

The 12 Common Mistakes Made *After* a Motor Vehicle Accident

- 1. Obtaining insufficient information from the scene of the accident**

When possible, always get as much information from the other party or parties involved in the MVA. Having a well-designed form to capture the critical information is extremely helpful. Keeping this form in your vehicle at all times makes a lot of sense. Be sure to get the names and phone numbers of any witness. Attempt to get an officer to come to the scene of the accident so that a police report can be filed.
- 2. Admitting liability**

Remember that no one is obligated to admit any wrong doing, so don't. An admission of liability at the accident scene can be used against you and can severely complicate your case. Know your rights and don't be bullied.
- 3. Giving the auto insurance company too much information**

Remember that auto insurance companies are in business to make as much money as possible. They accomplish this with varying degrees of honesty and transparency. Even your own auto insurance has its own best interests at heart, rather than your own. Statements, especially when recorded, can be twisted and excerpted in such a way as to hurt your case. Request that all questions be provided in writing. Keep answers short, focused, and don't downplay any symptoms. Defer questions about your medical condition to your treating doctor. If in doubt, consult with a legal expert before answering.
- 4. Not seeking care early in the recovery**

To many people, especially members of the defense, a delay in seeking care translates into a *less* significant injury. They reason that if one is really hurt, there must be a really good reason why care was not promptly sought. If there is a delay in obtaining care, it is imperative to carefully document *all* the reasons for this delay. In previous editions of the *PI Review*, we have discussed this issue and provided a form to document the gap in treatment.
- 5. Relying upon meds alone to treat the injuries**

For the most part, medications, over-the-counter or prescribed, treat symptoms and do little for the root *cause* of the symptoms. Research shows that for most motor vehicle injuries, treatment with just symptom suppressive medication offers a much poorer prognosis than methods that actually restore function.
- 6. Not obtaining chiropractic care early in the recovery**

The research is quite clear that a combination of reasoned chiropractic care and proper rehab is the best treatment for most whiplash associated disorders. Also, the sooner such care is initiated, the better the prognosis. Chiropractic care that is instituted 6-8 weeks after the date of injury generally results in a poorer overall recovery.
- 7. Not doing exercise rehab**

Whiplash injuries cause varying degrees of joint laxity that can become permanent without the regular performance of stabilizing exercises. Proper rehab exercise helps ensure the fastest and best healing of the injured tissues. Furthermore, it helps minimize long term residuals.
- 8. Discontinuing chiropractic care prematurely**

Failure to obtain maximum stabilization of the injured joint complexes only invites short and long-term complications of one's musculoskeletal injuries. This stabilization process is precisely what a proper *course* of chiropractic care provides. However, if the full course of treatment is not provided, the full potential of this specific care cannot be obtained. Patients need to be made aware of this fact.
- 9. Downplaying one's injuries**

For some reason, there are those who feel uncomfortable and/or hesitant to disclose the full nature and extent of their injuries. Thus, they downplay existing symptoms and may fail to disclose others entirely. Insurance companies save a ton of money when this happens and the injured party and his/her case is adversely affected.
- 10. Exaggerating one's injuries**

The flip-side of the above mistake involves that small percentage of injured patients who amplify their symptoms, for whatever reason. If symptom amplification is suspected by the defense, the case can take a nosedive quite rapidly. Credibility issues poison any PI case. Case value can plummet to zero and the patient may be stuck with significant medical expenses to pay on his/her own. For good reason, plaintiff attorneys and doctors run from these cases.
- 11. Doctor Shopping**

Changing doctors frequently in a PI case rarely helps the case. In fact, such behavior is a big red flag to the defense. It is important to do your due diligence *prior* to choosing a doctor. It is usually most beneficial to rely on the recommendations of friends, other healthcare professionals, and/or a trusted attorney. Doctors that specialize in personal injury are highly recommended, since they know how to handle the challenges in this area.
- 12. Failing to get a legal consultation**

Auto insurance companies rely upon the advice of their legal teams when deciding how to handle accident cases. Most injured patients lack the training, experience, and patience to effectively deal with the *dark side*. That is why it is helpful, and sometimes vital, to get a brief consultation with an experienced and respected personal injury attorney. These consultations are almost always free of charge and there is no obligation.