



ST. PETERSBURG PEDESTRIAN ACCIDENT GUIDE

*What To Do If You're Seriously Injured
In A Pedestrian Accident*

SALTER, HEALY, BASSETT & RIVERA



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PERSONAL INJURY TRIAL ATTORNEYS



If you have been seriously injured in a pedestrian accident, we want to first express how sorry we are that you have to deal with this. Your injuries are most likely severe and require medical treatment. It can be very stressful to get hit with unexpected medical bills as well as having to miss time at work. If you are worried

about your financial future, please give us a call. Our Florida pedestrian accident attorney is dedicated to providing their expertise to getting you full and fair compensation for your injuries. Read up a little bit about your case and then call our office to set up a free consultation.

HOW TO GET FULL COMPENSATION

Florida is a state that follows the rules of pure comparative negligence. What that means is that, even if the liable party's insurance company pins some of the blame on you, you can still receive compensation. However, with shared fault means you have a reduced award. If you have been awarded \$100,000 in damages, but you have been deemed 20% at fault for your part in causing the accident – say you were not in a crosswalk when you were hit – then your award will be reduced to \$80,000. We will do everything we can to keep you from getting blamed for the accident.

DO NOT TALK TO THE INSURANCE COMPANY

Speaking of getting pinned for the blame, there is a big mistake that you need to avoid if you want to get full compensation. The liable party's insurance company is most likely going to call you very shortly after the accident to try to get a recorded statement from you. If you agree to this, they will be asking you questions that might give you no choice but to answer unfavorably. The best thing

you can do is have your attorney take over all communication with the insurance company.

COMMON PEDESTRIAN ACCIDENT INJURIES

Because of the nature of these accidents, pedestrians are more likely to face life-changing injuries. You are completely exposed when you are hit by a vehicle and that can permanently change your body. The most common types of pedestrian accident injuries include:

- » Broken bones and fractures
- » Traumatic brain injury or concussion or contusion
- » Cuts and lacerations
- » Nerve damage
- » Paralysis

The most important thing you can do for yourself is get medical attention right away. There is nothing more important than your health. You want to make sure that your injuries are tended to. You might have a lot of adrenaline coursing through your body that makes it harder to tell how badly hurt you are, so you want to make sure that you have everything checked out.

IMPORTANT FIRST STEPS

You might be too injured to collect evidence, so if that is the case, you can call on a friend, family member, or even an attorney to go on the scene and do these things for you. On the scene, you should take photos and videos of the vehicle that collided with you, and the area around you including tire marks and debris. You should also get contact information from any and all witnesses as well as the driver of the vehicle that hit you. Something that you should always remember while you are on the scene is that you should never say it was your fault. This can be used against you even if you weren't the true cause of the accident.

FLORIDA STATUTE OF LIMITATIONS

You have four years from the date of your accident to bring your claim or settle it in civil court. It is not a deadline you can get an extension for, and if you try to bring your claim after four years, you will be barred from receiving compensation. Four years seems like a long time, but you should never delay in talking to an attorney. Your case is important and you want it to be as successful as possible. Getting to an attorney as soon as possible is only going to benefit your case because they need time to build you a strong case.



FREQUENTLY ASKED PEDESTRIAN ACCIDENT QUESTIONS

How Do I Find the Right Attorney?

In talking to somebody who was hit by a car while a pedestrian, they sustained very serious injuries, as they usually do if you're a pedestrian hit by a car. That person and their family wanted to know, "In the Tampa Bay area, how do I figure out who some of the best lawyers are to handle this case?"

You need to make sure that you hire an attorney who handles only personal injury cases and has experience with pedestrian cases specifically. You need to also be sure that that attorney is qualified to take the case as far as it needs to go, including trial. There's a qualification that the Florida Bar does, which is board certification in civil trial law, that can help you understand whether the attorney you're talking with is appropriately qualified. Less than 1% of the lawyers in the state are board certified, and it requires extensive reviews, testing, and trial experience to get that qualification and to be able to say that the attorney is a specialist in civil trial law.

That leads into the third most important thing, which is making sure the attorney who you talk to about your pedestrian injury is someone who does go to trial. Every insurance company knows the attorneys who don't go to trial and just want to settle the case quickly for whatever they offer, and those attorneys get whatever the insurance companies first offer. On the other hand, they know who the trial lawyers are, that do go to trial, and because attorneys go to trial, they get different offers and are treated differently by the insurance companies and the defense lawyers.

In that situation, by hiring someone who's board certified in civil trial law for your pedestrian accident, you're going to have an attorney who is going to be able to obtain a fair settlement for you and, in the event that the insurance company refuses to make a fair settlement, is going to have your case prepared to have your case go to trial and win.

What Do I Do After a Pedestrian Accident?

I was talking to an individual who was struck by a car. They did everything right. It's important in your case that if you are a pedestrian struck by a car, to do things right, too.

The first thing that you should do is contact law enforcement. Make sure law enforcement gets there to document the accident, document any evidence, and assess fault. The next thing that you should do is get the names and contact information of any independent third-party witnesses. In pedestrian accident cases, liability is often disputed with drivers claiming that the pedestrian just jumped out in front of them, and they had no opportunity to avoid it. We know that's not true, but oftentimes it is the testimony of independent third-parties who make the difference in proving that the fault was on the driver of the vehicle.

The next thing that you should do, if you've been injured as a pedestrian, is document any physical injuries that you sustained. Oftentimes, people who are pedestrians struck by vehicles have bruising, abrasions, road rash, things like that, and it's important that those injuries be documented to help prove your damages case.

The next thing that you should do is seek medical care as soon as possible. Don't try to tough it out. Don't try to hope it just goes away, because oftentimes it doesn't, and what happens is the insurance companies use those gaps in treatment against you to try to claim that your injury is from something other than your pedestrian accident.

The next thing that you should do is hire a competent attorney to assist you with the situation. Oftentimes, people call insurance companies first, and that's the wrong thing to do. The reason that that's the wrong thing to do is because insurance company adjusters are trained to ask you questions designed to minimize any payout that they may ultimately make for your injuries.

How Can I Avoid Trial?

I recently had a client who was involved in a pedestrian accident where she was hit by a car while she was walking. She asked me, "Are we going to have to go to trial on this case, or is there a way that I can avoid that?" She was obviously nervous about that. I told her, as I tell every client, the main reason that we end up having to try a case is because the insurance company is not fairly and reasonably evaluating their case like they should. If they don't do that, we will take that case to trial, and we'll ask a jury to do what's fair and what's just.



To avoid trial, though, we have to be prepared. We will have thorough preparation for depositions and discovery throughout the litigation process. Very importantly, we would have her prepared for any depositions she was going to have to undergo, and that she would be thoroughly prepared for any trial testimony, including a heads up as to what sort of cross examination she can expect from the insurance company. We would have medical providers also thoroughly prepared and ready to go, as well as any experts that we have to hire to testify in court, so that, by the time we get to a trial, the insurance company can see we're ready to go and, if you're not going to do the right thing, we're going to ask a jury to do the right thing for our client.

Can Preexisting Injuries Affect My Pedestrian Accident Claim?

Last week I was meeting with a client who was a pedestrian and was struck by a motor vehicle. She sustained significant back injuries and was concerned that she wouldn't be able to make a claim for those injuries because she had had prior problems with her back. Florida law does allow individuals, who have been struck by motor vehicles, to make claims for aggravation of preexisting conditions, as well as any new injuries that were suffered in that accident.

Our firm has extensive experience in handling pedestrian accidents, including those involving preexisting conditions. Understand that, many times, preexisting conditions help a case in that they explain why the injury became as extensive as it did.

What Mistakes Can I Avoid?

In speaking with a gentleman who was hit by a car as a pedestrian the other day, he had some questions about his serious injuries and also wanted to make sure he didn't make any mistakes. He asked me, "What mistakes can I avoid?" The first thing to avoid, if you're in a pedestrian accident, is make sure that you call appropriate law enforcement to the scene so that it is documented what happened and they take a report of your injury and accident.

The second thing is to obtain appropriate and immediate medical care. Don't wait days or weeks to get seen at the emergency room, the walk-in clinic, or another appropriate medical professional. You need to document that injury immediately, because the insurance company will use it against you if you wait weeks or longer to go get your medical care.

The next mistake that pedestrians make when they're injured in accidents is they may want to reach out to the insurance company, and talk to them about what happened, thinking that they can handle that all by themselves. That's a huge mistake because most people in pedestrian accidents have no experience in this area and the insurance professionals on the other end of the phone do, so they're going to be asking questions and doing things immediately to try to minimize the value of your pedestrian accident case. You need to have an

attorney immediately dealing with these people, and you need an attorney that knows how to handle these types of cases.

The last mistake is to hire the wrong attorney for your pedestrian accident case. If you hire an attorney who doesn't regularly handle personal injury cases, and doesn't handle pedestrian cases, you're doing yourself a huge disservice. A general practitioner or a lawyer who just does pedestrian accident personal injury on the side doesn't have the expertise, doesn't have the experience, and isn't somebody who is going to be capable of pushing your case as far as needed in order for you to get the recovery that you deserve.

How Much is My Case Worth?

While speaking with somebody who is a pedestrian and was hit by a car, one of the questions they had for me was, "How do I figure out the value of my case?" I explained to that person, what we have to do is look at the medical care and the medical records, and make sure that you're being seen by highly qualified doctors and that you're following those doctors' advice. What we need to determine from the MRI studies, the x-rays, and the doctor's opinions is what the extent of the injury is. Is this a fracture? Are there herniated discs? Are there tears in knees or shoulders? Are there other injuries, such as a head injury?

We will obtain the appropriate treatment records, see what the medical bills are, and ask these qualified physicians about what you will require going into the future for your injuries. We need to know, so that we can present it to the insurance company, if you will need more therapy in the future. Are these injuries permanent? Are they going to require invasive injections going forward? Are you going to need surgery? Those things can be put together by a qualified physician, and we can present that claim on your behalf.

The other thing we see in pedestrian accidents is that the injuries are very serious and the person misses work. If the person misses work, they're going to be out-of-pocket immediately for their lost wages and we have to recover those wages for our clients. We'll document those lost wages from the time of the

accident, all the way forward to the settlement of the claim. Those are not the only lost wages that's important. What is going to be missed in the future is critically important as well. If the injury that you sustained in your pedestrian accident means that you can't go back to your job at all, we have to present that claim for future loss of earning capacity, and that's something we do on a regular basis.

The other thing that we look at going forward is how this pedestrian accident has impacted your life. Is this something that is going to be with you the rest of your life? Is this a permanent injury? Are you going to have a loss of enjoyment of life? Are you going to have interactions with your friends and family that are different because of your injuries? Do you have pain and suffering? We have to look at those things because they're very important damages, and those are damages we present to insurance companies, to defense lawyers, and to juries if we go to trial.



Do I Need to Have a Minimum Amount of Medical Bills to File a Claim?

I had a client come into our office who was involved in a pedestrian accident, and they were concerned that they weren't able to make a claim because they had minimal medical bills. They wanted to know if there was a threshold or a certain amount of medical bills that was necessary to present a claim. It

doesn't matter what your medical bills are.

The first questions that I always ask a potential client is, "Have you received all the treatment that you need? Do you still have any ongoing problems as a result of this accident that you were involved in?" If they still have ongoing problems, we want to make sure that they get to the appropriate specialist for additional treatment.

Who Pays My Medical Bills?

Recently, someone gave us a call. They were involved in an auto accident, but they were a pedestrian. They were walking in a crosswalk when a vehicle hit them. They had mounting medical bills and wanted to know who was going to pay for these medical bills. We immediately begin our investigation and we find out who the other person's auto insurance is, and then we pursue that auto insurance for all medical bills.

We also do additional investigation. Was this person in the course and scope of employment? Were they running an errand for someone? Were they driving for Uber, Lyft, or Uber Eats? Those are all questions that need to be answered, and our firm is very capable of answering all those questions and investigating the case properly.

Do I Need to Give a Recorded Statement?

I met with an individual who had been struck in a crosswalk by a vehicle. In the days leading up to talking with me, he'd received numerous phone calls from the other driver's insurance company, requesting that he give a recorded statement, and he was unsure of his rights as to whether he had to give that statement or not. The answer is, no, there is no requirement to give a recorded statement to an insurance company, especially not before talking to a lawyer first.

Anyone who's a pedestrian struck by a vehicle and injured should first talk to a lawyer with a track record of successfully prosecuting injury claims for pedestrians who have been struck by motor vehicles, and our firm has that experience. The insurance adjusters are trained to ask questions and elicit responses to eliminate or minimize any payment that they may ultimately have to make for your injuries.

Should I Take a Settlement Offer?

I recently had a client who had been involved in a very serious pedestrian accident. She asked me, when we received our initial offer from the insurance company, "Should we take it?" I told her no. A rule of thumb is that the initial offer is going to be a lowball offer from the insurance company. Usually what has to

happen is we have to push to litigate the case, demonstrate to the insurance company through depositions, and exchange of discovery that that initial offer is not fair or reasonable. If we have to go to the courthouse steps and into a trial to do it, then we'll do it.

How Long Will This Case Take?

I had a new call from a client, recently. He had been involved in an accident as a pedestrian. He was walking on a crosswalk when he was hit by a car. The questions he had for me were, "How long is this going to take?" and "How much time are we going to have to go through until I can potentially get this case resolved?" I told him, like I tell every client who has been involved in a pedestrian accident, that there are different phases.

The initial phase is pre-suit; that's before we file a lawsuit. During that time period, he would be getting medical treatment for the injuries he sustained in that pedestrian accident. At the end of that time period, we would submit a demand to any insurance carriers that are responsible for those damages. If they don't do the right thing, then we would file a lawsuit.

You have to be patient with the suit process. It can be extensive, but we're here to help. We're here to try to make it as least frustrating a process as we can. During that time period, we'll have depositions, we'll have paper discovery that's exchanged, and we'll have a settlement conference, called a mediation. At that settlement conference, if the insurance carrier doesn't do the right thing and settle that pedestrian accident case, then we would seek a trial date. That's the light at the end of the tunnel.

What Steps Do I Need to Take?

Recently, someone came into our office regarding an accident that they were in. They were walking in a crosswalk and they were hit by a vehicle. They wanted to know what the steps of a case like this would entail.

First, I want to make sure that our clients are getting the medical treatment that they need. We can assist with that if they have not already started their medical treatment. Second, we want to preserve all evidence. We want to gather witness

statements, photographs, and any evidence that we can. Oftentimes, evidence can disappear, and we want to make sure to preserve that.

We then find out who's going to be liable for our client's damages. Once our client has completed all medical treatment, we can then submit what's called a demand. A demand is when we submit all medical records, medical bills, and evidence to the insurance company so they can properly evaluate our client's claim. After 30 days, the insurance company will give us an initial offer. If that initial offer is reasonable, we can begin negotiations on our client's claim. If the initial offer is unreasonable, then we would recommend filing a lawsuit.

CALL OUR OFFICE TODAY FOR A FREE CONSULTATION

If you need a strong and dedicated Florida pedestrian accident attorney to guide you through your case, please do not hesitate to give us a call to set up a free consultation. We will make sure you are on track to receive the best possible compensation award.

ABOUT THE AUTHORS



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 extraor-

inary 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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