



What Are Your Rights

When You're Dealing With Insurance Companies After a Car Accident?

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THE RIGHT TO REPRESENTATION

In our previous eBook, we detailed some of the questions you want to ask when hiring a lawyer. This is imperative because legal representation is one of your unalienable rights as someone who has suffered serious injuries as a result of someone else's reckless and negligent actions.

You should know that the insurance company you're going up against—whether your own or that of the negligent party—is backed by their own legal teams. Their ultimate goal is to avoid paying out compensation where they possibly can. This often means offering low settlements or denying a claim outright.

Because of this, you want to have someone on your side who is equally qualified to help you navigate the complex legal matters. Hiring an experienced attorney can give you peace of mind so you know the insurance company cannot take advantage of the vulnerable situation.



THE RIGHT TO A FAIR TRIAL

The process following a car accident can be complex and there are many phases of the process of which you need to be aware. Many people fail to take action because they're unsure of what to expect. To eliminate these concerns, we breakdown the process:

- **Filing a claim with your insurance company:** When filing a claim, you may go through your own insurance provider and if negligence is involved, they'll initiate the process with the responsible party's insurance provider.
- **Potential denial of your claim:** The insurance company may deny the claim, attempting to use one of their many tactics to prevent paying out a claim. This is often done in a manner that violates the rights of the claimant.
- **Filing a lawsuit following denial:** If your claim is wrongfully denied, you can work with a legal team to file a lawsuit in an effort to secure the outcome you need.
- **Motion to dismiss from the defendant:** If the defendant is trying to get out of the situation quickly, they may file a motion to dismiss with the court. This does exactly what the name implies, and the judge can either grant the motion and dismiss the case, or they can choose to proceed with moving forward.
- **Discovery phase:** During the discovery phase, both of the parties will present evidence for their case. Typically, this includes all types of documents, witness testimony, statements, photographs, etc.
- **Settlement offer from the defendant:** If your legal team can present enough compelling evidence during the discovery phase, the insurance company may offer a settlement. This is often lower than you deserve, so consult with your legal team before accepting or denying it.
- **The right to a fair trial:** If you deny the settlement and want to pursue compensation through trial, you and your legal team can present your case to a jury who will make the decisions on whether you deserve compensation and how much should be awarded.

THE RIGHT TO EVIDENCE

You deserve the right to collect evidence following a car accident that can help you prove your case. Oftentimes, negligent drivers are quick to deny certain information, but you can calmly and politely remind them the law mandates the exchange of information in an event of an accident.

You should collect the following items from the negligent party to move forward:

- His or her driver's license information
- His or her license plate number
- His or her insurance policy information
- His or her contact information

You also have the right to take photos of all documents listed above, as well as the scene of the accident, the damage suffered by all vehicles involved, and any visible injuries that you and your passengers may have suffered.

Finally, you can file a report with local law enforcement. Reporting the accident helps to accrue further evidence, including initial statements by the parties involved in the crash and witnesses, as well as details from the scene of the accident that can prove



THE RIGHT TO DAMAGES

Many individuals are unsure whether they can afford legal representation and going to trial after a car accident. However, when you consider the mounting medical bills, the inability to earn an income, the damage to your property, and other factors, it's more damaging not to file a lawsuit.

By taking legal action, you are able to pursue certain damages including economic, non-economic, and in some cases punitive damages.

- Economic damages refer to all losses experienced by the plaintiff that can be associated with a monetary value. You have a receipt, statement, or bill to prove the exact amount lost.
- Non-economic damages refer to losses experienced that do not have an exact amount associated with them. This includes pain and suffering from the injury.
- Punitive damages are only available in specific situations where the injury is a result of malice and intentional acts of negligence and are used to punish the defendant.

For questions you may have, Lowe Law Group is here to provide the answers you need.

