

# Louisville Car Accident Attorneys





## Car accidents happen everyday on Kentucky roads and highways.

No matter how safely and defensively you drive, the other drivers on the road could be driving negligently and recklessly.

In recent years, there have been over 25,000 car accidents every year in Kentucky. Of those accidents, over 600 involved a fatal car wreck. If you have been injured in an automobile accident, the best thing to do is to contact an experienced Kentucky car crash attorney in order to have your questions answered and get the compensation you deserve.



## Medical Bills

If you have been injured in a car crash due to someone else's negligence, you may have significant medical bills. Some car crash injuries can be quite serious, requiring months or even years of treatment, including surgeries, hospitalization stays and long rehabilitation. So, who pays for these bills that could be in the hundreds of thousands of dollars? Under Kentucky law, there is a priority of insurance coverage and the law dictates who pays first. What is surprising to most people is that the at-fault driver's insurance policy is not the first to have to pay, the person who caused the crash and injuries is not the first priority.



# Personal Injury Protection Insurance Coverage

In Kentucky, most drivers have what is called Personal Injury Protection (PIP) insurance coverage on their own car. PIP covers medical bills and lost wages up to the policy limit. If that dollar amount of the policy limit is not enough to cover all of an accident victim's medical bill, then you go down through the various policies that are available in the following priority:

**1**

**PIP coverage on your own insurance policy**

**2**

**PIP coverage on the vehicle in which you were riding as a passenger**

**3**

**Any individual health insurance policy that covers you**

**4**

**The liability policy that covers the at-fault driver's policy**

**5**

**Underinsured insurance policy on your own vehicle due to the liability policy of the at-fault driver is not enough**

If you were unfortunately injured in a car crash then one of the first things you should do is contact your automobile insurance company and report the claim and get a PIP application so that you can get a PIP claim number. Thereafter, your medical providers can send their billing to your insurance company.

# What if the at-fault driver has no insurance?

While Kentucky law requires all vehicles to be insured, there are no instances where drivers fail to purchase the necessary coverage or let their insurance policies lapse.

When that happens, there is no insurance policy that will cover whatever injuries or damages caused by the at-fault driver. Another problem occurs when the at-fault driver has insurance coverage but it is not enough to cover your injuries. Kentucky law sets the bare minimum amounts of insurance coverage that car owners in Kentucky must purchase:

If you were hit by a negligent driver and you and your passengers were seriously injured, if the at-fault driver had only the bare minimum amount of insurance coverage, there would only be a total of \$50,000 to compensate all accident victims for their injuries, including medical bills, lost wages and pain and suffering. **How can you protect yourself against this horrible scenario?**



## Underinsured and Underinsurance Policies

Uninsured and Underinsured (UM/ UIM) protection is insurance coverage that you purchase when you buy automobile insurance. This type of insurance protects you if the at-fault driver has no insurance or does not have enough insurance to cover all of your expenses.

How does it work? This scenario can help explain the process:



Assume you were involved in a car crash caused by someone else's negligence.



Under these facts assume your case against the other driver would reasonably be worth \$500,000.



You were seriously injured in that crash and had to undergo significant treatment and had serious pain and suffering.



The other driver's liability bodily injury limit on his insurance is only \$50,000 – not enough. Here a UIM policy comes in.



## You can file a UIM claim regardless of whether the at-fault driver has coverage

In fact, in order to recover full compensation for your injuries, you would have to file a UIM claim against your own insurance company.

Even though it is your insurance company, they would now step in the shoes of the defendant and litigation would have to be filed against the company assuming the case could not settle. The same would happen if the at-fault driver had no insurance. Therefore, the best practice is to make sure you purchase the UM/UIM coverage at sufficiently high levels just in case you are involved in a scenario like this.

## Should You Talk to the Insurance Company?

If you have been injured in an automobile accident due to the negligence of another, you may be contacted by insurance adjusters.

The conventional wisdom is that it is best not to speak with insurance adjusters because their goal is to resolve the claim for as little as possible. If the negligent driver's insurance company calls you, there is no good reason to talk to them without first having an experienced Kentucky personal injury lawyer sitting next to you. Often, these adjusters will call you and ask if you will give a recorded interview over the telephone. If you agree, what you say can be manipulated and used against you in the lawsuit to ensure you are compensated fairly for your injuries.

Now, it's recommended that you talk to your own insurance company. In fact, you actually need to in order to establish your PIP claim so that your medical bills can be paid. However, do not agree to any recorded statement without first hiring a lawyer to represent you and ensure that your interests are represented and protected.



## How much can I recover?

This question is complicated, and the answer depends on several factors. It is important to remember, however, that to maximize both your chance of success as well as the damages that you can obtain you should work with an experienced Kentucky car accident lawyer.

The following variables will impact the amount of damages that the judge or jury awards an accident victim:

- **The seriousness of your injuries** - It shouldn't be surprising that, in general, the more serious your injuries are, the more compensation you will be awarded. For example, accident victims who suffer scarring, amputation, deformity, or other lifelong physical injuries tend to recover more than accident victims who are able to fully recover from their injuries.
- **The cost of medical care** - Because a defendant who is found liable for your injuries is often responsible for covering your past and future medical expenses, the greater these expenses, the greater the recover. While past medical expenses are easily determined, future medical expenses often require the testimony from an expert witness who can explain to the jury what medical care may be needed in the future.
- **Your lost wages** - If you were working at the time of the accident, and missed work due to your injuries, you may be able to recover for your lost wages. A damages award for lost wages may include compensation for past lost wages as well as any decrease in future lost wages that is due to your injuries. For example, if you accept a lower paying job because you were unable to return to the same position as a result of your injuries the defendant may be on the hook for the difference.
- **Your emotional damages** - Being involved in a Kentucky car crash often results in more than just physical injuries; it is common for accident victims to suffer emotional damages, as well. Also called "non-economic damages," the category of emotional damages seeks to compensate accident victims for things such as pain and suffering, emotional anguish, loss of enjoyment, exacerbation of existing injuries and reputational damage. Non-economic damages are often difficult to assign an exact value; however, working with a skilled Kentucky car accident lawyer who knows how to prove these injuries will greatly increase your chances at receiving full and fair compensation for your injuries.



**The availability of insurance coverage** - The amount of available insurance coverage is often a major factor in the amount of damages that are available to accident victims. While you may have sustained significant injuries that a jury believes is worth hundreds of thousands of dollars, if there is not adequate insurance coverage the chance of recovering the full damages award is greatly reduced. Importantly, many accident victims can file claims with multiple insurance companies. The most obvious example is the policy that covers the at-fault driver's vehicle. However, if that policy's limits are insufficient, there may be other insurance policies you can tap into. As mentioned above, Kentucky law requires that all insurance policies contain at least UIM coverage. If an at-fault driver's policy does not completely cover your damages, you can file a UIM claim with your own insurance carrier to make up the difference.



## 5 Important things to do after a Kentucky car wreck

Being in any kind of car accident can be a traumatic, jarring experience, especially if you have been injured. Many people who are involved in serious crashes actually lose their memory of the impact.

But try to keep your head straight and focus on doing these 5 things after the crash:



1

### Call 911!

The most important thing to do is call 911 as quickly as possible. Even if you are not hurt, you should call because other people might be injured. You want the police and first responders to get there as fast as possible in order to direct traffic to prevent another, chain-reaction accident from happening. Also, you want the police to begin an investigation into the cause of the crash and to locate witnesses and take statements.

2

### Collect insurance information

If the other driver has insurance, get his or her insurance company name, address, policy number and phone number of the company. If an insurance card is given to you, also note if the insurance policy is still in effect. The best practice is to just take a picture of the insurance card so that the information is accurately recorded. Once you have this information in hand, you can pass it off to your auto accident lawyer.

3

### Document what happened

Take a lot of pictures! Also, write up your own statement of what happened, what was said and who was there. Get names and addresses and phone numbers of all of the possible witnesses so that your attorney can contact the witnesses to get statements as soon as possible. As time passes, people's memories fade.



## 4 Get treatment

If you believe you were injured, seek medical help as soon as possible. Getting medical treatment immediately after an automobile accident will also help establish the extent of your injuries.

## 5 Contact an experienced accident attorney

Don't try to negotiate with the insurance company on your own. Contact an experienced Kentucky car accident attorney who knows the value of cases and can help you walk through the mind-field of personal injury litigation.

## Can I afford a Kentucky accident lawyer?

Quite simply, the answer is "Yes." One of the reasons why Hessig & Pohl is such a popular choice among Kentucky accident victims is that our representation does not cost you anything out-of-pocket.

From the initial consultation all the way up through trial, you will not pay us anything. In fact, we will not bill you for our services unless we are able to help you recover the compensation that you deserve. If we can help you obtain compensation for your injuries, we will receive a percentage of the award. This is an important consideration for many accident victims because under this arrangement you will not need to pay any expenses up front. Instead, we cover all the necessary expenses, and only if we are successful will we recoup these costs. The result is that you do not take on any financial risk by retaining our services. The insurance companies will have a well-trained force of lawyers, investigators, and adjusters on their side; you deserve a team of professionals who have your best interests at heart.





## **HP** HESSIG & POHL

**At Hessig & Pohl, it won't cost you anything.**

If you or a loved one has been involved in a car accident in the Louisville area, you need experienced personal injury lawyers on your side. The initial consultation is free. Hessig & Pohl is ready to help you.

**(502) 777-1111**

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