



COMMON QUESTIONS AND ANSWERS: What to do if You Have Been Injured in an Accident *By the Personal Injury Group, Tierney Stauffer LLP*

1. If you have been injured in an accident, when should you retain a lawyer?

Motor Vehicle Accidents:

If you have been injured in a motor vehicle accident and your injuries appear to be serious and permanent, you should contact a lawyer immediately.

Other Accidents:

If you have been injured in a fall or by some other means, you should contact a lawyer immediately as a short limitation period or deadline may be applicable to the case depending on how or where the injury occurred. If the law firm that you have contacted specializes in personal injury, there will be no charge for the initial interview. The Personal Injury Group at Tierney Stauffer LLP has over 25 years of experience and would be happy to provide you with an initial free consultation to discuss your case.

2. When should you contact your insurance company?

If you have been injured in a motor vehicle accident, it is very important that you contact your own insurance company as soon as you are able in order to apply for no-fault benefits. In order to contact your insurance company, you should telephone your insurance broker who will direct the claim to the appropriate person at the insurance company.

If it is a serious accident, the adjuster for the at-fault driver of the other vehicle will undoubtedly try to contact you. There is no legal obligation for you to speak with a representative from the at-fault driver's insurance company.

3. Who can make a claim?

If you have been in a motor vehicle accident or have suffered an injury from any other accident, you can make a claim as can members of your family including spouses, children, grandchildren, parents, grandparents, brothers and sisters.

4. What is the legal process?

The legal process commences with an interview with a lawyer, after which the lawyer will attempt to settle your claim with an adjuster from the insurance company. If the lawyer is unable to settle the claim, he or she will then commence a lawsuit on your behalf. Ninety-nine percent of these claims will settle before trial. The



legal stages that you will have to attend will be mediation, examinations for discovery, a judicial settlement conference and, if the matter does not settle, a trial.

5. How long does the process take?

Typically, an experienced personal injury lawyer will not attempt to settle the case until he or she has a final medical report or until he or she is satisfied that the medical experts have ensured that the diagnosis and prognosis is correct and final. It is only at that time that the personal injury lawyer can assess a claim properly. Depending on the nature of the injuries, it may take up to two years before the claim can be assessed. Following that, most cases are settled out of court. However, if the matter has to go through the entire court process to trial it will, in all likelihood, take another two years depending on the backlog of cases in the judicial system and the jurisdiction in which the case is being pursued.

6. How much will you have to pay?

Our personal injury lawyers work on a contingency or percentage basis. In other words, if we don't win or settle your case, we don't get paid. In all cases the initial interview is free.

7. If you are in an accident, how does a judge determine how much money you receive?

Compensation for injuries or "damages" arise from many different losses. Some obvious examples are pain and suffering for both physical and psychological injury, loss of income, medical expenses, loss of ability to work in the future, and loss of ability to compete against an uninjured person.

Basically, the approach of the courts is to put the person into the same position they would have been had they not been injured.

8. Between the time of the accident and time you receive compensation, how can you make ends meet?

If you have been injured in a motor vehicle accident, you will, in all likelihood, have an income replacement benefit paid to you by your insurance company. You may also have long-term disability benefits available to you through your employment or you may be able to apply for Workers Compensation benefits if the accident happened while you were working. There are other sources of financial assistance available. This is an area you will discuss with your personal injury lawyer at your initial interview.

9. Should you contact the police?

If you have been involved in an accident and have not contacted the police, it is imperative that you do so immediately.