

The Essential  
**Information Guide**  
for the  
**Auto Accident Victim**

Dedicated to Taking Care of  
The Accident Victim



*The Auto Injury Law Firm*

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**SAWAYALAW.COM**

**Things You Should Do If You're In An  
Auto Accident**

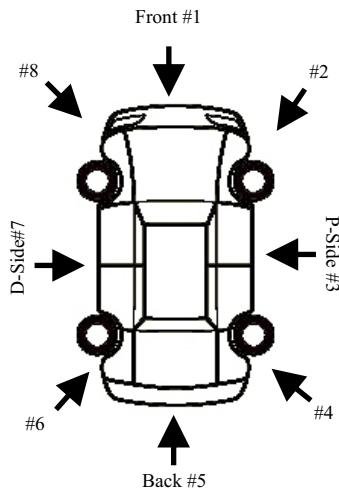
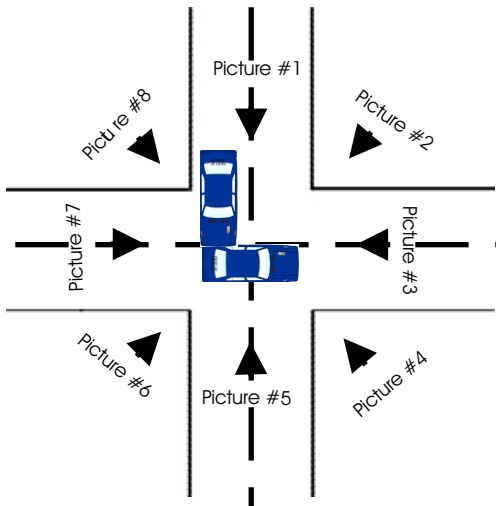
1. **Check for injuries. Life and health are more important than damage to vehicles. When in doubt, call an ambulance.**
2. Call 911 immediately, if an ambulance is needed tell the operator.
3. If you have a camera handy, and it is safe to do so, it may be helpful to photograph the accident scene.
4. If possible, do not leave the accident scene before the police officers arrive.
5. If the accident is minor and there are no serious injuries, move cars to a safe place, rather than risk being in moving traffic.
6. Make immediate notes about the accident including the specific damages to all vehicles involved. If the name on the auto registration and/or insurance policy is different from the name of the driver, make sure to write the appropriate information down. Get witness information, if possible, as well.
7. If you think you are injured, it may be wise to call an attorney and arrange a consultation.

# GATHERING INFORMATION

- Photograph the accident scene from all angles (use diagram below). Use flash if possible.
- Have witnesses give you their personal contact information and statements.
- Move vehicles to a safe location after taking photos (if possible).
- Fill out “other drivers” information card.
- Fill out accident information.
- DO NOT make any statements with anyone but the Police.
- Take pictures of your vehicle's damage from all sides (use diagram below). Use flash if possible.

Scene Photos

Damage Photos



**DO NOT PUT YOURSELF IN DANGER BY STANDING IN THE STREET WHILE TRAFFIC IS MOVING AROUND YOU.**

# OTHER DRIVER INFORMATION

Other Driver Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

License #: \_\_\_\_\_ St. \_\_\_\_\_ Vehicle Plate #: \_\_\_\_\_

Address: \_\_\_\_\_ Apt. # \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone #: ( ) \_\_\_\_\_ - \_\_\_\_\_

Insurance Agent: \_\_\_\_\_ Insurance Phone #: ( ) \_\_\_\_\_ - \_\_\_\_\_

Insurance Company: \_\_\_\_\_ Policy #: \_\_\_\_\_

Owner of Vehicle (if different from driver): \_\_\_\_\_

Address: \_\_\_\_\_ Apt. # \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone #: ( ) \_\_\_\_\_ - \_\_\_\_\_

# ACCIDENT INFORMATION

Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m./p.m. Location: \_\_\_\_\_

Police Department: \_\_\_\_\_ Police Report #: \_\_\_\_\_

Tickets You: \_\_\_\_\_ Tickets Other Driver: \_\_\_\_\_

Brief Description of Accident: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# WITNESS INFORMATION

Witness Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_ Apt. # \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone #1: ( ) - \_\_\_\_\_

Phone #2: ( ) - \_\_\_\_\_

Witness Statement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did you give your information to the Police? Y/N

Witness Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_ Apt. # \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone #1: ( ) - \_\_\_\_\_

Phone #2: ( ) - \_\_\_\_\_

Witness Statement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did you give your information to the Police? Y/N

Witness Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_ Apt. # \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone #1: ( ) - \_\_\_\_\_

Phone #2: ( ) - \_\_\_\_\_

Witness Statement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did you give your information to the Police? Y/N

## NOTES

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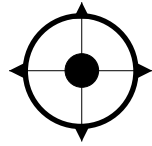
\_\_\_\_\_

# Draw a Diagram of Your Accident

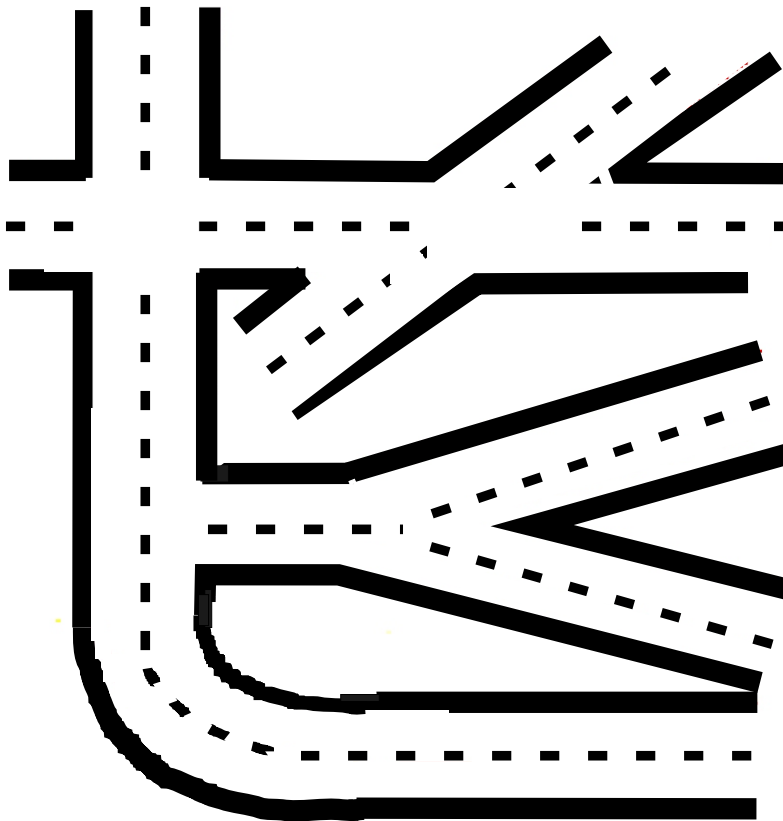
Show how your accident occurred by using this diagram

## Instructions:

1. Number each vehicle and show direction of travel by arrow  
show your vehicle as number 1, → , all others  
as 2,3, etc. →  → 
2. Use a solid line to show the path of your vehicle before  
accident → , and a dotted line to show path  
after accident ..... 
3. Show stop signs by ○ , traffic signals by □ , and  
pedestrians by ● .



Indicate points of compass  
N,E,S,W



# TOWING INFORMATION

## Does my insurance cover towing?

Towing is an add-on to most insurance policies, so unless you have purchased this coverage you will be responsible for the towing cost. However, the towing from the impound yard to the auto body repair facility may be provided by the other driver's insurance provider.

## Where will my car be towed?

If your car cannot be driven after the accident, it will be towed to the impound yard of the responding tow truck company. If you are able, remove needed valuables before the car is towed. You should be given information at the scene stating where your vehicle will be stored. Often times, an officer will be in charge of delivering this information, especially if the owner of the vehicle must be taken to the hospital. If you did not receive this information, the police station of the city where the accident took place should have it on file.

Most city police departments have contracts with reputable towing companies who respond to accidents and tow badly damaged vehicles. If you have been taken by ambulance from the scene of an accident you can rest assured the car will be taken to a safe location. Most people usually return to the auto impound yard within 48 hours of the accident to at least view and get an idea of the damage their vehicle has sustained. It is at this time that photos may be taken and any personal belongings not gathered at the accident scene can be removed.

## PROPERTY DAMAGE

### What if my car is a total loss?

Always get a good photograph of the damage. If the insurance company deems your car to be a total loss, it will make you an offer based on the “fair market value” of your car, taking into consideration the model and make, year, mileage, condition, etc. You can often get a reasonable idea of the value of your car by researching your vehicle in the NADA guide ([www.nadaguides.com](http://www.nadaguides.com)). If your car is a total loss, make sure you remove the license plate and turn it in to the Colorado Department of Transportation for credit on your taxes.

If you owe more on your vehicle purchase loan than the car is worth, you will be responsible for the difference. If you have purchased GAP insurance with your vehicle, that insurance should cover the difference owed to the lien holder. The insurance

company will not make an offer based on what you owe a lien holder or buy you a vehicle comparable to the vehicle you were driving during the wreck.



### Who will pay for repairs to my car?

If your car is deemed to be repairable, the insurance company will most likely obtain an estimate from a local repair shop (we recommend getting your own independent estimate of your vehicles damage for comparison). They will then either provide you with the funds in that amount, or pay the repair shop directly. Usually, when supplemental or hidden damages are found by the body shop, payment for these repairs will be worked out directly between the insurance company and the body shop. You can have your vehicle repaired by a body shop of your choice or you can use “pro-shops.” If you use one of the insurance company's pro-shops, they usually guarantee the repair for the life of the vehicle. Often there is under carriage damage. Be sure the body shop checks for that.

### What are your duties?

You have a legal duty to keep your damages as low as possible. If the liability insurance carrier is not making an offer in a reasonable time frame, and you have full coverage on your car, you will have a duty to use your collision coverage. You will be responsible for the deductible. However, your insurance carrier will go after the liability insurance carrier for monies paid. If you choose to wait on the liability carrier to pay for your property damage and several weeks go by, you may be responsible for storage charges that have been incurred while waiting on the liability insurance company to pay your property damages.

## What about rental cars?

The insurance company may arrange for you to obtain a rental car while repairs are being made to your car or while they are preparing an offer for a total loss. You can provide your insurance information to the rental company and that will cover you while driving the rented vehicle. Should you not have automobile insurance, you will be responsible for paying for the vehicle insurance sold by the rental company. The at-fault driver's insurance company is not responsible for this cost. For total loss vehicles, the insurance company may cease coverage of the rental car costs once an offer to settle the total loss claim has been made.

You may be entitled to loss-of-use damages if you decide not to obtain a rental car while your car is being repaired or while you are waiting for a total loss offer. The amount that most insurance companies will agree to pay for the loss of use of a vehicle ranges from \$10 to \$25 a day.



**Colorado law requires auto damage issues to be resolved quickly unless there is a major dispute. Frequently the offers for the damage are below what they should be. If this is the case, it may take communication from an attorney to resolve this issue.**

## MEDICAL CARE

You will need to make immediate decisions on how the bills will be paid. Initial medical exams may not show a number of potential accident injuries.

**It is essential that you be screened as soon as possible for the potential accident injuries that may not clearly show up for weeks or even months.**

### Choosing the Right Medical Professional

When choosing the right doctor for your injury case, it will be essential that the doctor have experience dealing with traumatic injuries and the many consequences of accidents.

A well experienced personal injury law firm will know those doctors who are well trained and well experienced. Most frequently it is the well-trained chiropractor, a physical medicine doctor, and the well-experienced neurologist who is best to serve as the primary doctor for the injury case. There are, of course, many exceptions to this rule, and knowing the reputation of the doctor is essential to finding the full range of appropriate treatment.

A good medical professional will work closely with your legal team to help manage the details of your case. This will be valuable to you when the time comes to recover your expenses from the insurance company of the responsible party.

The doctor you choose must be willing and able to act as the clinical manager of your case and recommend additional healthcare providers as may be necessary to treat your injuries.

# INSURANCE CLAIMS

When you need to make an auto insurance claim, you should proceed with care. Your actions may have a significant influence on the amount of compensation you receive. Your insurance company is legally obligated to follow through on the terms of its contract with you. You have the right to make sure that happens.

## THE DON'Ts

- **DON'T** give the insurance company a recorded or written statement until you have determined how you wish to proceed. It is important to be aware of the extent of your insurance coverage and your rights.
- **DON'T** sign a release or waiver until you have gotten reliable legal advice. You may feel pressure to sign from your insurance company, but it is your right to explore your options. Just make sure that you take appropriate action within the time limit stated in your insurance policy.
- **DON'T** accept a check from your insurance company especially one that says “final payment” unless you have obtained legal advice and carefully weighed your options.
- **DON'T** accept the insurance company's estimate of your losses and damages until you have a chance to fully explore the matter yourself. An attorney's help can be valuable in determining whether the insurance company's estimate is fair.

## THE DOs

- **DO** consult an attorney for legal advice.
- **DO** review your insurance policies to find out what is covered and what is excluded.
- **DO** notify your insurance company right away after you are in a car accident.
- **DO** take pictures if you can: of your vehicle, the accident site and your injuries.
- **DO** take notes when you speak with your insurance company. Make a record of the names, job titles and phone numbers of the representatives with whom you communicate. If you can, get the names of their supervisors.
- **DO** tell your insurance company the truth. If you fail to be forthcoming with your insurance company, this could invalidate or reduce your coverage.
- **DO** investigate whether you have additional insurance coverage. Depending on the circumstances, supplemental coverage may come from another auto insurance policy, a homeowner's policy or umbrella coverage.
- **DO** keep the receipts for money you've spent on car rental, medical bills and purchases made in connection with the motor vehicle accident.
- **DO** make sure you're aware of the difference between the replacement value of your car and what you actually owe on the car. If the car is totaled, most car insurance will cover only the cash value of your car at the time of the accident.

## SELECTING AN ATTORNEY

**Finding a lawyer may seem easy.** Just search the internet or open the Yellow Pages and look under "Attorneys." The attorney section of the Yellow Pages is the longest one in the book.

However, choosing the right lawyer for **you** is more of a challenge. You want to find a lawyer you can trust and one you can have a long-term relationship with. You want to work with someone who understands your particular legal concerns. While there are many lawyers to choose from, it is up to you to find the right lawyer for you and for your situation.

The initial consultation is an opportunity for you and the lawyer to get to know each other. After listening to the description of your case, the lawyer should be able to outline your rights and liabilities as well as alternative courses of action. The initial consultation is the lawyer's opportunity to explain what he or she can do for you and how much it will cost. You should not hesitate to ask about the attorney's experience in handling matters such as yours.

- The first important part of the case is the immediate investigation of the case to preserve evidence and testimony. A good personal injury lawyer must have immediate access to an investigator, and diligently get investigation done right away.
- The second part of the case, which also requires immediate action, is selection of the appropriate medical care. The lawyer you choose should have a network of healthcare providers who can help treat those injuries.

- The third important part of your case involves proving the extent of your losses and your damages. Not all lawyers have experience in analyzing and proving your losses.
- The next important part of your case will be putting the case in Court and if needed taking it to a trial. Many law firms are not equipped to take your case to Court. Ask your lawyer if they are willing to go to court.

**If you have any doubts about the law firm, or would like to know the firm's standards for client communications, ask to speak to the managing lawyer. You should quickly find answers to your questions, otherwise it may be wise to look for another law firm.**

- Select a lawyer who will meet you in person, have continued communication with you at any time, and supervise all aspects of your case from beginning to end.
- In general, don't be afraid to ask questions. There is no such thing as a dumb question. The more you are involved in your case the better. It is important that you understand all aspects of your case.



# ESSENTIAL INFORMATION GUIDE FOR THE AUTO ACCIDENT VICTIM

By Michael G. Sawaya

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You have been in an auto accident. You are injured and you have decisions to make. At the scene you will have to give information and ask for information. You may have to go to an Emergency Room. You may have to go there by ambulance and leave your car behind. You may need to seek ongoing medical care. You will need to give a history and a statement of your condition to medical providers. Your life is severely disrupted. What you say will be used for many purposes as your case proceeds. You may not know how to describe what has happened to you and you may well not know all the consequences in the early phases of your treatment.

There are legal, medical and insurance aspects of the auto injury case. They are separate but inter-related. The more you understand how they inter-relate the better you will be able to get along with all three. Timing and control are essential to all three.

The legal and medical help you get needs to be available, experienced, and prompt. Dealing with the insurance companies can be complicated and sticky. Don't assume it will be easy, and don't assume that if you are straight forward and honest that you will necessarily receive the same treatment. You will need to be proactive in seeking the proper care and the proper representation. The problem for you is that unless you have been in this situation before, you probably have no way of understanding how to make your choice.

## ABOUT THE SAWAYA LAW FIRM

- Over 32 years of Courtroom experience.
- Well trained staff that is able to help the clients with all case related needs.
- Dedicated to protecting and pursuing the rights and interests of our clients.
- 12 attorneys under the management of the senior, founding partner, Michael G. Sawaya.
- Highest rating for legal and ethical standards.
- Established resources to help the accident victim's recovery.
- The highest standards for the auto accident case were set in place over three decades ago and refined every year since.

CALL FOR A FREE CONSULTATION

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