

THE TOP 10 QUESTIONS
YOU SHOULD ASK YOUR
CAR ACCIDENT
LAWYER



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Introduction

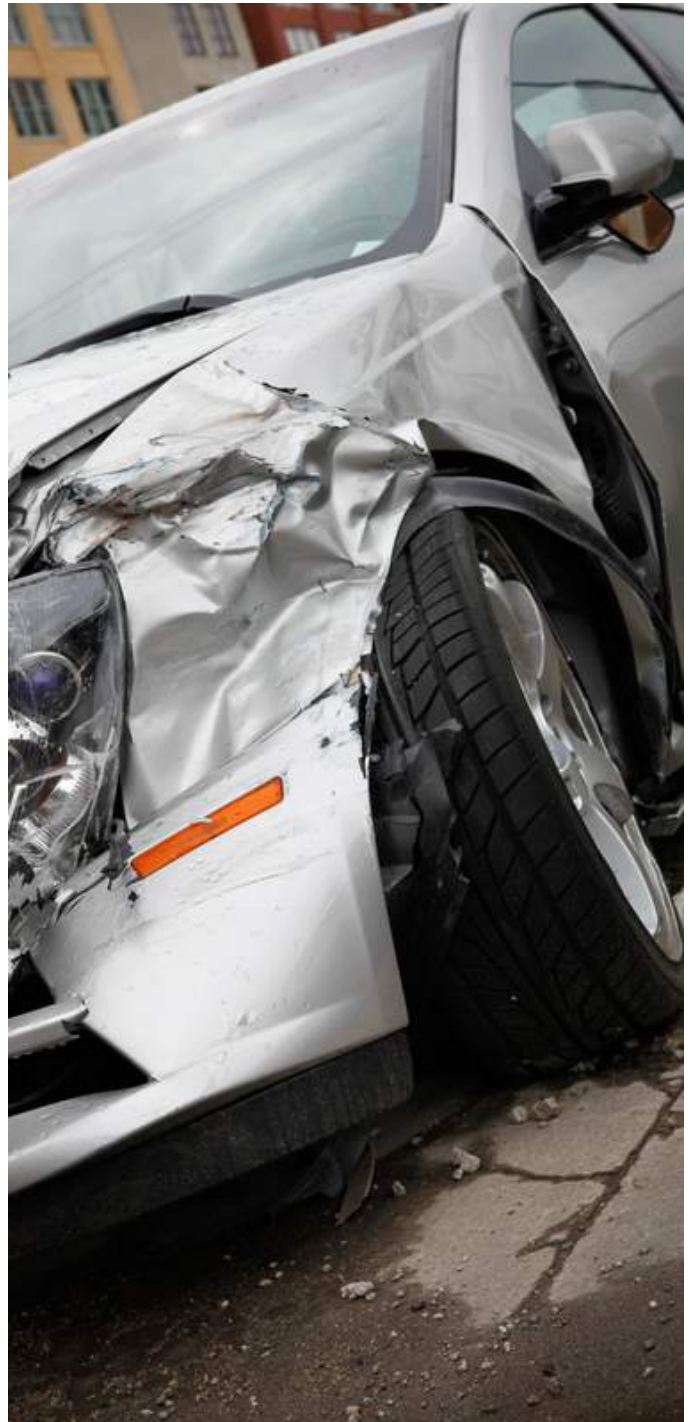
After six straight years of decline, the National Highway Traffic Administration (NHTSA) reports that auto accidents, injuries and fatalities were on the rise in 2012. According to the National Safety Council, the average person who begins driving at age 16 will end up filing three or four claims over a lifetime of driving.

1. How do I know if I have a case for my car accident?

Even with years of experience it is difficult for any lawyer to say with any certainty what constitutes a car accident case and what doesn't. You've heard the answer before, "each car accident case is different."

Take advantage of the free consultation offered by most personal injury lawyers to discuss the exclusive circumstances of your case. An experienced automobile accident attorney evaluates the facts and conducts an analysis of your injury or impairment for the "injury threshold test."

You must show serious impairment to body function. The law regarding what is or is not a serious impairment is subject to debate and interpretation by your attorney. New Jersey case law will guide counsel on the potential success of your case.





2. Should I allow the insurance company to speak with me? Should I negotiate with the insurance company myself?

The other driver's insurance company may contact you very quickly after the accident occurs. He or she will ask you to provide a recorded statement so that they can officially open the case and process the property damage and/or injury claims.

We recommend that you do not provide a statement.

Remember, the claims adjuster works for the insurance company and will intentionally ask you vague and misleading questions to extract unfavorable answers and damage your case. Everything you say will be compared with the information contained in the police report, against witness statements and alongside other documents or evidence to find inconsistencies to use against you.

If you intend to negotiate with the insurance company on your own, you need to be aware of their tactics for paying as little money as possible or not paying the claim entirely. The claims adjusters, backed by computer technology, are trained to low ball you. Research by the Insurance Research Council (IRC) reveals that auto insurance companies pay an average of 40 percent less to claimants who do not have legal representation.

Your car accident attorney can handle all communications with the other driver's insurance company. This approach eliminates the chances of jeopardizing your claim and safeguards your right to receive maximum compensation for your car accident.



3. How do I get the police report from my car accident?

The police report serves as an official document of the accident by an unbiased third party. The legal report has a bearing on the insurance claim and who ends up paying for damages. Visit the local police department and request to see the report. You will need to know when and where the accident occurred as well as the name of the other driver.

Review the document for inaccuracies, omissions or false assumptions. If the report contains errors or you disagree with the law enforcement officer's conclusion, promptly file an amendment to the police report. Your attorney can help you draft an amendment and have the statement added to the report—even if the report is "final."

4. What is the lawsuit threshold?

In 1998, New Jersey put in place a “verbal threshold” or the Limitation on Lawsuit (limited tort) auto insurance restriction. It limits your right to sue for pain and suffering. Most drivers in New Jersey have selected the lawsuit threshold, whether they know it or not.

In New Jersey, car accident victims who have selected the lawsuit threshold can only sue for six types of injuries:

1. **Fatality.**
2. **Dismemberment – loss of a body part.**
3. **Significant scarring or disfigurement as determined by a subjective view of a person other than the injured party.**
4. **Displaced fractures, a simple fracture does not meet the threshold unless it causes a permanent injury after healing.**
5. **Loss of an unborn child.**
6. **A permanent injury within a reasonable degree of medical probability.**



Limited tort lawsuit auto insurance policies usually don't pay for soft tissue injuries. Permanent injuries are the most prevalent claims. To prove you suffered this type of injury, the physician must use clinical evidence, such as medical testing, to certify that the injury is permanent. Unfortunately, as high as 92 percent of New Jersey motorists have chosen – knowingly or not – verbal threshold policies.

Since the verbal threshold/limitation on lawsuit restriction does not apply to commercial insurance policies, you can file a lawsuit to recover tort damages, even if you have limited tort coverage.

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5. Who pays for damage to my car?

If you have collision coverage, you can file a claim with your insurance company for a “first party claim.” In this case, your carrier will pay to have your vehicle repaired or pay the value of the vehicle if repairs exceed its value.

If you do not have collision coverage, you can file a third-party claim with the insurance company of the at-fault driver. The insurer will pay for the damages to your vehicle, but only to the extent they believe that their insured has legal liability for causing the accident. This amount may not cover the full amount of your property loss.



6. Who pays my medical bills?

Typically, your own auto insurance company will pay your medical bills regardless of whom or what caused the accident. That's true if you have no-fault or Personal Injury Protection (PIP) insurance, which most people in New Jersey choose.

A typical PIP policy ensures that drivers have access to medical expense coverage as well as income continuation benefits immediately after an accident. You will also receive coverage for essential services and funeral and death benefits. In addition, the policy covers eligible family members and certain passengers in the vehicle.

New Jersey law and the coverage limits of your insurance policy determine the extent of coverage for your medical bills. PIP coverage pays all reasonable costs for hospital, medical and related expenses required for treatment of your injuries.

Typically, PIP pays 80 percent of costs above your deductible up to \$5,000. In a typical PIP policy, medical expenses more than \$5,000 are paid for by your insurance in full up to \$250,000. The charges must be in line with the New Jersey Department of Insurance fee schedule. If you're not sure about your policy benefits, call an experienced car accident attorney to help clarify the insurance company's responsibilities.



7. What happens if the other driver doesn't have insurance?

Unless you made a specific request to opt out of the coverage, most insurance policies sold in New Jersey provide uninsured or underinsured (UM/UIM) motorist coverage, which also provides protection for hit-and-run accidents.

Insurance companies are notorious for denying these types of claims, so you should contact a car accident attorney as soon as possible.



8. What is the right type of doctors to treat my injuries?

You must see the doctor to have a personal injury case. Obtain a medical examination immediately after the auto accident, because seemingly minor aches and pains have a way of intensifying and making life difficult. Keep in mind that some primary care physicians will not take car accident cases. Whether you need to see a general physician, orthopedist, physical therapist, chiropractor, pain management specialist or other expert, depends on the nature and severity of the injury.

A car accident attorney may refer you to the appropriate doctor who will document your injuries to prove you sustained them as a result of the car accident.

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9. How long does a car accident claim take to resolve?

New Jersey's statute of limitations requires most personal injury claims to either accept a final settlement or file suit within two years of the accident. Uncomplicated car accident claims, such as property damage can sometimes be resolved in as early as four to six weeks.

If one or both parties are injured, the case could take several months, a year or more if litigation is involved. An experienced New Jersey car accident attorney can expedite the handling of your case.



10. Will I go to court?

Approximately 95 percent of car accident cases are settled before they go to trial. This is not to say that your case will be the same. Speaking with a car accident lawyer can help determine the strength of your case and the likelihood of the other party settling.

Choosing a car accident lawyer

Whether you are involved in a small rear-end accident or a major life-altering vehicle crash, the incident can be very emotional and a stressful situation. You need a legal expert who truly cares about you and your recovery.

Contact an experienced New Jersey car accident lawyer at Fontanella, Benevento, Galluccio & Smith for a free consultation. Find out about your options and how to protect your rights to receive full compensation for your injuries.



STILL HAVE QUESTIONS?
WE HAVE ANSWERS.

SPEAK TO ONE OF OUR LAWYERS TODAY

(973) 942-6500