

Do I need a lawyer after a car accident in Pennsylvania?

Being injured in a [car accident](#) can turn your life upside down. One moment, you are going about your day. The next moment, you have an injury that could have a big impact on your life. An injury that requires extensive medical treatment, affects your mobility and leaves you unable to return to work. An injury that leaves you with temporary—or in some cases, permanent—damage.

Drivers in Pennsylvania are required to carry car insurance, which is supposed to pay for medical expenses for injuries, as well as property damage. But recovering compensation after a car accident is rarely a simple matter. There can be many obstacles to overcome, and the process is often confusing and frustrating.

After being involved in a car accident, many people question whether or not they need an attorney. This is especially the case if the accident and injuries sustained seem minor. But even in cases like that, things aren't as simple and straightforward as they appear. If you've been hurt in a crash, an experienced car accident attorney can help you navigate the claims process and protect your rights.

How common are car accidents in Western Pennsylvania?

Defined geographically by the Appalachian divide and characterized by its association with American industry, this region of the state is home to millions of people in its big cities, midsized towns and small boroughs. As with other places across the country, car accidents happen all the time, leaving people injured or killed. Those who survive are faced with mounting medical expenses and are often unable to return to work right away.

According to statistics from the [Pennsylvania Department of Transportation](#), there were 127,127 crashes statewide in 2015, and Western Pennsylvania had its share. There were 12,665 crashes in Allegheny County alone, more than any other county in the state. Other counties in Western Pennsylvania also saw their share of crashes, including Westmoreland (3,318), Erie (2,759), Centre (1,300), Cambria (1,197), Blair (1,453), Clearfield (801), Bedford (749), Huntingdon (401), Elk (293) and Cameron (42).

Breaking down statistics for the entire state even further, this means that on average:

- There were 348 reportable traffic crashes each day (15 crashes each hour)
- There were 3 people killed in reportable traffic crashes each day (1 death every 7 hours).
- There were 225 people injured in reportable crashes each day (9 injured each hour).
- 1 out of every 44 people was involved in a reportable traffic crash.
- 1 out of every 10,669 people was killed in a reportable traffic crash.
- 1 out of every 156 people was injured in a reportable traffic crash.

There are different types of car crashes—including rear-end accidents, head-on collisions, hit-and-runs and intersection accidents. But all can cause serious injuries.

Where do car accidents happen in Pennsylvania?

Pennsylvania has more than 120,000 miles of roads and highways across the state. Every day—in Johnstown, Altoona, Pittsburgh and other cities and boroughs—people go to work, drop their kids off at school and go about their business. But an accident can happen anywhere along the way, at any time.

In 2015, crashes occurred in Pennsylvania on:

- State highways (82,040)
- Local roads (32,011)
- Interstate highways (10,544)
- PA Turnpike (2,517)
- 15 other locations

Three highways that run through Pennsylvania—I-70, I-80 and I-95—have been listed among the [deadliest interstate highways](#) in the country. And intersections on local roads are also places where accidents are commonly seen.

What causes car accidents in Pennsylvania?

The majority of accidents involve some type of driver error. According to the [Pennsylvania Department of Transportation](#), of the 127,127 crashes in the state in 2015, 91,687 were related to driver error. These crashes involved:

- **Speed** (33,176)—drivers who were exceeding the posted speed limit
- **Distracted Drivers** (14,805)—behaviors such as texting, talking on the phone or eating take a driver's eyes off of the road
- **Improper Turning** (12,928)—examples include ignoring a “No Turn On Red” sign or making a turn on a red arrow
- **Drinking Driver** (9,520)—alcohol slows reaction times and causes drivers to make poor decisions
- **Proceeding Without Clearance** (8,434)—this usually involves failure to stop and check for cars before entering an intersection
- **Tailgating** (5,829)—following too closely behind another vehicle
- **Careless/Illegal Passing** (4,389)—passing without checking for other vehicles in the lane or passing in a way that is prohibited by law
- **Drowsy Drivers** (2,606)—fatigue leads to slow reaction time, poor decision and even falling asleep at the wheel.

Driver error is usually presented as evidence of negligence when pursuing a claim for damages. It can be corroborated by police reports, witness statements and accident reconstruction experts.

What happens to the victims of car accidents

Injuries are common in car accidents, and can range from mild to extremely serious. In 2015, there were 82,004 injuries from crashes reported. Injuries require medical attention, which can include surgery, hospitalization, therapy, medication and follow-up doctor visits. In some cases, victims may need home modifications and home health aides as a result of their injuries.

Some common injuries seen in car accidents include:

- *Traumatic brain injury*—This type of injury can be extremely serious and have a tremendous impact on a person's life. When people suffer an injury to the head, it can affect their memory, ability to think, dexterity and other factors. The cost of treatment and care can range from hundreds of thousands to millions of dollars over a lifetime.
- *Spinal cord injury*—This type of injury can cause severe, life-altering damage. Some victims suffer significant impairment of mobility, while others can permanently lose the ability to use their arms or legs. Victims may be unable to return to work and require home modifications. As with traumatic brain injury, over a lifetime the cost of treatment can range from hundreds of thousands to millions of dollars.
- *Neck, back and shoulder injuries*—These types of injuries cover a wide range, but even so-called minor injuries can result in serious physical problems and long-term pain and suffering. In an accident, victims can suffer a broken bone in this general area, a dislocated shoulder, neck sprain or back damage that is painful and limits mobility.
- *Knee injuries*—During a collision, the body of a car can be crushed, smashing into the knees of a driver or passenger. Injuries such as torn ligaments, knee sprains, dislocated knees and broken knee caps can greatly limit mobility and prevent someone from returning to work.
- *Fractures/broken bones*—Broken bones can happen anywhere on the body during a car accident, but often occur in the spinal column, arms and legs. The cost of treatment and rehabilitation can be thousands of dollars or more, and greatly affect a person's ability to work.

Sadly, car accidents can also result in death. In 2015, there were 1,200 people killed in accidents on the roads of Pennsylvania. This represents the second lowest number of fatalities in Pennsylvania traffic crashes over the previous 86 years. But while the downward trend is encouraging, fatalities still occur. Fatal injuries result in pain and hardship for loved ones left behind.

Insurance laws in Pennsylvania

All drivers in the state of Pennsylvania are required to carry [auto insurance](#). This insurance provides liability coverage for injuries and property damage sustained in an accident. By law, each driver must carry minimum amounts of liability coverage:

- \$15,000 for injury or death of one person in an accident
- \$30,000 for injury or death of more than one person in an accident
- \$5,000 for damage to property of another person

However, the damages caused in an accident can easily exceed these amounts. That's why it is recommended that drivers buy coverage with higher liability limits. In addition, it is recommended that all drivers buy optional UM/UIM coverage, which helps protect them if they are injured in an accident with an uninsured or underinsured driver.

There is also the option of purchasing collision coverage. If your vehicle is damaged in a crash, this coverage pays for repairs (at fair market value), or for the replacement of your vehicle if it is declared a total loss.

Options for recovering compensation

When it comes to car insurance, Pennsylvania is considered a "no-fault" state. What this means in terms of recovering compensation is that you are first required to file a claim with your own insurance company. In addition, you may be limited in terms of the amount of compensation you can pursue from the at-fault driver.

In general, the options for recovering compensation are:

- *"First-party" benefits from your own insurance company*—all policies must have medical benefits coverage that pays for your medical bills if you are hurt in an accident, up to the policy limit
- *Filing a "third-party" claim with the other driver's insurance*—all drivers must carry liability insurance to pay for any injuries they cause in an accident
- *Filing a lawsuit against the at-fault driver*—a lawsuit must be filed within two years following the date of an accident

In Pennsylvania, your right to sue the other driver depends on whether you chose "limited tort" or "full tort" coverage. Under limited tort coverage, in general you are unable to sue for pain and suffering unless your injuries are considered serious (or another defined exemption applies). Under full tort coverage, you keep your right to sue for pain and suffering after being injured in an accident in which another driver was at fault.

Issues that can come up after an accident

The process of filing a claim to recover damages sustained in a car accident can be confusing and frustrating. It is rarely a simple matter. An at-fault driver can deny responsibility for the accident, leaving claimants in a position to have to prove negligence.

Dealing with insurance companies can be especially aggravating. They are mainly concerned with remaining profitable, and have a vested interest in keeping any payments for claims low. In order to reduce their liability, an insurance company may:

- *Question the extent of the injuries.* They may insist that a claimant get an independent medical exam, or suggest that injuries existed before the crash. These are ways to look for a rationale to limit or deny payments for medical expenses.
- *Suggest the claimant or others were partially to blame for the accident.* Pennsylvania has a comparative negligence law that limits the amount of compensation that can be recovered if a claimant is found to be partially at fault for the accident.
- *Make a very low initial settlement offer.* It's fairly standard for insurance companies to make a claimant a settlement offer a short time after the accident. They hope that the claimant will simply accept the offer, bringing a quick end to the matter. But the offer does not cover the damages the claimant suffered, and once a settlement is accepted, the claimant can't seek more money.

Building a strong case that proves another driver was negligent puts pressure on insurance companies to increase a settlement offer, rather than proceed to trial. But in order to build a strong case, a claimant must find evidence that shows another driver was negligent, in addition to witness accounts. This requires time and effort, and a claimant may not have access to all the evidence.

How an attorney can help

Insurance companies have many ways of delaying the resolution of your claim, or even denying it outright. They know most people aren't familiar with the claims process, and try to take advantage in order to reduce their liability. An experienced attorney is familiar with the claims process, and can mount an effective strategy to get the insurance company to provide fair compensation. A lawyer has the knowledge, resources and time to devote to a successful resolution of your claim.

If you've been injured in an accident, an experienced attorney can:

- *Determine the total cost of your damages.* These include economic damages, most often medical expenses and lost wages if the injury required you to miss work. But it can be harder than you might expect to prove these types of damages. The injury may require treatment in the future that will generate additional expenses—for example, future surgeries, hospitalizations, therapy and medication. There may be a need to make home modifications or to hire home health aides. There are also non-economic damages that can be sought in a claim. Depending on the details of the accident, these can include pain and suffering, emotional distress, loss of consortium and loss of companionship. A knowledgeable and experienced lawyer can assign a value to these damages.

- *Conduct an independent investigation.* A strong case that establishes another party was negligent increases the likelihood of an award at trial, and usually convinces insurance companies to make a significantly more favorable settlement offer. A lawyer has access to paralegals and investigators who know where to look for evidence that proves negligence by another party.
- *Handle the paperwork.* Pursuing a claim for damages after a car accident involves a lot of paperwork. Filling it out correctly can be time-consuming for someone with no experience with the standard forms involved. There are also often deadlines that must be met and if missed, could put the ability to collect compensation at risk.
- *Make sure you get the care you need.* It can take time to resolve a claim to recover damages. Before the resolution of a claim, some people may need further medical treatment, but choose to delay it because they can't afford it. An experienced attorney can help you explore all options for payment. This may include seeking treatment from a doctor in exchange for a lien on the settlement or court award that resolves your claim.
- *Negotiate a settlement with the insurance company.* An experienced attorney has learned and developed negotiating skills that can be used in discussions with an insurance company to reach a favorable settlement. A lawyer can also build a strong case that convinces the insurance company it is in their own best interests to settle.
- *File a lawsuit.* Sometimes, an insurance company will not agree to settle the claim, and a lawsuit must be filed in order to seek compensation. An experienced attorney is familiar with the court system and knows how to proceed with your case. An attorney also has the litigation experience to make a convincing argument for compensation in court. When the case is unsuccessful, an attorney can appeal the decision.

Many people question whether or not they can afford legal representation after a car accident. But most lawyers work cases like this on a contingency fee basis. This means that the client owes no fee unless the lawyer recovers financial compensation.

While it is not required to have an attorney when pursuing financial compensation following a car accident in Western Pennsylvania, hiring one gives you a tremendous advantage. A car accident attorney has the legal knowledge, experience, negotiating skills, resources and time to devote toward your case.

For more information

Contact [Marcus & Mack, Attorneys at Law](#), a Pennsylvania law firm with experienced attorneys who help people get the money they rightfully deserve for their accidents.