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Car Accidents - FAQ

What if I was not wearing a seat belt at the time of my accident? Can I still recover damages?

It depends on the state in which the accident occurred. In some states, not buckling up can negate or reduce any potential compensation for damages, on the basis that people suffer more severe injuries when not wearing seat belts. In other states, this is not the case. Your attorney can tell you what the law is in your state, and will argue for your right to recover damages.

Should I release my medical records to another driver's insurance adjuster?

Definitely not. Medical record releases should only be signed under limited circumstances and after consulting with a qualified personal injury trial lawyer. If your medical information gets into the insurance adjuster's hands, it could hurt your case.

If I file a personal injury claim, will I have to go to court?

If another driver's insurance company agrees to pay what your attorney believes your case is worth, and you wish to settle for that amount, then your case will not go to court. This is what happens in most situations. Some cases do require a formal trial proceeding, however. In either situation, hiring a law firm with experience in handling personal injury cases is critical.

If I don't feel injured after an automobile accident, do I have to see a doctor?

Both you and your passengers should consider seeing a doctor after an accident. The doctor may recognize injuries, sometimes serious, that are not apparent to you. The charges for a doctor visit and medical treatment may be covered by your insurance. It is not recommended that you settle claims from an accident until a doctor has seen you and advised you about the extent of your injuries.

What if I believe the accident I was in was at least partly my fault?

You are probably not in the best position to assess how or why the accident happened. Defective equipment in your vehicle, a malfunctioning traffic signal, or another driver's intoxication are among many possible causes of an accident, which your attorney can investigate and evaluate. Accepting blame and apologizing to another driver may be used as evidence against you at trial. Leave it to a judge or jury to decide who is at fault.

Can I still win my case if my memory of the accident now conflicts with things I might have said at the time of the accident?

It's very common for people to say things at the time of an incident that they later realize were inaccurate. Sometimes, a witness may misstate what you said about how the incident took place. You might have a hard time explaining how it is that you now remember things differently than you did at the time of the incident, but if you consult with an attorney, he or she will have experience handling such a situation, and can help find support for your side of the story.

I was in a car accident and the air bags in my car didn't deploy. Do I have a case against the car manufacturer?

That depends, as there are several factors that dictate whether an air bag will deploy in a collision. You should consult with an attorney, who will investigate the airbag devices in your car and determine, with the assistance of an engineer, the circumstances under which the airbags were supposed to deploy. If the circumstances of your accident were such that the airbags should have deployed, you very well may have a product liability claim against the manufacturer.

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