



GRANT INJURY
LAW FIRM



ACCIDENT CASES FLORIDA

*COMPREHENSIVE Q&A MANUAL FOR VICTIMS OF
PERSONAL INJURY CLAIMS IN FLORIDA*

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Introduction

We appreciate you downloading our E-book. In order to offer you a quick summary of the steps required in filing a Florida auto accident claim, I produced this book. The information in the book is based on the most typical inquiries concerning the claim process that I have gotten from previous clients. This manual is not a replacement for hiring an experienced lawyer to represent you, though. This book could have had a lot more information, but the objective was to give a concise review of Florida car accident claims rather than a thorough analysis of Florida law.

The majority of my clients have never been in a car accident before, so it makes sense that they are anxious about this new process. I'm hoping this book may help you to calm some of your worries and anxiety. Call my office and ask to talk with me if you have any questions about anything I haven't addressed in this book or anything else. There is no obligation to hire me, but I would be pleased to speak with you.



What Do I Need To Do If I got In A Car Accident?

1. Call 911. It is essential that the police officers and law enforcements show up and file a crash report. The police will inquire about what transpired and want copies of your license, insurance, and vehicle registration. They'll also inquire if you need an ambulance and if you're hurt. Going to the hospital is unquestionably a good decision if you're in agony.
2. If it's safe to do so, take pictures of the accident scene and the damage to the cars.
3. Ensure that the police record the insurance details of the other driver.
4. Seek medical attention as soon as you can. You should see a hospital or a doctor as soon as possible following the accident if you aren't carried there by ambulance from the scene. Even if you believe your injuries are minimal, it's crucial to get checked out by a doctor as soon as you can because the shock and adrenaline of the accident could obscure some of the pain.



5. Store the information provided by the police in a secure location. Either a case number on a card or a Driver Exchange of Information will be provided to you by the police officer. Your name, address, and insurance information will be on the information form, along with the details of every other vehicle and accident participant.

6. Request a free case evaluation from an experienced personal injury attorney.



What If The Insurance Company Of The At-Fault Driver Calls Me?

Soon after the collision, the at-fault driver's insurance company can contact you. They should not be spoken to. My advice is to indicate that you do not wish to discuss the matter with them in a polite but strong manner. Give them your attorney's contact information if you have already retained one.

Speaking with the insurance provider is not advised since they will record your conversation, which will likely be used to undermine your case later on. You shouldn't contact the other driver's insurance company even if they were entirely at fault and you went straight to the hospital. The comment is unlikely to help your cause and is more likely to harm it.

When they call you, the insurance company might even make you a speedy settlement. You should stay away from this trap. It's impossible to estimate the value of your case at this early stage because your medical expenses and lost wages might continue to mount and your health might deteriorate, as I'll cover in a later chapter of this book. The insurance companies are aware of this, therefore they'll attempt to make you a low-ball offer to settle your case fast and avert



the possibility of eventually paying more. It's crucial to realize that if you settle your lawsuit, it's over permanently. If you rack up more medical debt or need surgery for your injuries, you cannot later request extra money.



Should I Hire a Personal Injury Attorney? How Do I Pick The Best Attorney?

If you're wondering whether you need to retain legal counsel for your vehicle accident lawsuit, the quick answer is "yes." According to statistics, people who have been hurt typically receive greater compensation for their personal injury claims if they are represented by an attorney. In fact, the majority of the settlement money an insurance company awards during the course of a year goes to clients who have attorneys.

Injured people have no experience with the claims procedure, how to evaluate a case, or how to litigate a case if it becomes necessary, so they shouldn't worry about those things while they are healing. The stress is reduced, which is one of the advantages of employing a lawyer. Your lawyer ought to be ready to answer any queries you have and thoroughly explain the procedure to you.

You should seek out a lawyer whose practice is concentrated in personal injury law. You shouldn't go to a general practitioner or a lawyer who handles an unconnected area of law (such as divorce, real estate, or probate) for assistance



with your vehicle accident case, just as you wouldn't go visit a cardiologist about a pain in your foot or a locksmith about a broken pipe. You

You ought to find out how much of your attorney's practice is focused on handling personal injury cases. Additionally, find out from your attorney how many personal injury cases they have handled and how long they have been working in the field.

Finding out how available the attorney will be to answer any questions you have is a crucial factor in selecting the right counsel for your case. Will the attorney be available when you call to answer your questions, or will a secretary or case manager do so? I try to personally respond to all of my clients' inquiries and concerns. I provide my cell phone number to clients and am available for calls and texts as a result.

Additionally, if someone contacts you soon after the accident recommending an attorney, you ought to exercise caution. These guys are "runners," or solicitors, who try to persuade you to retain a lawyer so that the lawyer will pay them for each case. This is a very unethical and unlawful action. I would steer clear of these people and the attorneys they suggest you hire.



Additionally, I would advise against using a lawyer reference service and instead suggest that you conduct your own research before selecting a lawyer. These lawyer referral services will direct you to both a lawyer (who typically pays to participate in the referral program) and a medical facility that the referral service itself owns.



What will my attorney charge?

Personal injury attorneys typically work on a contingency basis. This indicates that their fee is determined by the amount of the recovery they can obtain for you. In Florida, the standard fee is one-third of the recovery if the case is settled prior to litigation and 40% as soon as the defendant files an answer to a lawsuit (this is also the maximum allowable by the Florida Bar without court approval).

Additionally, the attorney needs to cover all expenses required for a thorough defense of your case. This entails selecting the appropriate consultants, obtaining all relevant billing and medical data, and paying for court reporters and transcripts. The attorney will be compensated for these costs at the conclusion of the lawsuit using the money that was collected.

Here are some things to remember:

- You should be suspicious of a lawyer who tries to bill you on an hourly basis unless your personal injury case has some special circumstances. They might act in this manner if they don't think they can win your case and recover damages. Get a free consultation if an attorney attempts to bill you by the



hour. Find out whether other attorneys will charge a contingency fee by consulting with them.

- If there is no recovery, you shouldn't be held accountable for the lawsuit expenses. Some law firms will request reimbursement for their case expenses even if they don't charge a fee if there is no recovery. Instead of consenting to this, you should opt for a law company that will not charge you anything unless they win your case.
- Unless your case involves medical malpractice or another significant issue, you shouldn't consent to a fee that exceeds the maximum permissible contingency fee set by the Florida Bar. Due to the significant case costs and trial-related dangers, attorneys frequently request higher fees in extremely costly and complicated cases. Your typical auto accident case ought to be handled for the standard contingency cost, not a higher price.
- Ensure that the costs of the lawsuit are reimbursed and the attorney's contingency fee is the only expense. If the law office tries to impose any administrative or interest costs, be wary.



What if I contributed a portion of the accident's?

Many of the cases I handle involve clear culpability, meaning it is very clear that the driver who caused the collision is solely to blame. For instance, if someone hits you from behind when you are stopped at a red light, they are solely to blame. However, what if the facts aren't as obvious? What if you were rear-ended but the reason was that you abruptly stopped moving? What if a simultaneous lane change caused the accident?

Florida is a pure comparative negligence state, which is good news. In essence, this means that you are entitled to the portion of the total case value that is attributable to the other party or parties. For instance, if your case is worth \$10,000 based on medical expenses, lost income, and pain and suffering, and if you are 30% at fault for the collision while the other driver is 70%, you will be entitled to \$7,000 in compensation.

The law of comparative negligence in Florida favors hurt people.

Only a jury at a trial can decide the percentage indicating how much you contributed to the accident. Your attorney and



the insurance adjuster will debate over how much responsibility you should bear for the accident during the talks before to trial and even before a lawsuit is filed. While the insurance adjuster might contend that you are primarily to responsible for the accident, your attorney will argue that very little, if any, blame should be placed on you.



How can my car be fixed?

After a collision, you may have two choices for getting your car fixed:

1. If you have collision coverage, which is optional and not included in every insurance policy, your collision coverage will cover the cost of repairing your car regardless of who was at blame for the collision. The drawback of choosing collision insurance is that you will be paying for the deductible and that your insurance will only cover the parts of the repairs that are greater than your deductible. To recover all of the money it spent and your deductible, your insurance provider will pursue the insurance of the driver who caused the accident. Your insurance provider will pay you a reimbursement for your deductible amount if they are successful in collecting compensation. Typically, the entire procedure takes a few months.

2. If you don't have collision coverage or don't want to utilize it, you can also use the at-fault party's insurance to have your automobile fixed after an accident. All automobile insurance policies in Florida must include \$10,000 in property damage coverage. Going through the insurance of the other driver has the drawback of making the procedure of getting



Because the insurance company will want to look into the details of the mishap and make sure that their driver is to blame before they pay anything for your damages, it may take longer for your vehicle to be fixed.



While my car is getting fixed, can I get a rental?

The length of time it takes to perform repairs on your car will depend on how badly it was damaged. Since many of my clients don't have access to another vehicle, they are worried about getting around while their car is being repaired. While your vehicle is being repaired at the body shop, you have two choices for renting a car:

1. Your insurer will supply or reimburse you for a rental car up to your policy's indicated daily maximum rate and overall maximum if you have car rental coverage on your policy and you are having your car repaired using your collision coverage.
2. The at-fault driver's insurance carrier should offer you a rental automobile or pay for your rental charges if you are handling your vehicle repairs through that insurance.



What if I can't fix my car?

The insurance company, whether it be yours or the one for the at-fault motorist, will examine your automobile and determine the cost of the repairs before they begin. They will also examine the value of your vehicle prior to the event (i.e., how much it was worth right before the crash). The insurance company may declare your vehicle a total loss, tow it away, and pay you the value of the vehicle if the cost of repairs exceeds 80% of the vehicle's worth.

It's important to keep in mind that the total loss amount is determined by comparing the cost of fixing the car to its market worth. It makes no difference how badly the car was damaged. As a result, older, less expensive vehicles can be written off as a "total loss" even if they just have minor flaws like a cracked taillight or dented bumper. However, newer, more expensive cars with significant body damage may not be deemed a total loss because, despite being expensive, repairs would only account for a small portion of the car's worth.



Who Is Going To Pay My Medical Bills?

"No fault state" is how people refer to Florida. This is not what it seems to suggest. It doesn't necessarily follow that nobody is to blame for an accident. Of certainly, the negligent driver is accountable! Because of Florida's No-Fault Law, even if the accident was not their fault, injured parties must first use their own auto insurance to cover the initial medical costs.

All Florida auto insurance policies must include \$10,000 in Personal Injury Protection (PIP) coverage. Your medical professionals will submit a claim to your auto insurance for your medical expenses following an accident. The bills are paid by the Florida PIP coverage at a rate of 80%. In essence, the Florida PIP rate is determined by the medical billing codes provided by the doctors, and any sums in excess of that rate are written off. PIP is only covering 80% of the cost, hence there is a 20% remaining debt. Additionally, there will be a balance for any amount in excess of the \$10,000 PIP cap.

To better explain, consider the following example: Your PIP insurance receives a \$1,000 doctor's bill that needs to be



paid. The PIP rate for that bill is \$500. The doctor receives \$400 from PIP (80% of \$500), leaving a balance of \$100 (\$500 minus \$400). one more

The remaining \$500 of the original \$1,000 that the PIP carrier amended is written off. The doctor shouldn't attempt to charge you that sum.

What is the process for paying those balances? If you want to add optional Medpay to your auto insurance, that will pay such bills up to a \$5,000 maximum. The invoices will be filed to your health insurance if you have it. In any instance, even if you don't have health insurance, the lawyer handling your case will file a claim with the insurance company of the driver who caused the accident to obtain money to pay your unpaid medical bills. Your attorney will file a claim against your insurance policy's Uninsured Motorist Coverage if the at-fault driver does not have bodily injury coverage.



Does My Insurance Cost Increase?

Many customers worry that their insurance premiums will go up since their insurance will be utilized to cover some of the medical expenses or possibly car repairs. The quick answer to this question is no, your insurance premiums won't go up if you weren't at blame for the accident. Because you utilized your available insurance coverage after being involved in an accident that wasn't your fault, your premiums were not impacted. Only if you get a traffic ticket or are at fault in an auto accident do your insurance rates go up. Since you paid a lot of money for your insurance, you should utilize it if necessary to help with the automobile accident claim procedure without worrying that it will increase your premiums in the future.



What Are The Meanings Of The Various Insurance Coverages?

Customers are frequently shocked to learn that the "full coverage" insurance they were sold doesn't actually cover very much. Although there is no such thing as "full coverage," insurance brokers frequently sell the bare minimum of insurance and refer to it as such, giving the impression that the policy is reliable. Unfortunately, having comprehensive coverage won't get you very far considering Florida's minimal insurance requirements.

The sorts of coverages available for auto insurance policies include the following:

- **Personal Injury Protection (PIP):** This policy, which is necessary for Florida insurance policies, offers a total of \$10,000 in payouts to cover medical expenses or lost wages. Lost wages are compensated at a rate of 60%, while medical expenses are covered at 80% of the PIP scheduled rate. Additionally, you might choose a policy that doesn't cover lost wage benefits. In any case, your PIP policy will cover medical expenses.



You must see a doctor within 14 days of the injury, per the 14-day limit in insurance contracts. Your PIP policy won't pay anything if you don't see a doctor within 14 days.

However, you will still have the right to file a claim against the at-fault motorist even if you don't consult a doctor within 14 days of the collision (and hence have no PIP benefits available).

- **Medical Payments Coverage (Medpay):** This optional coverage will pay for your medical expenses not covered by PIP, including the 20% copayment (remember, PIP pays only 80% of the medical bill's PIP rate, leaving a 20% balance), as well as any additional medical expenses you may have after the \$10,000 in PIP coverage is fully used. Medpay is offered with a range of \$5,000 maximums.
- **Property Damage Coverage:** Florida insurance policies must include a minimum of \$10,000 in coverage. This insurance will cover the other party's car repairs if you cause an accident. Please take note that if another party is at fault, this coverage does not cover your car's damages.



- **Collision Coverage:** This supplemental insurance option will cover the cost of auto repairs regardless of who caused the collision. For instance, if you hit a tree, another car, or someone else, this coverage will cover the cost of your repairs. If you finance or lease your car, this coverage is typically necessary. I advise everyone to have this coverage, regardless of whether they loan, lease, or own their vehicle.

Take note: you have a deductible option. Your insurance premium will be lower the bigger the deductible. Simply make sure that the deductible you select is one you will be able to afford should you need to have your automobile repaired.

Additionally, if you were driving for Uber or Lyft at the time of the collision, your personal auto insurance will not pay for your vehicle's repairs. This is because to the fact that auto plans do not protect you if you are paying someone else to drive you somewhere, such in an Uber or Lyft journey. However, if you have collision coverage on your personal motor policy, Uber/Lyft insurance will cover the cost of your car repairs.



- **Comprehensive Coverage:** This insurance provides coverage for your vehicle's repairs if it is stolen, vandalized, damaged by a flood or fire, or in any other way except an accident. This coverage is typically necessary if you are leasing or financing your vehicle, much like collision coverage is. I advise everyone to carry this insurance.
- **Automobile Rental Coverage:** If you need to have your car fixed and are using your collision or comprehensive coverage to do so, this coverage will pay for a rental car. It's a good idea to have this coverage because auto repairs might take weeks, especially if you don't have a backup vehicle.
- **Bodily Injury Protection:** In the event that you are at fault for a

This policy will cover those damages up to the limits you chose in the event of an injury accident. In the event that a lawsuit is brought, the coverage will also offer you access to a defense attorney. Despite the fact that Florida does not mandate this coverage, it is nevertheless crucial to have. I always make sure to check to see if the negligent party is covered by this policy.



Please be aware that this policy will not cover your damages if you are not to blame for the collision.

I advise consumers to carry bodily injury coverage of at least \$100,000, if not more. Even though the coverage limits are ten times larger, insurance for a policy that offers \$100,000 of bodily injury coverage as opposed to \$10,000 of coverage is typically not much more expensive.

- Uninsured and Underinsured Motorist Coverage (UM): Since Florida does not mandate bodily injury insurance, this coverage is crucial to carry. If another party causes an accident but lacks insurance, has insufficient bodily injury coverage, or both, UM coverage will cover your injuries.

For instance, if you have \$100,000 in uninsured motorist coverage and the at-fault driver has neither bodily injury coverage nor insurance (both of which are prohibited but regrettably typical in South Florida),

UM coverage will pay for your medical expenses, lost wages, and pain and suffering up to the value of your lawsuit



(assuming it is legal), but not more than the limits of your UM coverage, in this case \$100,000.

If the motorist who caused the accident has insufficient insurance, UM also offers coverage. For instance, if you suffer a significant injury and the driver who hit you has \$10,000 in bodily injury coverage but you have \$100,000 in uninsured motorist coverage, you can recover the \$10,000 from their policy as well as up to \$100,000 in UM coverage.

- **Emergency Roadside Assistance:** With this insurance, you can get a tow truck for a flat tire or a jump start for a dead battery. Considering that this coverage is typically affordable, having it is a wise idea. Please be aware that roadside help may be available if you have a AAA membership or a premium credit card (such as an American Express Platinum Card, Chase Sapphire Reserve, and a few other cards). Paying twice for the same benefit is not necessary.

The entire amount that can be recovered in a case is frequently determined by the total insurance coverage, which combines bodily injury and uninsured motorist coverage. If a person has few assets and no insurance, it will be difficult, if not impossible, to collect anything from them. Of course, I



will always do an investigation to identify any potential accountable parties and any potential insurance coverage. Whether the accused driver or

If the accountable party is underinsured or not insured at all, I'll also look into whether they may have any valuable collectibles. Another reason why it's critical to have large levels of Uninsured Motorist coverage is because the amount of insurance coverage is such a significant element in every instance.



If the other driver leaves the scene, what happens?

A "hit and run" is when someone hits you and then runs away from the scene. If this occurs, you need to report it to the police right away. Hopefully you were able to identify the type of vehicle and can provide the police a description. Typically, drivers leave the scene of collisions for a variety of reasons. It can be because the vehicle they're operating is stolen, they don't have insurance, a warrant for their arrest has been issued, or they simply become anxious and leave.

It's crucial that you call the police as soon as possible so they can issue a search warrant for the car. Additionally, in order to be covered by your insurance policy in the event of a hit-and-run, you'll probably need to contact the police.

The majority of hit-and-run incidents I've handled involved a negligent driver who fled the scene without insurance. If the owner of the car the at-fault driver was driving had insurance, or if the injured victim had Uninsured Motorist Coverage, a successful personal injury case would still be conceivable even if the at-fault driver did not have insurance (which will



cover hit and run cases). In Florida, if a vehicle is driven by another person with the owner's consent, the owner is liable for injuries brought on by the driver of their vehicle. If the owner of the vehicle gave the driver permission to operate it, then their insurance coverage will be applicable under these circumstances.



Accident while in Uber Or Lyft?

The frequency of accidents involving my client as either a passenger in an Uber or Lyft vehicle or as a victim of an Uber or Lyft vehicle colliding with another car has significantly increased as Lyft and Uber have grown in popularity. The good news is that both Uber and Lyft have extensive insurance policies.

Both Uber and Lyft have \$1 million bodily injury liability insurance covers at the time I wrote this book, covering any accidents that might happen while an Uber or Lyft driver is providing a ride for a passenger in the vehicle. Whether a passenger, a pedestrian, or a driver of another vehicle, anyone hurt in an accident caused by an Uber/Lyft driver will be compensated through the bodily injury coverage.

Uninsured motorist protection is also a part of the Uber and Lyft insurance. At the time of writing, Lyft only offered \$20,000 in uninsured motorist coverage whereas Uber offered \$250,000.



It's vital to remember that if the ride is not booked using the Uber or Lyft app, neither company's insurance will be applicable. Therefore, if you agree to pay an Uber or Lyft driver directly and leave the vehicle

If an accident occurs using the Uber/Lyft system, you won't be protected by insurance if the driver is at fault.

A safety advice for using Uber or Lyft is to always examine the car's make, model, and license plate to make sure that it all matches the details that the service provides you with through the app. Do not get in the automobile if something does not fit. Additionally, confirm that the driver's image matches the one on the app. Don't get in the car if someone else is operating the vehicle. In fact, avoid getting in the automobile altogether if you feel even the slightest bit anxious. Call for a new ride instead.



What if I'm a citizen of another state or nation?

Each year, millions of tourists travel to Florida to enjoy the state's beaches, gorgeous weather, and entertaining activities. Sadly, some of those visitors get injuries from automobile accidents while they are on vacation. The good news is that anyone hurt in Florida has the same legal authority to file a claim and be awarded damages as anyone who resides in Florida. The only thing to keep in mind is that if your case needs to go to court, you might have to fly to Florida for certain phases of the lawsuit, including the deposition, medical exam, or trial. More information on each of these processes can be found in the chapter "What Happens During Litigation."

If you live in another state or country and are reading this book because you were injured in a vehicle accident in Florida, you should speak with an experienced personal injury lawyer in Florida about your case.



What Are a Few Common Car Accident Injuries?

Please take note that this book's information is not meant to replace professional medical guidance, diagnosis, or care. Any medical inquiries you may have should be directed to a physician. No matter how minor the injuries may appear to be, I always advise anyone hurt in a car accident to get medical help.

Each person's body reacts differently to traumatic situations, and no two cases of injuries from vehicle accidents are the same. The following are, in general, the most frequent wounds I witness my clients get as a result of an automobile accident.

Disc bulge: Discs play a crucial role in the structure of our spinal column. They are made of two layers of cartilage: a softer inside layer and a harder external layer. The discs that are located in between each vertebra on the spine help to create room for the spinal cord and spinal nerves to function properly. When you move, jump, run, or apply any pressure to the spine, discs absorb shock and strain. They can be compared to the spine's little shock absorbers. When a disc loses its flexibility, it can cause a bulging disc injury form and extends beyond where it normally resides between the vertebrae. Spinal nerves may become compressed between the neighboring vertebrae when a disc bulges. Excruciating



pain may ensue from this, which is frequently made worse by motion.

Options for treatment include:

Physical therapy, ice and heat therapy, nonsteroidal anti-inflammatory medicines (NSAIDs), narcotic painkillers, and epidural injections are all methods of pain management.

Herniated Disc: When the disc's outer sheath tears, an injury known as a herniated disc results. The soft cartilage inside can now flow into the spinal column because it is no longer confined. This has mostly two negative effects:

1. When the disc's integrity is compromised, the spinal nerves on each side can become compressed between the vertebrae.
2. The soft cartilage protrudes past the disc's typical circumference and makes contact with the spinal cord or its nerves.

Excruciating pain can arise from herniated disc injuries, which are also known as slipped discs and ruptured discs usually gets worse when you move. Options for treatment include:

Physical therapy, non-steroidal anti-inflammatory medicines (NSAIDs), narcotic painkillers, ice and heat therapy, epidural



injections, and surgical intervention are all methods of treating pain.

Rotator Cuff Tear: The rotator cuff is a collection of four shoulder muscles and ligaments. Your arm will remain securely rooted in the shoulder socket thanks to the cooperation of these muscles. When any or all of these muscles or ligaments weaken or are injured, rotator cuff problems can happen. The arm cannot move as it should when the rotator cuff is injured. A restricted range of motion, achy, dull pains, or acute pains could be felt.

Some of the most typical warning signs and symptoms of a rotator cuff tear are listed below:

- Pains that are dull and uncomfortable while raising your arm above your head
- Pains that are sharp during certain arm-intensive tasks
- Difficulty sleeping on your side
- Shoulder weakness
- Limited range of motion
- Prolonged pain

An example of rotator cuff tear treatment is:

Rest, medication, physical therapy, corticosteroid injections, and surgery are all options.



Meniscus Tear: The most frequently reported knee injury is a torn meniscus, which frequently occurs in car accidents where the driver's knee strikes the steering wheel or the area around it. One of the two pieces of C-shaped cartilage in your knee is referred to as the "meniscus." The femur, tibia, and patella are the three bones that make up the knee. The meniscus is situated between the tibia and the femur, which is the bone in your thigh (your shin bone). In the knee, the cartilage works as a shock absorber and prevents friction of the bones.

A knee's ability to function properly depends on the meniscus. When the meniscus is injured or torn, you will feel pain and have very limited mobility. The most typical warning signs and symptoms of a meniscus tear include the following:

- Knee discomfort that is localized;
- difficulty standing or applying pressure on the joint
- Inability to move your knee;
- Swelling;
- Stiffness;
- Difficulty straightening your knee;
- A "popping" sensation in your knee



If your meniscus tears, you could notice that your knee "locks" up. This could happen if the meniscus gets stuck in the joint and restricts the movement of the bones. You must immediately seek medical help if this occurs.

Daily tasks can be seriously hampered by a torn meniscus. You might not be able to return to work straight soon if your job needs you to be on your feet. Thankfully, there are numerous treatments available to aid with your recovery. The type of treatment you require depends depend on how severe the tear is.

Meniscus tears can be treated in several ways, including:

Non-steroidal anti-inflammatory medicines (NSAIDs), stretching, and weight training, as well as compression bandaging and corrective surgery, are all possible treatments.

Traumatic Brain Injury (TBI): When the brain is harmed due to head trauma, a traumatic brain injury (TBI) can have a number of grave consequences Changes in a TBI victim's life could be physical, emotional, psychological, or even spiritual. Fortunately, the majority of TBI victims who survive will be able to recover from their TBI-related wounds. The remaining



15%, however, will experience life changes and lasting disability.

The presence of a traumatic brain injury may not be immediately apparent following an accident. In fact, you could not become aware that you've had a major brain injury for hours, days, or even weeks.

If you start to develop any of the following TBI symptoms following your injury, go see a doctor or the nearest hospital:

Headaches, blurred vision, loss of eyesight, vertigo, nausea, vomiting, ringing in the ears, memory loss, difficulty speaking, unexplained mood changes, swelling or bruises on the head, sensitivity to sound or light, tingling or numbness in the extremities, difficulty moving, loss of consciousness

If you experience any of the warning signs and symptoms of a traumatic brain injury, it's critical to get medical attention right away. The sooner you receive medical attention for your injury, the less time it has to worsen and cause consequences.



What if my injuries prevent me from working?

You may be entitled to compensation if your injuries restrict you from working from a few different sources. First, if your insurance's PIP coverage includes lost salary compensation, 60% of your lost wages will be compensated. Second, you can collect your lost wages (those not covered by your PIP policy) from the at-fault driver's insurance if they have bodily injury coverage. Last but not least, if your policy contains Uninsured Motorist coverage and the at-fault driver has no bodily injury coverage or insufficient coverage, you may be able to collect your lost income.



What is the value of my Personal Injury Case?

The value of your case depends on the following:

- Past medical expenses: the total sum of medical expenses you had at the time of settlement or trial.
- Future medical costs: The total cost of future medical care related to your injuries.
- Past lost wages: the amount of income or wages you have lost since the settlement or trial.
- Future lost wages: the amount of money you will lose in the future because of your injuries and inability to work or do the same job you did before to the accident.

These losses are referred to as special or economic losses. These are precise figures that can be proven by the presentation of receipts for past medical expenses or lost pay as well as expert testimony regarding upcoming medical expenses and upcoming wage loss.

A further element of your case is the one that is hardest to value and requires receiving compensation: the pain and suffering element for the discomfort, misery, deprivation of enjoyment of life, and resulting effects on your life that you have experienced. The seriousness of your injuries is the main



factor in this. I believe that everyone would agree that a person who shattered their back and needed surgery deserves more compensation than someone who only sprained a muscle.

The quantity of previous and future medical expenses is also influenced by the degree of the accident because more serious injuries may necessitate more costly surgery and prolonged medical care. The amount of recoverable lost wages will rise as a result of increasingly serious injuries keeping plaintiffs out of work for longer periods of time.

The amount of insurance that is readily available is one aspect that influences settlements. Unfortunately, but realistically, it won't be possible to recover anything if there is no bodily injury coverage or uninsured motorist coverage available, the at-fault party has no assets, and the case involves really significant injuries with a notional worth of millions of dollars. The hardest part of my job is learning that a terrible case cannot be recovered from since there is no insurance available and no assets to pursue.



The following additional elements could either make or break the value of your case:

- **Your age:** In general, the younger you are, the more value there is in your case because you will have to live with your injuries for a longer period of time in the future and there is a lower likelihood that they were caused by something else before the accident. Insurance companies frequently claim that disc injuries (herniated and bulging discs) in people over 40 are "degenerative," meaning they were brought on by aging naturally rather than a car collision.
- **Whether you've previously sustained an injury to the same body part:** The insurance company will contend that the injury was a previous, old injury and that the accident was not the cause of it, which could reduce the value of your case.
- **The extent of the damage to your car:** If the damage to your car is really minimal, the insurance provider will probably claim that the accident couldn't have resulted in your injuries. They might even engage a



biomechanical engineer to claim that injuries cannot be caused by low impact collisions.

- Whether the at-fault party was intoxicated and whether they fled the scene of the collision: If the at-fault party was intoxicated or fled the scene after the collision, this may increase the value of the case because it may expose them to punitive damages (extra money that a jury can award in some cases) (when the defendant acts in a willful or highly careless manner).
- Whether you went to the hospital after the accident: If you went to the hospital after the accident, whether by ambulance or otherwise, this will typically boost the case value.
- Whether you contributed to the accident in any way: If you contributed to the accident in any way, the value of your case will be reduced in proportion to how much you contributed.
- Whether you were wearing a seat belt at the time of the collision: If you weren't, the insurance company may



argue that your injuries wouldn't have been as severe if you had been wearing a seat belt as required, which might reduce the value of your claim.

- Whether you sought medical attention right away after the accident: If you delayed days or weeks, this will probably make your case less compelling.
- Any gaps in your medical treatment: If there are major gaps in your medical treatment, such as those lasting weeks or months, this will probably reduce the strength of your claim. If you can miss a month of medical care, the insurance company will contend that your injuries aren't really significant and do not require treatment.

My recommendation is to keep all of your scheduled appointments; if you need to reschedule, phone the doctor's office and explain the situation. If you simply miss an appointment, though, it will be recorded in the records as "missed appointment."

Due to these factors, it is hard to determine the worth of your case unless it is at least evident what kind of insurance is available and what kind of damages you have sustained. Any estimate made before that point is entirely useless. Any attorney who makes you a financial commitment at the



beginning of your case without having all of these essential information should be avoided. Without knowing these crucial details, calculating the case's value at the outset would be comparable to predicting the value of a used Mercedes without knowing its year, model, mileage, or condition. Any attorney who does this is either ignorant of personal injury matters or simply trying to raise your expectations in order to get you to hire them. In order to fully study a case and make a meaningful judgment, I never offer estimates of case values prior to having sufficient data.



How Much Time Will This Take?

How long will my case take is a question that clients also ask me frequently. This question cannot be answered until more information is available, just like the question of how much a case is worth. The length of a lawsuit is mostly influenced by two factors:

1. The extent of your injury; and 2. Whether a settlement was reached prior to filing a lawsuit.

The length of your case depends on the seriousness of your damage because, in general, the longer the injury, the longer the recovery and medical processes will take. It's crucial to remember that once a case is settled, it's over permanently, therefore you should never settle it until you've finished receiving medical care. Therefore, it makes no sense to settle your case if you're still getting medical care and your medical expenditures are going up.

Whether your matter can be resolved without going to court is another aspect that affects how long it takes. The majority of lawsuits are resolved outside of court. If your dispute can be resolved without resorting to litigation, that may be an



option two to three months after your medical therapy is over.

The amount of time can vary if you need to file a lawsuit to resolve your dispute. The majority of court-filed lawsuits result in settlements, however this can happen at different points along the procedure. Some lawsuits are resolved shortly after being filed, while others might be resolved the day of the trial or even during it. After you have finished your medical treatment, it could take one to two years for your case to be resolved if it takes lengthy litigation or even a trial. It's crucial to remember that you always maintain control over your case and have the last word over how it will be settled. Even if your attorney recommends you to move forward with litigation, you have the right to accept a settlement offer that you'd like to accept.



What Happens If The Insurance Company Refuses To Accept My Claim?

Your attorney will compile all of your medical records, medical bills, lost wage documentation, photos of the vehicle damage, and any other supporting documentation when you have finished receiving medical care. Your attorney should go over your case with you and provide an evaluation of its value.

The insurance company will then get a package from your attorney containing all the evidence in support of your claim, a letter summarizing the case, and a demand for a certain sum of money to settle it. It's referred to as a demand package. Keep in mind that you are in charge of your case. The lawyer should keep you fully informed at all times and shouldn't issue any demand letters without first consulting you.

Insurance companies typically have 20 to 30 days to reply to the demand package after receiving it from attorneys. Following then, the insurance company might make a counteroffer or accept the demand. The insurance company and the attorney for the injured victim typically haggle back and forth in situations that end in settlements.



But not every case is resolved. Because they believe their insured (the responsible party or motorist who caused the accident) is either not at fault or did not cause the injuries, the insurance company will occasionally refuse to pay anything. Other instances, the insurance provider makes a poor settlement offer. In some situations, going to court is the only way to ensure a just recovery. To start the legal process, your attorney will file a lawsuit against the at-fault driver.



What Takes Place in a Litigation?

So, a car accident that wasn't your fault left you hurt. The insurance company made a meager settlement proposal, and your attorney suggested going to court. You may be wondering what happens in courtroom battles and how much of it you'll have to participate in. The key phases of a personal injury lawsuit are described in this chapter.

The filing of a complaint is the initial stage in the legal procedure. If the case involves an Uninsured/Underinsured Motorist claim, then the lawsuit will be filed against your insurance provider. Your attorney will submit a complaint on your behalf against the at-fault motorist. The complaint outlines the essential details of your case and the grounds for your lawsuit.

A summons, which informs the defendant that they are being sued and have to respond to the complaint, is issued by the court clerk when a complaint is filed. The summons and complaint will then be handed over by your attorney to a process server, who will deliver them to the defendant in person. It may take many weeks to locate the defendant and serve the papers if they have relocated to a different city or state.

The defendant has 20 days to submit an answer after receiving the summons and complaint. Answers are exactly



what they sound like: the defendant's response to the complaints' charges. Even though it is obvious that the defendant is to blame for the accident, the defendant will almost always contest the claims made in the complaint. I've battled situations, for instance, where the defendant crashed into the back of my client's automobile while the client's car was stopped at a red light and the defendant continued to deny culpability. Therefore, if the defendant disputes the majority of the claims in your case, you shouldn't be too alarmed.

The discovery process is the main component of litigation. Discovering knowledge that the other party has essentially entails the following:

- **Interrogatories:** These are inquiries made to a different party. The replies are accorded the same weight as the trial testimony and must be notarized. It is crucial that the responses are truthful because if your interrogatory responses change from your trial testimony, it could harm your credibility.
- **Requests for Production:** These are demands for papers that belong to the other party. Typically, the defendant requests the plaintiff's driver's license, medical records, medical bills, pictures of the scene and vehicle damage, and the plaintiff's driver's license.



- **Depositions:** In this procedure, the attorney for one party grills the opposing party or a witness. The typical setting for depositions is an office. In a normal auto accident case, the plaintiff's attorney will take the defendant's deposition, and the defendant's attorney will take the plaintiff's deposition. Depositions are effective tools because, unlike interrogatories, which must be responded to within 30 days, deposition questions must be addressed immediately.

A court reporter records everything that is said in the room during this procedure, and because the testimony is sworn, it carries the same weight as evidence presented in court. Similar to interrogatories, a conflicting statement from your deposition might be used to challenge your trial testimony.

Your attorney should go over the deposition procedure with you in detail and conduct a practice interview. Insurance adjusters frequently attend depositions in order to predict how you'll perform at a possible trial. Defense attorneys take depositions to gather information. As a result, it's crucial to be ready. Unluckily, some attorneys may meet with their clients just before the deposition begins and advise them to "listen to the questions and speak the truth." This lack of planning creates unneeded concern. I like to meet with clients well in advance, have them participate in a mock



deposition with me, and, if they're interested, show them a transcript of a genuine deposition.

Of course, I obfuscate my former client's name and other identifying details out of respect for their privacy.

Other depositions that are frequently taken include those of the plaintiff's spouse, passengers in the car or cars, and witnesses to the collision.

- **Subpoenas Duces Tecum:** This is merely a fancy way of saying that you want people or businesses that aren't parties to the litigation to provide you with records. Subpoenas can be issued by attorneys requiring businesses to turn over records they have in their control. In personal injury cases, the defendant frequently serves subpoenas on all physicians who treated the plaintiff following the accident as well as any physicians the plaintiff saw within the preceding ten years.

- **Mandatory Medical Examination:** In every personal injury case, the defendant has the right to have the plaintiff physically examined by a doctor of their choosing and paying for the service. During this 10- to 15-minute examination, the



doctor typically finds the following: Whether the plaintiff is hurt or not depends on whether the accident was to blame for their injuries. It's crucial in these assessments that you answer honestly and don't exaggerate your injuries. Your attorney will have the option to accompany you to the examination, and he or she should decide to do so. Additionally, I always hire a court reporter and a filmmaker to document the entire examination.

- **Expert Depositions:** Typically, your attorney will take the testimony of the defense's doctor as well as any additional experts the defendant retains. A biomechanical engineer (to testify that the tiny impact couldn't have caused your damage) and a radiologist are two other often used defense experts (to interpret the MRI images). The treating physicians and any other experts your attorney retained will often be deposed by the defense attorney.

After the conclusion of discovery, the parties typically attend mediation. In the mediation process, the plaintiff and defendant meet with the mediator, who is an impartial third party, to discuss the matter with them and their counsel. Both parties offer an overview of their cases to the mediator, after which the plaintiff and defendant withdraw into different chambers. In an effort to convince both parties to reach a



resolution, the mediator moves from room to room delivering the other party's offer. The matter is concluded if the parties reach an agreement. If the parties are unable to agree, the case will go to trial.

The trial is the last stage of the legal procedure. The attorneys for both parties provide their opening arguments once the jury is chosen and seated during a trial. The plaintiff's attorney initially makes their case. This typically include calling the victim of the injury, the medical professionals who treated him or her, any extra experts the plaintiff's attorney recruited, and any witnesses, such as "before and after" witnesses who may attest to how the plaintiff's injuries have changed them, will be called. Following the presentation of the plaintiff's case, the defense presents its case and calls witnesses and experts, including the physician who conducted the required medical examination.

Following all of this, the parties address the jury in their closing statements. After deliberating, the jury returns with a decision. In contrast to what legal thriller TV dramas and movies portray, the entire trial procedure isn't as exciting. To give you some idea of what will happen, your attorney should go over each phase of the trial procedure in advance.



What Takes Place Following A Case Settlement or Judgment?

Once you've reached a settlement or won in trial, it's time to collect the insurance company's cheque and pay off any outstanding liens and medical costs.

The insurance company will want you to sign a bodily injury release if you settle your case. This document states that you consent to accepting a specific sum of money in exchange for never again suing the defendant for the injuries you received in that specific accident. It's critical to realize that once your case is resolved, it's finished permanently. The defendant will not be liable if your condition worsens in the future or if you realize you can no longer work the same job a few months after signing the settlement agreement. So it's important to only settle the lawsuit when you have a complete grasp of your injuries.

Your attorney is required to give you a closing statement once your case has been resolved. The amount of the attorney's fee, the expenses associated with your case, the amount of any liens, and any outstanding medical bills should all be included in the closing statement.



Verify that the fee % you agreed upon when hiring your attorney is the one that will be charged. The case expenses should be broken out and itemized. I advise you to request a copy of any invoice for any case costs that are greater than \$500. I don't mean to imply that the attorney will attempt to falsely drive up the cost of the litigation. I advise requesting a copy of the bills in order to confirm that the closure statement was written without any errors. In most circumstances, the only case expenses should be for medical documents, the crash report, postage, and sometimes the expenditures of an investigator in straightforward cases that are settled out of court. However, case expenses during litigation can reach thousands of dollars if expert depositions were taken or if your attorney hired an expert.

You could need to use your settlement to pay off liens and medical expenses. Your health insurance or short- or long-term disability plans may have liens against you. According to Florida law, your health insurance, including Medicaid and Medicare, has a claim to compensation if it paid your medical expenditures as a result of a vehicle accident injury. Additionally, you usually have a claim to be reimbursed if your short-term or long-term disability funds covered any of your missed wages. Finally, if you don't have health insurance, you can be liable for paying the whole cost of any



unpaid medical bills since your insurance didn't cover them (co-payments or deductibles).

Your attorney should attempt to negotiate each and every bill for any liens and medical expenses. Negotiating liens from your employer-provided health insurance can be challenging at times (this has to do with a federal law called ERISA). The cost of medical care, however, is frequently negotiable. I suggest finding out from the attorney how much was owed in unpaid bills and liens as well as the agreed-upon settlement sums. You should advise your attorney to make every effort to negotiate any of them if they haven't already done so because every dollar that is reduced puts more money in your pocket.

When Medicare or Medicaid are involved, the bargaining process may occasionally take weeks or even months because of their infamously poor response rates. If your attorney isn't keeping in touch with you, you might want to ask for an update every two or three weeks.

You will get a check from your attorney for your share of the settlement once you and your attorney sign the closing statement. Congratulations! Finally, the matter is finished. I



hope you're getting paid a decent amount. It's the only system of justice we have, and I am aware that no amount of money can ever make a personal injury lawsuit "worth it." Most of our clients would probably opt to travel back in time and avoid an accident if we had time machines, I'm convinced of it. But since we lack time travel devices, we must operate within this framework.



Safety Advice

In a perfect world, there would be no accidents and no injuries. Sadly, accidents occur much too frequently. We are only able to decrease our chances. Here are some safety suggestions:

- Constantly buckle your seatbelt. The clearest, most sensible advise I can give you is this. Not only is it illegal to drive without a seat belt, but the benefits to your safety are undeniable. I implore all motorists and passengers to buckle up at all times. This includes those riding in taxis, Uber, or Lyft vehicles' back seats.
- Avoid texting and driving. I regrettably witness this highly risky driving practice much too frequently. I try to avoid these drivers as quickly as I can when I see them because I am aware of how risky texting while driving is. Do Not Disturb While Driving is a feature that many smartphones now offer, which mutes incoming texts and emails while you are driving. When I'm operating a vehicle, I always have this on.
- Never drive after drinking. This is self-evident. With Uber, getting a ride is so simple and affordable.

Drinking and driving is absurd, so use Uber or Lyft instead. I've read far too many heartbreaking accounts of drunk drivers causing the deaths of innocent people and, in some



cases, entire families. A story about a highly inebriated woman running into and murdering three little boys who were waiting for the bus to go to soccer practice at 5 a.m. is all over the news while I'm writing this book. She not only devastated her own life, but also the lives of three families.

- Mount a dashboard camera. I think these are wonderful little gadgets and urge everyone to buy one. It's a tiny camera that records everything and fastens to the inside of your front windshield. Since I installed the camera in my car, I've noticed that I drive more cautiously because I am aware that everything I do is being recorded. The video may also be crucial in a situation involving contested liability. I've handled several situations where the at-fault driver's account of the collision differed greatly from that of my client. It would have been much simpler if dash cam footage had been accessible. Depending on whether dash cam footage is there, a case may be won or lost in specific circumstances.

- Keep a car escape tool in your glove compartment or center console. This tiny device has the power to save your life. Its blade can cut through your seat belt, and its hammer-like side can smash a window.



ABOUT THE AUTHOR



Vladislav Grant, Esq.,

JD, Tax LLM

Vladislav Grant is an exceptionally skilled and accomplished Personal Injury Attorney, renowned for his unwavering dedication to justice and unparalleled track record of success. With years of experience in the field, Vladislav has consistently achieved remarkable outcomes for his clients, securing millions of dollars in settlements and verdicts. His meticulous approach to legal representation, coupled with his deep understanding of personal injury law, has made him a formidable advocate in the courtroom.

Education:

- Juris Doctor (JD) from St. Thomas University School of Law, cum laude.
- Tax Master of Laws (LLM) from the University of Florida Levin School of Law, specializing in tax law.
- Undergraduate degree in Accounting from Florida Atlantic University, cum laude.

Court Admissions:

- All State Courts in Florida.
- Federal District Court, South District of Florida.
- Federal District Court, Middle District of Florida.

With his exceptional academic achievements and comprehensive legal knowledge, Vladislav Grant is equipped with the expertise necessary to effectively navigate the complexities of personal injury cases and secure the best possible outcomes for his clients.