



presented by
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Dos and Don'ts in Accident Cases

DO CALL THE POLICE — probably. If it is a minor accident (an accident resulting in no injuries and less than \$1,000 damage to all vehicles) exchange the following information with the other drivers:

- drivers license number
- vehicle insurance
- vehicle make, model, and color
- VIN #

Do not rely on the driver's verbal information. Ask to see the other driver's license, vehicle registration and, if possible, insurance card. If the accident involves more serious damage or injuries, contact the police so they can investigate and complete an accident report.

DO MOVE YOUR VEHICLE from the roadway surface — possibly. If your vehicle is drivable and there are no injuries, state law requires you to move your vehicle out of the roadway and onto a shoulder or other nearby location. Otherwise, leave your vehicle and try to alert oncoming traffic of your vehicle's existence in the roadway by using highway cones or emergency flashers.

DO MAKE A WRITTEN RECORD of the following:

- time, date, and location of the accident;
- diagram of the accident scene and locations of the

vehicles before and after the accident;

- summary of how the accident occurred and the nature of any injuries or pain you experience;
- any statements made by other drivers, passengers, or witnesses;
- names and contact info for any witnesses.

Take pictures of the accident scene and vehicles.

DO HOLD YOUR PEACE. Do not discuss the facts of the accident with anyone other than the law enforcement officer(s) investigating the accident. Only discuss your injuries with law enforcement and medical personnel.

DO NOT PROVIDE a statement to an insurance company without first consulting an attorney.

DO NOT SIGN ANY RELEASE, authorization form, or document without either the advice of an attorney or a full understanding of what you are signing.

DO PROMPTLY SEEK MEDICAL ATTENTION if necessary. Be sure to report all injuries, pains, unusual symptoms, physical limitations, and other problems to a medical professional. Delays in treatment can hurt your healing process and your injury claim.

DO DOCUMENT IMPORTANT FACTS and keep copies of important documents. Create a diary of all injuries, pain, and problems you experience due to your accident. Detail when certain pains improve, grow worse, disappear, change in location or nature, return, etc. Keep either originals or copies of all out-of-work notes, prescription

receipts, medical bills, letters, and other documents related to the accident or injuries.

DO NOT HIDE INFORMATION from your attorney. Failing to tell your attorney about prior injuries, prior insurance claims, prior accidents, and other important facts can make it more difficult for your attorney to properly evaluate and handle your case. Hidden information can also damage your case.

DO NOT BECOME MARRIED TO MONEY. Some people determine a premature or inaccurate monetary value of their cases. Typically, this value is based on advice from friends and family or from other persons who have been in accidents. Avoid this mistake. Every case is different, and proper evaluation of the many facts and factors in an accident case is something that should be done by an experienced attorney.

DO CONTACT AN ATTORNEY. Providing appropriate information to the correct

insurance companies, documenting your injuries, establishing liability, and researching all available insurance policies are just a few of these issues. Seek an experienced professional who can guide you through the process. Most attorneys offer free initial consultations regarding personal injury cases. If you will not need an attorney, decide this after speaking to an attorney about your case.

JOHN T. O'NEAL was born in New Bern, North Carolina. In 1996, he received his law degree from UNC-Chapel Hill and was admitted to the North Carolina State Bar. He is an active member of the North Carolina Advocates for Justice, in addition to being a proud graduate and supporter of the University of North Carolina at Greensboro. He concentrates his practice in the areas of wrongful death, personal injury, vehicle issues, civil litigation, consumer rights, and traffic representation.

SPECIAL NOTE

CONTRIBUTORY NEGLIGENCE IN NC.

North Carolina is one of a few states that apply the doctrine of contributory negligence. The doctrine essentially states that if a person making a claim of negligence against another is found to be at fault (even 1 percent fault is sufficient), the person making the claim is barred from any recovery. Insurance companies often assert contributory negligence to deny claims where there is a dispute as to the actions and legal liability of the drivers or individuals involved in the incident.

O'Neal Law Office

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