

SECRETS TO HANDLING CAR CRASH CLAIMS SUCCESSFULLY



What The Insurance Companies Don't
Want You To Know About Auto Accidents

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POOLSON | ODEN
INJURY LAWYERS

Secrets to Handling Car Crash Claims Successfully

**What the Insurance Companies
Don't Want YOU to Know about
Auto Accidents!**



POOLSON | ODEN
INJURY LAWYERS

One Lakeway
3900 N. Causeway Blvd., Suite 680
Metairie, LA 70002
(504) 766-2200 | Office
(833) 505-2122 | Toll Free
WWW.POOLSONODEN.COM

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to Know about Auto Accidents!*

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Daniel J. “Danny” Poolson, Jr., Esq.

Carisa German-Oden, Esq.

POOLSON | ODEN

One Lakeway

3900 N. Causeway Blvd., Suite 680

Metairie, LA 70002

(504) 766-2200 | Office

(833) 505-2122 | Toll Free

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PREFACE

This book was written to help anyone who has been in an auto accident or knows someone who has been in an auto accident and is looking for guidance on handling an insurance claim.

The information included in this book is not a substitute for professional legal counsel, but it can give you tips to help you through the insurance claim process.

TESTIMONIALS

Included below are testimonials and stories of people who have gone through the legal process. This process can be very difficult and stressful. Keep in mind that help is available to you.¹

¹ Each legal case is different, the law changes frequently, and an attorney must analyze each particular case based upon its unique facts. You should not act upon the information presented in this book without seeking professional counsel. Not all cases get the same results, but the following testimonials show that there is a path to recover the damages owed when an insurance company refuses to deal fairly.

After a car wreck I spent time wondering just how much work and stress I'd be under whilst juggling other aspects that came with real life. My mother directed me to Poolson Oden and they dealt with the troubles I didn't think would emerge as well as the ones I expected to. Was always kept in the loop and never once did I have to expect an issue that made me question my decision to let them represent me. Would recommend anyone to let them represent in any circumstance in the future.

--Google Review

The Poolson Oden team exceeded my expectations. They made every step of my case not only easy but extremely informative and caring through the entire process. Danny and Carisa's drive to get me the proper medical help and handle all the outside "noise" was second to none! Their professionalism and a responsiveness are what made the process so seamless. Thank you Poolson Oden!

--Google Review

FROM CONSUMER TO CUSTOMER TO CLAIMANT

Every year thousands of people make an insurance claim after being in automobile accidents. A surprising number of your neighbors and people in your community have gone through exactly what you are dealing with right now.

Unfortunately, people who are involved in an automobile accident may end up speaking to as many as ten (10) different claims adjusters and body shop repairmen in order to complete all property damage repairs and settle their bodily injury claims with the insurance company. The entire process can be stressful and overwhelming.

That said, we have good news for you... By reading this book, you have taken the first of several steps to achieve a successful outcome to your auto accident case.

We have helped many people with many different types of automobile accidents: accidents involving distracted drivers, intoxicated drivers, drunk drivers, impaired drivers, 18-wheeler trucks, company trucks, highway road defects, and construction zones. In many cases, although the insurance company did not want to do the right thing by paying the full amount for all damages, we have been able to help accident victims against insurance companies like yours.

A Little Bit About the Authors

From Danny Poolson:

A little personal background is in order. At one time, I represented BIG offshore companies. When one of their workers was injured, my job was to defend the company regardless of the circumstances. One case still sticks out in my mind – a worker walked up a flight of stairs onto an offshore platform, and as he reached the top of the stairs a helicopter rotor blade hit him directly in the head killing him. I can still remember his name.

I also represented BIG insurance companies and I understand how they work. In the aftermath of Hurricanes Katrina, Rita, Ike, and Gustav, I represented very large insurance companies against homeowners and businesses in neighborhoods where I grew up. I had to explain to my former neighbors why their claims were not addressed quickly or, in

some cases, were being denied altogether. I was unhappy in that role and found myself wanting to listen to the homeowners and understand their frustrations, rather than unilaterally denying their claims. I understood how the homeowners felt because my own family suffered extensive losses to our homes and possessions as a result of those same hurricanes. I learned in a very personal way why policy holders are not just claim numbers and policy numbers.

Policyholders, like you, are members of our community with a story to tell – you and I are policyholders. It was that exact experience that led me to where I am today – to you, and to the people in my community who are searching for answers that my law firm can provide.² I knew then, after several years, that my calling was to help people who *needed* my help because big corporations and insurance companies were not doing the right thing by them.

² On July 3, 2005, just several weeks before Hurricane Katrina struck the greater New Orleans area and the Gulf South, my father passed away after a brutal, two-year fight against bladder cancer. As the oldest of four (4) children, and in my second year of law school, I was called to stand in my father’s shoes and protect my family in the aftermath of Hurricane Katrina. At a time when I was thrust into multiple disasters, I had to contend with insurance adjusters who were reluctant to pay what was rightfully owed to my family. I share my personal story as a way of letting you know that I understand the very real heartache and frustration that comes with trying to collect what is rightfully owed to insurance policyholders by their “good neighbor” insurance companies. To learn more about us, you can visit us online at www.poolsonoden.com.

How does that affect your legal issue/question?

The insurance industry is a part of the fabric of our lives: home, auto, RV, motorcycles, health, life, disability, and on and on and on. We are inundated with insurance commercials. Bet you can rattle off several jingles without giving it a second thought:

*Like a good neighbor, State Farm is there
Nation-Wide is on your side
Liberty Liberty Li-berty, Li-berty
We are Farmers, bum ba-dum bum bum bum
Are you in good hands?*

If you are like us, these are jingles that can stay with you for hours or even days!

Once a consumer such as yourself becomes a *customer* who buys insurance, he/she has entered into a legally binding contract with the insurance company



– the insurance company has received payment in exchange for accepting certain duties and obligations with respect to its insured/policyholder. The same is true for the other driver and his/her insurance company.

Whether it is a personal vehicle or commercial vehicle, the insurance company for the other driver/company is at the helm of determining whether or not they will pay you for your claim, including medical expenses, lost wages, lost earning capacity, pain and suffering, etc. This book will delve into the challenges you may face when dealing with an insurance company after a car wreck.

Once you read this book, you should feel free to call us to discuss your legal issues. Our hope is that you will look to us for help when you need it. We are excited to serve you.

Danny and Carisa

LAWYER INTRODUCTIONS

Daniel J. “Danny” Poolson, Jr. is a founding member of POOLSON | ODEN, a law firm focused on helping people who have been hurt or harmed. Danny is licensed to practice law in Louisiana, Mississippi, and Texas; the United States Court of Appeals for the Fifth Circuit; and the Supreme Court of the United States.

Professionally, Danny has achieved an “AV” rating with Martindale-Hubbell which is the highest ranking attainable by a lawyer based on evaluations by other lawyers and judges for the highest level of professional excellence and ethics in the practice of law. Danny has been invited into the Million Dollar and Multi-Million Dollar Advocates Forums because of the compensation he has obtained for his clients. Danny has been featured by

New Orleans Magazine as a Top Lawyer, and has been named a Top 100 Trial Lawyer in the National Trial Lawyers Association.

Danny is married to Amy D. Poolson of Opelousas, LA, and they are the proud parents of twins. When he is not working hard on his cases, Danny enjoys spending time attending the Twinkies' activities and events.



Carisa G. Oden is a founding member of POOLSON | ODEN, a law firm dedicated to protecting the rights of injured victims. Since earning her law degree, Carisa has represented injured victims, railroad workers, and their families throughout the country. Carisa has extensive litigation and trial experience in both state and federal court. Carisa is licensed in both Louisiana and Texas, and has been admitted *pro hac vice* in numerous federal and state courts throughout the United States. Before she became an injury lawyer, Carisa worked at a law firm exclusively protecting the rights of railroad workers. In fact, in her extensive 20-year legal career, she has only represented injured individuals and injured railroaders working at a firm designated by the UTU, BLE and SMART TD unions.

Carisa and her husband Michael have three children, Abigail, Felix and Sebastian. When she is not working hard on her clients' cases, Carisa can be found chasing her kiddos around the house or reading a good book.



YOU WERE IN AN ACCIDENT... NOW WHAT?

We created the Car Wreck Checklist for your exact situation. Countless number of friends and family have contacted us *after* a car wreck in a panic, asking what to do. For that reason, we created the **Car Wreck Checklist**.³ The checklist items are included here:

³ Visit us at www.poolsonoden.com or call us toll free at (833) 505-2122 to request your FREE Car Wreck Checklist and a COMPLIMENTARY insurance document holder that conveniently stores your records such as vehicle registration, proof of insurance, and Car Wreck Checklist in your car.

- STOP immediately, but do NOT block traffic.
- CALL the police. Tell them about all aches, pains, and injuries.
- GET the names, phone numbers, and addresses of all drivers and witnesses.
- GET the make, model, license plate numbers, and insurance of ALL vehicles involved.
- TAKE pictures of the accident scene, injuries, and ALL the information above.
- Remain CALM and COURTEOUS.
- FOLLOWING the accident, make an appointment with YOUR doctor.
- Do NOT post on social media about your accident.
- Do NOT accept any settlements at the scene of the accident.
- NOTIFY your lawyer as soon as possible. Bring ALL questions and concerns, so you may be guided through the next steps.

**THE OTHER DRIVER WAS AT FAULT:
DO YOU CALL *YOUR* INSURANCE COMPANY OR
THE OTHER DRIVER'S INSURANCE COMPANY?**

Regardless of who was at fault, you should *always* report an accident to your insurance company.



Most, if not all, insurance policies require that you report a claim in order for the insurance company to defend and indemnify you should the other driver make a claim against you. Although you are notifying your insurance company of an accident, it does not necessarily mean you are making a claim with your insurance company.

After you report the claim to your insurance company, you should contact the other driver's insurance company and make a claim with them. As discussed in more detail below, it is

very important that you are consistent with your recollection of the facts and that your explanation of the details of the accident remains the same each time you explain the details of the accident. If your explanation of how the accident happened changes from one conversation to another, it may raise questions about liability and the determination of which driver is “at fault.”

WHAT COVERAGES ARE AVAILABLE FOR YOUR CLAIM?

There are many elements to an accident claim, and each element can be attributed to a particular coverage under the terms of an insurance policy:

(1) Property damage liability

This coverage is for any property damage to your vehicle. If the other driver was solely at fault, then the other driver's insurance company should pay you the fair market value of your vehicle, and you should not be responsible for paying your own deductible. However, if you are at fault or partially at fault, then at least part of the payment may come from your own insurance company, and you may be responsible for paying your own deductible.

(2) Bodily injury liability

This coverage is for any physical injury you suffer from the wreck. Again, if the other driver was solely at fault, the other driver's insurance company should pay you for all necessary medical expenses incurred. Unfortunately, much litigation ensues under this coverage - usually as a result of the injured person and the other driver's insurance company disagreeing on what are necessary medical expenses. Importantly, if the insurance company agrees to pay for some but not all of your medical treatments, and you agree to settle the claim by signing a release agreement, then any outstanding medical costs or treatments you need will NOT be covered by the other driver's insurance company. It is extremely important that you are completely healed and healthy (in the same condition *after* the accident as you were *before* the accident) before signing any paperwork with any insurance company, including your own.

Signing paperwork too soon can result in losing your rights for full payment of medical expenses and treatments.

If you are at fault or partially at fault, then at least part of the payment may come from your own insurance company, and you may be responsible for paying your own deductible.

If the other driver is at fault and you are forced to miss work as a result of getting hurt in the wreck, then the other driver's insurance company is responsible for paying for your lost wages, past, present, and future. Payments for medical expenses and lost wages are referred to as "special damages."

There are additional elements of damages that may be available to you, such as **loss of earning capacity, loss of consortium, loss of household services, loss of enjoyment of life,**

loss of use of automobile, and gratuitous services performed by family members.

Also, in Louisiana, the insurance company is responsible for paying “general damages” for mental and physical **pain and suffering**. This claim is hotly contested by the insurance companies. It is very important that you speak with a lawyer who has experience evaluating claims and dealing with insurance companies in order to make sure you are receiving a fair amount of money for your injuries. Otherwise, you may be short-changing yourself in the negotiations.

(3) Medical payments coverage

Medical payments coverage helps cover medical expenses associated with a wreck. If you, your passengers, or any family members driving at the time of the wreck are injured, medical payments coverage can help protect you. It may also protect you or your family

members if they are injured in another car or as a pedestrian, depending on the terms in your policy.

(4) Uninsured motorist coverage/

Underinsured motorist coverage

Uninsured motorist coverage (“UM coverage”) protects you if you are in a wreck with an at-fault driver who does not carry liability insurance.

Underinsured motorist coverage steps in when you are in an accident with an at-fault driver whose liability limits are too low to cover the damage or medical expenses.⁴

Your insurance policy will list what coverages were in place at the time of the accident. You can contact your insurance agent or insurance company to request a copy of

⁴ See the chapter, *Can you sue your own insurance company?*, for a more detailed discussion on UM Coverage.

your policy to determine what coverages you had.

DO YOU HAVE TO SIGN THE FORMS YOU RECEIVED FROM THE INSURANCE ADJUSTER?

The short answer is NO. Generally, two (2) different adjusters are assigned to your claim: (1) property damage adjuster, and (2) bodily injury adjuster. Each adjuster's role is different.

The property damage adjuster is responsible for the property damage to your vehicle. The bodily injury adjuster is responsible for your personal injury claim. There are many different types of forms these two adjusters may give to you.

For the property damage, it is important that all damage to your vehicle is documented, and the amount being offered to fix or replace your damaged vehicle fully compensates you for the value of your vehicle at the time of the wreck. For the personal injury, that claim is much more complicated. At the time of the wreck, if you suffer a personal injury, you may

not know the extent of your injuries until days, weeks, months, or even years later.

If you are being asked to sign anything relating to your bodily injury claim, you must first make sure you are 100% healthy, or at least as healthy as you were *before* the wreck. The



bodily injury adjuster is unable to fully evaluate the extent of your injuries until they are healed. For that reason alone, if the adjuster is presenting paperwork to you, it is

important that you speak with a lawyer who has experience handling your type of claim and dealing with insurance companies. If you sign paperwork too soon after an accident, but you still have ongoing medical treatment for your injuries, you may forfeit your rights to complete compensation for all of your injuries, pain, and suffering.

HOW WILL YOUR MEDICAL BILLS GET PAID?

This depends on the facts and circumstances surrounding your claim. If you were working in the course and scope of your employment at the time of the accident, workers compensation may pay for your medical treatment until you reach maximum medical improvement (“MMI”).

Additionally, your insurance policy may include medical payments coverage. If you suffered an injury from the accident, your insurance may pay for your medical treatment



under the medical payments coverage, but these payments will be capped to the amount of the

coverage. Each insurance company’s policy contains unique language concerning med pay. If your insurance company pays for

medical bills under your med pay coverage, your insurance company may have a claim for reimbursement and/or subrogation. Reimbursement means the insurance company is entitled to be repaid all amounts they have spent towards your medical treatment you received as a result of the accident. If your insurance company seeks reimbursement from you, you will be responsible for repaying your insurance company all amounts they paid under your med pay coverage.

Subrogation is the substitution of one person or group by another in respect of a debt or insurance claim, accompanied by the transfer of any associated rights and duties. One example of subrogation is when an insured driver's car is totaled through the fault of another driver. The insurance company reimburses the covered driver under the terms of the policy and then pursues legal action against the driver at fault. If you have a claim

against the other driver's insurance company, and your insurance company's policy includes subrogation rights, then your insurance company may subrogate to your rights and pursue the claim on its own behalf.

Additionally, the preferred option is to use your health insurance to pay for medical treatment.⁵

The rules in Louisiana are strict on lawyers loaning money to clients; however, in certain circumstances a lawyer may advance medical expenses for a client. It is important you speak with a lawyer to evaluate all the available options to pay for your medical bills because it is



⁵ There are certain guidelines for each health insurance policy, such as in-network/out-of-network providers, deductibles, medically necessary treatment. Refer to your health insurance policy and/or your human resources department at your work to determine the details of your health insurance policy.

very important that you seek medical treatment immediately following an accident. It is also very important to follow your medical providers' instructions if you suffered an injury from an accident.

You may select your own medical provider after an accident. If you are not comfortable with your medical provider(s), or if you think your medical provider is not helping you recover as quickly as possible based on your injuries, you may select a different medical provide. We always tell our clients their relationship with their doctors are very important, and they should be able to trust their medical provider with their medical care and treatment. If for whatever reason you do not like or trust your medical provider, it is important to find a medical provider



that you do like and trust and feel comfortable with, so you are able to focus on the treatment and getting better as soon as possible.

We have an extensive network locally, in the Gulf South region, and nationwide. We work with our network near and far on assisting with locating the best possible medical provider(s) for your specific injuries and needs.



HOW DO YOU CALCULATE HOW MUCH YOUR CASE IS WORTH?

The value of your case depends on many different factors. The first factor includes **medical bills** from your accident. You won't know how much those bills are in total until you are finished with your treatment and your body has healed. "Medical Bills" includes **all** medical expenses for medical treatment you receive **after** the accident **as a result of** the accident. That is why it is so important to listen your doctor's advice and instructions. If you are receiving medical treatment as a result of an accident, you want to make absolutely certain that every single penny is being included in your claim.



Next, you may be entitled to recover your **lost wages**, which is the amount of money you



lost because you were unable to work as a result of the accident.

This calculation could include long-term lost wages if the injury prevents you from doing your job anymore in the future. For example, if you work in construction and are required to lift heavy objects, but your doctor gives you restrictions such as not lifting more than ten (10) pounds, then you are unable to return to your job in construction. In that scenario, it is important to include the wages lost from that job in your claim evaluation for lost wages.

There are additional elements of damages that may be available to you, such as **loss of earning capacity, loss of consortium, loss of household services, loss of enjoyment of life,**

loss of use of automobile, and gratuitous services performed by family members. Each of these items is entirely dependent upon the facts and circumstances specific to your claim.

Additionally, you may receive money for **property damage**, such as the damage to your vehicle.



Even after all those numbers are added up, there is no mathematical formula that can be used to determine the exact value of your case. Every case is different. The people dealing with your case such as the other driver's

insurance company or the jury may have different judgments on its value. In Louisiana (as well as other jurisdictions), cases are evaluated by looking at previous verdicts and judgments in cases with facts similar to yours and comparing those results to your potential result at trial. However, we must caution you that no two cases are exactly alike. Although we may be able to use prior cases when evaluating your case, your case is entirely unique and based on its own merits.

We highly recommend you speak to an experienced lawyer about your case to learn more. However, be wary if a lawyer “guarantees” how much you will receive for your case. No lawyer can guarantee results for a case at its inception. Each case is unique and different. A proper evaluation of the claim cannot be made without investigating all the facts, medicine, and law.

WHEN SHOULD YOU SPEAK TO A LAWYER?

Immediately after an accident. It could be the single, most important phone call you make after a wreck. Selecting a lawyer is a very important decision. It is a personal decision that should be made by you and your family. It is important that you feel comfortable with whomever you hire to represent you.



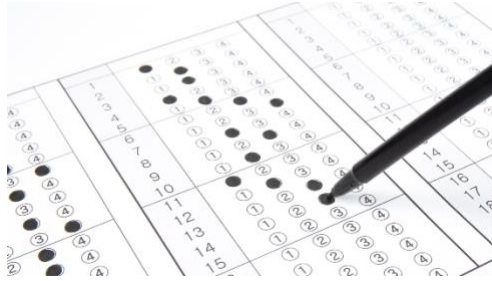
When speaking with a lawyer you should ask what kind of experience he/she has dealing with accident and insurance claims, and the types of cases he/she primarily handles. It is important not only to speak with a lawyer, but to speak with a lawyer who has experience handling cases similar to yours. Make sure to ask the lawyer about his/her experience litigating and trying cases similar to yours, as well as the types of results he/she has obtained

for past clients. Do your homework to see if the lawyer has been reviewed by other clients, and what other lawyers in the community say about that lawyer.

Today with technology, search engines, and social media, information about lawyers is readily available on your smart phone, tablet, and computer. Do your homework and make sure you are speaking with the right lawyer who is fully qualified to handle your case.



**DO YOU HAVE
TO GIVE A
RECORDED
STATEMENT TO
THE ADJUSTER?**



You are NOT required to give a statement to the other driver's insurance company, and our office **STRONGLY ADVISES AGAINST IT**. There are many risks in giving a statement that could preclude your recovery if the other insurance company decides to blame you for the wreck.

Your insurance company, however, may require a statement, depending on the terms of your insurance policy. It is important to consult a lawyer who is experienced in reviewing insurance policies and handles claims similar to yours. It is ideal for you to speak with a lawyer **BEFORE** giving any type of statement following an accident.

CAN YOU SUE YOUR OWN INSURANCE COMPANY?

This depends on the circumstances. If:

- (1) The other driver is at fault,
- (2) The other driver does not have enough insurance coverage for all your damages (property, bodily injury, lost wages, medical expenses, pain and suffering, etc.), and
- (3) You purchased uninsured/underinsured motorist coverage,

then your insurance company is responsible to cover the gap between the other driver's coverage and your damages. For example, if your claim is worth \$100,000, and the other driver has only \$15,000 in coverage, there is a gap of \$85,000 [$100,000 - 15,000 = 85,000$]. If your policy includes \$25,000 for UM coverage, then your insurance company must pay you the \$25,000, because your damages exceed \$25,000 [$85,000 > 25,000$].

As the insured, your insurance company owes you an obligation of good faith and fair dealing. The insurance



company has an affirmative duty to adjust claims fairly and promptly and to make a reasonable effort to settle claims with the insured or the claimant, or both. If your insurance company does not properly and timely adjust your claim, and the above requirements are met, then you may sue your insurance company to recover all amounts owed. Make sure to speak with a lawyer experienced in handling *UM claims* to evaluate the facts for your case.

**WHAT HAPPENS IF THE OTHER DRIVER'S
INSURANCE COMPANY OFFERS YOU MONEY,
AND YOU ACCEPT IT?**

This depends entirely on the circumstances.

- ❖ *Did you sign any paperwork when accepting the money?*
- ❖ *Was there a discussion of why the money was paid?*



Do NOT get rushed into a quick settlement. Recognize that to settle your claim fairly, your claim may take some time. Lots of new terms and information will be thrown at you. It is important to pace yourself, keep learning, and get help when you need it. Do NOT let insurance company adjusters rush you into a quick settlement.

The check they are offering may seem like a lot of money but could be far below what you are entitled to recover. It takes time to calculate what the insurance company owes you after an accident. An adjuster may try to rush you into a settlement to save the insurance company money on the claim. Read all checks and drafts on both sides before depositing or cashing them. Do NOT accept any checks with words like “full settlement” or “final settlement” printed on them.

When settling a claim, the insurance company will ask you to sign certain forms. These forms state that you release the insurance company and waive all rights to pursue the insurance company for additional money, regardless of the status of your medical treatment and property damage repairs. If your insurance company is offering you money, it is extremely important that you read the documents carefully.

****Do NOT sign any forms
without getting advice from
an experienced lawyer.****

EVEN IF YOU DON'T HAVE INSURANCE, YOU STILL HAVE A CLAIM?

Absolutely correct. In Louisiana, there is a statute that is often referred to as the “No Pay, No Play” Statute.⁶ A common misconception is that if you do not have automobile insurance, then you cannot make a claim if you are involved in an accident. That is not entirely accurate. Indeed, although you may not have automobile insurance, you are still entitled to make a claim with the other driver’s insurance company with the following limitations:

- ❖ There shall be no recovery for the first fifteen thousand dollars of bodily injury and
- ❖ No recovery for the first twenty-five thousand dollars of property damage.⁷

⁶ La. R.S. § 32:866.

⁷ La. R.S. § 32:866 A. (1).

Meaning, although you may not have automobile insurance coverage at the time of an accident, if you are hurt, then you may still make a claim for bodily injury, but you are not allowed to recover the **first \$15,000.00** of the claim. For example, if your claim is evaluated at \$50,000.00, but you do not have insurance, then the most the insurance company could authorize to pay on your bodily injury claim under the “no pay, no play” statute is \$35,000.00.

$$\$50,000.00 - \$15,000.00 = \$35,000.00$$

Claim
Evaluation

1st \$15k

Claim
Total

Similarly, although you may not have automobile insurance coverage at the time of an accident, if your vehicle is damaged in an accident, then you may still make a claim for property damage, but you are not allowed to

recover the **first \$25,000.00** of the claim. For example, if your claim is evaluated at \$50,000.00, but you do not have insurance, then the most the insurance company could authorize to pay on your property damage claim under the “no pay, no play” statute is \$25,000.00.

$$\$50,000.00 - \$25,000.00 = \$25,000.00$$

Claim
Evaluation

1st \$25k

Claim
Total

Like many other Louisiana statutes, there are circumstances when the limitation of recovery provisions do not apply if the driver of the other vehicle:

- (i) Is cited for a violation of R.S. 14:98 as a result of the accident and is subsequently convicted of or pleads nolo contendere to such offense.

- (ii) Intentionally causes the accident.
- (iii) Flees from the scene of the accident.
- (iv) At the time of the accident, is in furtherance of the commission of a felony offense under the law.⁸

The “no pay, no play” statute is another nuance of Louisiana law that shows why it is important to consult with a qualified injury lawyer to make sure you identify ALL aspects of your claim and recovery after an automobile accident.

⁸ La. R.S. § 32:866 A. (3)(a)(i) – (iv).

WHAT IF YOU ARE IN AN ACCIDENT WITH AN 18-WHEELER OR COMPANY VEHICLE?

First and foremost, follow the car-wreck checklist *regardless of* the other vehicle(s) in the accident.

Driving an automobile is something that most of us do daily. With modern technology such as smart play radios, iPhones, Androids, smartphones, TVs, iPads, computers, and other distractions, it is not surprising there are so many automobile accidents each day.

For those of us who travel on interstates and highways where large commercial vehicles and 18-wheeler tractor trailers travel, the road can be even more dangerous. Distracted driving has become a severe problem for drivers of all ages and vehicles, and 18-wheeler drivers are not immune to distracted driving.

Driving a big rig is a hazardous and stressful job. It is not surprising that many 18-wheeler drivers do not like their job being responsible for driving such a large, dangerous, and heavy piece of equipment.



18-wheeler drivers are specifically trained to know how to operate and handle their 18-wheeler rigs properly. There is a special type of license that an 18-wheeler driver must obtain to become an 18-wheeler driver. All of these factors affect how an 18-wheeler driver should operate his truck. There are many rules and regulations governing the operation of 18-wheeler tractor-trailers. Both the 18-wheeler

driver and the company, along with their insurance company, may be responsible for your injuries and property damage resulting from a wreck with an 18-wheeler tractor-trailer or company vehicle.

Generally, the insurance that covers the 18-wheeler, its driver, and company is a “commercial policy” with larger policy limits than a “personal” policy purchased by you or us. With these larger commercial policy limits comes more seasoned and experienced adjusters and attorneys representing these insurance companies and 18-wheeler companies.

We recommend speaking with an experienced trial lawyer who handles these types of claims. You want to ensure that your legal team addresses the behavior and negligence of the 18-wheeler driver himself and any negligent training and supervision of

the 18-wheeler company itself. We recommend you meet with a lawyer who understands the insurance requirements for an 18-wheeler company and is willing to do what is necessary to discover all policies in place to obtain the best result possible for you under the law and facts of your case.

WHAT IF YOU ARE IN A RIDE-SHARE ACCIDENT USING UBER OR LYFT?

Again, always follow the car-wreck checklist *regardless of* the other vehicle(s) in the accident.

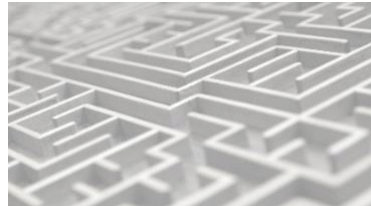
Similar to 18-wheelers and company vehicles, there may be different types of commercial and/or personal insurance policies in play if you are in a ride-share accident.

There are claims available for you as (1) the driver of a vehicle in an accident with a ride-share vehicle, as well as (2) the passenger of a ride-share vehicle that is in an accident.

If you are the driver of a vehicle in an accident with a ride-share vehicle, then the same analysis applies as the foregoing discussions of car accidents and 18-wheeler accidents. You may have a claim against the

ride-share driver. However, you may also have a claim against the ride-share company and the insurance company for the ride-share company. It is important to locate any and all insurance policies available for recovery after an accident.

If you are a passenger of a ride-share, depending on the specifics of the accident, you may have a claim against (1) the ride-share driver, and (2) the driver of the other vehicle involved in the accident. Same analysis as above – make sure to obtain all of the insurance policies for all of the drivers and companies included in the accident. Sometimes it may seem like a labyrinth figuring out all the potential parties and insurance companies for a claim, especially when commercial drivers are involved or multiple vehicles are in the accident. In those circumstances we always encourage



people to reach out to our office to go over the claims process and organize how to best present the claim, and to whom.

**OUR STEPS TO GUIDE YOU
THROUGH YOUR CLAIM, AND
WHAT YOU CAN EXPECT FROM OUR OFFICE**

Every claim is different; every lawsuit is unique. It is important that your lawyer combs through every detail to identify the best strategy for your unique and individual claim. Before we get into the steps we take for our clients, let's discuss our Goals and Focus with our Personal Injury Clients. **Our primary focus for our clients is two-fold:**

1. First and foremost, we work with our clients to ensure they receive the **absolute best medical care and treatment** for their injuries. Our goal for you is that you return to the best possible version of yourself after an injury.
2. Second, our goal is to do our absolute best under the law and facts relating to

your legal claim, which means getting **the top dollar the law allows for your case.**

As your legal team, our job is to know the exact law, the facts, and medicine to fully evaluate and analyze your case properly to obtain the maximum result for you and your family.

Your job, as the client, is to obtain the best medical treatment and follow the advice of your medical providers to get better as soon as possible to return to the life you had *before* your accident.

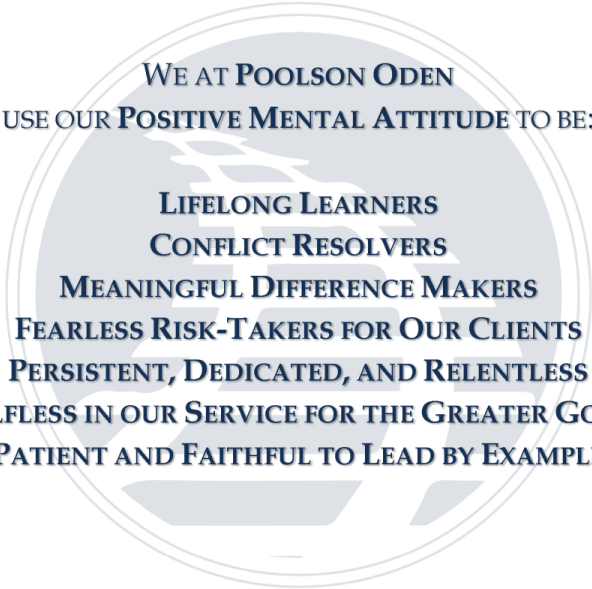
We work very closely with our clients' doctors and medical providers to ensure that our clients get the best possible medical care.

We have successfully represented clients in these different types of cases with these

different types of injuries. It is essential that your trial lawyers are experienced with complex medicine and can work with your doctors to understand the exact cause of your injuries and what treatments are required to get you better.

Our first goal is to help you get as healthy as medically possible while achieving a great legal result for your claim or case.

We follow our goals and our commitment to our clients through our Core Values below:



**WE AT POOLSON ODEN
USE OUR POSITIVE MENTAL ATTITUDE TO BE:
LIFELONG LEARNERS
CONFLICT RESOLVERS
MEANINGFUL DIFFERENCE MAKERS
FEARLESS RISK-TAKERS FOR OUR CLIENTS
PERSISTENT, DEDICATED, AND RELENTLESS
SELFELESS IN OUR SERVICE FOR THE GREATER GOOD
PATIENT AND FAITHFUL TO LEAD BY EXAMPLE**

What does our promise to our clients look like, step-by-step?

Below are the steps we take when handling claims like yours.

1. GATHERING YOUR RECORDS

Your medical records will play a big role in the value of your case. While your help may be needed in securing some of your records, the team at POOLSON | ODEN works to make the process go smoothly with as little work for you as possible. After we obtain all of your records, we will discuss with you what we found, and confirm the records are accurate and correct. Other records may need to be gathered, such as documentation of lost wages.

2. FILING YOUR CASE

This is the actual act of “suing” someone. We would file your case with the appropriate court and start the process of going to trial.

There are many steps between filing a lawsuit and going to trial. The majority of cases do not actually go to trial. However, for the insurance company to perform a proper evaluation of your claim, it is important that your lawyers are prepared to go to trial in case the insurance company does not do the right thing and take responsibility for the damages.

We go to trial on a regular basis, so we have no fear of filing your claim and going to court. Make sure that whomever you hire to handle your case feels the same way.

3. SEND A SETTLEMENT DEMAND PACKAGE

We create a written settlement evaluation for all of our clients. This is essentially the complete documentation regarding your accident along with a demand for financial compensation based on the settlement evaluation. We will take care of dealing with

the insurance adjuster and inform you of the response we receive.

4. NEGOTIATIONS

Not every case settles before trial, but there is a time during which we will negotiate on your behalf with the insurance company. These negotiations will usually go back and forth for some time. It could take many, many months. And if a resolution that is fair for you doesn't look likely in the negotiation stage, we will take the next step and proceed to trial.

We have learned it makes sense to give the insurance company an opportunity to do the right thing and settle your claim. However, if they refuse, despite all the work on your claim, then we are prepared to take your case to trial.

This book provides a background and overview into the claims process, but if the insurance adjusters are not treating you fairly,

make certain to meet with an experienced trial lawyer to discuss your claim.

WHAT IS THE DIFFERENCE BETWEEN A SETTLEMENT AND A VERDICT?

The difference between a settlement and a verdict is who determines the outcome of your claim or case. When both sides agree to resolve the claim or case, that is a settlement. Although a settlement can be reached by the parties at any time, as long as the parties agree on the terms, a settlement is generally reached before having to go to court. In a settlement, the defendant offers to give to the plaintiff compensation, and the plaintiff accepts the compensation in exchange for dismissing the claim and/or lawsuit.

If the parties are unable to agree on a settlement, the next step is to go to court and allow a judge or jury decide your case. The type of case and amount in controversy determines whether the judge or the jury will make the decision in your case. In Louisiana,

if the amount in controversy is less than \$50,000.00, meaning you are asking that no more than \$50,000.00 be paid for your case, then the judge will make the decision in your case. If the amount in controversy is more than \$50,000.00, exclusive of interest and costs, then you may have your case heard by a jury, and if your case goes to court, then a jury will make the decision in your case.

When you go to court and have a trial in front of a judge or jury, at the end of the trial, the judge or jury will make the decision in your case, or render a verdict, in favor of one of the parties.

The main difference between a settlement and a verdict is **who** actually decides the outcome of the case. For a settlement, the parties control the outcome and agree on the terms. If the defendant company refuses to do the right thing and settle your claim or case,

then you may have to go to court in order to make the defendant company do the right thing. If the parties are unable to agree on a settlement, then the judge or jury will determine the outcome by rendering a verdict.

Each claim/case is different and depends entirely on the facts in that particular claim/case. A case or lawsuit may take months or even years depending upon the complexities of the case, such as the type of case and the medical treatment. It is important that your lawyer evaluates your entire case, investigates the facts, knows the medicine, and understands the law. These elements and areas of your case will give you the best possible chance to get a good result whether it is through settlement or trial.

The ability to go to court is an important element to ensure you have the best possible chance to get the best possible settlement

before having to actually go to court. It is important that the other side knows your lawyers go to court. We go to court for our clients all the time. Make sure when speaking with your lawyers that they feel the same way, and that they will go to court for you if the big companies do not do the right thing.

Our team is standing by to help you. We look forward to your call and the chance to serve you as we have served others in our community.

While we certainly cannot guarantee any results, we may be the right law firm for you.

The best way for us to find out is by calling us at (504) 766-2200 to arrange a free consultation.

DISCLAIMER:

This book is meant for informational purposes only. The legal statutes mentioned in this book were current as of the publication date, however, we cannot guarantee that these statutes have remained the same since the publication date. The information contained herein is not intended, and should not be taken, as legal advice. You are advised to contact a lawyer for counsel on particular issues and concerns. Additionally, your use or request of our materials does not constitute as an attorney-client relationship between you and POOLSON | ODEN Law Firm.



POOLSON | ODEN
INJURY LAWYERS

One Lakeway
3900 N. Causeway Blvd., Suite 680
Metairie, LA 70002
(504) 766-2200 | Office
(833) 505-2122 | Toll Free
WWW.POOLSONODEN.COM

This book was written to help anyone who has been in an auto accident or knows someone who has been in an auto accident, and is looking for guidance on handling an insurance claim. This book will guide you through the steps of an insurance claim after an auto accident.

POOLSON | ODEN is a law firm that focuses on serious injury law, and educates and helps injured car crash victims and their families. This book will arm you with the important knowledge you need after a car accident injury to protect yourself and your family.

After a car wreck I spent time wondering just how much work and stress I'd be under whilst juggling other aspects that came with real life. My mother directed me to Poolson Oden and they dealt with the troubles I didn't think would emerge as well as the ones I expected to. Was always kept in the loop and never once did I have to expect an issue that made me question my decision to let them represent me. Would recommend anyone to let them represent in any circumstance in the future.

- Google Review

The Poolson Oden team exceeded my expectations. They made every step of my case not only easy but extremely informative and caring through the entire process. Danny and Carisa's drive to get me the proper medical help and handle all the outside "noise" was second to none! Their professionalism and a responsiveness are what made the process so seamless. Thank you Poolson Oden!

- Google Review



Office – 504.766.2200
Toll Free – 833.505.2122

WWW.POOLSONODEN.COM