

## **Letter from Dan Nelson, Esq.**

### **What are Your Rights as a Victim of an Auto Accident?**

Dear Reader,

You've been in a big car accident just a few blocks from your residence. The police arrived, the paramedics transported you to a Hospital, you're in a lot of pain. Facts are the Defendant came around the corner too wide and crashed into your vehicle. Liability is on the part of the Defendant. However, you haven't seen the final police report and you don't know if both Insurance Companies will agree that the defendant is 100% at fault. You know that you're a victim. What kind of rights do you have?

Let's start out with your Insurance. Do you know anything about the Insurance you purchased five years ago? Do you know what coverage you have? I'm sorry, but there is no such thing as "full" coverage. Technically speaking, coverage is an item by item entry which you purchased at the time you bought your policy. Most clients don't have a clue and this would be their first time looking at their Insurance policy. You're advised to carry a copy of your certificate of coverage which you can easily show to a traffic officer or anyone else that may have a right to that information. But let's say your car was towed from the scene and the police officer has given you some information and the tow truck driver has told you where the car is. So you go home and after you regain your composure you contact your Insurance Company and they explain to you what coverage you have. – But before you contact the Insurance Company go to **STEP #1**.

#### **Step #1: You Will Need the "Best" Attorney.**

To do the right thing and avoid headaches you must first of all avoid being a victim. This process is not an easy one. It's best if you hire an Attorney – Hold it! But you want to hire the "Best" Attorney. Who qualifies as the "best?" An Attorney who actually goes to Trial on cases who has experience in Personal Injury Law and a history of handling Auto accidents. The key is to meet with your Attorney. Half the new cases we take over from other lawyers have never met with their Attorney. Why would anyone hire a lawyer they never met? I wouldn't. If an Insurance Company sends someone to your house, that worries me. It's not the best way to handle the matter. You started out without meeting with a lawyer and now you're meeting with someone who could be your enemy and has better knowledge of law and the process than you do. So check with friends, check on the internet. If you see a website for a law firm that you would like to use – and don't use a lawyer referred by a tow truck driver. Not surprisingly the tow truck driver is only interested in the referral fee that he receives when he tows your car to his favorite body shop. Before you sign up with the Attorney you should do your homework. Since we live in the days of Uber and Lyft we have a definite advantage. We can bring you in or you can also use the services of a friend, neighbor, or relative under these circumstances. Starting off, you don't want to be a victim. When the other party is at fault for the accident, you're always a victim. But the process that you are now involved in, obtaining a lawyer to represent you, could be the road to more unhappiness.

You might understand that the most important thing to consider in any Personal Injury case is liability and damages. That is what the Insurance Company focuses on and that's what you should clear up with your Attorney immediately after the accident and before you start the process. We are always available for a free consultation Monday through Friday and on Saturdays by appointment.

### **Step #2: Auto Repairs.**

Accidents happen and usually result in injuries. Don't try being a hero. Your body can take a beating – did you go to **STEP #1**? Car accidents are usually caused by negligent drivers. Drivers all have a “legal duty of care.” You're entitled to be compensated by the party at fault. We purchase Insurance to cover our losses when the at fault party doesn't have the Insurance to compensate us. If you're fortunate enough to not be taken by ambulance to the hospital you can start the process of contacting your Insurance Company. If you have completed **STEP #1** and have a lawyer, the lawyer will contact your Insurance Company. This is the next level to avoid becoming a victim. If your car is taken to a body shop that doesn't specialize in damage to cars similar to yours then you're unlikely to be satisfied with the repairs to the vehicle. While it is true that Insurance Companies do have a list of shops that they refer their insured to, at the same time those shops have a built in conflict of interest. They get referrals from Insurance Companies. Also, the body shops are obligated to limit the amount of repairs they make to your vehicle. The expression “Bite the hand that feeds them” comes into play. There it comes back to having an Attorney that understands the complicated factors of Auto accidents and the relationships between the Insurance Company, body shops, doctors, and you. First you want to be protected and you want to make sure that you are with an Attorney that you can “trust” and has the “skill” in handling all of these issues. You don't want to be speaking with an employee of the lawyer, you want to be speaking with the lawyer.

At Nelson & Natale, we know exactly how the Insurance Companies operate. Myself and Silvio Natale have a combined experience of well over 60 years dealing with Insurance Companies. We have trained our staff to handle cases in the way that we would like to be treated every step of the way. If our acquired knowledge and experience doesn't matter to you then our best wishes to you as you move along life's journey. However, most of our clients want to get back on the road, take care of their injuries, and throughout the process be treated fairly and professionally with full compensation for their damages, medical bills, loss of wages, and pain and suffering.

### **The Following is a Complete List of our Personal Injury Practice Areas:**

Wrongful Death  
Auto – Uber, Lyft  
Motorcycle  
Pedestrian  
Bicycle

Hit & Run  
Premises Liability  
Government Claims  
Dog Bites  
Slip & Falls

Every new client entering the world of Nelson & Natale meets with either myself or Attorney Silvio Natale. It could be brief or upwards to an hour explaining the process of how we handle these matters. We take the time.

### **Step #3: Medical Treatment.**

What about your injuries? Yes, you do need to follow up with an exam for your injuries as quickly as possible. We prefer to use an Urgent Care facility rather than a hospital setting because of time and cost factors. We find most of the injuries, even in serious accidents (total loss cases), to be matters which can be easily dealt with at an Urgent Care facility. Unless there are complications. Urgent Care facilities will see you quickly and should you need additional services, refer you over to a hospital. Thereby, you save much time and additional expenses. Nelson & Natale has a list of acceptable facilities and will advise you in that regard. Don't be shy. Remember that some treatment is critical otherwise the pain and suffering claim is eliminated from your case.

On a soft tissue injury, it's likely that you will benefit immensely from therapy. That doesn't necessarily involve a medical doctor. An Acupuncturist or a Chiropractor would be preferred since they actually perform the treatment and therapy. Insurance Companies expect you to see a therapist and to be treated.

Should you have issues that go beyond the usual soft tissue injury, then Nelson & Natale will suggest that you ask your doctor for an MRI or "Magnetic Resonance Imaging" which has been the most acceptable form of diagnosis for injuries for the last 10 years. The MRI picks up the evasive soft tissue injuries that are not otherwise evident in X-rays.

### **Step #4: Navigating the Process – Insider Tips.**

Avoid hiring a lawyer that double dips (handle other areas of law without any focus on Personal Injury). You will see hints in their website. Another thing in evaluating Attorneys is to check on their membership in Trial Organizations such as Consumer Attorneys of California, formerly known as the California Trial Lawyers Association. Their membership includes less than 2,000 lawyers that specialize in Personal Injury Trials out of 230,000 Attorney members of the California State Bar. That's less than 1% of Attorneys in the state of California. Myself and Silvio Natale have been members of the Consumer Attorneys of California for over 20 years. Furthermore, Silvio and I have been members of an Insurance Defense Firm going back to 1980 before entering the plaintiff bar.

As an example, I just contacted an Insurance Company this morning on a new case. The initial response from the adjuster was that they were accepting 60% liability. After another 10 minutes on the phone, they accepted 100% liability. Where are the buttons to push? Do you really know? This is but one of the reasons you need to speak to a Trial lawyer. At Nelson & Natale we talk about our Trials and Arbitrations. We never talk about quick Settlements. Quick Settlements never benefit the client – only the lawyer and the Insurance Company. If you're looking for a quick Settlement on your case, we would be glad to speak to you about it, however you can open the telephone book to the Attorneys section and blindly move your finger across

the page to find one of the 98% of Attorneys that believe in quick Settlements. If you operate in that mind set, then you don't need our firm.

Always check back with your lawyer for information on coverage, police report, car repairs, and also access the Attorney's staff's response to your questions. If anything is lacking, take it under consideration. Here at Nelson & Natale we work on these issues on a constant basis to assure that our clients are fairly and fully compensated by the offending Insurance Company and all questions are answered properly and efficiently. We wish you the best, but remember – Don't be a victim.

Sincerely,

*Daniel Nelson, Esq.*