



CAR ACCIDENT FAQS

**Your most frequently
asked questions about
car accidents**

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Car Accident Frequently Asked Questions (FAQs)

Car accidents can be overwhelming, but knowing the answers to these frequently asked questions can help navigate the aftermath of a vehicle crash:

What should I do immediately after a car accident?

Here are some of the most important things you need to do immediately after an auto accident in Southern California:

- **Ensure Safety:** First and foremost, check for any injuries to yourself and other passengers. If anyone is seriously hurt, seek immediate medical attention.
- **Move to a Safe Area:** If possible and it's safe to do so, move your vehicle to the side of the road to avoid obstructing traffic and prevent further accidents.
- **Call the Police:** Even if the accident is minor, it is crucial to get an official report for insurance and legal purposes.
- **Exchange Information:** Obtain details from the other driver(s) involved, including name, contact details, driver's license number, and insurance information.
- **Document the Scene:** Take photos of the accident scene, vehicle damages, and any visible injuries. This can be useful evidence for insurance claims and legal proceedings.
- **Seek Medical Attention:** Even if you feel fine, some injuries might not be immediately apparent. It's always a good idea to get a medical check-up following an accident.
- **Inform Your Insurance Company:** Report the accident to your insurer, providing them with all relevant details to start the claim process.
- **Avoid Admitting Fault:** It is important to only discuss the accident details with the police and your lawyer. Avoid admitting fault or discussing specifics with the other party involved.
- **Document and Track Medical Treatments:** Keep a record of any medical treatments, bills, and related expenses following the accident.

When should I call a car accident lawyer in Southern California?

After a vehicle accident, determining the right time to contact a lawyer can make a big difference in the outcome of your case. It is advisable to reach out to a car accident lawyer in the following situations:

- **Injuries are Moderate to Severe:** If you or a passenger have sustained injuries that are more than just minor scrapes or bruises, a lawyer can help ensure you get the right compensation for medical bills, lost wages, and pain and suffering.
- **Another Driver Was at Fault:** If the other driver's negligence caused the accident, a lawyer can help prove their responsibility and ensure you're compensated appropriately.
- **Dispute Over Fault:** If there is disagreement about who was at fault in the accident, having legal representation can be crucial to present your case effectively and navigate potential disputes.
- **Insurance Claims Your Injuries Are Pre-existing:** Insurance companies may sometimes argue that your injuries existed before the accident. A lawyer can help provide evidence and counter such claims to ensure you receive your rightful compensation.

- **Other Complicated Circumstances:** If there are other complexities, such as multiple vehicles involved, unclear accident details, or involvement of commercial entities, it is beneficial to consult a lawyer for expert guidance.

Am I entitled to compensation for my injuries?

Whether or not you are entitled to compensation for your injuries largely hinges on the details surrounding who was at fault and the nature of the injuries sustained. In California, the legal system operates under "comparative negligence" laws. This means that even if you were partially at fault for the accident, you can still seek compensation. However, the amount you receive might be reduced by the percentage of your fault.

For example, if you are found to be 20% at fault, your compensation could be reduced by 20%. So, even if you believe you might have played a role in the accident, it is still worth pursuing a claim to ensure you are compensated for any losses you have sustained.

What types of compensation can I claim for a car accident in Southern California?

Auto accident victims have the right to pursue several types of compensation to address the varied impacts of the crash. Specifically, you may be able to seek compensation for losses such as:

- **Medical bills:** This covers both past and future medical expenses related to injuries sustained from the accident.
- **Property damage:** You can claim compensation for repairs to or replacement of your vehicle and other damaged property.
- **Lost wages:** If the accident caused you to miss work or reduced your earning capacity, you can be compensated for those lost earnings.
- **Pain and suffering:** This pertains to the physical discomfort and pain you endured because of the accident.
- **Emotional/psychological distress:** Accidents can lead to emotional trauma, anxiety, depression, and other psychological effects for which compensation may be sought.
- **Diminished quality of life:** If the accident's repercussions have impacted your ability to enjoy and partake in daily activities or hobbies, this form of compensation can address that.
- **Punitive damages:** In situations where the actions of the at-fault party were particularly reckless or malicious, the court might award punitive damages to punish the wrongdoer and deter similar behavior in the future.

Each claim is unique, so it is crucial to work with a knowledgeable attorney who can guide you in identifying and quantifying the full scope of your damages.

How is fault determined in Southern California car accidents?

Determining fault in a vehicle accident involves a thorough analysis of various sources of evidence and information. Here are some of the most common factors that are considered:

- **Police Reports:** Law enforcement officers called to the scene of an accident will generate a report detailing the incident. This report often includes the officer's observations, any citations issued, and sometimes their opinion on who was at fault.
- **Eyewitness Accounts:** Statements from individuals who witnessed the accident can provide a clearer picture of the sequence of events and can corroborate or contradict the involved parties' accounts.
- **Physical Evidence:** This includes photographs of the accident scene, vehicle damages, skid marks, road conditions, and any other relevant evidence that can help piece together how the accident occurred.
- **Expert Testimony:** In some cases, expert witnesses may be called on to testify based on their specialized knowledge of certain subject matter. For example, accident reconstructionists may be enlisted to recreate the accident's events based on available evidence and provide insights into potential fault.

It is crucial to collect as much evidence as possible to build a strong case and maximize the amount of compensation you are able to recover, and this is where working with a reputable attorney can prove invaluable.

How long do I have to file a car accident claim in CA?

In California, the statute of limitations for filing a claim is two years from the date of the accident in most cases. This means that if you have been injured in an auto crash, you typically have a two-year window from the date of the incident to initiate a lawsuit. If you fail to file within this time frame, you may lose your right to pursue compensation, regardless of the merits of your case.

Will filing a claim raise my insurance rates?

Filing a claim after a car crash doesn't necessarily mean your insurance rates will go up. Typically, if the other driver was at fault for the accident, your rates should remain unaffected. However, it is essential to understand that insurance policies and company practices can vary. If you are concerned about potential rate increases, it is a good idea to consult with your insurance provider for specific details about your policy.

How are car crash cases typically settled?

Auto accident cases typically follow a series of steps leading up to a resolution:

- **Demand Letter:** After evaluating the damages and injuries sustained in the accident, the injured party (or their attorney) usually sends a demand letter to the responsible party's insurance company. This letter outlines the facts of the accident, the extent of the injuries, and the compensation sought.
- **Negotiations:** Once the insurance company receives the demand letter, negotiations between the injured party's legal representation and the insurance adjuster begin. Both

sides will discuss the case's merits, the extent of the injuries, and the appropriate compensation amount.

- **Settlement Pre-Trial:** In many instances, both parties can agree upon a fair compensation amount without the need for a trial. This pre-trial settlement aims to resolve the matter efficiently and avoid the additional costs and uncertainties of going to court.
- **Trial:** If negotiations break down and a pre-trial settlement is not reached, the case may proceed to trial. Here, both sides will present their evidence, and a judge or jury will determine the outcome. A trial is usually a last resort that is employed when other resolution efforts have failed.

It is always beneficial to have experienced legal counsel guiding you through these steps to ensure that your interests are adequately represented and protected. In addition, it is best to work with an attorney or firm with extensive trial experience, so they can be fully prepared to litigate the case if the other side refuses to negotiate in good faith.

What if the insurer denies my claim or gives a low offer?

If the insurance company denies your claim or provides a low-ball offer, it is not the end of the road. Having an attorney becomes crucial in such situations. They can:

- **Review the Denial:** Sometimes, insurance companies may deny a claim based on technicalities or incomplete information. An attorney can evaluate the reasons for the denial and determine if they are valid.
- **Gather More Evidence:** If the insurance company is disputing the facts, an attorney can help gather additional evidence to support your claim, such as medical records, expert opinions, and witness statements.
- **Negotiate with the Insurer:** Experienced attorneys have the skills and knowledge to effectively negotiate with insurance adjusters. They understand the tactics insurers might use to minimize payouts and can counteract them.
- **File a Lawsuit:** As we talked about in a previous question, if negotiations fail, an attorney can file a lawsuit on your behalf, compelling the insurance company to reevaluate their position.

In a situation like this, an experienced attorney acts as a strong advocate, ensuring that you get a fair settlement and that your rights are protected throughout the process.

How much does a car accident attorney cost?

When considering the costs of hiring an attorney, it is important to understand the fee structure:

- **Contingency Fee Basis:** Most personal injury attorneys operate on a contingency fee basis. This means that you won't need to pay any upfront attorney fees. Instead, the attorney's payment comes from a percentage of the compensation they recover for you.
- **Fee Percentage:** The percentage taken as a contingency fee can vary, typically ranging from 25% to 40% of the total settlement or verdict amount. The exact percentage depends largely on the complexity and stage of the case.

Injured in a Car Accident in Southern California? Contact Garmo and Garmo for the Strong Legal Guidance You Need and Deserve

Getting hurt in a vehicle crash can turn your life upside down, but you do not have to face this trial alone. At Garmo & Garmo, we have successfully represented auto accident victims in even the most complex cases, and we can do the same for you. Take the first step today by calling our office at (619) 441-2500 or messaging us online for a free consultation and case assessment.