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The Indiana Auto Accident Handbook



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#1

WHAT TO DO AFTER AN ACCIDENT



Getting into a car accident can be a troubling and scary ordeal, which is why it's entirely normal for our first reaction to be one of fear and concern. But instead of getting worked up, it's important to stay calm and follow the appropriate steps to ensure the accident is handled correctly and any injuries you or the other driver may have sustained are cared for. If you get into an auto accident in Indianapolis, you need to follow these five steps:

Assess Your Injuries & Call 9-1-1

In Indiana, you are required by law to report to the police any accident that causes injuries, death or damages totaling \$1,000 or more. Whether the accident seems serious or not, it's always a good idea to call 9-1-1 and report the accident. You may not realize just how bad the damage or the injuries may be, and you don't want to end up in a situation that can't be solved because you failed to call the police at the scene of the accident.

Gather Information

Once the police have been called, use the waiting time to gather all appropriate information. This means collecting the names and phone numbers of all the individuals involved, along with their insurance information, and the names and numbers of any witnesses, should there be any. Write down the license plate numbers of any vehicles involved and when the police arrive, be sure to write down their names and badge numbers so you can contact them later on if needed.

Take Photos

The insurance companies will never be at the scene of a crash; therefore, it's important to help them paint a picture of what happened and the damages that occurred by taking as many photos as possible. Take pictures of both cars, where damage occurred and didn't occur, snapshots of the intersection where the accident happened, and any injuries you may have suffered.

Get Medical Attention

From simple bruises and scratches to full-blown concussions and broken bones, car accidents can cause a number of injuries. However, many of the injuries that occur during an accident don't show up right away. Our adrenaline is high from the crash, which causes pain to subside longer than usual. Because of this, it's vital that all of those involved in a car wreck seek medical attention as soon as possible. After you receive the medical attention, be sure to get copies of all your medical papers for insurance.

Call an Attorney

Getting into an accident can put you in a difficult situation that requires a long time to get resolved. Whether your damages were small or life-changing, having an experienced car accident attorney on your side can make all the difference when it comes to compensation and end results. An attorney should be called before any papers are signed and before you speak with the other driver's insurance company.



#2

WHEN TO HIRE AN ATTORNEY AFTER BEING INJURED IN AN ACCIDENT



Every time we drive on the roads, we are in danger of getting into an accident. No matter how cautious we are when we drive or how hard we try to avoid dangerous situations, we are all at risk of injury and damage due to a minor or major car accident.

Immediately following an accident, many people's first reaction is fear and the inevitable questions arise: Am I hurt? Is my car totaled? How much will this cost? But once the initial shock wears off and all injuries and wounds are tended to, the next question that comes to mind is often whether or not you need an attorney.

If the car accident is minor, one party is admitting fault, and it can be solved with a simple payment or insurance claim, you may be able to get away without hiring an attorney. Unfortunately, even the most minor accidents don't always get resolved so easily. Often, the person at fault is hesitant to admit any wrongdoing, and if this happens, you may end up being liable for all of your medical bills and damages. That's why, following a car accident, you should call an attorney as soon as possible. Here are a few ways to know if you need an attorney on your side:

When No One Is Claiming Fault

After a car accident, it's very common for both parties to blame the other. Even if it is clear that the other party was at fault, it can be hard to prove. If you were in an accident that you know wasn't your fault, having an attorney can help you prove it. Attorneys know the items needed to prove negligence and if you get them on your side early, they will be able to piece together evidence from the accident to ensure you get the compensation you deserve.

When the Accident Was Serious

As mentioned, a minor fender bender with cooperating parties may not warrant an attorney, but if the accident caused injuries or damage to your car, it's always a good idea to have an attorney by your side. Even if the other party does admit fault, the insurance company will still try to give you the least amount of compensation possible. An attorney will ensure that you get what you deserve and take a lot of the hard work off your hands while you recover from injuries or get your car back to working order.

If the Insurance Companies Give You the Runaround

Insurance companies will do a lot of things to ensure they pay you the least amount of money. One of these things is calling you after the accident to get a recorded statement. If this happens, be sure to hang up and contact an attorney. If you give a statement, every minor detail you include can be turned against you and cause you to receive less or no compensation. An attorney will deal with the insurance company for you and know what to say, and what not to say, to get you the best end result.



#3

HOW TO DETERMINE FAULT IN A CAR ACCIDENT



Car wrecks can occur due to many reasons. Someone may be distracted while driving, not following the rules of the road, or simply fall into a net of bad luck. Regardless of how the accident occurred, there always has to be fault proven for a lawsuit to gain traction.

Within a lawsuit, there will be one person identified as the “at-fault” party. While defining who is at fault can sometimes be simple, it is often the most complicated part of a lawsuit as no one wants to admit fault. Fault is so important because it determines who will be receiving compensation and who will be paying for it. Insurance companies will do all they can to prove their client is not at fault, making the determination even harder to pin down.

After an accident occurs, it’s essential to document the scene as well as you can. Taking pictures of the damage, the surrounding area and any injuries sustained can be vital in proving the other party is at fault. Witnesses may also be able to help as they can give an account of what happened, proving that the other driver ran a red light, was texting or was distracted in some way that caused the accident. Be sure to document everything you can and contact law enforcement as soon as the accident occurs. A police officer is required to fill out an accident report on the scene, and that police report will be used heavily when determining fault. Both insurance companies will look at that report, but your own documentation is also helpful to further prove fault. While documenting, be sure to include:

- Pictures of both cars, paying special attention to damage
- Pictures of any injuries sustained
- Pictures of the surrounding area where the crash occurred, including images of the stoplights, intersection and sidewalks
- Specific time of the crash

Every state has its own laws for determining fault, so it's important to know your state's laws following an accident. In addition to distractions, there are a lot of factors that need to be determined before finding fault. For instance, if a car wreck occurred while a driver was turning left, you will need to prove that the rules of the road were in your favor. Sometimes, even if you feel the other driver was at fault, there may be loopholes in state law that turn that around. An experienced car accident attorney will be able to help you avoid these loopholes and prove fault correctly.



#4

HOW TO HANDLE INSURANCE COMPANIES FOLLOWING A CAR ACCIDENT

Oftentimes when we are involved in an accident, the most difficult part of the process is dealing with the insurance companies. Unfortunately for many, dealing with insurance companies can be so overwhelming that it overpowers what really matters: recovering from the accident both physically and emotionally.

After an accident takes place, one of the first steps is to call your insurance company. When people deal with insurance companies on their own, the companies often fail to properly cooperate with them, causing people to relinquish their cases to settlement just to end the process. This usually results in a lower payout than what was deserved. Unfortunately, insurance companies don't always have your best interest in mind, and if they are not cooperating with you following an accident, there are things you can do to facilitate this process:

Get a Second Opinion

Without knowing the inner workings of the insurance company, it can be hard to determine whether their actions are meant to help you or to hurt you. Getting a second opinion will help make this clear. A second opinion is best given by a local attorney, who can take a look at the actions of your insurance company and determine whether they are being sincere and working in your best interest.

Enlist the Help of an Attorney

If it is determined that the insurance company is in fact not working in your best interest, the best thing you can do is hire an attorney. Although an unfortunate fact, many insurance companies will treat clients unfairly when there is no legal threat against them. Without a lawyer on your side, insurance companies know they have a better chance of paying out less money and settling the case to their benefit. As soon as you hire a lawyer, you will see the tides change and have a much better chance of getting the settlement you deserve.

Stand Trial

This may not always happen, as most cases do not end up at trial. But for those that do, know that it is for your benefit. During the course of the lawsuit, your attorney will likely attend various hearings and proceedings on your behalf—all of which you will not have to attend. If your case does go to a jury, you will be required to go to court. This isn't a bad thing, however. A jury is likely to side with you rather than the insurance company. Because of this, many insurance companies will settle before the case reaches a jury.

#5

UNDERSTANDING THE DAMAGES YOU CAN RECOVER AFTER AN ACCIDENT



When car accidents happen, they can leave us feeling not only hurt and scared, but also a bit helpless. No matter how many accidents we have been involved in during our lifetime, each one brings about new situations and issues that we must deal with.

One of the biggest issues we must deal with is the damage that occurs. Damages can include injuries to the person, to the vehicles and even to the area surrounding the accident. Sometimes, even the smallest accident can lead to a big medical expense or bill from the body shop; therefore, it's important that you know what damages, and how much of those damages, you can recover after a car accident occurs.

If you were not at fault for the accident, and you and your attorney are able to prove that, you are usually able to recover a good portion of what you lost in the accident, including:

Medical Expenses

Medical expenses are some of the most frustrating things to accrue when an accident occurs, especially if the accident isn't your fault. While you deal with any pain that comes from those injuries, you must also deal with paying for the care you receive. Luckily, with the right attorney, you will be able to include all of your medical expenses within your claim and get the money you need to pay for them. This includes your initial visit to the doctor or hospital, any further visits or extended hospital stays and your treatment, which can come in the form of daily medications, physical therapy and surgery.

Car Damage

Most accidents involve some form of car damage. Even the smallest of fender benders usually leaves at least a mark or a dent on one of the cars involved. If your car has been damaged, you must file a claim through your insurance. Be sure to take photos at the scene of the damage and get an estimate from the dealership or trusted mechanic. You can also claim damages for any items inside your car that were damaged or affected by the accident. Include the bill from the body shop in your claim to ensure you get the maximum amount back.

Lost Wages

Spending time at the doctor's office or hospital treating your injuries can cause you to miss time at work. Not only does this mean lost wages and vacation time, it could also mean losing business or a potential promotion. This can be just as painful as the injury you suffered. Because of this, lost wages is something you can file a claim for, and if accepted, you can get the money you lost returned to you.

There are also other elements you can include in your claim. For instance, you can include pain and suffering, any mental health issues or wrongful death, which can get quite complicated. Having an experienced attorney on your side will ensure that you recover all the damages you are owed and help you navigate this tricky, post-accident time.



#6

TOP ROAD SAFETY TIPS TO HELP YOU AVOID ACCIDENTS



Accidents happen everyday, and sometimes, no matter how careful we are, it is impossible to avoid them. When we get into our cars, we never expect to experience an accident that may not only ruin our day, but also cause extensive injuries and medical issues we may have to deal with for years to come.

Practicing safe driving is something we all must do every time we get into our cars whether we are simply driving to the grocery store down the street or taking a road trip across the country. To help you avoid accidents, here are five of the top road safety tips all drivers should consider:

Avoid Distractions

Distractions can come in many forms. We may hear our phone go off, be looking for a good song on the radio or even see a billboard that catches our attention. Simple distractions occur almost every second that you are behind the wheel, which is why it is extra important to try to avoid these distractions while you are driving. Consider putting your cell phone in the back seat so you cannot reach it, or creating a playlist you want to listen to before you get into the car.

Take Care of Your Car

It's imperative that all drivers keep their cars in top condition. In addition to regular oil changes and tire rotations, drivers should also pay attention to small inconsistencies they may notice and get the car checked when something doesn't feel right. Avoiding proper car maintenance could lead to breakdowns on a busy street, the loss of important functions and other hazards that could cause serious accidents.

Wear Your Seat Belt

This is something we hear all the time when we are young, and while this is common sense for the majority of drivers, it can also be observed that many adult drivers actually fail to put on their seatbelts while driving. Always wear your seatbelt to avoid injuries should an accident occur, and ensure that all passengers also have their seatbelts fastened before starting the car.

Don't Drive Under Bad Circumstances

Drinking while driving is a common and dangerous mistake that many people make, but there are other symptoms someone may have that should also prevent them from getting behind the wheel. If you are overly tired and drowsy, taking a new medication or feeling under the weather, it is usually best to avoid driving. Similarly, if the weather is bad or the traffic is extremely heavy, consider delaying your trip until conditions improve.

Follow the Rules of the Road

Sticking to the speed limit, following road signs and keeping a good distance between you and the vehicle in front of you are all important aspects of driving that can help you avoid accidents. Make sure to always follow the rules of the road.



#7

THE MOST DANGEROUS INTERSECTIONS IN INDIANAPOLIS

No matter how safe we are on the roads, we are always at risk of accidents. With so many distractions in place, from texting to listening to music, avoiding accidents altogether can be nearly impossible.

Here in Indianapolis, it's no secret that our roads can get busy, and while every road can present risks, there are certain intersections that seem to pose a greater rate of accidents. An intersection becomes dangerous when there is a high volume of traffic, there is an issue with visibility, or there are multiple cross streets or entry points. However, even the quietest intersections can pose a great risk. In fact, some of the most dangerous spots are actually low with vehicle traffic, but highly populated with bicycle and pedestrian traffic.

To ensure you avoid accidents on the roads, always practice safe driving. When you know your route incorporates one of these intersections, practice extra caution, slow down and get rid of any possible distractions before you begin driving.

In Indianapolis, some of the most dangerous intersections are:

- 38th Street and Guion Road
- Madison Avenue and Stop 11 Road
- 21st Street and Shadeland Avenue
- 38th Street and Franklin Road
- 86th Street and Keystone Crossing
- 38th Street and High School Road

All of these intersections are marked by heavy traffic, either pedestrian or vehicular, near popular locations or include hard-to-read signs or a lack of crosswalks.