



10 SECRET FACTORS

THAT IMPACT
THE VALUE OF YOUR
ACCIDENT CASE

*AND WHAT MISTAKES TO
AVOID AFTER YOU'VE BEEN
INJURED IN A WRECK*



Award-Winning Personal Injury
Attorneys: Jonathan Marx & Ted Kaplun



115 S 8TH ST SUITE 5,
PHILADELPHIA, PA 19106

(215) 939-4895

WWW.KAPLUNMARX.COM

COPYRIGHT © KAPLUNMARX, PLLC

TABLE OF CONTENTS

<i>Foreword: Why Should You Care About How Your Car Accident Case Gets Settled?</i>	pg. 4
Factor #1: Who is REALLY At Fault for the Wreck?	pg. 5
Factor #2: Insurance Coverage – How Much Do They Have?	pg. 7
Factor # 3: How Bad is Your Injury?	pg. 9
Factor # 4: Medical Treatment—Better Safe Than Sorry	pg. 10
Factor # 5: Full Tort & Limited Tort – Huh?	pg. 12
Factor # 6: Lost Wages At Work.....	pg. 13
Factor # 7: Economic Damages - Medical Bills, Liens & More	pg. 14
Factor # 8: Non-Economic Damages - Intangible Harm	pg. 16
Factor # 9: Settle or File a Lawsuit	pg. 17
Factor # 10: Contact a Pennsylvania Car Accident Lawyer About Your Case ASAP.....	pg. 18
6 Mistakes Not to Make After a Car Accident	pg. 19
Conclusion & Disclaimer	pg. 21

Foreword: Why Should You Care About How Your Car Accident Case Gets Settled?

Factor #1—Who is REALLY At Fault for the Car Crash?

Before an insurance company is willing to pay anyone any money for a car accident, the first thing they look at is who is at fault for the accident - called liability.

Sometimes, the evidence makes it clear who was at fault. For example: in Pennsylvania every driver is responsible for keeping a safe distance from the car in front of them, so if someone rear-ends you because they were following too closely or not paying attention, it can be fairly easy to determine that they are at fault. At other times, proving who is at fault can be more difficult, such as when the collision occurs while someone is changing lanes, making a turn, or at an intersection.

Drivers may sometime point fingers to avoid liability. The inability to prove someone else is the reason for the accident may kill your car accident case before it starts.

This is one of the most important reasons to get a car accident lawyer involved in your case early when a thorough investigation can be done. This means looking at the factors involved in the accident, such as the location of the vehicle damage, video of the wreck, physical evidence at the scene, and witness testimony.

Even after investigating a car accident, liability is not always straightforward. For instance, there may not always be a singular person who is solely liable. If the opposing party can prove that you were responsible for some percentage of the car crash, then your settlement may be at risk of being reduced by that percentage.

Even after investigating a car accident, liability is not always straightforward. For instance, there may not always be a singular person who is solely liable. If the opposing party can prove that you were responsible for some percentage of the car crash, then your potential settlement may be at risk of being reduced by that percentage.

In Pennsylvania, a modified comparative negligence system exists. The injured party could collect compensation if the opposing liable party were responsible for more than 50 % of the accident. Apportionment of fault is something an experienced car crash attorney can help determine, which can have an enormous effect on the settlement value of your claim.

Factor #2—Insurance Coverage – How Much Do They Have?

The amount of insurance coverage of the at-fault driver can play a significant role in how much a settlement can be valued. In Pennsylvania, the minimum coverage for an auto insurance policy (as of 2022) is \$15,000/\$30,000. That means if the other driver only has \$15,000/\$30,000 in coverage, the most any one person can get for compensation is \$15,000.00, and a max of \$30,000.00 total if multiple people are hurt in the accident.

If that does not seem like a lot of money for someone who is seriously injured or even killed in a car crash, you are 100% right. Pennsylvania has had this minimum liability insurance coverage amount since the early 80's. There are many insurance companies whose target market is drivers who want the minimum coverage – we have all seen the ads for "budget" auto insurance. Still, even the bigger carriers such as Progressive, All State, and State Farm sell these policies too. There are levels of coverage available that are much higher, but the many people will only buy the minimum coverage. Even worse, there are people who drive without any insurance coverage at all.

There are various ways that insurance can affect a car accident settlement, both negatively and positively. One key way to protect yourself from being in a situation where the other driver's policy is too low is to buy your own uninsured and underinsured coverage. Doing so will protect you and your family from being in a situation where there may not be enough insurance to cover your auto accident expenses.

Uninsured/ Underinsured coverage can be one of the most important pieces of coverage you ever get - highly recommend you get this coverage

Having good coverage on your own auto policy could help if the liable party is uninsured or underinsured, meaning they do not have a comprehensive enough insurance policy to cover the injury they caused.

Factor #3—How Bad Are Your Injuries?

The severity of a car crash injury or injuries will significantly affect how much a settlement is valued. If an injury is more serious, it will generally require more treatment, which can mean more compensation - but see #2 regarding extent of insurance coverage's. The most common injuries related to car accident claims are neck, back, and concussion type injuries - these have value. "Hard" injuries such as broken bones, traumatic brain injury, joint injury, nerve damage, etc., permanent scarring, loss of body parts, and loss of body part function can add significant value to a car accident claim.

Injuries can take time to make themselves known after a car crash. When someone is unexpectedly hit, adrenaline will often kick in, and they may not feel the harm they suffered. Just because you cannot see the injury on the person's body does not mean that they are not hurt. There can be underlying injuries like herniated disks, ligament damage or tears, concussion etc. that can severely harm a person's life due to the auto wreck.

We tell people involved in car crashes to take their time and detail their injuries and complaints. Take notes, photos, video of how the injuries from the car crash have affected your everyday life, such as playing your kids , getting a good nights sleep, housework, hobbies, etc.

No one knows your pain more than you.

Factor #4—Medical Treatment- Better Safe than Sorry

If you've been injured in an car accident, it is essential to get medical care as soon as possible. Immediately after a car crash your adrenaline is running wild and you may not even feel injuries that you suffered. After the adrenaline subsides those injuries will often manifest and you may feel a lot worse than right after the crash. It is important to make sure you get medical attention if you need it post-crash. This not only ensures you don't have unseen internal injuries, but also helps document any complaints of pain and injury you may have after a crash. That can mean getting checked out by EMS, getting care at a hospital or even going to an urgent care facility.

Many people who have never been in a car crash don't know where they should go get medical treatment after an accident - past the initial care. The ER may say follow-up for care if you still have pain, but often don't give any more info. A car accident lawyer can help guide you to the best care, having contacts with many medical professionals such as MD's, chiropractors, physical therapists, orthopedists, neurologists, pain management doctors, surgeons, etc. Finding the right care can go a long way in strengthening your injury claim. Just saying you are hurt is subjective, objective tests like X-Rays, MRI's, nerve tests {EMG/NCV}, concussion testing, etc., can really help provide clarity to your injuries and add value for your case.

After treatment is complete, your attorney will get all of your medical records related to the case. They do this to collect evidence to build your case because insurance companies need to see that your injury was in fact caused by your accident. The insurance company will try to pick apart the treatment, looking for gaps in care, non-compliance with doctors orders and more in an effort to de-value your injuries and your claim. Having an experienced car crash lawyer is important to counteract the insurance companies tactics. At the end of the day if the insurance company is not playing fair, a lawyer can file a lawsuit on your behalf and prove the value of your injuries in Court.

Do not be a tough guy/gal and refuse medical treatment, believing you are okay after an accident, only to find out later that you were injured. It is better to be safe than sorry, accept emergency medical treatment at the scene, and seek medical care following a crash if you need it.

Factor #5—Full Tort & Limited Tort – Huh?

In Pennsylvania, when you purchase auto insurance, you are given a choice to buy a full tort or limited tort auto insurance policy. In general, full tort (FT) ensures that you can recover money for damages and injuries no matter the severity of said harm. In contrast, limited tort (LT) requires that your injury be deemed "serious", meaning a significant impairment to bodily function, dismemberment, or death to recover money for pain and suffering. **Many people wrongly believe that if you have limited tort insurance you cannot recover compensation for pain and suffering in an auto accident – that is simply untrue.** While limited tort coverage provides a barrier to recovery for auto accident cases, this can be overcome, by proving serious injury. Additionally sometimes people's situations fall into one of the exceptions to limited tort - hit by a DUI driver or hit by an out-of-state driver being the most common, that then make you full tort by operation of law.

Having full tort is not the same as having full coverage. Many people buy an auto insurance policy and believe they have full tort, but they do not. However, FT will undoubtedly make it much easier to recover compensation for your pain and suffering related to a car accident. If you have limited tort, it is even more critical to have an injury lawyer on your side because it can be the difference between getting fair value for your auto accident case or getting nothing at all.

Factor #6—Lost Wages At Work

Injuries from a car crash can cost you in many ways, including at work. A car accident can plague many areas of your life, but especially your work life. Involvement in an accident limits the time you spend at work due to medical appointments or missing time related to care. If your injuries leave you disabled and unable to work, you may be entitled to lost wages for your claim. Additionally, Future lost wages or loss of earning capacity can factor in as well. An individual's specific line of work can also impact the settlement amount for a car crash case. For example, if your job requires you to be very mobile, and you were substantially injured in the accident, it could affect your career. This would factor into the value of your settlement because you cannot perform as you typically would and could affect your future income.

When determining a value for lost wages there are many factors that must be considered to determine full and fair compensation for that portion of the claim. Many times injured people will have to take PTO days that they would have much rather used otherwise and will make argument as to their value as well. Often we will have an expert economist write a report on these specific factors to provide a value over a person's lifetime ability to earn a living, which can be compensable if you cannot work due to a car accident.

The bottom line is lost wages (and earning capacity) can be a lot more complicated than just a time sheet and something to consider when presenting your claim.

Factor #7—Economic Damages - Medical Bills, Liens & More

The initial medical treatment, such as the ambulance, the hospital care, and medical services are generally paid by a component of your car insurance called personal injury protection (PIP). In Pennsylvania every auto policy has PIP with the minimum coverage of \$5,000.

Once PIP is exhausted for these expenses, the expenses roll over to a person's health insurance. Unfortunately, some medical providers are non-participating with health insurance plans, and the patient may have outstanding medical bills once treatment is complete.

If a person does not possess health insurance and a medical provider is unwilling to give them treatment, the individual's attorney may request the doctor accept a letter of protection (LOP). A LOP is a letter asking the physician to treat the patient for no up front cost and promising to take care of any medical bills at the time of the settlement and/or verdict.

Another issue is when a health insurer pays medical bills related to a car accident, but then places a lien on the file, meaning they are to be paid back from the settlement of the case. The outstanding medical bills and health insurance liens may be recoverable in a car accident case and provide a valuable number that serves as a jump-off point in some cases for negotiation of the claim. Whether you are full tort or limited tort, outstanding medical bills and liens may be recoverable no matter the type of injuries suffered.

Another factor is future medical care costs. Even when your car accident case is settled, it does not always mean that you no longer need medical care. A life care planner or another medical expert can write a report to give us an educated opinion on how much your medical care will cost over your life in the future, which will be factored into the overall value of your case.

Other economic injuries people suffer in car accidents include:

- car rental
- travel costs for medical care
- home modifications for disabilities
- medical items
- and hired help (child care, home help)

In addition, miscellaneous expenses can be included when negotiating settlements with the opposing party in accident settlements. To justify a claim for payment for these things, you must demonstrate why these expenses were needed and provide records of purchase and receipts for the services.

Factor #8—Non-Economic Damages - Intangible Harm

Your everyday life may be negatively affected after a car accident including your mental and emotional state. Intangible damages such as pain and suffering, scarring, mental anguish and a loss of or lessened ability to enjoy one's life are factors that can be used to determine non-economic harm.

How an accident harms your ability to enjoy life matters.

Simple pleasures are what life is about - things like playing with your kids, cooking dinner, a walk with your loved ones, hobbies such as going to the gym, dancing, etc, all can factor heavily into any settlement negotiation.

These damages can provide for massive damages which are used to present your case for negotiation of settlement and can help convey the impact of your injuries to a judge and/or jury if a car accident case goes to trial. Damages are weighed on the degree of distress, the severity of injuries, permanency of injuries, the extent of the impact on one's life and mental health.

Factor #9—Settle or File a Lawsuit

Understanding the factors that go into valuing a car accident claim can be beneficial in determining why the insurance company may be offering you this amount of money. However, you only get one chance for your particular case, which is why it is always best to at least consult with a car accident lawyer who can help determine if they are offering is fair value for your case. Hiring the right car crash attorney can be your best option for obtaining full value car accident settlements in Pennsylvania.

When an insurance company fails to make a reasonable settlement offer, a personal injury lawyer can take them to task and file a lawsuit on your behalf. Whether you take your car accident case to court or settle, it is essential to weigh all the factors that affect your recoverable damages. Making an informed decision will allow you to choose the route that will provide the best possible outcome for your case.

Factor #10—Contact a Pennsylvania Car Accident Lawyer About Your Case

If you've been injured in an accident, don't wait to get legal representation. Physical evidence can be quickly lost and mistakes can be made if you hesitate in getting representation for your accident and injuries. There are deadlines for car accident claim in Pennsylvania & New Jersey, if you miss the deadline you can be forever barred from ever making a claim.

Most PA car accident lawyers, including our firm, offer a 100% no risk consultation to help evaluate your car accident claim and understand your rights. A car accident lawyer can deal with all of the insurance companies for you, can help find you medical care if needed, and eventually present your claim to the insurance company to try and get you a resolution for your claim whether through settlement or possibly a law suit.

Studies have shown that people represented by car crash lawyers received up to 80% more value for their claim than unrepresented claimants. Hiring a car crash attorney that knows the system can result in a much bigger settlement or verdict - which is what everyone outside of the insurance companies would want.

6 Mistakes Not to Make After a Car Accident in Pennsylvania

Mistake #1: Leaving the Scene Without Information

Leaving the scene without collecting evidence can be harmful. Take goodnotes, get the names and numbers of all involved in the accident and any eye-witnesses. Take quality pictures and video after the accident as long as it's safe to do so. Try to get the drivers license of the other drivers and their insurance information at a minimum.

Mistake #2: Not Calling the Police

You should call the police to document information after an accident. A police report can provide key information regarding your claim, including witness info, that you may not get otherwise. Be aware that sometimes the at-fault party may try to convince you not to call the police.

Mistake #3: Saying Too Much

The other party may be trying to gather evidence that covers up their fault in the accident, so saying too much could come back to bite you. Even saying "I'm sorry" to the other party could be used against you as a way to argue you were at fault.

Limit conversation to exchanging contact information and call the police. In addition, after leaving the scene of the accident, don't discuss your case or your medical treatments with anyone besides your attorney, and **do not post about your accident or share your pictures on any social media platform!**

Mistake #4: Postponing Medical Care

Even if you think you are okay, seek a medical professional's opinion. Often, signs of back or neck injuries, or even internal injuries, may delay in showing. Neglecting to get checked out after an accident can put you at risk of even more severe injuries. It can also hurt your legal case!

Mistake #5: Signing Documents Without Talking to a Lawyer

Don't sign any insurance documents presented to you unless you consult with a personal injury attorney first. If you sign the wrong form you may be precluded from ever bringing a claim for your injuries.

Mistake #6: Giving a Recorded Statement to the Insurance Company

Anything you say to the insurance company, especially the other driver's insurance, can be used {against you}. Make sure to speak with your attorney BEFORE giving any recorded statements.

Conclusion & Disclaimer

We hope this guide has helped inform and guide your next steps for your auto accident case. Should you decide it is in your best interest to hire an attorney to protect your rights after an auto accident, we truly hope it will be with KaplunMarx. The representation for car crash cases is always on a contingency fee basis, meaning you pay zero to us, and we get a percentage if we get you money. There is zero risk to you and you get top representation from our lawyers for your car accident claim.

We navigate this complex process every day for hundreds and hundreds of clients a year. Our focus is on providing a best in class client experience and work exceptionally hard to achieve outstanding results for our clients. Our team is here 24/7 if you need some help or to discuss your claim online at www.kaplunmarx.com or call us at 215-939-4895.

Disclaimer: The information in this guide may not apply to your specific case, and may not be a complete or accurate answer to your specific legal question(s) and KaplunMarx, PLLC makes no guarantee or warranty of the information provided herein. You should always consult with an attorney licensed in your State about your specific legal question or issue. The information offered in this guide does NOT create an attorney-client relationship. There is NO attorney-client relationship between KaplunMarx, PLLC (d/b/a "KaplunMarx Accident & Injury Lawyers") on you until such time as you have signed a written fee agreement.