



What To Do If You Have Been Injured In An Auto Accident

ac·ci·dent [noun]: *an undesirable or unfortunate happening that occurs unintentionally and usually results in harm, injury, damage, or loss*

(Source: dictionary.com)

No one plans to be in an accident but if you find yourself in that unfortunate situation, we would like to give you some information based on our 30 years of experience handling personal injury claims. This report is broken down chronologically and starts from the time the accident occurs.

1. The Accident

- **Seek safety:** After any auto accident you should make sure your vehicle is in a safe location on the roadway. If your car is not drivable, then leave it and proceed to a safe area near your car.
- **Use your cell phone:** If you have a cell phone, try to locate it and call the police. At some point, if you are physically able, you should start taking photos with your cell phone. Take photos of the damage to the other car and to the damages to your vehicle. Take a photograph of the license plate of the other car. Take photographs of the scene of the accident and any landmarks in the area.

- **Gather information:** Get as much information from the other driver as possible.

Ideally you want to get their:

- Name
 - Address
 - License number
 - Date of birth
 - Insurance company name
 - License plate number
- **Look around:** Did anyone stop to assist? These may be valuable witnesses to the accident. Get their names, addresses and telephone numbers. You may think that you are not at-fault but believe us, stories change and people do not always tell the truth about how an accident happens. Remember, the at-fault party will be paying a hefty surcharge on his/her auto insurance for years. That is why the photographs and witness statements are invaluable.
 - **If you are injured:** Get in the ambulance and go to the hospital to be checked out. After an accident, your adrenaline is flowing and you may not realize the extent and nature of your injuries. Get checked out by the EMT's and go to the hospital.

2. Dealing With Insurance

- **Report the accident:** Report the accident to your insurance agent or directly to your insurance company within a day or so after the accident. We recommend reporting the claim the day after the accident. The reason is that one of the questions you will be asked is, "Are you injured?" Again, if you call the insurance company on the day of the accident, your adrenaline is still affecting your ability to fully analyze your injuries. Wait until the next day and see how your body reacts to the effects of the auto accident. For example, injuries like whiplash and back problems may be hard to detect in this state of adrenaline.

- **General Information:** In Massachusetts, your own auto insurance will pay the initial \$2,000 in medical bills and 75% of your lost wages under coverage called Personal Injury Protection (P.I.P.) as long as you do not have a P.I.P. deductible. If you have private health insurance, your health insurer will then pay for your medical bills as long as you follow the rules of your health insurer (i. e. get a referral from your primary care doctor, receive treatment from a health provider in your network, etc). If you have a co-payment, a deductible or you exhaust a benefit, you can then submit those balances back to your auto insurance carrier for payment under extended P.I.P. benefits.

I know what you are thinking, *“the other party was at fault and caused the accident, why is my auto insurance and health insurance paying for my medical bills?”* The answer is that they are paying for the bills and lost wages initially. They will be reimbursed at a later date by the auto insurance company of the at-fault party.

- **P.I.P. Application:** Your insurance company will send you a Personal Injury Protection Application (P.I.P.). You **MUST** fill this out, sign it where indicated and return it to the insurance company before they will pay for your medical bills and lost wages. You should determine from your agent or insurance company whether you have rental coverage and towing and storage coverage. If you do not have rental coverage, you may have to pay for the rental up front and seek reimbursement from the at-fault party at a later time. You may contact the at fault party’s auto insurance company to see if they will pre-approve you for a rental, but we advise against this.

Any contact with the at-fault insurance company **is not advisable** as they will be using anything you tell them in defense of your claim against their insured driver.

3. Hiring a Personal Injury Attorney

- **Call Bob Ahearn:** The insurance companies don't want you to hire an attorney and they will probably tell you not to get one. Massachusetts law mandates that everyone who owns a car must have insurance, and the State of Massachusetts approves what the auto insurance companies can charge for their rates each year. As a result, in order to increase their profit, the insurance companies try to control and limit their expenses, including how much they pay out in claims!
- **Let Bob negotiate with the insurance companies:** You may not know what your case is worth, but an experienced personal injury attorney does. Would you bring a baseball signed by Babe Ruth to a sports memorabilia store and ask how much they'll give you for it? That is what you are doing if you try to deal with the insurance company directly. You aren't negotiating from a position of power.
- **Let Bob handle your claim:** It is difficult and confusing to figure out which insurance company should pay for your medical bills, lost wages or replacement services. You may not understand how the different auto insurance coverage applies to your claim. Bob will handle and deal with the insurance companies directly, collect all of your medical bills and records and make sure they are getting paid by the correct insurance company, start the investigation of your claim, obtain statements from witnesses, and get a copy of the police report.
- **Let Bob handle the phone calls and paperwork:** When you are in an accident, it's likely you're hurt, sore and in pain. Because of your injuries, you may have a lot of stress at home or at work. You may be missing time from work, losing wages, and unable to manage day to day activities. The last thing you want to do is deal with all of the paperwork and telephone calls. Bob will put all insurance companies on notice that you are represented by an attorney. This will effectively end the telephone calls to your home and work as all communications will be directed to the attorney's office. You can now concentrate on getting better and getting your life back together.



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Let the Law Offices of Robert D. Ahearn fight for you!

Attorney Robert D. Ahearn has over 30 years of extensive trial experience in the Massachusetts District Courts, Superior Courts, Industrial Accident Board and Massachusetts Appeals Court. He has handled thousands of personal injury cases throughout New England involving car accidents, motorcycle accidents, dog bite claims, slip and fall claims, wrongful death claims, and pedestrian accidents. A former defense counsel for the insurance industry, Attorney Ahearn knows the system and all the “tricks of the trade.”



If you have been injured in an auto accident, let us help. Attorney Ahearn will let you know what your case is worth and will give you honest, frank, and straightforward legal advice about your claim. Rest assured, no one will fight harder for you to get you the compensation you deserve for the personal injury that you didn't!

LOCATIONS

Boston Area

15 Cottage Avenue,
Quincy, MA 02169

South Shore

440 Plain Street,
Marshfield, MA 02050