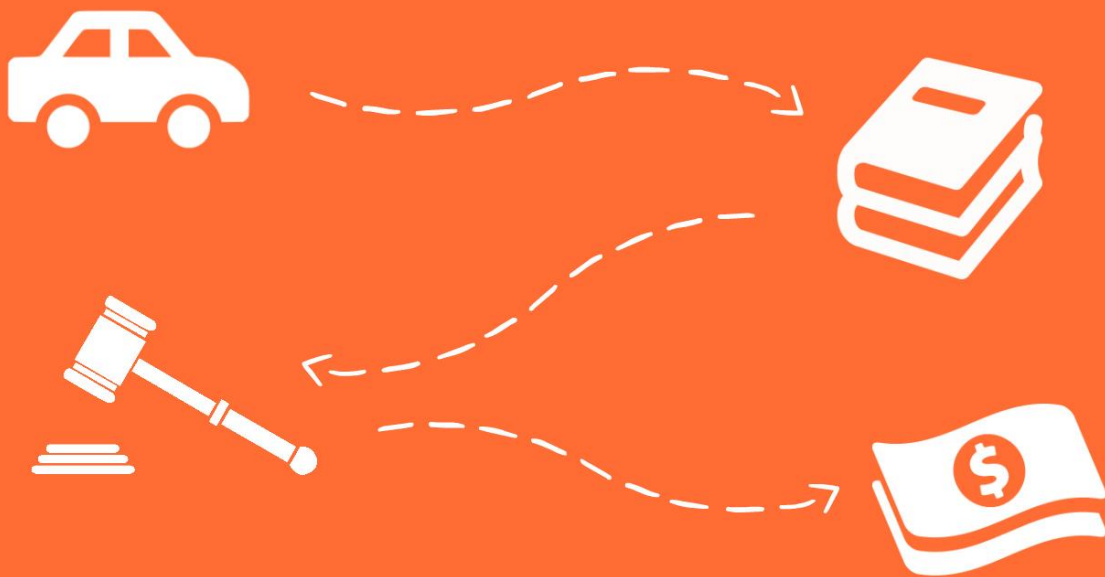


HOW TO MAKE A SUCCESSFUL CAR ACCIDENT INJURY CLAIM IN TEXAS

A GUIDE TO WINNING THE
MOST FOR YOUR CASE



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INTRODUCTION: THE KEYS TO A SUCCESSFUL CLAIM

You've been in a car wreck. I'm sorry to hear it. Auto accidents really, really stink.

After the accident, you're likely feeling a bit overwhelmed. You've got unpaid medical bills, you might be missing work and you're in pain. What's more, you've suddenly been thrust into the unfamiliar world of insurance and accident policies and you aren't sure where to begin.

This guide will cover what you need to know to file a successful car accident injury claim in Texas. We'll discuss:

- What to do right after the accident
- Three questions to help get you started
- How to start the injury claims process
- Common (but serious!) mistakes to avoid
- What happens next

By the end of this guide, you'll understand the difference between an average settlement and a great one, and the steps you can take to ensure you get the compensation you deserve.

WHO SHOULD READ THIS GUIDE?

I wrote this guide specifically to help people who were hurt in an auto accident in Texas that wasn't their fault. You will benefit from this guide if you:

- Were the victim in an auto accident (meaning someone else was at fault)
- Have unpaid medical bills
- Are having trouble dealing with your insurance adjuster
- Have missed work due to your accident
- Aren't sure how to make a claim in Texas
- Want to learn about the compensation you're entitled to under Texas law

Statistically speaking, you'll wreck your car two or three times over the course of your life. Hopefully your wrecks are minor with no injuries, but if you were hurt in an accident and it's the other driver's fault, you'll need to know how to make an injury claim.

No one should be left to deal with unpaid bills, especially if the accident wasn't your fault. However, the only way you can win compensation for the injuries sustained in the accident, missed time off work, pain and suffering is by making a claim. The Texas justice system isn't set up to help accident victims unless they do so!



HOW MUCH IS YOUR CASE WORTH?

This is one of the first questions accident victims ask me after they've been in a wreck, and rightly so. It's important that you understand the compensation you're entitled to under Texas law after an accident – if you know the value of your case, then you'll also know if and when the insurance company gives you a fair offer (and whether or not you should accept the offer they give you).

As you'd expect, all cases are different. If you want a real estimate on the value of your case, feel free to call my

office for a case evaluation (the call is completely free and comes with no obligation). Over the years, we've gotten very good at accurately calculating both tangible costs (medical bills, property damage, missed work days, etc.) and intangible costs (emotional trauma, lost sleep, loss of life enjoyment, and so on).

Unfortunately, it's hard to estimate your specific claim's value without speaking with you directly. If you're curious to discuss your case with a lawyer, I offer free, no-obligation consultations.

The number to contact the Anderson Law Firm is 817-294-1900.



In the meantime, I'm sharing the question we use to determine the value of each of our client's cases.

1) Who Caused the Accident?

Is one side clearly at-fault? Sometimes, like in car wrecks for example, one driver clearly caused the wreck and is 100 percent at-fault. Other times, fault can be split between the two drivers. If you're even slightly to blame for the accident, it will devalue your case.

2) Did You Go Straight to the Doctor?

The sooner you saw a doctor after your accident, the better. Sometimes, people choose to wait and see if they'll heal on their own, but this is a mistake. The longer you wait to seek medical attention after your accident, the worse it looks to the insurance companies. They'll use it as an argument against you by saying things like, "You must not really be that hurt if you didn't go right to the doctor."



3) Have You Been a "Good Patient?"

Patients are expected to follow their doctor's advice and not miss any appointments. Having unexplained gaps in treatment hurts the value of your case because the other side can once again argue that you "weren't that hurt." If you want to help the value of your case, you must do everything the doctor orders and if you need to miss an appointment, reschedule immediately.



4) How Serious Are Your Injuries?

As you might have guessed, the bigger your injuries, the more your case is worth. Some other questions to ask are did your injuries heal well, or are you left with scars? Do you have any lasting physical limitations? Did you have any broken bones? Surgeries? Is there physical evidence, such as MRIs, CT scans or x-rays, that demonstrate the damage done? Also, what about future medical treatment? If you'll need ongoing medical treatment or physical therapy, your case will be worth more.

Similarly, the severity of your disability or disfigurement affects the value of your case. If you are permanently disabled, then compensation for "future" damages is necessary. Also, scars are lifetime reminders of the tragic accident. You can be compensated for that.

5) Did You Miss Work Because of Your Injuries?

In Texas, you have a right to compensation for missed work days and lost earnings. Similarly, if you're unable to return to work you can recover compensation for your lost earning capacity. Missed work has to be supported by your employer or if you are self-employed, by your tax returns.

6) How Strong Is Your Evidence?

Solid evidence is vital in building your case. According to the law, you can't just point fingers and blame the other side for causing your injuries. You have to prove that the accident was their fault, and also that the accident caused your injuries. Then, you'll need to show the negative impact your injuries have had on your finances and your life. Do you have pictures from the accident scene? Testimonies showing the important life events you missed? Did you suffer financial problems due to medical bills and missing work? Did your marital relations suffer?



WHAT TO DO RIGHT AFTER THE ACCIDENT

1) Call 911

Assuming your injuries don't warrant a ride to the hospital, you should call the police at the scene of the accident. When the police arrive, they'll file an accident report that will contain lots of valuable information you can use as you're making your claim, including who the police think caused the accident and if any tickets were issued.

If you were too injured at the time of the wreck to call the police but were taken away in an ambulance, it's typical for the police to follow EMS to the scene and file a report anyway.

You can find your Texas crash report online on [PoliceReports.US](https://www.police-reports.us) (and can purchase it for \$6.00). To find the report, you'll need to know the date of your wreck and one of the driver's names, or the report number.

What If You Don't Have a Police Report?

There are a few reasons the police might not have filed a report: if you didn't call them, if there weren't enough damages or if no one was hurt. However, sometimes you realize after the fact that you should have called the police or that you really are hurt.

In these cases, I'd advise you to consult with a personal injury attorney – you still have an accident case, but it will be tougher to file a claim and win the money you deserve since accident reports are one of the main things insurance companies look at. An attorney can help you build your case using alternative information and will advise you based on your personal situation.

2) Get the Other Driver's Information

You should write down the other driver's name, insurance provider, insurance policy number, their car's make and model and their license plate number. You'll need this information to file your claim. If you were too hurt at the time of the wreck or didn't manage to get all this information for any reason, that's okay - it will also be in the police report.

What If the Other Driver Didn't Have Insurance?

Though they're breaking the law, this does occasionally happen. If you were hit by a driver without insurance – or without enough insurance to cover all your damages and injuries – you still have options. For instance, you can use your own uninsured motorist insurance (if you have it). This kind of insurance covers you if you're hit by another driver who was driving without any insurance of their own.



3) Take Pictures of the Crash Scene and Your Injuries

As a personal injury lawyer, I can't tell you how valuable pictures are, especially if you think the other driver is at fault for the wreck. If the other driver caused the accident, you're going to have to prove it during the claims process. Pictures are a great way to do this - they provide irrefutable evidence to support your case.

Use the camera on your phone to take pictures of the crashed vehicles, the surrounding scene, skid marks on the road, shots of your injuries, etc. The more pictures the better

What If You Forgot to Take Pictures?

If you forgot to take pictures at the scene of the accident, you can try returning to the scene to take pictures after the fact (like of skid marks or debris that still remains, and also of the layout of the roadway). Similarly, get pictures of your vehicle before it's repaired (even if it's been moved from away from the place of accident).

4) Seek Medical Attention Right Away

The longer you delay treatment, the less likely insurance companies will agree to cover the cost of your injuries. If you don't go directly to a doctor, it's kind of like saying "I'm not that hurt," and insurers will use it against you.

I see lots of cases where injury victims waited to see a doctor because they thought they'd get better or they wanted to "tough it out." While it's understandable that you might want to save the money or you don't think you need help, you're hurting yourself in the long run if you don't get the treatment you need. Bottom line, if you're hurt, see a doctor.

5) Call Your Own Insurance Company

In most cases, you are contractually obliged to make your own insurance company aware whenever you are involved in a traffic accident, be it a mild fender bender or more serious collision. Call your own insurance company to let them know you've been in an accident and that you're making a claim through the at-fault driver's policy.



THREE QUESTIONS YOU NEED TO ANSWER TO START YOUR CLAIM

Unfortunately, injury claims aren't simple or straightforward, but with the right amount of preparation you can handle yours effectively. To start, you'll need to answer these three questions:

1) Are You Hurt?

This might seem like a silly question, but you CAN'T make an injury claim unless you were hurt in an accident. An injury claim is not the same as a property damage claim (which takes care of damage to your car).

2) Did The Other Driver Cause the Wreck?

This is another important question to answer before starting the claims process. You CAN'T make an injury claim unless the other driver caused the wreck, and the wreck caused your injuries (If on the other hand you caused the wreck, you'll need to use your own health insurance to cover your medical bills).



In Texas, it's possible for you to "share" fault with the other driver. In other words, both drivers can be found responsible for an accident. (For example, if you were texting and driving but the other driver was speeding and you two wrecked, you might share fault – they shouldn't have been speeding, but you should have been paying attention).

If you aren't sure who caused the accident, or if both drivers think the other person caused the wreck, evidence must come into play. That's

why it's so important to take pictures at the scene of the accident, to keep track of all of your medical bills and tests, to get the crash report and talk to witnesses, and so on.

If you're in a car accident and you think it's the other driver's fault, it's extremely important to secure your evidence quickly. If there are severe damage or injuries, I'd advise you to hire an attorney to ensure the evidence is properly obtained.

I mentioned the opinion of the responding police officer counts as evidence. After a car wreck, you must call 911. The responding officer will assign fault in their police report. Though the officer's opinion isn't always accurate, it usually does a good job and can be used later on if the issue of liability is in dispute.



What If the Other Driver Denies Fault?

If you were in an accident that was someone else's fault but they lie about what happened or deny responsibility, it's a good idea to consult a personal injury attorney to protect your rights. When you file a claim, you'll be fighting the at-fault driver (and their insurance company) to pay you for the damages caused in the accident. However, if the other driver denies liability and their insurance company believes them, you'll get paid nothing. By hiring a lawyer, you'll help protect yourself from this outcome.

3) Does the At-Fault Driver Have Insurance?

Unfortunately, you CAN'T make a claim against a driver who isn't carrying insurance. (Yes, it's illegal to drive without insurance, but people do it anyway). If you were hit by someone without insurance (or if you were a victim of a hit-and-run accident), you can use your own uninsured motorist insurance to cover your injuries and damages, as I mentioned earlier.

The reason you can't make an injury claim against a non-insured driver is because when you make a claim, you're asking the person's insurance company for money - not the individual themselves. It's the reason we all carry insurance.

HOW TO MAKE A SUCCESSFUL PERSONAL INJURY CLAIM IN TEXAS

If you answered yes to these questions, you're ready to move on with your injury claim. If you've been hurt in a wreck that was someone else's fault, you deserve compensation for your medical bills, missed work days, pain and suffering. You shouldn't have to pay for someone else's carelessness, which is why Texas law protects accident victims.

1) Gather Your Evidence

Filing an injury claim isn't as simple as pointing fingers. You'll need to prove that the other driver caused your accident and the accident caused your injuries. The pictures we discussed earlier will be very important.

If you were in a big wreck with lots of injuries, you should consider talking to a personal injury lawyer. A lawyer's job is to gather evidence for you and construct your case in a way that proves the other driver was at fault. Without strong evidence, you won't be able to get any money for your injuries.



2) Call the Other Driver's Insurance Company

Have the at-fault driver's name and insurance policy number handy. When you call the claim in, be ready for a long call; they'll ask you lots of questions. During this initial call, you should receive a claim number and establish when you should hear back from the adjuster. You must stay on top of this and continue to call if you don't hear back in the time frame quoted.

3) Download My Free Book, "15 Mistakes That Will Wreck Your Texas Accident Case"

In this guide, I've given an overview of how to start the injury claims process. However, there are certain things you shouldn't do during the claims process – things that could seriously hurt your case and prevent you from winning the money you deserve. These include:

- Do NOT wait to get medical treatment.
- Do NOT fail to report all of your injuries to your doctor.
- Do NOT fail to properly report all documents during your claim.
- Do NOT give the insurance adjuster a recorded statement.
- Do NOT release your medical records to the adjuster.
- Do NOT exaggerate your injuries or ability to work.
- Do NOT overlook all possible insurance policies available.
- Do NOT wait too long to file your claim.

In my book, I dive into these topics more deeply and explain the right way to handle your insurance claim. To help you better understand your legal options, you can request a free copy of my book, *15 Mistakes That Will Wreck Your Texas Accident Case* by visiting FullJustice.com. The book costs you nothing and comes with no obligation. Period.

4) Consult a Board-Certified Personal Injury Attorney

Many people decide that it's not worth it to handle their injury claim on their own - either they're too hurt, there's too much money at stake, they don't have the time or they feel more comfortable leaving their case in the hands of a professional.

Hiring an attorney is a great way to "give away" the stress of making a claim. A good accident attorney will take over your case, gather evidence, negotiate with the insurance company and prepare your case for trial, if necessary. They'll do whatever it takes to win you the compensation you deserve.

Hurt in Dallas-Fort Worth? Contact the Anderson Law Firm today for a free, no obligation consultation on your Fort Worth car accident injury claim. Call us toll free at 800-354-6275 or locally at 817-294-1900



WHO AM I?

After growing up in Fort Worth and graduating from Boswell High School, Mark attended Texas Tech University and Baylor University School of Law. Mark started at Texas Tech with an interest in business, but soon met a pair of lawyers—a husband and wife—who would change the course of his life. Their stories about the people they had helped inspired Mark to pursue a career in law.

Mark went on to be the editor-in-chief of the *Baylor Law Review* and graduated law school with honors. In 1991, he was admitted to the Texas bar and over the years he has helped car accident victims, truck accident victims, bicycle accident victims, motorcycle accident victims, bus accident victims, dog bite victims, and others get the recoveries that they deserve.

Mark understands the needs of his clients and is a knowledgeable and devoted victims' advocate.

“I devote an incredible amount of time to making my law practice a place where injury victims can feel relieved from the stress of these claims,” says Mark. “Over the years, I have learned that while clients hire me to win them compensation, what they appreciate more is the personal service my staff and I aim to provide. To my clients, just knowing that someone is out there fighting for them means a ton.”



Mark Has Been Recognized for His Achievements

Mark is board-certified in personal injury law—an achievement that only two percent of all Texas lawyers can claim. He has won millions of dollars for his clients, and he is or has been:

- Recognized annually by *Fort Worth Magazine* as a Top Attorney
- Recognized as a 2014 Super Lawyer by Thompson Reuters
- Rated with the prestigious AV Rating by Martindale Hubbard



- Published by the *Texas Bar Journal*
- Rated by AVVO as 10.0 or Superb
- Rated by the Better Business Bureau as A+
- A member of the Esteemed Lawyers of America (ELOA).
- In the top one percent, according to the National Association of Distinguished Counsel (NADC).
- In the Premier 100, according to the American Academy of Trial Attorneys (AATA).
- The author of *Roadmap to Winning Your Texas Motorcycle Accident Case*, *15 Mistakes That Will Wreck Your Texas Accident Case*, *The Injury Victim's Guide to Credit Repair*, and the *Texas Property Damage Guide*.
- A frequent speaker at the state bar association and state paralegal association, where he teaches attorneys and paralegals about personal injury law.
- A guest on a numerous TV stations to discuss his cases.

If you were hurt in an accident in Dallas-Fort Worth and you'd like to set up a free consultation, the accident attorneys at the Anderson Law Firm are here to help. During our meeting, we'll discuss the specifics of your case, advise you on the best course of action and let you know whether or not our services are a match. It costs nothing to hire us (we only get paid if we win on your behalf) and all phone calls are free.

Call today at 817-294-1900 to ask about your case.