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It's very difficult to keep a cool head after an auto accident. Gathering evidence, talking to witnesses on the scene, taking photographs and taking down important information is the last thing you want to deal with following a jarring and perhaps traumatic event. However, if you want to make sure you are covered, and ultimately compensated, for all of the damage done, you will need to keep track of the facts, the paperwork, and the people involved.

Following is a checklist of information you will need to help support the duration and depth of your personal injury/pain and suffering claim. You can use this checklist to organize your information, information you will ultimately use to discuss your claim with an insurance company or to hand over to an attorney.

The Accident

Driver information: Obtain and exchange information with all other drivers such as name, license number, tag number, insurance company name, policy number.

Photographs: Take photographs of your injuries, the damage to all vehicles and of the scene of the accident in general. If you have video capability on your cell phone, turn it on and keep it on during the immediate aftermath of the accident and videotape the scene.

Police report: Get a copy of the accident report if police responded.

Witnesses: Keep a record of all names, addresses, phone numbers and email addresses.

After the Accident

Medical expenses: Log all office visits, prescriptions, over-the-counter medications, laboratory services, physical therapy, hospital visits, treatments, medical documents, and x-rays, including names, dates of visits, amount charged and reasons for seeing the medical providers.

Lost work time: Keep a log of all time taken off from work as a result of the accident, including time off for medical treatments and/or the inability to function

properly at work due to your injuries. Get a letter from your employer verifying pay and lost time.

Lost school time: Document all lost school time and/or inability to continue with school work as you did before the accident.

Photographs: Continue to take photographs of your injuries at different times after the accident. Write the date on the back of the photo or date them in the digital file name.

Witnesses: Contact them for a written statement before too much time lapses (or have your attorney do this for you).

Pain, discomfort, emotional distress, fatigue, tenderness, inconvenience, etc.: Keep a **daily log** of your thoughts, feelings and experiences on a day-to-day basis, documenting how the injuries have interfered with your daily life and relationships. Keep a tablet or notebook handy at your bedside and document each morning and evening.

Car repair estimates and/or bills: Car repair estimates are necessary to get your car fixed. However, estimates provided by your insurance company can sometimes be lower than you might have expected. If unsatisfied with an initial estimate, take the automobile to a certified mechanic for another estimate. Be sure to save all of the bills and repair paper work associated with the repair. You should routinely get two estimates for repair to document your losses.

Out of pocket expenses: Keep records/receipts of everything you've paid for out-of-pocket relating to or as a result of injuries suffered in the accident. For example, heating pads, ace bandages, child-care expenses, cancellation of a vacation trip or event, clothing, taxi service or rental car, etc. You can do this in your daily log or on your home computer in a spreadsheet.

What You Need to Know:

Seek medical attention immediately after an accident!

Do not admit fault immediately after the accident.

Diligently follow through with all medical treatments.

Do not answer any questions from the other side's insurance company or attorney or sign any forms without approval from your attorney.

Do not settle your case until all necessary medical expenses, present and future, are known and documented.

Keep copies of *everything* (all documents, bills, medical records, etc.).

Meeting with an Attorney

During your first meeting with an attorney after any accident or injury, your lawyer will first want to hear about what happened, and he or she may collect a variety of information from you. The length of the initial interview can vary depending on the circumstances that led to your injuries. In rather straightforward cases like car accidents, the first meeting probably won't take very long, especially if you come prepared. In more complex cases like medical malpractice or injuries from defective products, the initial interview will usually take longer.

As you tell the lawyer about your accident, he or she may ask questions about it. Frequently, lawyers wait until you have told them everything before asking questions. While some of these questions may be difficult to hear, let alone answer, your lawyer does need to know the answers in order to help you find the best solution for your case. Your lawyer will collect a variety of information relating to your accident or injury, including facts about your medical treatment, others involved in the accident, potential witnesses, and more. He or she will likely also discuss practical aspects of your case such as a representation agreement, different types of legal fees, and the kinds of costs you can expect in your case.

Here is an idea of what you can expect during your first meeting with an attorney:

- [The lawyer may ask you to sign a form authorizing the release of your medical information from health care providers, so that he or she can obtain your medical records on your behalf
- [The lawyer will want to know about all your insurance coverage.
- [The lawyer will ask if you have talked to any insurance adjustors and if so, what you have said and whether you provided a recorded or written statement about the accident or injury.
- [The lawyer will ask if anyone else has interviewed you about the accident or your injuries, and if so, with whom you spoke and the details of what was discussed.
- [If it isn't evident by looking at you, the lawyer may ask about the current status of your injuries -- whether you are in pain, what your prognosis is, etc.
- [The lawyer may advise you to see your doctor if you have any lingering physical problems or complaints. If you don't see your doctor and later decide to pursue a legal claim for your injuries, the defendant may argue that you aren't seriously hurt, on the theory that no doctor visit indicates no medical problems.
- [The lawyer may decide to consider your case, and to contact you shortly after the meeting to discuss your legal options. This is a common practice in injury cases, so you should not read anything into it.
- [The lawyer may decline to take your case. He or she may do this for many reasons, such as his or her current caseload, capabilities or specialties, economic situation, or family responsibilities. You also

may learn that in the lawyer's opinion, you do not have much of a case. While this is valuable information, and it is better to get such an opinion early, you should by all means seek a second opinion from another attorney.

- [The lawyer may refer you to another lawyer. This happens when the lawyer cannot take your case for any number of reasons, or when he or she thinks that the other lawyer can do a better job under the circumstances.
- [The lawyer may ask you to sign a retainer contract or other form of agreement for representation. Read the contract carefully and ask questions before you sign it. You should be able to take the contract home to study it before signing.
- [The lawyer will tell you what the next steps are. There may be a factual investigation before a lawsuit is filed or settlement is considered, and the lawyer may be able to give you a rough estimate of how long it will take to resolve the case.
- [The lawyer will tell you not to talk about the case with others, and that you should refer questions back to him or her. **This is very important advice.** Just as loose lips sink ships, stray comments can ruin your case in the courtroom. This includes comments and posts on social media accounts (ie: Facebook, Twitter, etc..!!). Every defense attorney routinely requests these accounts in discovery and if you are seen snow skiing or rollerblading, or posting about how drunk you were at some party when you say you were home laid up from the accident, your credibility will be shot and so will your case!! **BE MINDFUL OF ALL SOCIAL MEDIA WHILE YOU ARE RECOVERING!!**
- [The lawyer will probably give you an idea of how he or she intends to keep you informed of progress in your case. There is no unified approach to this. Some lawyers provide periodic report letters; others call you on a periodic basis or when something happens; still others will ask you to call when you have questions.