

GEORGIA CAR ACCIDENT GUIDE

*What To Do If You're Seriously Injured
In A Car Accident*

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When car accidents happen, the first thing that we usually check is our injuries. Once those have been identified and everyone is checked up on, you look to see who caused the car accident. When someone is seriously hurt in a car accident, the liable party will be in serious trouble. If you have sustained injuries due to someone

else's negligence, then you will be eligible to bring a claim against that negligent party.

We understand how terribly frustrating this may be as your life has probably been flipped on its head. Your injuries could be long-lasting or potentially even permanent which makes this even harder to deal with. You can collect compensation for the injuries and damages you have sustained through the liable party's insurance company. You most likely have a heap of medical bills, the insurance company breathing down your neck, missed time at work for your injuries, and a reduced enjoyment in your daily life. We just want to express our deepest sympathies at this time.

We understand how important it is to collect the most full and fair compensation award possible. Our Georgia car accident attorney is here to help you recover it from the negligent party. These accidents could have been avoided and because someone acted carelessly, you have to suffer which is simply not fair. We will take on the insurance company to protect your right to full and fair compensation. You deserve to get this award to cover all of your damages and injuries. We are willing and able to take on your case and protect your rights. If we cannot get the compensation during a settlement, we can take your case all the way to trial to get you the best outcome possible. After you learn about your car accident case, please call our office today to set up a free initial consultation.

MOST COMMON TYPES OF CAR ACCIDENT INJURIES

Our Georgia car accident attorney has success handling even the most severe of accidents. We have a proven track record and experience working with a variety

of car accidents. It is very important that you hire an attorney who knows how to successfully bring, settle, and try a car accident claim. Your injuries can be severe and you deserve full compensation for them. The most common types of car accident injuries include:

- » Broken and/or fractured bones
- » Sprains and strains
- » Traumatic head injury
- » Concussion or contusions
- » Head, neck, back, or spinal cord damage
- » Internal organ damage
- » Scarring or disfigurement
- » Cuts and lacerations
- » Paralysis
- » Nerve, muscle, or tendon damage

We understand how devastating car accidents can be and the amount of devastation the injuries can produce. Your injuries can make you feel like you are struggling to maintain a normal life like you lived prior to your accident and that can really affect yourself and your family.

If you were injured in a car accident and you want to pursue full and fair compensation, make sure that you are prioritizing yourself above everything else at this time. Avoiding medical care is not an option. You may have adrenaline for a while to mask the pain, but eventually it will get worse and you don't want to be regretting your choice to wait and see if it gets worse. This mentality does not serve you at all. In fact, it will only damage your case.

You need to make sure that you are taken care of at an emergency room, urgent care facility, or even your primary doctor. If you avoid doing this, you may be at risk of making a bad injury even more severe. You also run the risk of giving the insurance company an excuse to limit or eliminate their responsibility to compensate you. If there is a gap in treatment, they will either claim your injuries were from something other than this accident or that you are lying about the severity of your injuries. Your medical records serve as evidence for your case so you don't want that evidence to favor the insurance company's side of things.

You want to get to a medical care professional right away to seek treatment so that you are on the road to recovery and there is no gray area about how you got these injuries.

FREQUENTLY ASKED CAR ACCIDENT QUESTIONS



How Do I Pick the Right Attorney?

Car wrecks are things that people in the community deal with on a regular basis. People frequently ask me how they should go about hiring the best lawyer for that situation. There are many things that need to be taken into consideration. The first one is the experience of the lawyer that would be handling the case. There are a lot of things that go into investigating and working up car wreck cases. If you have someone representing you who's not handling car wreck cases on a daily basis, there are a lot of things that they may miss and not know to look for that can severely harm the value of your case.

At the Gunnels Law Firm, we handle car wreck cases on a daily basis, so we know all the ins and outs. You don't want to find yourself being represented by an attorney who handles all varieties of cases and doesn't spend the vast majority of their time on personal injury.

Another thing to keep in mind is you want someone who knows what the insurance companies see as being factors that motivate good settlement offers. If you're not working up the case properly, insurance companies aren't going to pay much attention to you. There are pressure points in all these cases, and you have to have an attorney who knows these pressure points to be able to get the best resolution for you.

You also want to make sure that you have an attorney who is to take a car wreck case to trial. Insurance companies keep a list of attorneys who try cases and

those who don't. You can guarantee that the attorneys who don't try cases are not going to get as good of offers as the attorneys who do. It is the fear of what a jury may do with a case that really motivates an insurance company to put their best offers on the table.

At the Gunnels Law Firm, we are frequently in court trying cases. We know how to work them up from start to finish, and how to present them to a jury when necessary. Always make sure that you have an attorney who has extensive experience in these areas and can take the case all the way through to the finish line.

What Are Some Common Mistakes I Should Avoid?

When it comes to car accident claims, there are several mistakes we regularly see that are detrimental to a claim, even if the client doesn't realize it. The first thing that we often see is a client who doesn't contact the police to get an incident report. This is essential because it gives us documentation of the claim and it lets us know who it is that we need to pursue the claim against.

Another thing is failing to take photographs of the vehicle involved to show the property damage. Often, police officers don't accurately record the amount of damage that has occurred to the vehicles in the police reports, and if we don't have the vehicle photographs showing the damage, an insurance company can use the police report to try to minimize the extent of the impact and, therefore, argue that you shouldn't have had that big of an injury.

Another thing that clients sometimes fail to do is tell the officers at the scene of the wreck that they have been injured. Let the officer know that you're hurting because that information goes in the police report. If you claim during your lawsuit that you began feeling pain immediately, but you didn't tell the officer that, the police report is going to say "no injuries reported," and then we have a conflict. Make sure, every time, that you tell the officer that you're in pain.

The next thing to do is, if you're in serious pain, get medical treatment immediately. If you tell the responding officer that you are in pain, he or she is going to ask if you would like an ambulance. If you have the opportunity to go in an ambulance, go ahead and get checked out at the emergency room. If you can't

do that and you're already in pain, drive yourself to the emergency room and get checked out. Again, this documents your injuries and it makes sure to get the treatment process started.

Another thing that's problematic is once treatment gets started, we have clients that don't show up regularly to continue their treatment. That creates gaps in treatment that are tough to deal with. Insurance companies will start pointing out that if you were seriously injured, you wouldn't have been missing treatment. Do what your doctor says and make sure you get to those appointments.

It's very important, also, to not delay in getting a lawyer. You need to get a lawyer as soon as possible to make sure that your rights are protected, and make sure you get a lawyer who has lots of experience handling these cases. If you've been injured in a car wreck and you need representation, please give me a call immediately. I'm here to help.

How Much Is My Case Worth?

When we see clients with injuries suffered in car wrecks, one of the first things they want to know is how much their case is worth. That's a very difficult question to answer because there's so many variables to the value of a case. A case is generally going to depend on things such as the amount of the medical expenses, the permanency of the injury, and how much it's disrupted your life.

In Georgia, things that you can recover for personal injury are special damages, which are lost wages and the value of medical expenses, and what's called non-economic damages, which includes things such as pain and suffering and the disruption of your life. Those are the categories that you're looking at in terms of how much your case is worth.

Another limiting factor in the value of your case is the concept of at-fault liability insurance. Your case is generally going to be capped out, in terms of value, at the amount of liability insurance the at-fault driver has, unless you have some uninsured motorist coverage of your own, which we highly recommend. You can have a million dollars in damages in your case, but if you don't have uninsured motorist coverage and the other party that caused your injury only has \$25,000 worth of coverage, you're going to be stuck, in most instances, with that \$25,000 worth of recovery, despite the extent of your injuries.

The best thing to do if you're injured in a car wreck is immediately consult an attorney so that attorney can help walk you through this process and make sure that all the things are being done that need to be done and to present your case in the best light to help you achieve the best possible recovery. If you would like to consult with me about your car accident case, please give me a call. We're here to help.



Are There Minimum Medical Bills Required to Bring a Case?

When clients contact us about injuries they sustained in car wrecks, one of the questions that they often have is if they need a certain amount of medical expenses in order to warrant pursuing a claim. The answer is that not every case is alike and that can vary. Some cases can have significant injuries and relatively minor medical expenses, and those cases are worth pursuing. Other cases can have minor injuries and minor expense and not be worth pursuing. For example, we may have a case where the only injury someone sustained is a gash to their forehead, and all they had in medical expenses was the expense of having it stitched up, but they're left with a permanent and visible facial scar, and that's the type of injury that has some compensation value. Those cases are worth pursuing, even though you may only have a small amount of medical expenses.

On the other hand, you may have a claim where you were in discomfort for a week, and you went to see a chiropractor two or three times, and you have \$500 in medical expenses, those cases generally aren't worth your time. They don't have a lot of value to them, and the amount of time you'd have to spend to pursue them doesn't really warrant it based on what the recovery is going to be.

The best thing to do if you've been in a car wreck and you've been injured is to immediately contact an attorney who can walk you through that process and let you know if you have what is necessary to make up a good car wreck claim. If you have a situation like that and want to discuss it, please give us a call. We're here to help.

Should I Give a Recorded Statement?

We're often asked by people whether they should give a recorded statement to the at-fault party's insurance company when one is requested. The answer to this is, no, don't ever do that, especially without a lawyer present. When a car wreck has occurred, the at-fault driver's insurance company will often ask the injured party to give a recorded statement of what occurred. The injured party may think they're doing their claim a service in making it, but in reality they are only causing hurting themselves.

Insurance companies utilize trained insurance adjusters who will ask questions that may be confusing and misleading. Don't ever participate in one of these statements, especially without the presence of your attorney. If you have a car wreck claim and you need representation to make sure you're not harming your case, please give me a call. We're here to help.

How Long Will This Case Take?

One of the first questions people ask us when they come to us for a car wreck claim is how long it will take to resolve their case. The answer varies greatly depending on the severity of the injuries and whether liability is disputed or not. In these cases, generally we are going to want the client to finish their treatment before we pursue a claim. In these types of lawsuits, you only get one chance, so you don't want to resolve the claim before the full extent of your injuries are revealed. You don't get to go back and negotiate after the fact.



What we like to do is have our clients finish their treatment and we're then ready to submit a demand to the insurance company. If you have a more significant injury and through two years of treatment you are not back to normal, or if you have a very significant injury that is clearly not going to go away, you can submit your case a lot sooner. Two years is an important factor because that's the statute of limitations for a personal injury claim in Georgia.

If you're in a car wreck and you want to file a lawsuit, you have two years from the date of the wreck to do so. If you don't file within that time period, you lose

the right to file that claim. If, for example, you have an injury and you treat for three or four months and then you're back to normal, oftentimes those cases can be resolved within two or three months after the time period where you finish treating. If you have a more significant injury, those cases go into the litigation system. Once there, they may take six to eighteen months to resolve before we can get them taken care of.

If you have a question about the value or the time period it takes to work through a car wreck claim, please give us a call. We're here to help.

What If I'm Hit By an Uninsured Motorist Coverage?

We are often asked by clients what type of car insurance they need to have to protect themselves if they are in a motor vehicle collision. We recommend two types of coverage to everyone that drives an automobile and has insurance coverage. The first is called underinsured or uninsured motorist coverage (generally referred to as UM coverage). The second type is called medical payments coverage, and we generally refer to it as MedPay coverage. These can be very important and can have a big impact on your claim in many situations.

As an example, we recently had a client who had been in a significant motor vehicle collision. Someone had run a stop sign and pulled into his lane. He had very significant injuries and his medical expenses from the ER alone were over \$200,000. Unfortunately, the at-fault driver had a state-minimum policy, which is \$25,000 in liability coverage, and didn't have any personal assets that we could pursue, so our client was left with only \$25,000 in coverage to pursue for hundreds of thousands of dollars worth of injuries. If he had an uninsured motorist coverage policy, he would've had money from his own policy that he could have added onto the at-fault driver's policy.

There are two different types of this coverage that you can purchase. One is called added-on, and the other is called offset or difference in limits coverage. The added-on coverage is the one that you want to get. It does not offset anything from what you have purchased based upon what the at-fault driver had. In the example we talked about before, the client would have the full \$250,000 to pursue on top of the at-fault driver's \$25,000. In the offset version of the

coverage, he would only have an additional \$225,000 to pursue because they would offset the \$25,000 the at-fault driver had against his uninsured motorist policy. Make sure that you get the added-on variety. Uninsured motorist coverage is very inexpensive and it's something that you definitely need to have.

The other type of coverage — medical payments coverage — can also be very beneficial, especially if you do not have health insurance. When you're in a motor vehicle wreck and you need treatment, the at-fault insurance carrier does not provide treatment for you and does not help you go get treatment; they simply reimburse you for your medical expenses after you're finished with your treatment. That can be a problem if you don't have health insurance and can't pay for the treatment up front. When you purchase medical payments coverage, your policy will provide payment for a certain amount of medical coverage that you don't have to pay out of pocket, and then you still can pursue that coverage later when you go after compensation from the at-fault driver's policy.

Like uninsured motorist coverage, medical payments coverage is very inexpensive and is something you should definitely have because it can protect you when these worst-case scenarios happen. Please make sure you have these types of coverage, and you'll be thankful for it later.

CONTACT OUR GEORGIA OFFICE TODAY FOR A FREE CONSULTATION

If you are searching for right the attorney to guide you through the legal journey to get the compensation you deserve, please call our Georgia car accident attorney today to set up a free consultation and let us get right to work for you. We will protect you from the insurance company, collect and preserve your evidence, and talk to your witnesses so you have the best chance at full compensation. Let us be the champion for your case!

ABOUT THE AUTHOR

Mr. Gunnels is the founding member of The Gunnels Law Firm, LLC in Atlanta. Mr. Gunnels graduated from Georgia Southern University with a degree in Business Management in 1999 and from the University of Alabama School of Law in 2002, with honors. While at Alabama, he served as a Senior Editor and Treasurer for the Alabama Law Review and won several awards for skill in oral advocacy in competition with the Environmental Moot Court Team. He was also inducted into the Bench and Bar Legal Honor Society and elected by his peers to serve as an Associate Justice on the University of Alabama's Honor Court. Mr. Gunnels has extensive experience handling a wide variety of general liability matters. He has successfully resolved cases involving wrongful death, personal injury, construction defect, premises liability, mass torts and products liability.

