



CAR ACCIDENT INJURY GUIDE



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Overview of Car Accidents

Any time a motorist is distracted or drives carelessly or recklessly, an accident can result. A considerable number of motor vehicle traffic fatalities occur because a driver was intoxicated or driving under the influence.

The majority of motor vehicle accidents happen when a driver fails to pay proper attention to the road, exceeds the speed limit, or disobeys a traffic law. A car may be involved in a single vehicle accident or a collision with other automobiles, motorcycles, trucks, bicycles, or pedestrians. The outcome of any of these accidents can be catastrophic.



Some of the types of car accident injury claims Zinda Law Group can assist with include:

- Multi-Vehicle Accidents
- Rear-End Accidents
- Head-On Accident
- Texting While Driving
- Drunk Driving
- Uninsured Driving
- Underinsured Motorists

In addition, car accident victims sometimes deal with the situation of a hit-and-run accident, which can be particularly problematic. A competent investigation that is conducted by the police and overseen by a personal injury attorney can often help find the hit-and-run driver and hold that individual accountable for the damage they caused. Such offenders will face additional legal penalties that other drivers do not face.

Car Accident Injuries

The injuries sustained in a car accident often depend on a number of factors, including:

- If the driver and passengers were wearing seatbelts;
- The speed at which the car was traveling;
- The place where the car hit another object;
- Whether the car rolled over or caught fire; and
- How well the car handled the impact.

Some car wreck victims are fortunate enough to walk away from the accident with perhaps only a few cuts and bruises but without significant physical harm. Many others, however, suffer severe injuries,

including damage to the head or neck, broken or dislocated bones and limbs, nerve damage and paralysis, and even death.

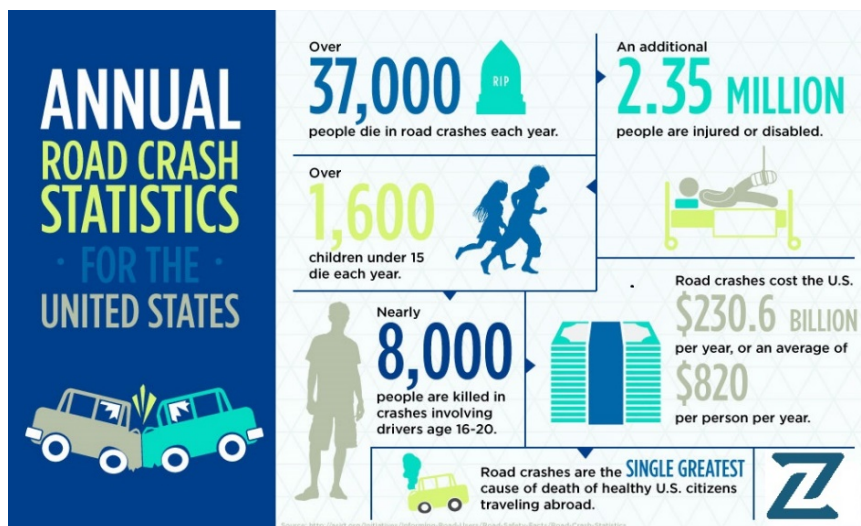
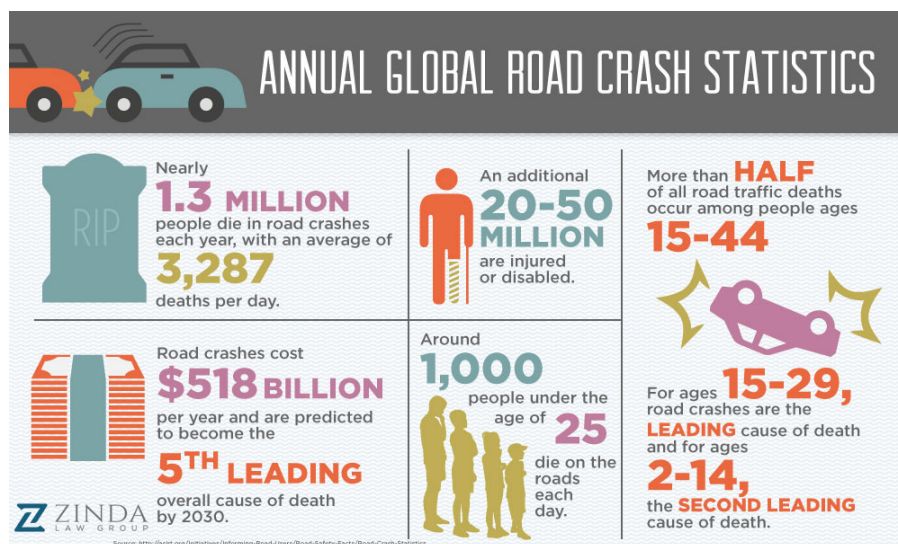
Each case is unique regarding the degree of injury and other damages suffered by the victim. Zinda Law Group can help you determine how to move forward and pursue the compensation you deserve.

Help for Accident Victims

Our experienced attorneys will help determine if someone is liable for your injuries. If another driver was responsible for the accident, it is likely that they will owe you monetary damages. These can include compensatory or punitive damages.

Compensatory damages include lost wages, past and future medical expenses, and pain and suffering. These types of damages attempt to put a victim back into the position they were in before being injured.

In some cases, punitive damages are also awarded. Punitive damages are given to the injured person in order to penalize wrongdoers who commit criminal or grossly negligent acts and to deter others from repeating similar acts. A common example where punitive damages may be awarded is a case involving drunk driving, when getting behind the wheel and driving was a criminal act.



Handling a Car Accident in 10 Easy Steps

1. Call 911

If anyone is injured, this ensures that they receive proper care as quickly as possible. The ambulance team will take care of your injuries and recommend the correct course of action. Any injuries sustained to yourself or others are important to note.

2. Notify the Police

The police will examine the scene thoroughly and file a report. Be polite and cooperate with the police officers and other emergency personnel at the accident scene. Note the names of the officers and ask them for the accident report number.

3. Gather Information

Get contact information from the other driver or drivers. Jot down their name, address and phone number. Make a note of the color, make and model of the other vehicles, and the license plates if you can. The police officer can help you get all this information, and will often have a form for you to exchange with the other driver(s) involved. Do not be afraid to ask such information, or for the form.

4. Identify Witnesses

Get the names and contact information of anyone who saw the accident. If you can, do this quickly. Often, people who saw the collision will stop for a short time, but leave before the police arrive. Other motorists, passengers or pedestrians can be critical witnesses. Get their name and phone number.

5. Do Not Discuss Fault

Do not blame the other driver even if they were clearly at fault. It may just start an argument. But, if the other driver admits it was their fault, make a mental note of it. When you get home, jot down precisely what you remember them saying. Even if you feel you may have been partially at fault, do not say anything that admits your feeling.

6. Recall the Events of the Accident

After the accident write a note to yourself. Include all the information you have gathered and can remember while it is fresh in your mind. Explain how the accident happened as best you can. Drawing a sketch or diagram of the collision will be a helpful memory aid later on. It may be months, or even years, before the insurance companies fully resolve any claims.

7. Contact Your Insurance Company

All insurance policies require you to notify your insurance company. This must be done shortly after the accident. Unnecessary delay in telling your insurance company about the crash can result in a denial of your claim, but do NOT give a recorded statement!

9. Take Pictures

If you can, and it is safe, take pictures of the vehicles before they are moved. Pictures can prove how the accident happened and document the force of the collision. This can be helpful evidence if the accident caused any injuries. If you do not have a camera available, the camera on your cell phone will do the job.

8. Get the Accident Report

If anyone is injured or there is significant property damage to the vehicles an accident report is typically filed by the police department. Contact the law

10. Contact a Personal Injury Attorney

A car accident attorney is your most valuable ally in an accident claim. They are experienced in dealing with insurance companies, third parties, and your legal rights. To ensure property compensation for all injuries and property damage, it is important to have an attorney review your settlement offer.

Auto Insurance Coverages

Automobile insurance can help pay for injuries, damages, and other losses specifically covered by your policy.

Read your policy carefully because coverages can vary by policy and company. **Pay special attention to the exclusions section, which lists items your policy does not cover.** The front page of your policy--called the declarations page--shows the exact name of your insurance company, your policy number, and the amount of each of your coverages and deductibles.



The following summarizes eight common types of automobile insurance coverage. Although your coverages and policy terms may differ from these, this summary can help you understand the coverages and the way they work.

1. Liability Coverage

What it pays: Other people's expenses for accidents caused by drivers covered by your policy, up to your policy's dollar limits. These may include the other person's:

- Medical and funeral costs, lost wages, and compensation for pain and suffering;
- Car repair or replacement costs;
- Auto rental while the other driver's car is being repaired; and
- Punitive damages awarded by a court.

Liability insurance also pays your attorney fees if someone sues you because of the accident, as well as your bail up to \$250 if you are arrested.

Who it covers: You and your family members. Family members include anyone living in your home related to you by blood, marriage, or adoption, including your spouse, children, in-laws, adopted children, wards, and foster children. Other people driving your car with your permission, family members attending school away from home, and spouses living elsewhere during a martial separation might also be covered.

You and your family members could be covered when driving someone else's automobile--including a rental car--but not a car that you don't own but have regular access to, such as a company car.

Note: Some policies won't cover other people, including family members, unless they're specifically named in the policy. Your policy's declarations page should list the names of all of the people covered by the policy.

2. Medical Payments Coverage

What it pays: Your medical and funeral bills resulting from accidents, including those in which the other person is a pedestrian or bicyclist.

Who it covers: You, your family members, and passengers in your car, regardless of who caused the accident.



3. Personal Injury Protection (PIP) Coverage

What it pays: Same as medical payments coverage, plus 80 percent of lost income and the cost of hiring a caregiver for an injured person.

Who it covers: You, your family members, and passengers in your car, regardless of who caused the accident.

An insurance company must offer you \$2,500 in PIP, but you can buy more. If you don't want PIP, you **must** reject it in writing.

4. Uninsured/Underinsured Motorist (UM/UIM) Coverage

What it pays: Your expenses from an accident caused by an uninsured motorist or a motorist who did not have enough insurance to cover your bills, up to your policy's dollar limits. Also pays for accidents caused by a hit-and-run driver if you reported the accident promptly to police.

- **Bodily injury UM/UIM** pays without deductibles for medical bills, lost wages, pain and suffering, disfigurement, and permanent or partial disability.
- **Property damage UM/UIM** pays for auto repairs, a rental car, and damage to items in your car. There is an automatic \$250 deductible, which means you must pay the first \$250 of the repairs yourself.

Who it covers: You, your family members, passengers in your car, and others driving your car with your permission.

Insurers must offer UM/UIM coverage. If you don't want it, you **must** reject it in writing.

5. Collision (Damage to Your Car) Coverage

What it pays: The cost of repairing or replacing your car after an accident. Payment is limited to your car's actual cash value, minus your deductible. Actual cash value is the market value of a car like yours without damages.

Who it covers: You, your family members, passengers in your car, and others driving your car with your permission.



6. Comprehensive (Physical Damage Other than Collision) Coverage

What it pays: The cost of replacing or repairing your car if it is stolen or damaged by fire, vandalism, hail, or a cause other than a collision. Comprehensive coverage also pays for a rental car or other temporary transportation if your car is stolen. Your policy won't pay for an auto theft unless you report it to police. Payment is limited to your car's actual cash value, minus your deductible.

If you still owe money on your car, your lender will require you to have collision and comprehensive coverage.

7. Towing and Labor Coverage

What it pays: Towing charges when your car can't be driven. This coverage also pays labor charges, such as changing a tire, at the location where your car became immobile.

8. Rental Reimbursement Coverage

What it pays: A set daily amount for a rental car if your car is stolen or is being repaired because of damage covered by your policy.

What If I Was Injured?

If you were injured in a car accident that was caused by another party, you may be entitled to several different types of compensation depending on the type and degree of your injuries. Those damages may include but are not limited to:

- **Medical Bills:** The reasonable and necessary medical bills that you have or may have in the future that were caused by the collision.
- **Loss of Earning Capacity:** Compensation to make up for the loss of income that was caused by the accident.
- **Pain and Suffering:** Compensation to make up for the physical pain that you feel as a result of your injuries that were caused by the collision.
- **Mental Anguish:** Compensation to make up for the mental toll that an injury or a car wreck takes on an individual.
- **Physical Impairment:** Compensation to make up for your inability to do certain activities after the wreck that you were previously able to do.
- **Physical Disfigurement:** Compensation to make up for a change in your appearance caused by the car accident.
- **Punitive Damages:** Damages to punish the wrongdoer for particularly egregious actions, e.g. drunk drivers who cause an injury.



Every case is different, and you may be entitled to all or none of the damages outlined above.

It is important to understand the amount that you may be entitled to is going to be different in every case, and just because you heard someone got a certain amount in their case doesn't mean you will be entitled to the same amount.

Deaths in 2003 due to injury sustained during motor vehicle collisions

3,877



Motor vehicle collisions were the number one cause of injury-related hospitalizations in Texas during the calendar year of 2003.

26,750 total

Motor Vehicle Collision Injuries



of motor vehicle-related injuries occur to people between 15 and 44 years of age.

Motor vehicle collisions claim approximately 11 Texas lives each day.

Motor vehicle injuries are the leading cause of injury in all age groups except the very young (less than one year) and the elderly (65+) where there are more injuries due to falls.

According to the National Highway Traffic Safety Administration, an alcohol-related motor vehicle crash kills someone every 30 minutes and non-fatally injures someone every two minutes in the U.S.



Risk Factors for Motor Vehicle Collision Related Injuries



Driving while under the influence of drugs or alcohol.



Riding unrestrained or improperly restrained.



Age of the driver (younger more inexperienced drivers and older drivers with slower response times).



Distractions while driving (playing with the radio, talking on the phone, etc).

What If My Car Was Damaged or Totaled?

If your car was damaged or destroyed because of another motorist, that driver's insurance may be required to:

- Repair your vehicle;
- Provide a rental car;
- Pay for the value of your vehicle; and
- Pay for diminished value.



Repairing a Car

You are allowed to take your car to a repair shop of your choice. The insurance company is required to pay to have your car returned to the same or similar value as it was prior to the collision.

They are also required to compensate you for diminished value, which is the difference of the value of the vehicle prior to the collision and its value after being repaired.

Be sure your car is repaired to your satisfaction.

Totaling a Car

If the repair estimates are more than your car is worth, the insurance company will likely total your car and pay you its actual cash value rather than pay to fix it. Insurance companies typically use the ***National Automobile Dealers Association's Used Car Guide*** to determine the value of your car.

www.nada.com

The company's offer might not recognize your car's condition, special features, or value on the local market. Be prepared to negotiate with the company to get what you believe is a fair deal. A company might raise its offer if you can show that your car would sell for a higher price in your area. Get written price quotes for a similar automobile from several used car dealers, or look in the classified section of your local newspaper for used car prices.

If you'd prefer to have your vehicle repaired instead of totaled, you can keep your car if you are willing to subtract its salvage value from the insurance settlement. Make sure the cost to repair the car will not exceed the car's actual cash value. To find out the salvage value, contact local salvage yards for estimates.

If your car has been totaled, determine the fair market value of your car by consulting reference sources such as the Kelley Blue Book, NADA Used Car Guides, or Edmunds. These publications provide accurate information for most makes and models of cars.

Getting a Rental Car

There are several types of coverage that will pay for you to get a rental car while yours is in the shop:

- If the other driver caused the accident, his or her liability insurance will pay for a rental car.
- If the accident was a hit-and-run or the other driver was uninsured and at fault, your UM/UIM property damage coverage will pay for a rental car.
- If your car was stolen and you have comprehensive insurance, your company will provide a set amount each day, up to your policy's limit, for a rental car.
- If your car is being fixed or replaced for some other reason, your insurance company won't provide a rental car unless you have rental reimbursement coverage.



BEWARE: In today's insurance environment, almost all insurance companies will not immediately authorize a rental car for you, indicating they cannot approve payment "until they have conducted a thorough investigation." This is done regardless of who is at fault for the collision. Under most circumstances, this is nothing more than a delay tactic!

Should I Hire an Attorney?

When deciding whether to hire an attorney after a car accident, you should consider if you will net a higher recovery after paying an attorney than you would otherwise.

Before hiring a lawyer, you should ask yourself the following questions:

1. Did I only suffer property damage to my vehicle?

If yes, then you probably don't need a personal injury lawyer. For repairs, simply get quotes from reputable repair shops and compare them to the amount offered by the adjuster. If the vehicle is totaled, be sure that the insurance company is paying a fair value for the vehicle prior to the collision.

2. Did I suffer very minor injuries?

If this is the case, you may not need an attorney, but it is in your best interest to consult with one. It is important to always carefully weigh your options.

If your case involves personal injuries, a more detailed analysis may be required. If the injuries are minor and you fully recover from the injuries in a few days, you probably do not need an attorney. Minor injuries are ones that result in less than \$1,000 in medical bills.

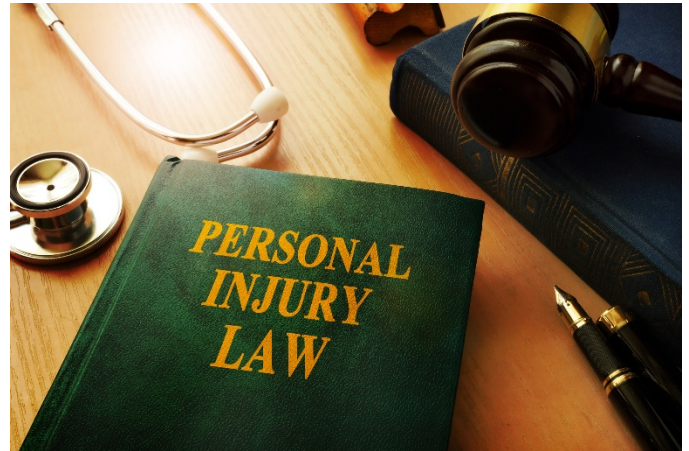
To obtain a fair settlement for your minor injury claim, educate yourself sufficiently to negotiate with the insurance adjuster. To educate yourself, go online or to the bookstore and obtain one of the many self-help guides for car accident victims. These guides are excellent resources for dealing with minor injury claims.

Like the property damage-only type cases, minor injury cases usually do not justify the use of an attorney. In such cases, the attorney's fee generally results in a lower net settlement to the claimant because the value of the claim is low and cannot be appreciably increased.

3. Was I or a loved one severely injured or killed?

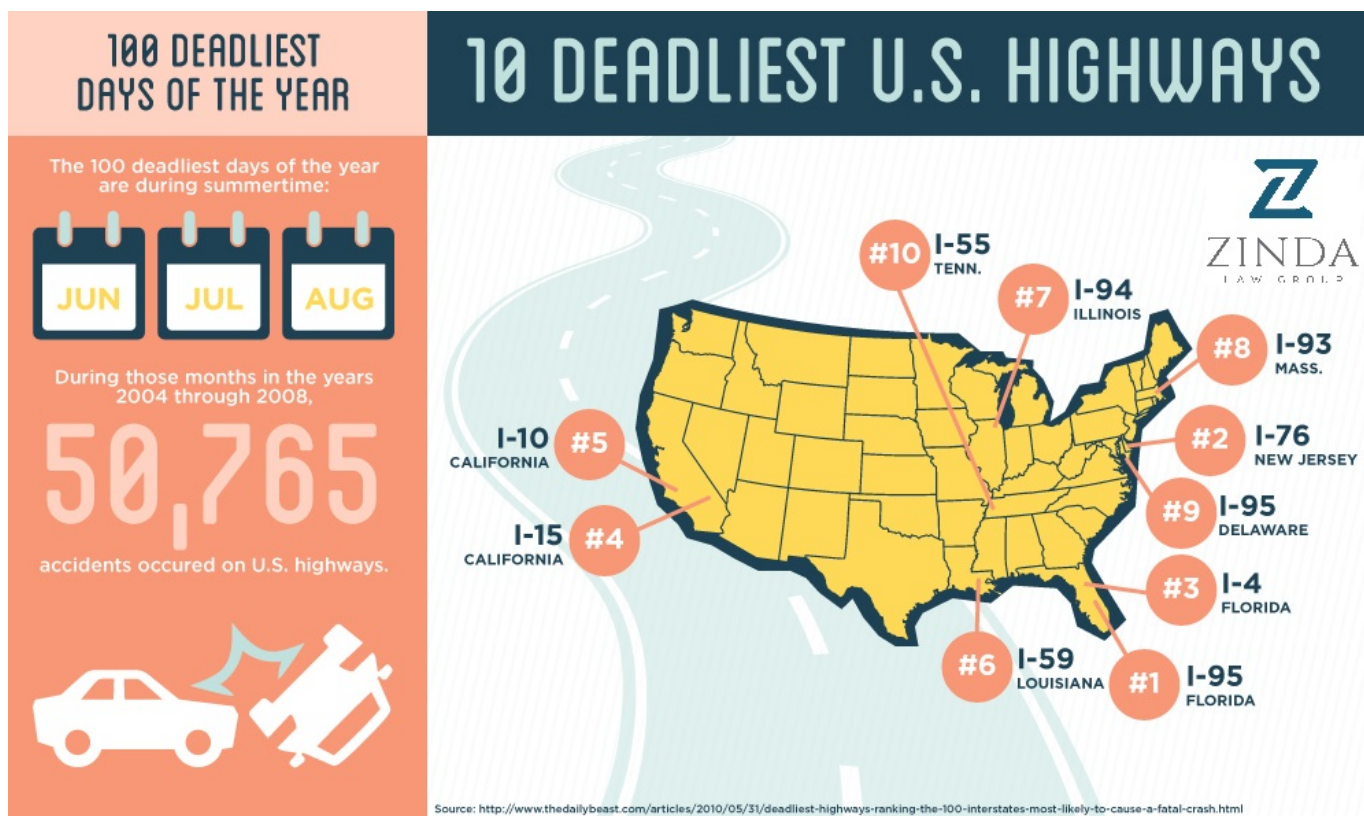
If your case involves anything more than property damage and minor injuries, it is likely that you will benefit from hiring an injury attorney.

Most people do not have the necessary negotiation skills, legal knowledge, and experience in evaluating damages to obtain a fair settlement value for major injury cases. As such, when negotiating with an insurance adjuster, non-lawyers are at a distinct disadvantage.



Do not be misled by the adjuster's statements that hiring an attorney will reduce your net settlement or delay payment for your claim. The insurance industry's own statistics do not support these statements.

In 2004, the Insurance Resource Council completed a study that found that people who used an attorney received an average of 3.5 times more money in settlement than those individuals who settled on their own. Thus, if you seek to obtain a fair settlement for your injuries, the use of an experienced personal injury lawyer is vitally required.



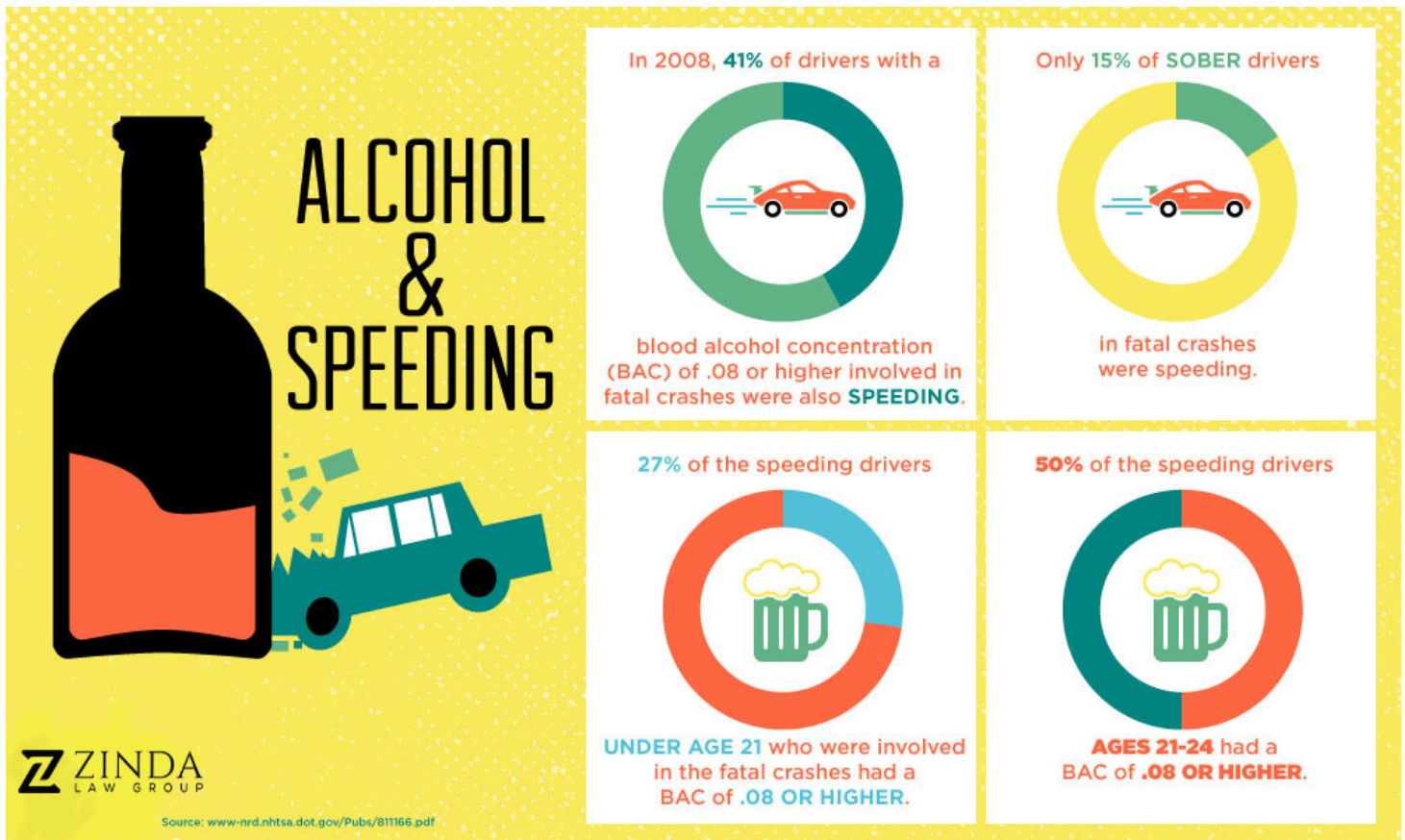
Drunk Driving Accidents

Two out of three people will be involved in a drunk driving accident sometime during their lives. Every two minutes, someone is injured as a result of a drunk driving incident, and drunk driving crashes claim more than 10,000 lives per year.

Drunk driving accidents can have devastating consequences for innocent individuals who, through no fault of their own, are injured or killed by an impaired driver.

Being the victim of a drunk driving accident can be overwhelming. If you are seriously injured, you worry about how to pay exorbitant medical bills and how to repair or replace your car, all of which is compounded by the fact that you may be financially strapped because you're forced to miss work while you heal.

Additionally, victims often experience anger knowing that the accident would not have happened if this person had not been on the road.



Assessing the Value of a Drunk Driving Injury Claim

Drunk driving accidents can often yield a higher settlement or judgment than a case involving a non-impaired driver. Determining the value of a drunk driving case will require the help of an experienced personal injury attorney.

The first step in valuing a case is determining fault, and in a drunk driving case, it is often straightforward that the drunk driver's negligence caused the crash. If the driver has a history of DWI convictions, that generally may increase the value of the claim. Assessing the value of a drunk driving injury case also may depend on:

- The severity of the DWI charge that the at-fault driver receives;
- Their previous driving history;
- Severity and permanence of your injuries;
- Medical expenses incurred; and
- Lost income.

If the drunk driver receives a citation or was arrested for a DWI, you'll be in a better position when negotiating your claim.

Be sure to follow up on the driver's arrest to confirm if the driver was convicted. However, to help seek the best chance of obtaining the recovery you deserve, it's imperative that you contact an experienced personal injury attorney to help negotiate your claim.



ALCOHOL & DRUG USE BEHIND THE WHEEL: CRASH RISK STATISTICS



According to a study by the NHTS:

Drivers at a breath **ALCOHOL** level of .08% (the legal limit), were about



4x

more likely to crash than sober drivers.

Drivers at a breath **ALCOHOL** level of .15%, were about



12x

more likely to crash than sober drivers.

MARIJUANA users were about



25%

more likely to crash than those with no marijuana use.

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Source: <http://www.nhtsa.gov/Driving+Safety/Research+&+Evaluation/Alcohol+and+Drug+Use+By+Drivers>

How Do I Recover Compensation?

If you are injured in an accident with a drunk driver, insurance should cover a portion or all of the damages you suffered. However, it is important to take your time before rushing into any settlement offered by an insurance company.

Be sure you know the extent of your injuries and your financial losses before you commit. Once your condition has stabilized and you realize the costs associated with your recovery and how much time you will be off work, you will be in a better position to evaluate settlement offers.

Will I Need to File a Lawsuit?

When insurance fails to fully cover your expenses, you may be able to pursue compensation through a lawsuit. Often, courts find that victims of drunk driving accidents are entitled to compensation for pain and suffering and loss of mobility, in addition to other financial losses. In some states, if a drunk driver's blood alcohol content exceeds a certain threshold, a victim can pursue punitive damages as well.

However, lawsuits are costly and time-consuming and should be seen only as a last resort. In the event that you may have to go to trial, it is important to get a copy of the police report and keep records of such things as medical bills, lost earnings, and property damage.

State laws govern the amount of coverage drivers must carry and whether you can bring a lawsuit regarding a car accident. Being informed of the local laws is a powerful weapon when it comes to navigating the aftermath of an accident. Whether you proceed with a lawsuit or accept a settlement from the driver's insurance company, an experienced personal injury lawyer can advise you to ensure you get the full compensation to which you are entitled.

What If the Drunk Driver Is Uninsured?

Unfortunately, there are times when the drunk driver at fault is either uninsured or does not carry enough insurance to cover your expenses. If you find yourself in a situation such as this, you may be able to bring a claim against your own insurance company.

Uninsured and underinsured motorist coverages can make up the difference in these situations. However, this is coverage you had to have on your policy prior to the accident.



Uninsured Motorist Accidents

While all states require drivers to carry liability insurance, not all drivers do. If you are hit by an uninsured driver, you may feel unsure how you should proceed. Though your legal options are limited, you still have ways to pursue recourse.

Your potential to recover may be greater if your own auto insurance policy covers against uninsured motorists. If it does not, you still have the option of suing the driver who hit you.



Option 1: Recover Damages from Your Insurance Policy

You may have the option of purchasing uninsured or underinsured motorist coverage through your automobile insurance policy. This type of insurance may allow you to be compensated for your injuries in an accident where the at-fault driver lacks insurance. Ideally, it would allow you to receive the same types of payment you would if the at-fault driver carried insurance of their own.

If you are not sure whether you have this type of coverage, you should contact your insurance company to find out. If you do have the coverage, and the other driver is found to be at fault for the wreck, you may make a claim under this portion of your policy.

It may be good to keep in mind that several uninsured motorist policies also allow you to recover if the accident was a hit-and-run, and the at-fault driver was not identified.

Option 2: Consider Suing the Insured Driver

If your insurance company informs you that you do not have uninsured motorist coverage, you may want to think about filing a lawsuit against the other driver. It will be important to think about the costs and benefits associated with doing so.

In particular, will the other driver likely be able to pay a judgment? If they have foregone insurance, they may not have the money or assets needed to pay for the damages you have sustained. The damage to your vehicle, medical bills, and lost wages may be costly, so the other driver's ability to pay the judgment will probably be key.

Will it be easy to prove that the other driver was at fault, or could it be less clear, possibly resulting in a protracted lawsuit and additional legal fees? A car accident attorney can help you to further weigh the costs and benefits of commencing a lawsuit.

Rideshare Accidents

Rideshare companies like Uber and Lyft have become popular across the U.S. in recent years. As the number of rideshare drivers on the roads increases, it is natural to expect that these drivers may become involved in accidents.

If you happen to be a passenger in a rideshare that is involved in an accident, you may wonder who will be responsible for covering any medical or other expenses that you might incur as a result of the accident.

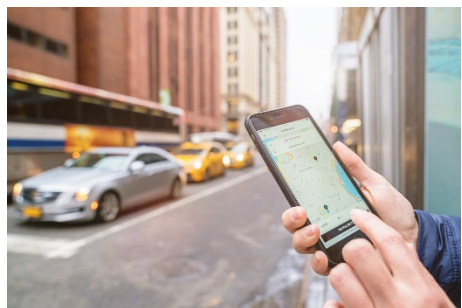


How Are Uber Accidents Different?

In general, a car accident involving an Uber vehicle is treated as if it were any other auto collision. The investigating officer will examine the accident scene and interview the drivers, passengers, and witnesses. The officer will then complete an accident report and, if necessary, issue traffic citations to the offender.

If you are able, you should get as much information regarding both drivers' insurance coverage and a copy of the accident report when it is completed. The main difference in an Uber accident and normal car accident is the insurance policy you will be covered under.

Dealing with Insurance Companies and Insurance Adjusters



If you were injured in an accident as an Uber passenger, you may be covered by Uber's commercial liability insurance. This insurance covers your medical expenses and other losses up to the policy's limit of \$1 million if the Uber driver was at fault in the accident or if the other driver was uninsured or underinsured.

If another driver was at fault, his or her insurance will usually be responsible for your injuries. Any shortfalls in insurance coverage should be covered by Uber, but sometimes this will be a point of

disagreement between the insurance carriers.

After an accident, the insurance company will assign an adjuster to handle the details of your claim. Despite what they may tell you, you must remember that the adjuster has only one goal: reduce the amount of money their employer will have to spend to settle your claim.

This is why we recommend that anyone injured in an accident involving an Uber vehicle should meet with one of our Uber accident lawyers as soon as possible after the accident. Our attorneys can help you negotiate with the insurance companies and ensure no common mistakes are made that could jeopardize your claim.

What If I'm in a Crash While Pregnant?

While pregnancy comes with a lot of excitement, many people do not understand the mental and physical stresses placed on an expecting mother. Even the smallest setback, like having a long walk to your car in a parking lot, can at times be a source of frustration.

Naturally, experiencing a car accident at this busy time can feel like too much to handle. You feel responsible not just for your own well-being but also for the health and safety of your unborn child. To protect yourself and your unborn baby, it is important to know the special legal protections to which you are entitled.



What to Do to Protect You and Your Unborn Child

First and foremost, seek out medical attention immediately. This includes immediately informing first responders on the scene that you are pregnant. That way, they can start monitoring you and your child right away.

After the accident, even if your child seemed healthy after receiving monitoring from first responders, you should go to the hospital to get verification that you and your unborn baby are both in good health. Even if the crash seemed like a minor fender bender, it is better to be safe than sorry when both of your overall health may depend on it.

In the days following the accident, continue to go to follow-up appointments that you have scheduled. This is not only in your best interest health-wise but also is a safe way to ensure that the insurance company will verify that your emotional distress claims are genuine. That way, you are more likely to receive fair compensation for your injury.

Attend scheduled medical appointments after the birth of your child. Unfortunately, some signs of injury relating to the crash may not be immediately apparent, so it is important to stay vigilant so that you can detect any possible signs of injury later on.

When Is the Best Time to File a Claim?

Because signs of your child's injuries may not present themselves until later, sometimes it is a wise decision to wait until after you give birth, and your child has grown, to see if your child has suffered any injuries from the accident.

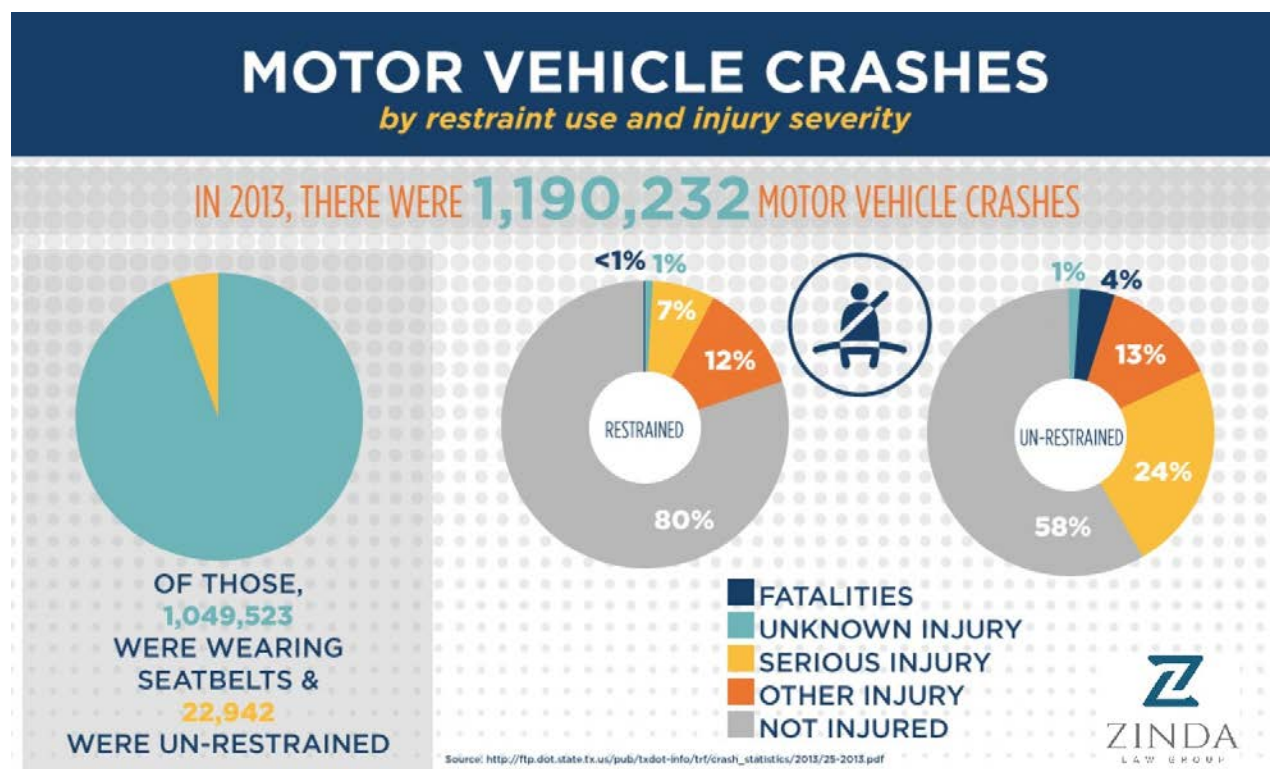
A relatively common example is premature birth resulting from accident trauma. If that becomes the case, a large part of your legal claim would become your child's medical bills for treatment for delayed development or other problems that premature babies often face.

Unique Legal Protections for Pregnant Women in Car Accidents

Thankfully, the legal system realizes that as an expecting mother involved in a car accident, you experience different challenges than someone who is not bearing a child. This gives you some special legal remedies.

Like any other person in a car accident, you may be able to take legal action against the at-fault driver for your medical bills, lost wages, emotional distress, or other losses that you suffered from the collision. Being pregnant is an aggravating factor that insurance companies must factor into your claim, and it can make you entitled to significant damages.

Your pain and suffering damages also are likely to be greater. As an expecting mother involved in an auto accident, you will be worried about the well-being of your unborn child, as well as yourself, which can cause heightened stress. Having to wait and see whether your child is completely healthy until well after they are born also compounds this worry.



What If I'm Partially Responsible for the Wreck?

If you're involved in a car accident, deciding who is at fault can be complicated. While sometimes the cause of an accident is obvious, other times it may be hard to tell what actually happened or someone may refuse to admit that they caused or contributed to the accident.

Perhaps your actions also played a part in the incident. If this is the case, will you be able to recover damages if you are injured in the accident? If you are partially responsible for an accident, what you are entitled to recover will usually depend on the state in which the accident occurred and how much you actually contributed to the accident.



In most states, you would be entitled to some damages even if you are 49 percent at fault for the crash. However, in other states, any contributory negligence would completely bar recovery.

If you've been injured in a car accident, contact an experienced car accident lawyer to discuss your case, even if you think you might be partially at fault. By consulting with a lawyer, you can get a better idea as to whether you can recover any damages.

Theories of Comparative Negligence

When it comes to personal injury claims, some states split the responsibility for an accident by using comparative negligence theories. What this means is that, depending on the state, your damages may be reduced by the percentage of fault that is attributable to you.

For instance, if you have damages worth \$100,000 and it is found that your own negligence contributed to the crash by 20 percent and the other motorist contributed 80 percent, your damages would be reduced by 20 percent. Thus, you would only be able to recover \$80,000. On the other hand, if you are 80 percent at fault, you may be able to recover only \$20,000.

This example is the case when it comes to states that follow a "pure" theory of comparative fault. Thirteen states recognize the pure comparative fault rule, which allows an injured individual to recover even if they are 99 percent at fault.

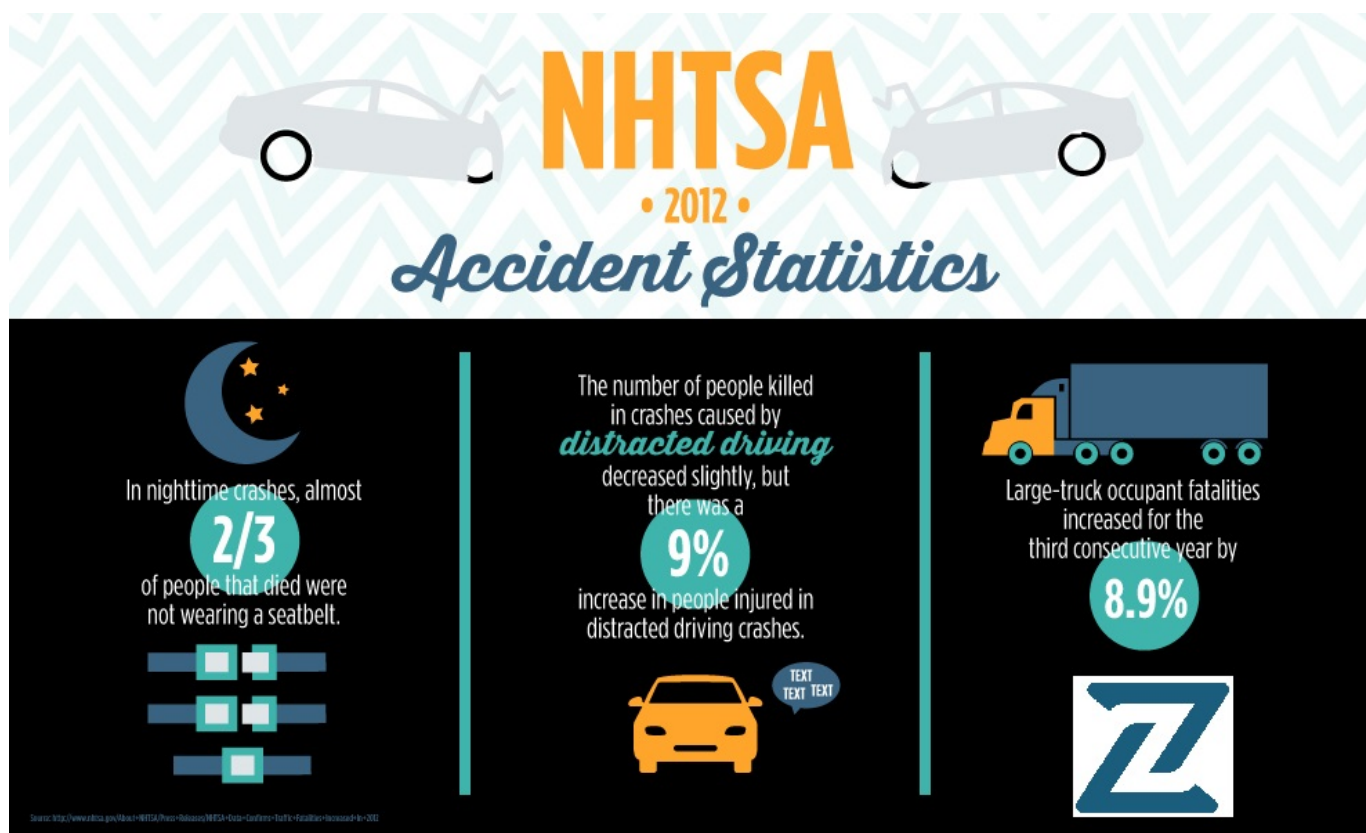
Other states follow different theories of contributory negligence. Only four states and the District of Columbia recognize what's called "pure contributory negligence." Under this theory, injured individuals cannot collect damages even if they are only one percent at fault for an accident.

Modified Comparative Fault Rule

The majority of states follow the modified comparative fault rule, though there are two competing theories when it comes to this rule.

Twelve states follow the 50 percent bar rule, which means that a damaged individual will not recover if their fault is 50 percent or more. However, if the individual is 49 percent at fault or less, they can still recover, though the recovery will be reduced by the percentage of fault.

Twenty-one states follow the 51 percent bar rule, where a damaged party cannot recover if they are 51 percent or more at fault. This means that if they are 50 percent at fault or less, they can still recover, but the recovery would also be reduced by the degree of fault. In other words, you might recover \$50,000 if you are 50 percent negligent, but if you are 51 percent at fault, you will recover nothing.



How Long Does an Insurance Settlement Take?

The process of seeking medical treatment, filing a claim, receiving compensation, and making a full recovery can be very complex. It is often difficult to determine exactly how long it will take if this is your first time going through a personal injury settlement.

The Different Parts of a Car Accident Injury Settlement

If you've recently been injured in an accident, you've most likely become aware of the complicated nature of recovering from and seeking compensation for a car accident. There are a variety of things that must take place to effectively receive a settlement.

These can include:

- Gathering witness testimonies;
- Exchanging insurance information with the opposing parties;
- Doing thorough research on which law firm to hire, and signing an agreement with them;
- Negotiating with insurance companies;
- Seeking appropriate treatment for all of your injuries, both mental and physical; and
- Appropriately documenting your pain and suffering to justify any multiplier or per diem additions to your settlement value.

The list above merely scratches the surface of what you must undertake to properly seek recovery for your damages. Doing this even when healthy can be burdensome, but carrying out these steps while injured can be completely overwhelming.

How Long Will My Injury Settlement Take?

The short answer is typically 2 to 12 months, with especially complicated proceedings extending over a period of years. The long answer is that it comes down to which law firm you choose to hire.

There are certain firms that operate on a volume basis, meaning they choose to take on as many cases as they can handle with the goal of settling them all as quickly as possible. If you choose to hire one of these firms, you may find that, while your case was settled quickly, your attorneys did not put enough effort into your case to recover the maximum compensation you may have deserved.

On the other hand, there are law firms that may take more time on average to settle a case because they truly believe in fighting for their clients. As such, they are unafraid to go to court, and are not seeking to simply settle every case as quickly as possible.

At Zinda Law Group, we believe every client is worth fighting for. We are unafraid to go to trial, and we will ensure to the best of our ability that your case will not be rushed and that we will help you seek every last penny of compensation you are owed.



About Zinda Law Group, PLLC

Representing All Types of Clients in Personal Injury Cases

The attorneys of Zinda Law Group, PLLC, represent injury victims in a wide range of personal injury cases. We know firsthand that the injuries suffered from an accident can be severe and life-altering for both the victim and their family.

Skilled Accident Litigators

Our experienced and knowledgeable attorneys will determine if someone is responsible for your injuries. If so, they may owe you monetary damages, including compensatory or punitive damages.

Compensatory damages attempt to put an injured person back in the position they were in before being injured. They include lost wages, past and future medical expenses, and pain and suffering. In some cases, punitive damages are also awarded. Punitive damages are given to the injured person in order to penalize wrongdoers and deter others from repeating the offense.

How Zinda Law Group Can Help

If you have been injured in an accident, the attorneys at Zinda Law Group will provide the exceptional representation you need to seek a full recovery. Our firm offers experienced, knowledgeable, and compassionate representation to injury accident victims across the United States.

Our dedicated attorney team will fight for your full recovery, including medical expenses, lost wages, pain and suffering, and more. We offer a free consultation to new clients and work on a contingency fee basis, which means if we don't win your case, you don't pay us anything. Call Zinda Law Group toll free at 800-863-5312 so we can start fighting for you!

