

Auto Accident?

You May Not Need a Lawyer

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Auto Accident? You May Not Need a Lawyer

Our firm has been handling cases where people get involved in a vehicular accident since 1971. During that time we have seen about every conceivable type of accident that can occur.

They have involved car on car, car on pedestrian, single car accidents, car on commercial vehicle, car on motorcycle, defective products causing vehicular accidents such as tires blowing, animals vs. cars and even one case where our client dropped 45 degrees in his car after falling from one parking level to a next.

With the large number of attorneys advertising with “CAR WRECK? SEE LAWYER” types of ads, significant confusion can occur. People think automatically, “I need to get a lawyer.”

In reality, getting a lawyer can even slow down resolution of claims in some cases. How dare we make such a statement! After all, we are a plaintiff’s firm representing people injured in personal injury mishaps.

To clarify, let me first of all state that if in doubt, call a lawyer for advice on your rights when you have an accident.

However, if you believe it is clear that the accident is not your fault and you are only dealing with a property damage claim, you are the best judge of the value of the repairs or replacement of your vehicle. A few simple steps may be all that is required for you to be on your way.

Why do I say handle it yourself? Well first of all, most families today have two family members working. Usually, it is all they can do to make ends meet and to do that they need to work. If they suddenly do not have an operating vehicle, it creates unusual hardship. Therefore, it is best to get your transportation running as soon as possible.

Generally, a lawyer can do a great deal of things when there are injuries associated with a case, arguments over who is at fault and fights with insurance companies that like to deny claims.

When it comes to property damage, the insurance company will generally try to low ball your estimate for repair or replacement. Why? They are in business. The bottom line counts. But if you are prepared, you can generally make a good attempt at negotiating for property damage yourself and not have to pay fees for that service.

Tips:

1. With the exception of exchanging name, address, phone number and insurance information at the scene, it is better that you do not engage in conversation with the other party. No one likes to be a fault in an accident, and even in clear cut cases a casual statement can be construed against you. Only talk to the police when they arrive. They have a right to obtain information about what happened and what is said to them regarding fault is generally privileged and cannot be used in any civil case arising out of the accident.

Be warned that if a possible criminal charge may be made as a result of an accident, the police can use what you say in a criminal case such as a DUI charge. When a criminal offense may be involved, you should, of course, call a criminal attorney for advice on what to say or not say.

2. Make sure that if you do not think you are injured; make notes about the accident such as location, vehicles involved, names and addresses, officer's name and badge number, and damage to the vehicles. Note skid marks, air bags deployed, contents that are damaged and anything else that may relate to the accident. Take photos of the damage and location if you have a camera or camera phone.
3. The police will generally give you an information sheet that will give the details of the parties, including their alleged insurance information. If they do not give you this, make sure you ask for it. The accident report, which will provide more detailed information including whether anyone is charged in the accident, will be available by request several days later. You should obtain this for your records.
4. If you have suffered property damage there are two ways to initiate your claim.
 - a. If the other party has property damage insurance and you have no collision, you should immediately contact his or her insurance carrier verbally and in writing demanding that it pay for repairs to your vehicle and provide a rental car (if you need it) for a reasonable length of time. In the meantime, take your car to different repair facilities for estimates to determine the cost of repair and the pre-accident value. Get written documentation to use in your negotiations with the insurance company.
 - b. If you and the responsible party both have insurance covering the incident, present the claim to both carriers. Go with the one that will repair or replace your vehicle the quickest for the best value. If you have a deductible on your insurance, you will have to pay it initially. However, in most cases your carrier will recover that for you when it gets reimbursed from the responsible party's carrier.
5. If you suffer an injury, Florida No Fault does not allow you to recover for your injuries unless the following occurs:
 - a. You suffer the loss of a bodily function, significant scarring or disfigurement, or sustain a permanent injury.
 - b. You suffer medical losses or lost wages beyond what your PIP will pay. Losses in excess of PIP can be used to base a claim against the adverse carrier or your underinsured/uninsured motorist coverage.

If you fall into one of the above categories or think that you may with time, it is in your best interest to contact a lawyer specializing in these types of case. It is probably best to do it early before your statement is taken by any insurance company. That attorney can explain your rights, what may adversely affect your case, make sure you get prompt medical treatment and preserve any evidence necessary to prove the extent of your losses.

At our firm we promptly set an appointment with an attorney at no charge to you. He or she will talk to you and obtain information about your case to prosecute it to protect your interests. We have been in the business a long time and have the expertise to help you achieve a fair settlement of your claim where the basis for same exists.

We can assist you in evaluating your current insurance policy to see if you have adequate coverage in case a disaster hits you or your loved ones. We do this at no charge.

This guideline is not to be construed to answer all questions that may arise, but to assist you in some areas when you are involved in an accident. When in doubt always contact a lawyer to make sure you are protected.

If you have any other questions or concerns please call our office at (813) 228-4111.

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