



ST. PETERSBURG PERSONAL INJURY GUIDE

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

SALTER, HEALY, BASSETT & RIVERA



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PERSONAL INJURY TRIAL ATTORNEYS



Getting hurt due to someone else's carelessness is beyond frustrated. When you have a serious injury, it can really turn your life upside down and cause you some financial hardship. We are here to help you pursue a personal injury case. You deserve compensation for your damages and we want to make sure the liable party is held accountable for their actions. After you've read about your case, please give us a call to set up a free consultation with our Florida personal injury attorney to see how we can help you get the best result possible.

TYPES OF PERSONAL INJURY CASES WE REPRESENT

Personal injury is a term that covers a lot of different types of accidents. We represent a variety of personal injury cases that include:

- » Bicycle accidents
- » Bus accidents
- » Car accidents
- » Construction accidents
- » Dog bites
- » Motorcycle accidents
- » Pedestrian accidents
- » Slip and falls
- » Truck accidents

Every case is different and each type of personal injury requires specialized experience to handle it effectively. We have handled these types of cases for years and are confident to take on yours. If you have been injured in any of these kinds of accidents, please do not hesitate to reach out to our Florida personal injury attorney to see what we can do for you.

IMPORTANT FIRST STEPS FOR ANY CASE

One of the most important things to remember about a personal injury case is that your health is more important than anything else. You have to get to a medical professional to seek out treatment as soon as possible. Your injuries could get worse if you ignore them. You also want documented proof that your injuries were from your accident to show to the insurance company that their insured is, in fact, liable for your injuries.

Also, it is important, at the scene of the accident, to collect as much evidence as possible. You can take photos and get contact information from witnesses. You may want to collect video from any security cameras nearby that might have picked up the event and you should never leave the scene without some proof that you were there. That could be making an accident report or having the police come to the scene to fill out a report.

HOW COMPENSATION RULES WORK

Florida allows for you to receive compensation even if you are partially at fault for the accident. The way it works is that your role in the accident that caused your injury is deliberated and you are given a percentage from 0-100 that will account for your shared fault. If you are deemed 100% at fault, you will get no compensation. If you get 0% fault, you will receive full compensation. If you are somewhere in between, your award will be reduced. For example, if you have been deemed 20% at fault, and have been awarded \$100,000 in damages, you will have it reduced to \$80,000. We work very hard to keep you from getting pinned for any of the blame so that you get the fullest amount of compensation.

FLORIDA PERSONAL INJURY STATUTE OF LIMITATIONS

Statutes of limitations is the amount of time in which you can wait before pursuing a personal injury attorney. In Florida, for most personal injury cases, you have four years from the date of your injury to either bring your claim or settle it in civil court. Personal injury cases such as medical malpractice will have a shorter statute of limitations. To be sure about your time limits, contact our knowledgeable Florida personal injury attorney as soon as possible to ensure you are on track to receive compensation.

AVOID TALKING TO THE LIABLE PARTY'S INSURANCE COMPANY

We want to avoid you being blamed for this accident and a huge part to that is making sure the insurance company that represents the liable party does not speak to you without us present. They will call you shortly after you are injured to see if you will give them a recorded statement. While they claim for it to be helpful to you, it will only be detrimental to your case. We will take over this communication and make sure they cannot trick you into taking the blame for your injuries. You should never at any point take their call and make a statement without first speaking to your attorney.



FREQUENTLY ASKED PERSONAL INJURY QUESTIONS

How Do I Find the Right Attorney?

I spoke with somebody who was seriously injured in an accident and they asked, "How do I know who the

best personal injury attorney is for me?” The first thing that I explained to them is that you need to make sure the attorney you’re hiring only handles personal injury cases. You don’t want a general practitioner who handles everything from real estate to bankruptcy, to wills and trusts, because they just don’t have the experience and the expertise to help in a serious injury case.

The other thing that can be done is looking to see if you’re hiring a board certified civil trial attorney. A board certified civil trial attorney in Florida is a specialist in civil trial law, and that’s less than 1% of the attorneys in the state of Florida. Our attorneys are board certified civil trial attorneys, and that means that we go to trial and we’ve been reviewed by other attorneys and judges about our expertise in this field.

You want an attorney who goes to trial because insurance companies and defense lawyers all know who goes to trial regularly and who does not go to trial. Because we go to trial regularly, they look at our clients and our cases with a different eye and tend to make better settlement offers and end up with a lot of cases that don’t go to trial because we’re able to push the case hard enough and get settlement offers that our clients find to be acceptable.

What Mistakes Should I Avoid?

Someone reached out to me and asked me, “What are some common mistakes that people make with their personal injury cases?” They were very concerned that maybe they were going to make a mistake. I told them there are a number of common mistakes that can be easily avoided.

The first thing with a personal injury case is to be sure that you obtain immediate medical care. If you’ve been injured and it’s someone else’s fault, you need to get immediately to a medical professional, whether it’s to the emergency room, a walk-in clinic, or to some other medical professional to document your injuries and complaints.

The second thing that happens, which is a common mistake that people make, is they feel like they want to call the insurance company before they hire an attorney. This is a critical mistake because, if you call the insurance company, they have an army of insurance adjusters who are trained to make sure that

they minimize the value of the claim by asking particular questions when you're in a state of distress and discomfort, and they'll use those questions against you weeks, months, and even years later. Be sure not to call the insurance company. Call an attorney who deals with the insurance companies instead, and that attorney can then guide you through the process and deal with the insurance companies directly instead of you dealing with them and giving statements that are not in your best interest.

Hiring the wrong attorney can be just as big of a mistake as all of these other mistakes put together. If you hire an attorney who's not familiar with personal injury cases and what needs to take place in order to prove and win those cases, you're likely to end up with a result that is not going to be appropriate to your injuries and your discomfort. If you hire an attorney who handles family law to handle your personal injury case, they're just not going to know what to do.

If you hire an attorney who doesn't do trial work, you're going to have a situation where the insurance company knows this lawyer doesn't go to trial and the offers are going to be lower. Be sure that, when you hire an attorney, you hire the right attorney. For a personal injury case, be sure that attorney's board certified in civil trial law by the Florida Bar because that makes that person a specialist in civil trial law.

What Do I Do After a Personal Injury?

If you've been injured in a serious accident, the first thing that you should do is make sure that law enforcement is notified so that the accident can be investigated, evidence can be documented, and fault can be assessed against the party that caused the accident. The next thing that should be done is make sure that you gather all the contact information for any witnesses to the accident.



Oftentimes, people at fault for accidents deny that their actions caused the accident. For instance, in an intersectional collision between cars where both sides

claim that they had the green light, in order to convince an insurance company that they are responsible and they need to pay your damages, the third-party witnesses are often what's going to tip the scale in your favor.

The next thing that you should do if you've been involved in a serious injury accident is seek immediate medical care. When someone goes days or even weeks trying to tough out an injury, hoping it gets better but it doesn't, the insurance company ends up using that lack of treatment against you to say that you really weren't injured.

The next thing that you should do if you've been involved in a serious accident is a competent, qualified, personal injury attorney. Specifically, hire a board certified personal injury lawyer who does nothing but personal injury. If you've been injured in a serious injury accident, we're here and ready to help.

Can We Avoid Trial?

I recently had a client ask me, "Is my case going to go to trial, or can we avoid it?" I told her, like I've told a lot of clients, that there are many different factors that you have to look at to determine whether that's going to happen or not.

One of the main things is somewhat out of our hands, and that is what the insurance carrier is going to do to respond to the facts and the injuries that are involved in this case. Sometimes they do the right thing, but a lot of times, they don't. If that happens, then sometimes you have to go to trial to hold their feet to the fire and get them to do the right thing, or have a jury do the right thing for them. That typically can happen, but a small amount of cases actually get to a trial.

The way that we avoid a trial is by being prepared. We're thorough with our discovery, our depositions, and in the preparation that we have for not only the client but for any medical providers that are going to testify, and for any experts that we have to hire. They are all ready to go by the time we get to court, so that there's no room for error.

Are There Minimum Amount of Medical Bills Required to File?

Recently, someone came into our office regarding a personal injury case, and they were concerned that they didn't have a case because they didn't have a significant amount of medical bills. There is no minimum that is required to present a claim for your personal injury case. Every case is different and every person is different. Someone might be able to recover with physical therapy, while someone else might ultimately need a surgery as a result of a personal injury matter.

How Much is My Case Worth?

One of the questions that I get, in handling our cases, from every potential clients is, "What is the value of my case?" That's a complicated question because there are a lot of factors that go into determining what the value of a case is. The first thing that insurance companies look at is if there was immediate complaints of pain and medical treatment right from the scene of the accident or shortly thereafter. If someone's hurt in a car accident or personal injury and they don't see a doctor for a period of days, weeks, or months, then that's going to adversely affect the value of their case.

The next thing to look at is what the extent of the injuries are. There could be fractures, herniated discs, significant spinal injuries, and surgeries that are required. All of those things and the cost of that care have to be taken into account.

The next thing that insurance companies look at is what this person is going to need in the future for their injuries. Are they going to need more medical care? Are they going to need more surgeries? That information has to be documented by appropriate experts and medical professionals. Another thing that's important in determining the value of a case is if the person has missed work or if they're going to be permanently impaired in doing their job going forward, where they're going to have a loss of earning capacity into the future for the rest of their lives.

In determining what a fair value of a case is, those are the factors that we look at. We have to get all that information to give an appropriate and fair answer about what the value of a case is.



Who Pays My Medical Bills?

Someone recently called our office after they were seriously injured in an accident and wanted to know what was going to happen with the medical bills that they kept receiving. We advised them that the person who ultimately caused the accident would be responsible for those medical bills. We find out what insurance company would be paying for those bills, and we also communicate with doctors' offices regarding the personal injury case. Most doctors will wait until a settlement is complete in order to receive payment for those bills.

How Long Will This Case Take?

I got a call from a new client. She had been seriously injured in an accident, not as a result of anything that she did, and one of the first questions she asked was, "How long does this process last?" I told her, in every case, there's initially a pre-suit period before we've filed a suit in court. During that time period, she would receive the medical treatment necessary to treat her injuries and try to make her better.

At some point, she would reach what's called maximum medical improvement. Her doctors will say they've done all they can for her at that point. Then we would make a demand to the insurance company that's responsible for covering this damage. If the insurance company doesn't do the right thing, then we would file suit. Suit can take some time. I told her, as I tell every client, to be patient with the process. We need to work through it in order for us to maximize your recovery. Initially, there's a deposition that's taken, there's paper discovery that's exchanged, and a mediation. If we can't settle the case at mediation, we always seek a trial date.

Trial, in essence, is the light at the end of the tunnel. That process can take a couple of years, but every case is different.

What If I Have Preexisting Injuries?

Under Florida law, an individual can make a claim for an aggravation of a pre-existing condition.

Understand that insurance companies assert that the condition preexisted the accident in defending every case there is, no matter how healthy the person was before their accident. In truth, having a preexisting condition often is an asset because it explains why the person sustained the degree of injury that they suffered in that case. Oftentimes, people with preexisting conditions suffer far worse or extensive injuries when they're in accidents because of the preexisting condition.

We had a case tried recently, in which my client had significant preexisting conditions. The insurance company asserted that it was entirely preexisting, nothing was made worse as a result of the collision, and refused to offer that client even his past medical expenses. When we went to trial, the jury awarded all of his past medical expenses, all of his future medical expenses, and extensive pain and suffering damages.

Do I Need to Speak to the Insurance Company?

I took a call from a client who was involved in a serious motor vehicle collision and they had been getting repeated calls from the insurance company shortly after the accident, and the person called wanting to know whether or not they should give that recorded statement to the insurance company.

Anyone who's been involved in a serious accident should never give a recorded statement or even an un-recorded statement to an insurance company without



first consulting a lawyer. The insurance adjusters are trained to ask questions and elicit responses that will minimize any future payout they make to you.

What Are the Steps in a Personal Injury Claim?

We had a client come into our office who was involved in a personal injury matter and they wanted to know what the steps of the case would entail. We make sure, first, that our client receives proper medical treatment. We want to make sure that they're healing properly and that they see any specialists they need to see.

Once our client is done with treatment, then we give a demand to the insurance company. That is when we supply the insurance company with all of the medical records, medical bills, and outline a settlement demand. The insurance company typically has 30 days to make an initial offer.

Once that initial offer is submitted to our office, we determine whether it's reasonable or not. If it's reasonable, we can begin the negotiation process. If it's not reasonable, then we should file a lawsuit on behalf of our clients. Sometimes it takes filing a lawsuit in order to make these insurance companies make fair offers.

Should I Take the First Settlement Offer?

When an insurance company makes an initial offer on a case, in response to an initial demand, I usually tell clients not to take it. That's because the insurance company is not necessarily going to put their best number out there initially. In fact, nine times out of ten, that doesn't happen.

Usually what we have to do is go through the process, whether it be through litigation or all the way up through a trial. By going through that process and showing that we're ready, we have our client prepared and our case prepared. By the end, if we're on the courthouse steps, they'll understand that they need to put a reasonable number on the case to try to settle it.

CALL OUR OFFICE TODAY FOR A FREE CONSULTATION

If you are looking for a dedicated and experienced Florida personal injury attorney, please do not hesitate to call our office to set up a free consultation. We will make sure you are informed about your case, you know what steps you need to take, and you are on track to get the compensation you deserve. We want to make sure you have the best shot at full compensation. Please call us today to get started on your personal injury case.

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 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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