights may differ and the operator may owe you a higher degree of care, such as when you are a passenger on a train. You need to know your rights and the time limitations imposed on filing claims against them.

Motor Vehicle Liability-Cars, Trucks, SUVs and Motorcycles

Our busy roadways grow more dangerous everyday. We have extensive experience handling claims involving car accidents, SUVs, semi-tractor/trailers, motorcycles and truck accidents. Please see our special informational section on what to do if you're involved in a collision with another driver.

Drunk Drivers

If you were involved in a collision with a drunk driver and you were injured you need to consult with an attorney right away. In addition to a claim against the intoxicated driver, you may be able to make a claim against the establishment where the person was drinking, whether it was a bar, restaurant, banquet hall or private home. Claims under the Dram Shop Act which allows for limited liability against the establishment which served the intoxicated person must be filed within one year of the accident, unlike the claim against the at drunk driver.

Premises Liability

Premises liability is a general area of law which governs the responsibilities of a landowner or a person who is in charge of a property or building. It can include slip and fall accidents due to snow, ice, spills or other dangerous conditions. It can also include accidents due to poorly lit stairwells, burned out light bulbs, bad lighting at entrances and exits to buildings, broken or worn stairs or steps and uneven floors. Many slip or trip and fall accidents involve poor maintenance or carelessness by store owners, landlords, restaurants and bars. Even a homeowner is responsible for maintaining his property so it does not cause injury to guests or other people on the property.

Medical Malpractice

Medical negligence is a broad area of the law with many different aspects such as: doctor's negligence, nurse's negligence, hospital negligence and the malpractice of a psychiatrist or psychologist. These types of cases require the review of a qualified medical expert and a report before the case can even be filed. Whether you have been the victim of surgical a mistake, inadequate care, failure to diagnose a disease or other medical malpractice, you must consult with an attorney as soon you suspect that a health care professional has failed to give you competent, professional care and treatment.

Birth Injuries

If your child sustained an injury or died during delivery you may have a claim against the obstetrician, hospital or medical staff who was negligent, in treating you and your unborn child. These cases often result in lifelong injuries which can result in crushing financial and emotional hardship. Unlike other personal injury claims that usually have a two year time limit to bring a claim, the period is longer for a minor. However, you need to consult an attorney immediately when you learn of or suspect a problem with your child, regardless of their age. All relevant medical records must be obtained and reviewed by a medical professional to determine if there was negligence.

Animal Attacks and Dog Bites

It seems like not a day goes by, when there isn't news of someone being attacked by an animal. Whether it's the neighbors Poodle or a stray Pit Bull, animal owners are responsible for their pets and can be found liable if there pet bites and causes injury. A special statute covers these injuries in Illinois and the statute is not limited to pets, but covers any type of animal attack.

Nursing Home Liability

Many of us have loved ones in a nursing home or assisted living facility. When you place your trust in one of these facilities you expect proper care. Unfortunately that is not always the case. Residents have been subjected to physical and emotional abuse, improper supervision resulting in falls, choking on food, bedsores and countless other problems. Nursing home neglect and nursing home abuse cases require a careful review of the records relating to the patient and the records of the facility and public agencies which oversee them. If you suspect a loved one is not receiving the proper care or is being neglected or abused, contact us with your concerns.

Defective Products

These types of case are commonly referred to as product liability cases. More often than not, they occur at the workplace where dangerous machinery is in use and may lack proper guards or otherwise have been designed with out proper safeguards. The same hold true around the house where lawn mowers, power saws and other power tools which are commonly in use can cause disabling, life altering injuries due to a lack of or poorly designed safety devices.

Household appliances, such as defective space heaters, furnaces, smoke detectors and light fixtures cause countless injuries. Product liability cases also involve tires, cars, trucks and SUVs. Any product that is put into the marketplace may not have been improperly designed, tested or manufactured.

Something as innocent as child's toy can pose a danger to the health and safety of a child. Loose or small pieces can pose choking hazards; lead paint coatings can cause serious and life long problems with a child's brain; and pinch points or other defects in cribs, strollers, buggies and swings can cause lifelong injuries.

If a product is involved in an injury, whether it is a multi million dollar piece of industrial machinery or an inexpensive, but unsafe children's toy, more often than not, the law may allow you to recover for your injury.

On the Job Injuries

Workplace injuries in Illinois are covered by the Workmen's Compensation Act. The act limits the recovery given to an injured worker from his employer. One of the purposes of the Act was to eliminate the need to prove fault on the part of the employer or the lack of fault of the employee. You may still recover even if it was caused by your fault. If you are injured while performing your job then you may have a claim against your employer. You must promptly report the injury to your employer and get names of any witnesses to the incident.

You are entitled to have your reasonable medical bills paid and also partial payment of your wages while you are recovering from your injuries. You may also recover for any disability caused by the accident on a temporary or permanent basis.

However, these claims often result in an inadequate recovery for the injury sustained. Every injured worker should consult with an attorney about his or her workman's comp claim and any additional claims which arise out of defective or dangerous equipment being used at the time and injuries occurring on or off the premises of the employer where a third party may be responsible. Simple examples would be when a driver is making a delivery to a store and is injured due to inadequate maintenance at the store; a truck driver is involved in a collision while driving his route; or a factory worker is injured by a piece of machinery.

In all these examples there may be a recovery for workmen's comp and an additional recovery against the store owner, other driver or machine manufacturer. Call us to review the facts and make sure you're getting the compensation you are legally entitled to.

Construction Site Injuries

Today's construction workers face countless dangers in their day to day lives. Falls, defective scaffolding, accidents due to co-workers or inadequate equipment are just a few of the countless ways a worker can be injured on a construction site. Oftentimes accidents arise when a general contractor fails to properly manage the sequence of construction or miscommunications arise between the various trades resulting in unsafe conditions at the worksite.

Although the injured worker is entitled to workmens comp, more often than an additional third party claim can be made against the general contractor or on or more of the subcontractors resulting in a larger recovery which fully compensates the injured worker in addition to any workmen's compensation recovery.

Airplane/Aviation Accidents

Due to the nature of planes and jets, accidents often result in death or the most serious of injuries. If you or a loved one has been involved in an accident involving flight, you must contact an attorney as soon as possible. These cases require particular expertise and the attention of a specialist in aviation liability.

Boating Accidents/Maritime Liability

Pleasure boaters, charter operators and cruise operators may be responsible for injuries which result from their negligence. Whether its something as simple as driving too fast for conditions in choppy water or a cruise line failing to provide proper security on the ship, injuries which occur on the water or arise out of the operation of a boat require special expertise in maritime law.

By : Kavathas & Castanes

Visit our website : www.InjuryAttorneyChicago.com