About this eBooklet

Traffic accidents are a daily occurrence in Missouri and Illinois. According to the last available figures from the Missouri State Highway Patrol, 766 individuals died and 47,977 people were injured as a result of a car crash in the state of Missouri in 2014. Similarly, according to the Illinois Department of Transportation, there were over 37,461 car accidents in the state in 2016. Sadly, the majority of these crashes were avoidable as they were caused by negligent driving.

COMPENSATION AFTER CRASH: FREQUENTLY ASKED QUESTIONS

When someone is injured in a car accident, his or her life can take a serious turn. The consequences may demand significant time off work or separation or termination of employment. On top of that, property bills can add up while medical bills continue to accumulate for future medical treatments. Accident victims oftentimes find themselves lost and alone among their compounding questions regarding how to support themselves after a crash. This eBooklet was created by The Dixon Injury Firm in order to address as many of those questions as possible.

Of course, the information in this guide is not legal advice. Every personal injury case is unique and as such, car crash victims should seek the counsel of a qualified lawyer to discuss the specifics of their cases. It is our genuine hope that this eBooklet will provide valuable resources to you as you begin to educate yourself on the personal injury accident claim processes.
About the Author

Christoper Dixon is the founding attorney at The Dixon Injury Firm. He has dedicated his life to helping victims injured in accidents, such as those injured in car crashes. In addition to numerous other accolades, he has been named a “Top 100 Trial Lawyer” by the National Trial Lawyers Association and a Rising Star by Super Lawyers. More importantly, Chris has recovered more than $35,000,000.00 for personal injury victims through various judgments, settlements, and verdicts.

Dixon is passionate about helping others and has a proven track record of holding insurance companies responsible for compensation due to personal injury victims. Dixon is licensed and has extensive experience in both Missouri and Illinois.

Disclaimer

This eBooklet is intended as a general education guide to Missouri and Illinois accident claims. It does not intend to provide any specific legal advice. This eBooklet is current as of the printed date of publication within; subsequent changes to the laws contained within may affect your legal rights. No attempt is made to establish an attorney-client relationship through the use and/or access of this eBooklet. The attorney-client relationship does not begin until a written agreement has been agreed upon and signed between the client and his or her law firm. To the extent this eBooklet may be considered advertising materials under Missouri or Illinois law, the Dixon Injury Firm has made every effort to comply with appropriate legal and ethical requirements in its creation and publication. The hiring of a lawyer is an important decision that should not be based solely on advertising. For specific legal advice regarding your individual case, contact a Missouri or Illinois personal injury lawyer who can provide counsel based on the specific details of your claim.
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**Introduction**

Throughout his career as a personal injury attorney, Christopher Dixon has worked on hundreds of auto accident cases in Missouri and Illinois. He uses a comprehensive approach that begins with an initial investigation, leads to working closely with medical providers and health insurers and to complex negotiations and litigation with insurance companies, all before ending with financial recovery. Chris has worked with numerous accident clients, many in situations similar to yours.

**A. Car Accident Basics**

There are several dangers associated with driving on Missouri and Illinois roads. Inexperienced drivers, distracted drivers, and rage-filled drivers are all regularly known to cause accidents. Relatedly, even though several localities in Missouri and Illinois ban or restrict cell phone use while driving, statistics show that cell phones still cause a large percent of car accidents. While we all know the rules of the road and can control our own driving, we are helpless when it comes to the behavior of other drivers. With knowledge of the unfortunate truth that accidents are inevitable, we wrote this eBooklet to give you the ability to confidently address any scenario you may encounter after a collision.

**B. Most Common Causes of Car Accidents**

Car accidents are caused for a variety of reasons. However, nearly all car crashes that are not caused by faulty equipment can likely be avoided. This is because a large number of drivers fail to drive with the reasonable and ordinary care required of them by law. As such, some of the most common causes of Missouri and Illinois car accidents are as follows:

- Speeding
- Inattention
- Driving under the influence of alcohol or drugs
- Reckless driving
- Distracted driving
- Ignoring road conditions
- Weaving in and out of lanes
- Failing to yield
- Failing to maintain vehicle
- Failing to obey traffic signals
C. Damages Recoverable from Car Accidents

Car accident victims often have a very vague and imperfect understanding of the difference between the multiple types of personal injury damages. It is important to note, however, that just because you were injured does not necessarily mean you are automatically entitled to every type of available damage. The type of specific damages that might be available to you will depend on the specific details of your case including the type and extent of injury you sustained and the circumstances surrounding the crash.

If you have been injured because of another person’s negligence, however, you may be entitled to recover personal injury damages. But, in order to collect the full extent of these damages, you will likely have to file a personal injury lawsuit. These lawsuits are governed by the applicable civil law in Missouri or Illinois.

In some circumstances, you might be able to recover compensation for your Missouri or Illinois car accident even if you were at fault or if the other driver was uninsured. To be sure, it is important to review your insurance policy. Certain policies provide that the insurance company must repair your car and pay for reasonable related medical expenses even where you caused the accident. If, for example, you carry uninsured motorist coverage, your losses will likely be paid by your insurance company if the other driver who was at fault did not have a minimum liability policy as required by Missouri and Illinois law. Insurance policies can be complex and it is recommended that you contact an attorney who has experience reviewing these policies in light of litigation.

Where the other driver is determined to be at fault and where the adverse insurance company accepts liability, an insurance adjuster may make a settlement offer to you as an attempt to settle any claims you may have for property and personal injury damage. Before entertaining any settlement offers you should take inventory of what damages were caused as the result of the other driver’s negligence. For example, did you incur any of the following:

- Replacement and repair costs for your car
- Pain and suffering
- Lost income
- Medical or funeral costs
- Lost support or companionship

Missouri and Illinois caselaw provides a clear framework of damages accident victims might be entitled to, which are typically above and beyond what may be offered in settlement. For example, in certain circumstances damages not limited to future medical expenses, past and future pain and suffering, emotional distress, lost wages and/or earning capacity may be recoverable. More specifically, the following is a list of
expenses that, if proven, can be recovered from the at fault party’s insurance company in a lawsuit:

- Medical expenses including emergency transportation, emergency room treatment, hospital expenses, doctor visits, physical therapy, medical devices, and chiropractic care;
- Future medical expenses are recoverable where the injured individual shows that he is likely to need continued medical care because of the accident;
- Pain and suffering damages may be granted for physical and mental pain resulting from the car crash depending on the nature of the injury, the severity of the pain and the length of future suffering;
- Property damage including recovery for the value of damaged property;
- Lost wages, or the amount of money the injured person would have earned between the time of injury to the time of the final judgment if they were not injured;
- Loss of earning capacity may be recovered where the injured individual can show that his or her ability to earn money in the future has been impaired;
- Loss of consortium, applicable to a claimant spouse, where his or her spouse is injured or killed.

If you have questions about whether or not these damages are applicable to your specific case or if you feel that the insurance company is not offering appropriate damage compensation, you should contact a personal injury lawyer to discuss your claim. It is important to keep in mind that settlements are final. If you sign a settlement offer with the insurance company, you likely release the insurance company from paying you something else that may be owed or that may become owed in the future. When in doubt, consult with a Missouri or Illinois attorney before signing or agreeing to any damage settlement with the insurance company.

PART I: The Accident

A. What should I do at the scene of the crash?

The following checklist may be a helpful resource for accident victims. After an accident and at the accident scene, it is recommended that you do the following:

- **Call 9-1-1.** If you are able to, you will want to immediately call and report the crash to ensure that emergency dispatchers arrive at the scene of the accident in a timely fashion.
- **Get to a safe spot.** If your vehicle and injuries permit, it may be necessary for you to make sure you are safe from further harm. To do so, get out of or away from your car and/or the highway or interstate.
• **Evaluate whether others need medical care.** If you are able to do so, check with the individuals in your vehicle, and where practicable, in other involved vehicles to see if they have been injured in any way.

• **Cooperate with law enforcement.** The first responders will likely ask for information regarding how the accident occurred. Stay calm and provide them with all of the relevant facts about the accident.

• **Obtain insurance and contact information from the other driver.** Do not rely on law enforcement to obtain this information. Ensure that you have names, contact information, and insurance information for the other involved driver(s).

• **Obtain witness names and contact information.** Again, you should not rely on law enforcement to get all of the necessary information. Witnesses can be crucial to your claim and they may leave the scene before law enforcement even arrives. Furthermore, law enforcement can overlook documenting a witness’s identity or may incorrectly do so. In the event any witness is not cooperative, take a photograph of his or her license plate and write down the color, make, and model of his/her vehicle. If you hire an attorney, he or she can use this information to secure the witness’s identity.

• **Take pictures.** Where practicable and possible, take pictures of the vehicles involved and of any physical evidence present at the scene. Beyond vehicle damage this can include skid or tire marks, road conditions, traffic conditions, and/or any pertinent signage. If you are unable to take these photos yourself, you can ask a witness or other person present at the scene to do so.

• **Seek immediate medical care.** It is vital to seek medical care after an auto accident as injury victims are often overcome with adrenaline and are unable to accurately assess their conditions. A qualified healthcare professional will likely want to perform a physical examination and/or diagnostic testing to evaluate conditions. Failure to seek medical care after a car accident can lead to further injury and will likely even be used as a defense to any claim of injury you attempt to make later.

• **Talk to an attorney.** Accident victims need to know their legal rights. Speaking with an attorney following an accident can help victims navigate through the legal procedures that follow.

• **Contact your insurance company.** After a crash, you have a duty to notify your insurance provider that an accident took place. If you are injured and are unable to contact the insurance company, it is recommended that you ask a family member to report the crash.

• **Do not speak to the at-fault insurance company.** The at-fault insurance company, their adjusters, and/or their investigators will likely try to contact you after the crash. They will try to obtain a recorded statement from you. As such, these individuals are trained in asking questions to elicit certain responses in an effort to avoid their accountability. It is important that you do not speak to the at-fault insurance company. Where you have already hired an attorney, you may want to answer the at-fault insurance company only to inform them that they can contact your attorney.
B. Should I seek medical care?

As explained in the checklist above, you should seek immediate medical care following a car crash even if you do not think your injuries are severe. It is vital both for your health and for any potential claims you may have, to be honest about your injuries. This means that you should not exaggerate any injuries or downplay any injuries either. Immediately following an accident, however, victims are often too overwhelmed to accurately evaluate their own injuries. Pains that you may perceive as minor, such as cuts, scrapes, bruises, bleeding, tingling, numbness, muscle spasms, dizziness, jaw pain, muscle stiffness, reduced range of motion, tightness, aching, blurred vision, headaches, swelling, shortness of breath, or soreness may all be signs of developing injuries. Seeking the care of a qualified medical professional can ensure that these symptoms are managed and that you take appropriate steps to tend to your pain. Further, physical examinations and diagnostic tests that treating medical professionals often provide after a car crash can uncover injuries that may be masked by the excess adrenaline produced following an accident. Failing to seek medical attention after a car crash may lead to further injury and can be used against you as a defense by the at-fault insurance company.

If you decide to seek medical care, you may wish to assess your pain to decide which type of care to seek. Obviously more serious injuries should be dealt with at emergency facilities. More acute pain, however, may be dealt with at an urgent care, at your primary care physician’s office, or at a chiropractor well versed in auto accident care. Of course, where none of the acute care options are available to you, you should seek treatment at an emergency room. There, physicians can provide you with a variety of care including ordering x-rays, prescribing anti-inflammatory prescriptions, pain relief prescriptions, or muscle relaxers, and/or recommending follow-up care for persistent symptoms.

At the medical facility, you should provide a concise summary of the accident. The medical provider will want to document exactly what happened so that he or she can accurately evaluate your condition. For example, if you were rear-ended by another driver, recount the positioning of your body before and after the event. You’ll want to report on the commencement of all symptoms as well. Did symptoms start immediately on impact? Or, did pain come on gradually, starting, for example, once you detached the airbag? It is also vital that you tell your provider how the pain has changed since the accident occurred. Pain may have gotten worse, improved, or changed course with time or activity. For example, does the low back pain feel worse after sitting down?

After seeking treatment and providing a detailed account of the accident and your injuries to the providers, you’ll want to fill all prescribed medications and purchase any additional medication or equipment that may help your injury. It is advised that you save all such receipts as documentation of expenses paid because of the accident. Next,
where needed, it is important that you stay diligent with follow-up care for your injuries. For example, where your doctor prescribes physical therapy, chiropractic treatment, or otherwise, it is important that you comply. Medically supervised management of your injury can be an extremely helpful healing mechanism. However, in some circumstances, injury victims find that the conservative care provided by physical therapists and chiropractors is not enough to manage their pain and injuries. If you find that you’re not getting relief from these types of treatment, you may need to request an MRI or other type of diagnostic test to determine whether any soft tissue issues are present.

Unfortunately, soft tissue injuries are extremely common car accident injuries. Oftentimes car crashes cause these types of injuries to the discs in ones spine. Following a crash, disc issues are typically reported in the low and mid back as well as in the neck. Where a car accident victim suffers from a soft tissue or disc injury, orthopedic surgeons will likely prescribe an injury-specific treatment plan. This plans can include strengthening exercises, injections and other controlled interventions, up to and including spinal surgery. Of course, surgery is typically the last resort reserved for accident victims with persistent unbearable pain. However, where it is necessary surgery may be the only option that can truly help injured car crash victims recover and return to their normal lives.

Lastly, injuries stemming from a car crash are not always just physical. If you are experiencing any emotional or psychological injuries after a crash, you should seek medical treatment for those injuries as well. It is not uncommon for crash victims with debilitating injuries to experience depression or anxiety as a result of the changes in condition caused by the crash. Similarly, sometimes drivers suffer from extreme anxiety or fear as they attempt to get back in the driver’s seat. Where these types of psychological injuries affect the individual’s daily life, they should be addressed with a medical professional.

**C. How do I read the police report?**

Police reports can be difficult to read, confusing, and oftentimes illegible. But, accident reports can be vital evidence in making a personal injury claim. The first step to understanding the police report is getting a physical copy of the report. Typically Missouri and Illinois crash reports can be requested through the respective Department of Transportation. Each jurisdiction is different, but once processed the report may be available for immediate online purchase, physical pick up, or for delivery via mail. For more information on obtaining your crash report, check with the applicable Department of Transportation in your state or contact a personal injury attorney for assistance with requesting your report.

Once you have requested and received the police report, you’ll want to take inventory of its contents. The first step to analyzing your Missouri or Illinois crash report is to
check the date, time, condition, and location of collision listed on the report. The location typically indicates whether the crash occurred on an interstate, highway, street, parking lot, construction zone, school zone, or some other area. Ensure that all of the details are appropriately listed and make note of any items that do not match your recollection of the facts.

The accident report should also list certain driver and vehicle information for all involved parties. The reported driver information typically includes all of the following for each involved driver:

- Name, address, and phone number
- Driver’s license details, including license type, license number, and state
- Insurance information

Additionally, the police report will usually state whether or not a sobriety or other test was given to any involved party for possible drug or alcohol use, the type of test given, and the results of the test. The vehicle information collected is generally as follows:

- License plate number and state
- Model, make, and body style
- Vehicle identification number (VIN)
- The name of the insurance company for insured drivers, and the associated policy number(s)
- Towing information, if applicable
- Estimated vehicle damage

Similar information is typically recorded for passengers and witnesses. Where applicable, passenger information may include the following:

- Type of safety restraint used
- Seating position
- Details regarding ejection or injuries

Further, where applicable, witness statements will be incorporated into the report along with witness names and contact information. Where injuries were suffered by any involved party, accident reports typically include a summary of injuries and list where the victims were taken for medical treatment. Lastly, police reports will typically include the name, department, and/or badge number of the responding officer.

While reading your accident report, keep in mind that the reporting police officer was (most likely) not a witness to the crash. Thus, his or her opinion of the crash recorded in the report is just that — an opinion. That opinion is based on information gathered at
the scene from drivers, passengers, bystanders, witnesses, conditions, and physical evidence. Officers may draw a written diagram to accompany their narrative of how the crash occurred. But with both the drawing and the written summary, the information presented is merely an opinion that does not necessarily reflect the exact facts of the car crash.

If you read your accident report and find it factually inaccurate, you should contact a personal injury lawyer for assistance with disputing the report. A knowledgeable car accident lawyer can dispute and oftentimes correct errors or oversights in the crash report. Of course, this can be very important as many insurance companies cite the crash report in assessing compensation for the incident. If the report is inaccurate and wrongly favors the other driver, you may lose out on compensation that you are legally entitled to receive.

D. How do I determine who is at fault?

The first step to determining who was at fault in the accident is checking the accident report. The law enforcement author may have ticketed one of the parties at the scene of the accident. While ticketing is an indication that some law was broken, it does not always establish causation. However, if a party was ticketed, the police report usually will reveal which driver, in the opinion of the responding police officer, should be held responsible for the crash.

If no tickets were assigned, or if you want to clarify who may be at fault for the crash, you can always consult the Missouri or Illinois statutes concerning the operation of motor vehicles for helpful language. These statutes can be extremely complex. Should you need help applying the relevant statutes to your case, you may want to discuss your claims with a qualified Missouri or Illinois personal injury attorney.

Of course, determining fault is important as it will generally decipher whether your insurance company or the adverse party’s insurance company will be required to cover the losses. It is important to note, though, that regardless of who caused the accident, you may still be able to recoup your property damages, lost wages, and medical expenses, depending on the specific insurance coverages that may available to you.

PART II. Do I have a case?

We recommend that you consult a personal injury lawyer to determine whether or not you have a valid car accident case. However, there are three components to personal injury claims that, if answered affirmatively, generally yield a valid case:

(1) Was the at-fault party negligent? For example, did the other driver run a red light, roll through a stop sign, fail to yield, or make another careless or illegal move that the law would consider negligent before striking you or your vehicle?
(2) Did the negligence of the other driver cause your injury? For example, did the impact cause a slipped disc, broken arm, or other injury?
(3) Did the injury result in actual harm to you (compensable damages)? For example, did the slipped disc, broken arm, or other injury result in medical bills, pain and suffering, lost wages, or otherwise?

If you answered yes to the three questions above, you likely have a personal injury case. To discuss your potential case or any questions you may have about how your claims apply to the questions listed above, call a car accident lawyer with knowledge of these personal injury tenets.

**A. How do you file a car accident claim?**

In order to get reimbursed after a crash, you need to take several actions. First, it is important that you exchange information with the other driver at the scene of the incident so that you obtain their insurance information. Next, you’ll want to contact your insurance company to review your coverage and discuss the insurance claim process and next steps in the investigation. However, before you discuss your damages with the other insurance company or file any claim, it is strongly recommended that you discuss your case with an attorney. He or she can guide you and provide advise on whether or not you should undergo the typical claims process or initiate a lawsuit to receive full and fair compensation.

**B. How do you prove mental and emotional injuries from a crash?**

Proof of mental and emotional injuries following a car accident can be difficult. But, where proved, these types of injuries are compensable. In personal injury cases, the majority of emotional and mental damages are called “pain and suffering” damages. This category of damage includes a wide range of injuries not limited to fear, shock, distress, anxiety, or post-traumatic stress disorder. Individuals who suffer this type of trauma after a car crash may have a variety of symptoms such as appetite loss, sexual disturbances, sleep issues, mood swings, and anger. Depending on the severity of the injuries, psychological treatment may be required. This type of treatment can include counseling, prescription drugs, or forms of psychotherapy.

Of course, unlike a broken leg, black eye or injured spinal cord, mental and emotional injuries are not visible. In order to prove them, you may have to rely on testimony of others to prove your impaired state. Because this element of damages is extremely difficult to prove, it is important to select the right legal representative who can guide you through the process of adequately proving this factor of your compensable damages.

**C. How much is my case worth?**
Without knowledge of the details of your specific case, it can be difficult to estimate its worth. However, there are a few tenets that can be used to calculate the value of your claim. The following items are an important part of this valuation:

- Liability
- Damages
- Insurance Coverage

Liability is simply a fancy term for fault. The first step to calculating the value of your claim is determining who was at fault for the accident. This is not to say that you are barred from recovery if you were at fault, but your fault determination is relevant to your calculation. Relatedly, even if you were partially at fault for the crash, you will still likely be able to make a recovery, but that recovery may be reduced.

The next factor used to determine how much your case is worth is the severity of your damages. In Missouri and Illinois, the law on damages is clear— if you are injured because of someone else’s negligence, you have the right to be put back into the same place/condition you were in before the crash. This ultimately means that where no injuries are suffered, no value is added to your claim. Or, on the other hand, where serious injuries are suffered, a substantial amount of money will likely be required to fix what can be fixed. The seriousness of the damages you incurred is generally calculable on a spectrum and is a crucial part of the valuation of your claim.

The third and final prong to calculating the value of your claim is deciphering how much insurance coverage is available to compensate your damages. If the crash was caused by a driver who carries adequate insurance, there may be enough coverage available to cover all of your losses, injuries and damages. However, where the at-fault party has no insurance or only a minimum amount of insurance, there may not be enough coverage available to cover all of your losses, injuries and damages. This does not mean you will not be able to recover at all, but it may mean that your recovery is reduced or that you have to explore other avenues to seek recovery. For a calculation of the actual value of your claim, you should discuss the details of your accident with a personal injury attorney that specializes in auto accidents.

PART III. How do I deal with the insurance companies?

A. Should I call my insurance company?

As mentioned above, drivers have a duty to notify their insurance company of any accidents they have been involved in. Where an accident victim is physically unable to place the call to the insurance company, it is advisable that he or she request that a family member notify the insurance company as soon as practically possible.
B. Should I accept the money the insurance company is offering me?

Be very careful in entertaining any offers made by the insurance company. Remember that insurance companies make a profit by accumulating and investing the money paid to them by their insureds; they make no money on paying out claims to injured victims. The biggest risk in accepting an early offer from your insurance company is that it may not fully compensate you. In the days, weeks, and months following your accident, you likely will not know the full extent of your injuries. With knowledge of this, insurance companies try to make a quick early offer to car accident victims. The offer may seem appealing in light of compounding medical and property damage bills and the idea of closing shop on paperwork and legal responsibilities following an accident may be enticing too. However, once you accept the offer of the insurance company, they will not pay you any further money. This will be true even if you later discover that your injury is worse than you thought. For example, if you settle with the insurance company, but thereafter your chiropractor recommends an MRI that exposes a soft tissue issue requiring extensive treatment and a potential surgery, you will not be entitled to any further compensation for those bills or for any of the ramifications of those treatments.

C. Should I talk to the other driver’s insurance adjuster?

You are not required to talk to the other driver’s insurance adjuster. In fact, it may be in your best interest to avoid communicating with them all together. Remember, the insurance company for the other driver is not on your side. They have two goals: (1) they want to protect the interests of the driver who caused your injuries, and (2) they want to pay you as little money as possible. With that in mind, it should be relatively easy for you to ignore their constant calls. If you have already hired an attorney when the other driver’s insurance adjuster starts calling, you should direct your attorney to contact them so that you will no longer receive the calls. Your attorney can talk to the other driver’s insurance company on your behalf.

D. Do I have to give a recorded statement to the insurance adjuster?

No! This is a question Dixon Injury Firm receives all the time. There is a lot of general confusion on whether or not the recorded statement is required and this is because insurance companies often behave deceptively in making these requests. By their language, victims often feel obligated to provide a statement. However, accident victims are under no such obligation.

There are, however, some circumstances where providing a recorded statement to the insurance company can be beneficial. But these circumstances are extremely fact specific and are best left to a discussion with an experienced attorney. If you were injured in a crash, or if you were partially or totally at fault for the accident, you should
contact an attorney before deciding whether or not to give a statement to an insurance company.

E. What if the other driver tries to blame me for the crash?

Unfortunately, it is all too common that the at-fault driver will try to blame the other driver for causing the car accident. Even if the other driver took responsibility at the scene of the accident, that admission may not be enough to absolve you of blame. This is because once the insurance company gets involved, the other driver may have a change of heart and decide to switch his or her stance on what happened at the scene. As such, it is extremely important to ensure, where possible, that a crash report is filed with the appropriate Missouri or Illinois police department. The officer taking the crash report may take statements from both drivers as well as other witnesses. All of this information can be used later to refute any changes of heart the at-fault driver may have.

PART IV. Should I bring a personal injury case?

Not every accident victim truly needs to bring a personal injury lawsuit. In certain instances, such as where no injuries are reported and only minimal property damage is incurred, it may not be advisable to bring a case at all. To determine whether you have a viable claim, we recommend you ask yourself the following questions:

(1) Did you suffer an injury?
(2) Was your injury caused by the act or omission of another?
(3) Do you have recoverable damages?

If you answer “yes” to the questions above, you are likely able to bring a case to recover for your damages. Of course, for more help in answering the questions above, we recommend you speak with a personal injury attorney before deciding for or against bringing a claim.

If you decide to bring a personal injury lawsuit, you will want to choose an experienced personal injury attorney to help you do so. Choosing a lawyer can be difficult as you are tasked with finding someone with knowledge, experience, and a strong track record, but also who is responsive, fair, and approachable. We recommend using the following questions when searching for lawyers and attempting to strike the above-mentioned balance:

- Is the consultation really free?
- If my case is lost, do I really not owe you any money at all?
- What is your reputation in the legal community?
- What is your reputation with insurance adjusters?
• Have you ever handled a case like mine before?
• How many cases have you brought to full resolution?
• How long have you been practicing in this field of law?
• Will you be the lawyer who will actually handle my case, or will it be someone else at your firm?
• Do you have other staff members who can speak with me if you are unavailable?
• Will you be the lawyer who is taking depositions and speaking to the insurance company on my behalf, or will it be someone else at your firm?
• Do you actually file lawsuits and try cases or do you just settle with insurance companies?
• What are the possible outcomes of my specific case?
• Can you help me find medical providers for my injuries?
• Can you fight my liens?
• Are expenses included in your fees?
• Will you answer my phone calls and communicate with me?
• Will you inform me what is going on in my case?
• Do you give out your personal cell phone number so that I can reach you regarding my case?
• Is my case big enough to need a lawyer?
• How strong is my case?
• How long do you estimate it might take for my case to be resolved?
• What are the weaknesses of my case?
• What are the strengths of my case?
• Why are you the right lawyer for my case?

A. What do personal injury attorneys do?

At the Dixon Injury Firm, car and truck accidents are the most common types of personal injury claims we handle. We have handled hundreds of these types of cases for Missouri and Illinois victims. Our experience ranges from accidents involving injuries such as whiplash and soft tissue issues to major debilitating injuries and death. Of course, we place an equal importance on all claims and understand that the resolution of these claims is extremely important to each suffering victim. This is because victims face a great deal of stress following a car accident: haggling from insurance companies, property damage, outstanding doctor and hospital bills, car repair and rental car bills, lost time from work, and nagging pain. We provide each of the following services to our clients:

• Help with car repairs;
• Help with obtaining a rental car;
• Help with finding medical professionals with experience treating car accident injuries;
• Interview and obtain statements from accident scene witnesses;
• Investigate the scene of the accident;
• Research the Missouri or Illinois laws applicable to the case;
• Preserve evidence of damages in a manner that ensures admissibility in court if the case goes to trial;
• Advise as to the value of the claim through research on settlements and verdicts in similar cases;
• Guide clients through the legal process;
• Create detailed settlement outlines to provide to the insurance company to achieve a full and fair settlement;
• Communicate actively and aggressively with the insurance company to achieve appropriate financial recovery;
• Litigate the case through trial where necessary to obtain full and fair compensation.

Even after providing all of these services, we only get paid if we collect money for you. This is because we work on a contingency fee basis, which means that we take a percentage of the money we collect for you on the condition that you do not have to pay us any money upfront. We also generally front litigation expenses. Simply put, you do not have to pay to talk to us.

We understand that the choice of a lawyer is an important decision, so should you wish to research personal injury attorneys beyond the attorneys at the Dixon Injury Firm, we recommend finding an attorney who is “Board Certified” in personal injury trial law by the Missouri or Illinois state bar. To receive this certification in personal injury litigation, an attorney must meet several standards, such as:

• Handle a wide variety of personal injury trial matters;
• Devote a specific percentage of practice solely to personal injury law for a number of years;
• Have an active law license for at least five years;
• Attend personal injury continuing education seminars annually;
• Undergo evaluations by fellow judges and lawyers;
• Pass an extensive written examination.

**B. How much time do I have to bring a case?**

There are specific time limitations for filing lawsuits. In Missouri, for example, the statute of limitations for a personal injury claim, like a car accident, is five years. That means if you do not file your case within five years, you cannot file a claim. Notably, in
Missouri the statute of limitations applicable to wrongful death claims is even shorter, providing only three years within which all such claims must be filed. In Illinois, on the other hand, the statute of limitations for personal injury claims is two years. Beyond this general guidance, there are various other limitations periods that may also affect your claim.

While statutes of limitations confine the time periods within which accident victims must bring their claims, there are other general common sense rules that surround the time within which one must act on their claim. Simply put, where injury victims are not diligent after their accident, they damage their claim. For example, if you do not contact your insurance company after a crash, if you fail to get medical attention following a crash, and/or if you do not act fast to pursue your claim, your claim suffers. Waiting to act can result in hardships up to and including the following: inability to locate key witnesses, inability to investigate the scene of the accident, inability to identify photographs, inability to document incident or injuries, and inability to refute the other driver’s inaccurate testimony.

Each of these repercussions to failing to take quick action highlights the importance of hiring a lawyer early on for your claim. Lawyers can investigate the circumstances surrounding your crash. They can locate and talk to witnesses and research into the background of the other driver. They can secure physical evidence and documentation relevant to the claims. Plus, they will quickly communicate with the at-fault party’s insurance company to ensure fair play. Lastly, they can manage case deadlines and time limitations so that you have one less thing to think about.

C. Who will pay the medical bills for my injury?

If you have been injured in a car crash, you are likely wondering who will pay your compounding medical bills. You are probably thinking that a negotiated settlement or trial verdict sounds great, but does nothing to pay your current medical bills. The simple answer to who pays your bills depends largely on the facts of the crash and the type of insurance coverage involved. However, in Missouri and Illinois the unfortunate reality is that you are responsible for paying your medical bills, regardless of whether or not you were at fault in the car crash. Settlement or personal injury verdict recovery will reimburse you for your expenses, including any medical bills, but will not pay the bills directly.

Missouri and Illinois are both “fault” states which means that, unless you have a specific type of insurance policy, you are required to pay your medical bills through your health insurance, out-of-pocket, or otherwise. Of course, in practice this typically means that an at-fault insurance company will be required to pay certain damages to the victim, but he or she will be responsible for making direct payments to medical providers.
Unfortunately, even if you are bringing a lawsuit against the at-fault driver and/or the police report clearly lists them as the at-fault party, there is no federal or state law that requires the at-fault party to pay your medical bills on an ongoing basis. The only requirement of the liable at-fault driver, is that he or she pay damages to settle your claim. Your medical bills may be part of those damages, but because settlements can take several months or even years to achieve, you’ll likely have to have the bills paid another way. It is your responsibility to research your potential options, but a few options that may be applicable include:

- Personal Injury Protection (PIP) insurance coverage for bodily injury
- Medical Payment (Med Pay) insurance coverage
- Health insurance coverage
- Medicaid
- Medicare
- Workers’ Compensation— applicable only if you were injured in a crash while on the job
- Negotiated payment plans with healthcare providers

A car crash lawyer can review your insurance coverage and the facts of your claim to help you analyze your options. Additionally, your legal representative can also help make sure your medical bills are properly paid.

**D. Who will pay the bills for the damage to my car?**

When you are involved in a car crash, you can claim damage to your vehicle. The party responsible for paying for the car damage depends on who is at fault for the accident and the types of insurance coverage each driver carries.

Where the other driver is at-fault for the accident, he or she will be liable for paying the cost of the damages. However, in most cases, the liability is passed from the other driver to their insurance company, who will pay the damages on his or her behalf. If the other driver’s insurance company agrees with the determination of fault, then they will likely pay for any car repairs you incur. If the other driver’s insurance company argues that their insured was not the at-fault party and refuses to pay for the damages to your vehicle, the case will likely go to trial.

If the other driver is deemed at-fault but he or she does not have insurance, your insurance company may be responsible for the costs associated with repairing your vehicle. This is especially likely where you have collision coverage under your insurance plan. Collision coverage is a type of no-fault insurance coverage wherein the insured is generally covered regardless of which party was at fault for the crash. However, even with collision coverage, the insured will still be liable for paying the deductible. A Missouri or Illinois personal injury attorney can work with you to
determine what coverage options are available in your case and whether or not you are entitled to repayment of your deductible by the other driver or his/her insurance company.

Finally, if you are deemed the at-fault party in the accident, then you are more than likely responsible for paying the costs to fix any damage to your car. However, as discussed above, if you carry collision coverage, you may only be on the hook for paying your deductible, after which your insurance company will likely pay any additional costs. If you’re struggling to determine which party was at fault or what insurance coverage is available to you, it is best to review your claim with an experienced auto accident lawyer.

E. How long will my case take to resolve?

On average, Missouri and Illinois personal injury claims take anywhere from a few months to a few years to come to full resolution. Ultimately, the life of a claim is determined by the specific facts and circumstances relevant to each claim. Where injuries are significant and ongoing, for example, the claim process may take longer as the injured victim will want to comply with treatment while fighting for fair compensation for any treatment that may be required in the future.

Where the insurance company is inflexible and unwilling to provide a fair settlement offer, the crash victim may bring a personal injury lawsuit. These types of car accident lawsuits involve a discovery period in addition to out-of-court negotiations. In circumstances where the parties still cannot reach a satisfactory offer, the case will likely go to trial. Each of the stages in the legal process from filing the claim to trying the case takes time to complete.

In general, cases involving inflexible insurance adjusters, questionable liability, serious injuries, multiple parties, or a potentially high settlement value may take longer to successfully resolve than straightforward claims. Although the timeframe may seem intimidating, there are numerous benefits that come with taking time to achieve a full and fair settlement. These benefits include each of the following:

- Improved settlement offer
- Compensation for ongoing medical care and support
- Fully developed legal arguments on the validity of the claim
- Offset legal fees
- Hold other driver fully accountable

Ultimately, the life of a claim can vary widely from case to case. An experienced car crash attorney can gauge the timing and/or the potential outcomes of your claim before deciding to accept a hasty settlement offer. In sum, the closure and compensation that
come from a well-negotiated claim may better support your financial, mental, and physical recovery process.

**Conclusion**

This ebooklet is merely a short synopsis of questions commonly asked by Dixon Injury Firm clients after car accidents. You undoubtedly have several other questions as you now know that litigating your car accident claim can be a complex process. To discuss your questions with a Dixon Injury Firm attorney immediately, call (314) 409-7060.

**A. About the Dixon Injury Firm**

The Dixon Injury Firm is passionate about helping accident victims get the compensation they deserve. Chris Dixon is intimately familiar with car accident litigation in both Missouri and Illinois. In fact, Dixon dedicates his practice to representing individuals and their families in serious personal injury and wrongful death cases, such as those often involved in car accidents. If you or someone you know has been in a car accident, call the Dixon Injury Firm for a free consultation to discuss your case. You can reach us 24 hours a day at (314) 409-7060, or toll free at (855) 40-CRASH