



# ST. PETERSBURG CAR ACCIDENT GUIDE

*What To Do If You're Seriously  
Injured In A Car Wreck*

SALTER, HEALY, BASSETT & RIVERA



SALTER, HEALY, BASSETT & RIVERA  
PERSONAL INJURY TRIAL ATTORNEYS



Being in a car accident is downright awful. We want to express our sympathy if you have been hurt in a car accident. We understand that you're probably feeling anxious and frustrated after your accident because of the injuries you have to deal with. You may have a lot of unexpected medical bills topped with lost wages from

having to miss work. This can make your financial situation into a crisis. We want to help you recover for your damages by means of a compensatory reward.

## STATUTE OF LIMITATIONS

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You need to keep in mind that you do not have all the time in the world to bring a car accident claim. We suggest that you get to an attorney as soon as possible. You will be barred from receiving compensation if you wait longer than four years from the date of the accident. Do not take your time. If you ask an attorney to help you when you only have a week left of your statute of limitations, they may have to turn you away. It takes time to build a strong case and you want to be able to give your attorney as much time as possible but calling them right away.

## HOW COMPENSATION WORKS

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Florida is a pure comparative negligence state which means that the only way to completely bar you from receiving compensation is if you are deemed to be 100% at fault. If you are 0%-99% at fault, then you are eligible for a compensatory reward. The insurance company will try to deem you for as much fault as possible so that they owe you less money. We will make sure that they do not succeed. Your full and fair compensation is our priority. We will strive to get you the biggest award possible by keeping the insurance company from pinning any of the blame on you.

# IMPORTANT FIRST STEPS

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Make sure that you treat your health as a priority after the accident. You need to seek medical treatment for your potential injuries. It is likely that you have adrenaline that is coursing through your body and you won't be able to immediately recognize that you are injured. Make sure you either get on the ambulance when it shows up or go see a doctor as soon as possible after the accident. That can be an urgent care center, an emergency room doctor, or your general physician depending on how badly you need care.

If you are able to stay on the scene after the accident, make sure you move your vehicle to a safe place out of the way of traffic but near the collision site. Then call 911 if need be. After the authorities and ambulance are on their way, you can begin to collect your evidence. Take as many photos and videos as possible of the scene and both vehicles involved. If there are witnesses, get their contact information. You also want to get the insurance information off of the driver who collided with you. In doing all of these things, make sure you avoid saying this was your fault. It might seem like you caused the accident in the moment, but we have experts who have the ability to discern who was truly at fault and it very well might not be you.

## COMMON TYPES OF INJURIES

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Car accidents have the potential to cause serious and life-long injuries. The most common car accident injuries include:

- » Fractures and broken bones
- » Nerve, tissue, and muscle damage
- » Concussion or traumatic brain injury
- » Internal organ damage
- » Paralysis



We want to emphasize how important it is that you get the compensation that you deserve. You won't get it until we can show the insurance company the damages that their driver caused you. We do that in forms of medical records. Once you seek medical attention, we have proof that the accident caused you harm and we can seek compensation to cover those damages.

## DO NOT TALK TO THE INSURANCE COMPANY

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Shortly after your accident, it is nearly guaranteed that you will receive a call from the insurance company of the other driver involved in the accident. They will want to get a recorded statement from you, but you need to know that it will not help your case if you give them one. In fact, it will most likely harm your case if you talk to them. You have no legal obligation to talk to them and you should let your attorney take over all communication as to avoid any reduction to your compensation.



## FREQUENTLY ASKED CAR ACCIDENT QUESTIONS

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### *How Do I Find the Right Attorney?*

I spoke with somebody who was badly hurt in a car accident. This person was in the hospital and needed to get surgery because of the injuries. The first question they had was, "How do I hire the best personal injury attorney?" Certainly, the most important thing to consider when hiring a personal injury attorney is if this person handles car accident cases and exclusively does personal injury cases day in and day out. There are a lot of attorneys out there willing to handle a car accident case, but they don't really do it very often. They don't have the expertise or experience, and don't understand the

process so they're not going to be able to recover as much as you're entitled to if you have a serious injury claim.

One way to check objectively if somebody is qualified to handle these types of cases is if they are board certified in civil trial law with the Florida Bar. That's a process that's not easy for attorneys to complete and requires judges and other attorneys to agree that this attorney is a specialist in civil trial law; it's less than 1% of the attorneys in the state.

Hire a personal injury attorney or a car accident attorney who goes to trial and is willing to take a case all the way to trial when the insurance companies aren't fair. When you hire an attorney who is a trial lawyer, and actually tries cases, the insurance companies know them, and the offers that they make are going to be better because they know that they can't lowball somebody with this attorney because this attorney is going to take them all the way to trial.

If you look at those things and you find a board certified civil trial lawyer that only handles car accident cases and personal injury cases, that's going to give you a leg up.

## *What Mistakes Should I Avoid?*

I spoke with someone who was in a car accident. She was seriously injured and had some questions. One of the questions she had was, "What are some of the common mistakes that people make when they're in a car accident?" I explained that there are several things that are big mistakes for people if they're in a car accident.

It's critically important, if you're in a car accident, to call law enforcement and to document what happened in the accident. After doing that, the next thing is to obtain immediate medical care. A number of people try to put off medical care, hoping that their injuries are going to get better over the next four or five days, but the problem with that is the insurance company is going to use that against you to try to make a claim that you did not sustain an injury in this crash. If you're in a car accident and you're injured, you need to get immediate medical care at an emergency room or walk-in clinic, or another appropriate medical professional.

The next mistake that people make in car accident cases is they call their insurance company or the at-fault driver's insurance company before calling an attorney. That's a huge mistake. If you call an insurance company and speak with a professional insurance adjuster, that person's going to ask questions, probably take a recorded statement which will be used against you in the weeks, months and years to come to try to establish that your case is not as serious as it really is. They're trained to do that, so be sure, before calling any insurance company, that you hire an attorney.

That leads me to the last mistake that people commonly make, and that is hiring the wrong attorney. Be sure, if you're in a car accident and you have a serious injury, that you're hiring an attorney who handles car accidents every day and handles only personal injury cases. Don't hire a family friend or an attorney who does foreclosures, and does bankruptcy, and does real estate, because you're going to have someone who doesn't have the experience or expertise to prove your case. Instead, you should be looking for a board certified civil trial lawyer who has experience in handling car accident cases and proceeding to trial.

If you find an attorney like that, you're going to have someone who the insurance companies know is serious about proving your case. They're going to know what advice to give you, and you're not going to make any mistakes with your car accident case.

## *What Steps Should I Take?*

Recently, someone came into our office regarding an auto accident and wanted to know what all the steps of the case would entail. There are several different steps. Number one, we want to make sure that our client is getting the proper treatment that they need, so we will assist with getting them to specialists or getting treatment for their injuries that they require. In the meantime, we are doing our investigation and finding out who the insurance companies are, what the witness statements are, and preserving evidence. It's very important that all evidence is preserved as quickly as possible.

Once our client is done treating, then we do what's called a demand to the insurance company. We gather all medical records, all medical bills, and evidence,

and we present that to the insurance company. The insurance company then has 30 days to evaluate the claim and make an offer. Sometimes the offer is fair, other times the offer is not reasonable. If the insurance companies do not want to be reasonable with our clients, then we suggest filing a lawsuit on their behalf. A lot of times it takes filing a lawsuit to make these insurance companies present our clients with fair offers. Sometimes it's necessary to go to trial.

## *What Do I Do After the Accident?*

If you've been injured in a car accident, there are a few things that are essential you do. The first thing is contacting law enforcement. Make sure that they're there to document the scene, assess who was at fault, and hopefully gather witness names. Notwithstanding, even if police come to the scene, make sure that you independently get witness name and contact information. Don't rely on law enforcement because there are many times that law enforcement does not document the witness information. Oftentimes, when we have an independent third-party witness who's going to tell an insurance company how an accident happened, it tips the scale in our client's favor to make the insurance companies pay.

The next thing that you should do if you've been involved in a car accident is document any injuries including bruising, cuts, or any other physical manifestations of injury as a result of your car accident. It's important that that be documented because it will go away otherwise, and the insurance company may not believe that it actually happened.

The next thing that you should do if you've been involved in a car accident is hire a competent, qualified attorney. Don't contact any insurance companies before you do that. The insurance companies are trained to ask you questions that will minimize any payout they ultimately have to make to you.

## *How Do I Avoid Trial?*

I had a client ask me recently, "How do I know if my car accident case is actually going to go to trial, or is there a way that we can avoid trial?" I told him, first of all, that cases usually go to trial if the insurance company is not doing the right thing, which is evaluating the case fairly and offering what should be offered. In

those circumstances, sometimes we have to try cases. Sometimes we have to go to trial and, if the insurance company won't do what's right, we have a jury do what's right for our client.

Not many cases do go to trial, though, and the way that we avoid cases being tried is by being prepared. We prepare our clients for any testimony they're going to give. We're thorough with our depositions. We're thorough with the discovery that we conduct. We have medical providers who are prepared and ready to go. We have experts, if necessary, who are prepared and ready to go so that by the time we do get to a trial, the insurance company can see we're ready. If they're not going to do the right thing, we're going to have a jury do it for us.

## *Can Preexisting Injuries Affect My Car Accident Claim?*

Last week, a client came into the office who had been in a recent motor vehicle collision and was telling me about the various parts of the body that he injured in the accident. One of those parts of the body that he injured in the accident was his back, and he was concerned that he would not be able to make a claim for his back injury because he had had issues with his back in the past.



Insurance companies use preexisting conditions as a defense in all cases, no matter how healthy a person may have been before that motor vehicle collision. In truth, a preexisting condition often explains how and why a person sustained the extent of injury that they did in an accident. We handle cases involving preexisting conditions all the time, and we have had great success in representing clients and making sure that they get the recovery that is fair for their past medical expenses, and their future medical expenses they will incur as a result of aggravating preexisting conditions in motor vehicle collisions.



## *How Much is My Case Worth?*

I spoke with someone who was seriously injured in a car accident and I took over their case for them to help them. Their question to me at the end of the interview was, “What’s the value of my case going to be?” What I explained is that I can’t tell you at the first day, because there’s just too much information we need to find out, but here are some things that we look at to think about while we handle your case.

An important factor is if you sought immediate medical care. If you’re injured in a car accident, be sure to get to the doctor immediately, or at least as soon after the accident as you possibly can. The next thing to consider in determining what the value of your car accident case is the extent of your injuries. These have to be documented and determined by physicians, and they may have to do studies like MRIs, x-rays, and examinations to determine what the extent of the injury is.

The next thing to consider is the extent of the medical care that the person obtained for their injury. Obviously, as time goes on, this will develop itself, whether the person has to have therapy or they have to have more invasive care, like injections or surgeries. Whether the person missed work is an important factor. If someone misses work, they’re entitled to those lost wages in their car accident case. They’re also entitled to make a claim for future loss of earning capacity because they maybe can’t go back and do their job like they did before. Those are important claims, and we’re sure to document those claims with appropriate experts.

The other thing that has to be asked about is if the injuries are permanent, and if they are going to require care in the future. If they do, we need to have those expenses considered as well. We would always have the appropriate doctors and experts look at those things to make sure that we are proving those future damages. The last part of it is the effect on you from the car accident. How did it affect your enjoyment of life? How did it affect how you deal with your family? What is your pain and suffering? While it’s tough to put a dollar figure on those, they’re very important and are something that we consider.

## *Is There a Medical Bill Requirement to File a Claim?*

Recently someone came into our office regarding an auto accident case. They were concerned that they could not present a claim to the insurance company because they had minimal bills. There is no minimum requirement of medical bills that someone has to have in order to present a claim. Every case is different, and every person is different.

At our firm, we evaluate each case separately. We determine with our client if they've received all the medical treatment that they need. If so, then we can go ahead and submit the claim to the insurance company. It might be possible that physical therapy or chiropractor treatment doesn't help our client and, in those cases, they would need to see a specialist.

## *Who Pays My Car Accident Medical Bills?*

We received a phone call the other day from someone who was seriously injured in an auto accident. They wanted to know who was going to be paying for their medical bills. There are two parts to that answer. First, in the state of Florida, everyone is required to have personal injury protection. Everyone has \$10,000 that will afford them insurance towards their medical bills. However, that personal injury protection only pays 80% of the medical bills, so we investigate the case. We find out who caused the accident and what insurance company will be paying the remaining of the bills.

## *Do I Have to Give a Recorded Statement?*

I took a call from an individual who had been involved in a serious car accident. They had been getting repeated calls from the other driver's insurance company, and they weren't sure what to do. They didn't know if they should give a statement to the insurance company or not.

Anyone who's been involved in a car accident with serious injuries should not give any statement to an insurance company without first talking to a lawyer, specifically a board certified civil trial lawyer, with a specialization in personal injury, who handles serious car accident cases on a regular basis. The

insurance company adjusters are trained to ask questions and elicit responses designed to minimize any future payment that the insurance company may have to make for your injuries.

## *Should I Take the Initial Settlement Offer?*

I had a client in a car accident case ask me, when we received our initial offer from the insurance company, “Should we take it?” I told him that he should not. The rule of thumb is that that initial offer is not going to be what the fair and reasonable value of the case is. Nine out of ten times, you’re not going to receive that on the first offer. The reason for that is you have to push the ball downfield through litigation, depositions, discovery, and potentially a trial. The insurance company needs to see that we’re prepared at every step of the process. If they see that, even if it’s on the courthouse steps, they’ll understand that they need to be fair and reasonable in the offer that they’re making and, nine out of ten times, that first offer is not close to what the last offer is.

## *How Long Will This Case Take?*

I had a new client call in with a car accident case. She some very serious injuries as a result of this crash. Her question for me was, “How long until we get this case resolved?” I told her that every case varies, but in car accident cases, typically we have a pre-suit period before a suit is filed with court where she would be seeking medical treatment from providers to help treat her very serious injuries she had as a result of this crash.

At the end of that process, we would then submit a letter to the insurance carrier that’s responsible for these damages to do the right thing. A lot of times they don’t and we then file suit. The litigation process can take a while. I always tell clients to be patient and let the process work. We’ll have depositions, discovery exchanged, a mediation, and settlement conference where we try to resolve the case with the insurance company. If we can’t get that car accident case resolved in mediation, we set up for trial.

# CALL US TODAY FOR A FREE CONSULTATION

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If you have been involved in a car accident that gave you a serious injury, please call our Florida car accident attorney today for a free consultation. We want to take the weight of your case off of your shoulders so that you can make your recovery your main focus. We will handle the insurance company and make sure that they are being held responsible for their insured's wrongdoing. Contact our office today to get the results you deserve. We will begin working on your case as soon as possible.

## ABOUT THE AUTHORS

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### *Robert J. Healy*

A lifelong resident of the Pinellas County and St. Petersburg area, Rob Healy is a founding partner of Salter, Healy, Bassett & Rivera and an accomplished trial lawyer. Rob honed his trial skills while representing big corporations and insurance companies for one of the largest defense firms in the state of Florida before teaming up with Brad Salter to found Salter Healy. Today, Rob continues to maintain his passion for providing ordinary people with extraordinary

legal service. By only representing Plaintiffs now, Rob uses his past experience representing insurance companies to the advantage of his wrongfully injured clients.

### *Brad Salter*

A founding partner of Salter, Healy, Bassett & Rivera, Brad Salter helped create the firm with the intention of providing effective legal service, along with compassion, those who are injured. Brad is a board certified attorney who has practiced in



St. Petersburg for over 20 years. Brad honed his skills at a large insurance defense firm after graduating from law school. While with that firm, he earned his Board Certification in Civil Trial Law, which made him the youngest board-certified civil trial lawyer in the state at the time. Shortly after obtaining board certification, Brad decided to change the focus of his practice and represent the injured, instead of the insurance companies.



### *R. Evan Bassett*

R. Evan Bassett is a Board Certified Civil Trial Lawyer who has practiced in Florida for nearly 20 years. Evan is a fifth generation Floridian. He attended high school at Berkeley Preparatory School in Tampa and has lived in the Tampa Bay Area all of his life. He attended Furman University where he obtained his Bachelor of Arts degree with a major in Spanish, and with minors in Political Science and Communications. While at Furman, Evan was invited

for membership in the Phi Sigma Iota International Foreign Language Honor Society, and the Sigma Delta Pi National Hispanic Honor Society.



### *Daniella Rivera*

Daniella Rivera is a bilingual attorney practicing in the area of civil litigation, with a focus on personal injury. She is first generation American from El Salvador; born in Baton Rouge, Louisiana, her college endeavors eventually led her to St. Petersburg, FL. Daniella joined Salter, Healy in 2007 and was able to hone her skills while earning her Juris Doctor degree from Stetson University College of Law. Daniella focuses on working closely with her clients

and has a passion for providing ordinary people with extraordinary legal service. Daniella focuses her entire practice on fighting for the rights of those who have been injured in car accidents, motorcycle accidents, bicycle and pedestrian accidents, slip and falls, premises liability and other personal injury cases.



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