



HURT in a...

CAR CRASH



461-1500

FREE BOOKLET

RI Car Crash. com

What to do in case of an

Automobile Accident

This comprehensive guide contains step by step procedures to follow if you have been the victim of a motor vehicle accident.

Keep this guide in your glove compartment at all times



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FREE CONSULTATION

RI Car Crash. com

Acknowledgements

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American Motorcycle Association

RI Department of Transportation

RI Association of Justice

Insurance Consumer Action Network

Insurance Institute for Highway Safety

National Highway Traffic Safety Administration

Motor Cycle Safety Foundation

National Insurance Consumer Organization

National Safety Council

Inclusion in this list does not imply endorsement of any particular attorney.

While the information contained herein is believed to be accurate it is best to consult an attorney for advice concerning any specific legal situation.

Rhode Island does not have a procedure for certification or recognition of specialization by lawyers.

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INTRODUCTION

More than 40,000 deaths and 2.2 million disabling injuries occur in the United States each year as a result of motor vehicle crashes. We all hope that we won't be injured....but when you are this guide will be of great help in your time of need.

YOUR BASIC LEGAL RIGHTS

If you have been the victim of a traffic accident (or any other type of accident), you have certain rights provided by law. Basically, you have a right to be put back in the same condition that you were in before the accident occurred. This includes your physical, mental, and economic well-being, as well as the restoration for you automobile and any other personal property damaged by the carelessness or negligence of others.



YOUR RIGHTS - You have a right . . .

- to have your **vehicle repaired** to its original pre-accident condition.
- to the reasonable and equitable market **replacement value of your automobile**, if it's totally destroyed.
- to have any other **damaged personal property repaired or replaced** which was involved in the accident.
- to the **use of a rental car** while your automobile is being repaired, at no

cost to you.

- to recover any **lost wages or loss of earning capacity** which might have resulted from the automobile accident.
- to the **best medical care available, and the bills paid even if you have no health insurance.**
- **to receive money from RI's TDI fund if you've contributed to it.**
- to a **fair settlement for permanent disabilities** which might have resulted from the automobile accident.
- to receive **payment for your diminished ability** to effectively interact socially with loved ones and friends - which may have been induced as a by-product of the shock suffered from the accident.

- to be assured that other passengers in your car will also **receive the high quality of care. Even if they don't have health insurance.**
- to be **compensated for any pain and suffering**, or any consequential damages caused by the accident.
- **to be represented by the very best professional personal injury lawyer** of your choice, who will make sure that all of your rights are protected - and that you have excellent representation in dealing with the insurance corporations.

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- to **receive a fair and just settlement** from the involved insurance companies to pay for all bills, services and compensations.

WHAT TO DO IN CASE OF AN ACCIDENT

- Try to keep calm.
- Stop your car immediately.
- Return to the scene of the accident and make yourself known to interested persons. Severe penalties are imposed against drivers who leave the scene of the accident - "hit and run" - without identifying themselves.



- Accidents involving personal injury or property damage in excess of \$1000 must additionally be reported to the Safety Responsibility Section of the Rhode Island Division of Motor Vehicles within 21 days. If you are injured and unable to make a written report of the accident to the Division of Motor Vehicles within that time, have someone else do it for you.

Find a State Accident Report Form to fill out at

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- This is especially important to help you preserve your rights if you are making an uninsured motorist claim against the insurance company.

- Try to make sure that all drivers, passengers, pedestrians and witnesses remain at the scene of the accident. If they insist on leaving, write down their names, addresses, phone numbers, license plate numbers, etc.-and an account of what they saw. Take down the name of the police officer and his badge number. Ask him when and where you may pick up a copy of the accident report.
- Both drivers must identify themselves to each other. Copy down information contained on the other driver's license, vehicle registration and insurance card. Likewise, identify all passengers and witnesses. You will need their names, addresses and phone numbers.
- Make a diagram of the accident, showing the positions of the cars before, during and after impact. Measure skid marks, note the positions of traffic lights and street signs, estimate the respective driving speeds, and record details about the weather and road conditions. If possible, have photographs taken of the accident scene, skid marks and of any damage or injuries such as bruising or lacerations.

● **VERY IMPORTANT: Do not admit to any fault for the accident.** Do not volunteer information or comment on the accident. Do not agree to pay for damages. You should, however, cooperate with police officers investigating the case. Advise the officer of basic facts, without adding personal comments or interpretations. Keep calm.

● **Get checked by a doctor** as soon after the accident as possible. Even if there are no initial signs of pain, there might have been damage done to the neck or spinal cord. There are very fine multi-disciplinary clinics which specialize in the treatment of traumatic injuries - those which are specific to automobile accidents.

● **Contact your insurance company**, usually within 24 hours, to file a claim. **But first** you may want to **talk to a personal injury lawyer** before calling your insurance company to clarify your rights and discuss question of liability for the accident. You also need to file an accident report with the Rhode Island Department of Motor Vehicles within 21 days. Information and forms are available ...

Visit **www.RICarCrash.com**

• **Call a lawyer if you do have any questions** about the automobile accident. You may contact **The Law Offices of Jim Donelan** at **(401) 461-1500** for a free consultation. They will advise you on how to best proceed with your claim, and caution you in areas which may affect your rights. **Attorney Jim M. Donelan** can help you find the very best medical care for your injuries, as well as body shops, and the proper forms to file. Moreover, **Jim Donelan** can be a very effective force in dealing with the insurance company that's liable for your claim.

• You can find answers at **www.RICarCrash.com**

DO'S & DON'T - PRECAUTION CHECK LIST

Do wear your seatbelt while driving. If you are involved in an accident, make sure the accident report reflects the fact that you took this safety precaution.

Do carry adequate automobile insurance. Not only is it mandatory in Rhode Island, but also if you ever need to rely on its benefits, it will pay for itself many, many times over.

Do drive defensively and cautiously. It is the best protection against disaster.

Do not drink and drive.

Do stay calm if an accident ensues. Try to help the injured and gather information, rather than venting your anger at the other driver.

Do not move injured persons.

Do make a diagram of the accident, as well as to take down all pertinent information from drivers, passengers, and witnesses.



Do try to have pictures taken of the accident, or at least of damage done to your car and injury to your body.

Do call 911 for police and rescue if necessary. Give help to injured persons.

Do call the police to have them come out to the accident scene to make a report. Make sure you explain to them any injuries which may have resulted from the accident. If they refuse to send someone, go to the nearest police station and file a report at the counter.

Do cooperate with police officers who are at the scene of the accident.

Do go to a doctor to check out whether you sustained any injuries.

Do call your insurance company to report the accident.

Do file a state accident report with the Rhode Island Department of Motor Vehicles.

Find the form at www.RICarCrash.com

Do have your automobile appraised at the best repair facility that can restore your car to its original condition.

Do keep daily logs of your medical condition: feelings of pain and headaches, mental stress, inability to interact with loved ones, etc. Note your visits with doctors, including any out-of-pocket expenses, mileage to and from his office, and the amount of time spent in therapy.

Do keep a journal of time missed from work, lost wages, and projected future loss of earning capacity due to injury or disability from the accident.

Do see a [RICarCrash.com](http://www.RICarCrash.com) lawyer before signing any releases from insurance companies.

Do call Attorney Jim Donelan at (401) 461-1500 for a free consultation if you have any questions about your rights or about liabilities arising from the accident. Many answers to your questions can be found at www.RICarCrash.com

Do not drink and drive. There are harsh penalties for drunken driving. If you are involved in an accident where the other driver was under the influence of drugs or alcohol, make sure the accident report reflects this fact.

Do not move injured persons, unless leaving them alone would cause greater danger to their health and safety.

Do not ignore numbness or tingling in your fingers or toes, headaches or signs of pain in the neck or lower back.

Do not make any premature statements or sign any releases with the insurance company until you consult first with an attorney. **The Law Office of Jim Donelan** is most qualified to assist you with questions, advice and counsel on such matters.

More information can be found at

www.RICarCrash.com

FIXING YOUR AUTOMOBILE

The aftermath of an automobile accident can be quite a traumatic experience and may leave you feeling extremely bewildered and disoriented. However, adequate insurance coverage and competent legal representation can help turn a seemingly devastating accident into a minor inconvenience.



If your car has been disabled, it may be impounded and towed away immediately to clear the city streets. It may even be taken to a storage facility and held there until you designate where it should be taken for repairs. The insurance companies may be responsible for the payment of towing and storage fees.

You may choose whatever mechanic, body shop or repair facility you wish to fix your car. You are not required to get more than one estimate, nor are you required to use any particular mechanic designated by the insurance company. It is your car, and it is your decision where and how it will be repaired to your satisfaction.

Since insurance companies are paying for the repairs to your car, they are very much in favor of lower estimates. However, a lower estimate may overlook details such as proper alignment, headlight adjustment, correct matching colors, etc.

After choosing your mechanic and/or body shop, and agreeing with them what work needs to be done, you can present the insurance company with the estimate. If they can negotiate a lower price with your mechanic, that is their privilege. But you do not have to compromise quality or economy, nor do you have to be involved in the haggling between the insurance company and the repair shop.

Do not sign any releases until you are sure that the insurance company will cover the cost of all repairs to your satisfaction; and that they will give a check to the repair shop in a timely manner so that you can get your car back as soon as possible, with no out-of-pocket expense to you. It is in your best interest to have an experienced personal injury

lawyer review any releases before you sign them. Many answers to your questions can be found at [**www.RICarCrash.com**](http://www.RICarCrash.com)

THE VEHICLE IS TOTALED

If the cost of repairs is greater than the value of the car, the insurance company will offer to reimburse you only for what they consider to be the "fair market value" of the car. This figure will quite often be much lower than the purchase price of the vehicle; because the insurance company: 1) will deduct for depreciation of the automobile, 2) will not reimburse for finance or preparation charges, and 3) may use a schedule which does not reflect a current fair and equitable value to the car. In this instance it takes an extremely skillful negotiator to convince the insurance adjuster of the true worth of the car to you.

The **Law offices of Jim Donelan** have a great deal of experience in working and negotiating with insurance companies and their adjuster. They diligently research through many different periodical to find the best comparable price for your car. They also factor in items like towing, storage, inconvenience for loss of the use of your car, etc., in order to obtain a better offer from the insurance adjuster. Attorney **Jim Donelan** assists his clients in negotiating property damage settlements and normally does not charge a fee or a percentage for this service. All of the money recovered for your damaged automobile goes directly to you. Even though this is done as a courtesy to the client, **James Donelan** fights vigorously for the very best settlement possible. He will even go through litigation with the insurance company if he suspects that they are trying to shortchange his client. Many answers to your questions can be found at [**www.RICarCrash.com**](http://www.RICarCrash.com). If you have a question regarding the repair of your car, due to an accident, **call Jim Donelan at (401) 461-1500** for a free consultation.

TEMPORARY REPLACEMENT VEHICLE

The Law Offices of James M. Donelan are especially sensitive to their clients' needs in this particular area. They want to make sure that the transition between accident and recovery is not unduly hampered by lack of mobility, or by the added stress of having to worry about haggling over payment for an interim means of transportation. Attorney Jim Donelan has dealt with hundreds of insurance adjusters. This preponderance of

experience, evidence and research done on behalf of victims of automobile accidents, makes a very convincing argument to the insurance companies for fair treatment.

Please call **Jim Donelan at (401) 461-1500** for a free initial consultation if you have any questions regarding your right to the use of a rental car.

ALSO VISIT www.RICarCrash.com

YOUR HEALTH COMES FIRST

Since your health is very precious after any kind of traumatic episode, you should be thoroughly examined and treated by appropriate medical professionals.



If you don't have health insurance, Jim Donelan can help. Most doctors will treat you if they are protected.

You can then take care of other business: getting your car fixed, handling the various details of the accident, etcetera.

Attorney James M. Donelan can assist by suggesting medical professionals who are not only skilled as doctors, but also accurate in supporting medical claims for settlement or litigation purposes.

The many ramifications that a serious injury will have on your life will especially necessitate the advice, counsel and direction of an experienced personal injury lawyer. Complex issues like temporary or permanent disability, prolonged loss of earning capacity, future medical complications, structured settlements, post-traumatic stress disorder, etc. are best negotiated by an expert. More information about injuries and the damages you are entitled to be compensated for can be found by going to

www.RICarCrash.com

Attorney Jim Donelan has negotiated and won many serious claims for his clients. He will use great care in analyzing your case, and in searching for liability which may not be so readily evident.

YOUR LOST WAGES AND LOST TIME



The over-riding principle in securing settlements for accident victims is that they have the right to be made whole again - to be in the same condition after the accident as they were in before the accident occurred.

As a consequence of events stemming from the accident, you may be forced to miss work, or otherwise have your livelihood interrupted. Your earning capacity may also be impaired for an indefinite period of time. Whether this is caused by: lack of transportation, personal injuries, disability, mental stress, etc.-you do have a right to be compensated for this loss of income. If you became unable to work as a result of the accident, you may have a right to collect from **Rhode Island Temporary Disability Insurance**. Find a form at www.RICarCrash.com

If you have any questions concerning your rights in this area, please **contact The Law Offices of Jim Donelan at (401) 461-1500** for a free, no-obligation consultation.

YOUR CLAIM FOR PAIN AND SUFFERING

A proper and equitable settlement for damages and injuries sustained in an automobile accident includes many factors, which when added together, will not only compensate you for any physical loss, but also for the mental stress of the entire incident.

This elusive and sometimes hard to define factor can sometimes result in a substantial amount of money for accident victims. Depending on individual circumstances, good documentation, and how well an experienced and skillful negotiator handles the case, reimbursement for pain and suffering can make the difference between a poor settlement and an equitable settlement. By maximizing the claim for pain and suffering, the insurance company, in effect, pays for your attorney to represent you.

The insurance company, liable for the payment of damages which you have suffered, is responsible to pay you for:

- all property damage-including repair to your automobile
- use of a rental car

- recovery of lost wages
- transportation cost to the doctor
- time spent in therapy and time spent traveling to the doctor
- all medical bills
- any physical or mental disabilities
- loss of consortium or sexual impotency
- emotional distress
- pain and suffering from the trauma, intrusion, inconvenience and anguish of the accident



Attorney **James Donelan** has a great deal of credibility within the "insurance adjusting" community. His skill and experience have helped his clients win fair and equitable settlements in most cases without having to go to trial. He will have pictures taken of your injuries, and work with you in keeping a daily log of your condition.

If you need advice or a consultation on your claim for pain and suffering, please call **James Donelan at (401) 461-1500**. Many answers to your questions can be found at **www.RICarCrash.com**



UNDERSTANDING YOUR AUTOMOBILE INSURANCE COVERAGE

Attorney Jim Donelan is especially vigilant in reminding insurance companies of their fiduciary responsibility to his clients. Since all corporations are in business to maximize profits, insurance companies occasionally have a conflict of interest when it comes to settling claims. Attorney Jim Donelan personally sends out letters of representation, on behalf of his clients, to the involved insurance companies, to put them on notice of their duty to conform to the various covenants of the Insurance Code. **It is his primary job to make sure that all the rights of his clients are protected.**

TYPES OF COVERAGE

BODILY INJURY AND PROPERTY DAMAGE LIABILITY pays damages for which you are legally liable arising from injuries or death, or from damage to property of others and legal costs if you are sued. This coverage is mandatory in Rhode Island.

COMPREHENSIVE covers loss or damage to your car resulting from perils such as fire, theft, vandalism, glass breakage, explosion, etc.

COLLISION pays for damage to your car caused by impact with another automobile or object without regards to fault.

UNINSURED MOTORIST AND UNDER INSURED MOTORIST If the driver of the other motor vehicle involved in an accident is legally liable; but either has no insurance, is under insured, or is unknown because he left the scene - this protection will pay you and occupants of your car for bodily injury. You can also purchase this protection of property damage to your car. It is especially important to invest in this coverage, because there are many visitors to Rhode Island from states (and countries) which do not have mandatory insurance laws.

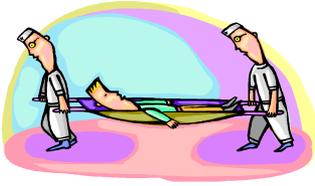
MEDICAL PAYMENTS pays for reasonable medical expenses incurred within a specified amount of time after the accident. It protects everyone in your auto no matter who is liable for the accident. It also covers medical expenses if you are struck by any automobile, or if you are in an accident in someone else's car.

IF YOU ARE THE VICTIM OF A MOTORCYCLE ACCIDENT

The obvious conflict in motorcycle safety is this: The things that most help you protect yourself from injury are the very same things that inhibit your freedom of movement, which is the reason you are riding a motorcycle in the first place.

Protective clothing, helmets and style of riding are a matter of personal choice. The great sense of unencumbered freedom is heavily balanced with the greater risk of serious injury or death. Regardless of your style, it is imperative that you carry insurance, especially medical payments and uninsured/under-insured motorist protection.





Insurance law in Rhode Island is based on comparative fault, where liability for an accident is apportioned to the involved parties, relative to the amount of comparative negligence each has contributed. However, in a motorcycle accident, where injuries can be quite serious; even if the

accident was 50% your fault, the 50% liability apportioned to the other driver would still result in a settlement to cover your damage, injuries, pain and suffering.

But nobody plans for a large insurance settlement precipitated by a traumatic accident. Driving defensively should be your only concern. If tragedy ever does strike, allow an experienced personal injury lawyer to worry about issues of liability, comparative negligence, and how to maximize your claim.

Attorney James Donelan is very much aware of the special problems and hassles that motorcyclist face on the road. He is quite experienced in handling personal injury claims for motorcyclists. If you have any questions regarding your rights as a motorcyclist, **please call Attorney Jim Donelan at (401) 461-1500**. Many answers to your questions can be found at **www.RICarCrash.com**

DO YOU REALLY NEED A LAWYER?

This book was designed to give insight into the many factors which make up the process of an accident: investigation, discovery, negotiation, settlement, and (if necessary) litigation. It is by no means complete, and you should consult with an attorney for advice concerning any specific legal situation.

There are ethical, competent, experienced personal injury lawyers who will:

- 1) **give you a free, no-obligation initial consultation** to discuss and evaluate your accident case with you.
- 2) **help you find the best repair facility** for restoring your damaged automobile, with no out-of-pocket expense or attorney's fee to you.



3) **assist you in obtaining a rental car** if necessary, with no out of pocket expense or attorney's fee to you.

4) **aid you in determining which medical professionals** could best diagnose, treat, and heal your injuries.

5) **negotiate a fair and equitable settlement** for you with all liable insurance companies, maximizing all factors legally due to you.

In effect, you can hire an expert to represent you and your best interests-and be able to rely on his skill and experience to obtain a settlement large enough to pay all bills arising from the accident; to compensate you for lost wages, inconvenience, pain and suffering, etc.

Perhaps the greatest difficulty in deciding whether or not to hire a lawyer to represent you, is being able to separate all the promises, claims, and assurances that are on the airwaves. There seems to be a growing public aversion to these TV lawyers with many branch offices who advertise like used-car salesmen. You should be cautious of these high volume "legal factories" that may sign you up, turn your case over to a paralegal assistance, and then may urge you to accept a premature settlement.

Attorney James M. Donelan offers highly personalized, individual legal services to all of his clients. He meets and consults with each one personally, and follows their case through every stage until total recovery. Since he concentrates on the quality of each case, rather than on high volume quantities, he makes sure to maximize each and every one of his clients' settlements. His skill and experience have proven him a very credible force in negotiating with insurance adjusters. Sub-standard offers are immediately met with the threat of a lawsuit. Clients, who are kept informed of all aspects of their cases, have sufficient information and, of course, the final decision whether to accept, reject, or litigate a settlement.

Jim Donelan does not rely on electronic media to find new clients. Most of them come as referrals from past clients who were most satisfied with his skill and service-and the settlement he obtained for them. This also means that he does not have to charge an exorbitant contingency fee to pay for a large advertising budget and a burdensome overhead. His fee is in line with industry standards.

THE BOTTOM LINE - Jim Donelan can get you a better settlement, even with his contingency fee, than you can get yourself. And you can decide that for yourself, because his initial consultation is free.

ACCIDENT INFORMATION

Date of Accident _____ Time _____ am pm

Location _____ Cross streets _____

Weather _____ Visibility _____

Road Conditions _____ Traffic conditions _____

Traffic signals/signals _____ Street lights _____

Was other driver intoxicated? _____

Speed of your car _____ Speed of other car _____

Did other driver signal? _____ Seatbelts worn? _____

Was either driver turning? _____

Turn signals _____

Distance from other care when you first saw it _____

Measure skid marks _____

Curves, curbs, hills, debris _____

Pedestrians _____

Other remarks _____

Police (or Highway Patrol): _____

Dept. _____ Name _____

Badge # _____ Phone # _____

Arrest or citations _____ Report taken _____

Ambulance _____

Hospital _____

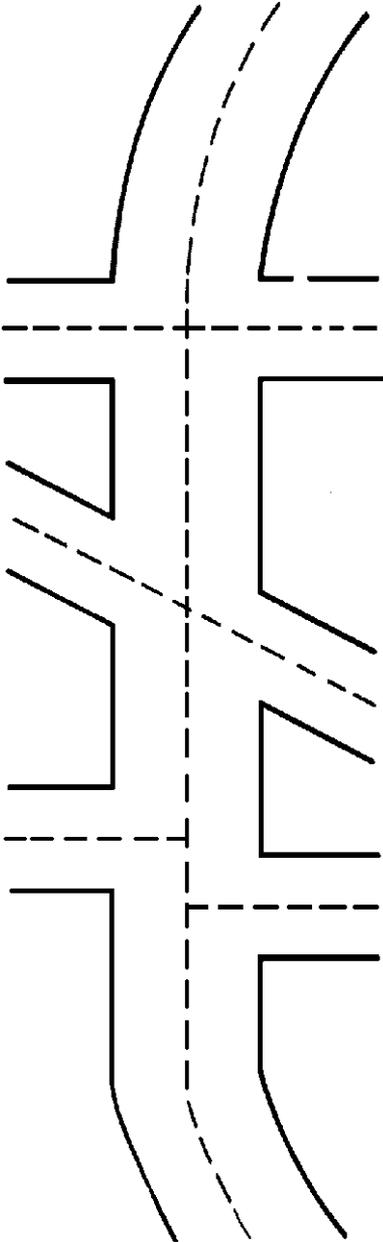
Tow truck _____

Mechanic, body shop, storage facility _____

Call Attorney James Donelan 401-461-1500

VISIT - www.RICarCrash.com

ACCIDENT DIAGRAM



Instructions -

On the diagram show each vehicles course of travel before the impact and after the impact.

Use an arrow with a dotted line for after the impact.



Use an arrow with a solid line for before the impact.



Label the street names.

Indicate the direction of North.

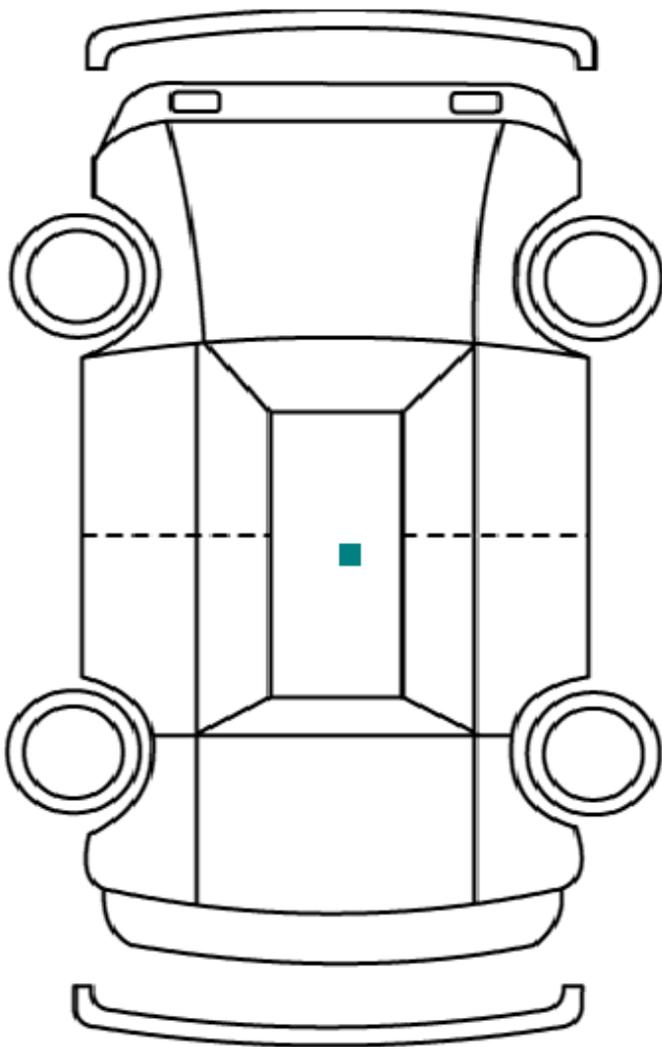


DIAGRAM THE DAMAGE TO YOUR CAR

Accident information- for each driver involved in the crash

Name _____ Approx. age _____

Address _____ Drivers License # _____

City _____ State _____ Zip _____

Phone # home _____ work _____

Automobile: (year, make, and model) _____

Color _____ License Plate # _____ State _____

Insurance Policy # _____ Expires _____

Insurance Company _____

Agent's Name _____ Phone # _____

If there's more than 1 other vehicle involved

Name _____ Approx. age _____

Address _____ Drivers License # _____

City _____ State _____ Zip _____

Phone # home _____ work _____

Automobile: (year, make, and model) _____

Color _____ License Plate # _____ State _____

Insurance Policy # _____ Expires _____

Insurance Company _____

Agent's Name _____ Phone # _____

Accident Information - Passengers in your vehicle

1. Name _____ Approx. age _____
Address _____ Drivers License # _____
City _____ State _____ Zip _____
Phone # home _____ work _____

2. Name _____ Approx. age _____
Address _____ Drivers License # _____
City _____ State _____ Zip _____
Phone # home _____ work _____

3. Name _____ Approx. age _____
Address _____ Drivers License # _____
City _____ State _____ Zip _____
Phone # home _____ work _____

Accident Information - Passengers in the other vehicle

1. Name _____ Approx. age _____
Address _____ Drivers License # _____
City _____ State _____ Zip _____
Phone # home _____ work _____

2. Name _____ Approx. age _____
Address _____ Drivers License # _____
City _____ State _____ Zip _____
Phone # home _____ work _____

3. Name _____ Approx. age _____
Address _____ Drivers License # _____
City _____ State _____ Zip _____
Phone # home _____ work _____

Accident Information - Witnesses

Name _____ Approx. age _____

Address _____ Drivers License # _____

City _____ State _____ Zip _____

Phone # home _____ work _____

Where and How witnessed: _____

Statements or Remarks: _____

Name _____ Approx. age _____

Address _____ Drivers License # _____

City _____ State _____ Zip _____

Phone # home _____ work _____

Where and How witnessed: _____

Statements or Remarks: _____

Your Personal Information

Your Name _____

Address _____

City _____ State _____ Zip _____

Phone # home _____ work _____

D/O/B _____ Soc Sec # _____

Drivers License # _____ Expires _____

Automobile (year, make, and model) _____

Color _____ License Plate # _____ Mileage _____

Insurance Policy # _____ Expires _____

Company _____

Agent _____

Phone # _____

In Case of Emergency, Contact:

Name _____ Relation _____

Address _____

City _____ State _____ Zip _____

Phone # _____

Name _____ Relation _____

Address _____

City _____ State _____ Zip _____

Phone # _____

James M. Donelan

Attorney at Law

- Personal Injuries
- Wrongful Death
- Auto Accidents
- Motorcycle Accidents
- Medical Malpractice
- Insurance Claims
- Uninsured Motorists
- Hit & Run
- Truck Accidents
- Pedestrian Accidents
- Bicycle Accidents
- Premises Negligence

Call 24 hours

401-461-1500

Free Initial Consultation

Visit – www.RICarCrash.com

No fee if there is no recovery

Rhode Island does not have a procedure for certification or recognition of specialization by lawyers.

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