



"WHAT SHOULD I DO FOLLOWING A CAR ACCIDENT?"

A Guide to
NJ Car Accident Laws

Law Offices of
David A. DiBrigida

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INTRODUCTION

Being involved in automobile accident can be very difficult for all the parties involved – and things typically get even more difficult when there are injuries to deal with.

These injuries can have a negative impact on your quality of life and prevent you from the doing the things you enjoy. They can even keep you from working and earning a living.

At **The Law Offices of David A. DiBrigida**, we understand the difficulty of the situation. We realize how overwhelming the legal process can be and we want to use our experience and our knowledge of New Jersey auto accident law to help you get the best outcome for you and your family.

We can guide you through the process in an informed and strategic way so that stress and uncertainty are minimized.

Call (973) 618-1900, email office@dadesquire.com or [click here](#) to schedule a free consultation.

We have also created this guide to help you better understand auto accident laws in New Jersey and what you can and shouldn't do following an automobile accident.

WHAT YOU NEED TO KNOW ABOUT NEW JERSEY AUTO ACCIDENT LAW

One of the first things you need to know is that New Jersey is what is known as a “no fault” car insurance state.

That means, following an accident, you generally need to file a claim under your own personal injury protection insurance coverage to get compensation for medical bills and other financial losses – no matter who may be at fault for the crash.

If your injury claims exceed certain prerequisites, you can move beyond no-fault coverage and file a claim directly against the at-fault driver.

Some things to keep in mind if you are filing a claim:

- You typically have **two years** from the date of an accident to file a lawsuit. Go beyond that deadline and you may be barred from bringing a case.
- In New Jersey, when multiple parties share the blame for an accident, the modified comparative fault rule is followed. Under this rule, the more at fault a plaintiff is, the less their award will be. For example, if your lawsuit is deemed to be worth \$120,000 from the jury, but they decide you are 40% responsible for the accident, then you won't get the \$120,000. Instead, you'll be awarded \$48,000.

Reasons you could be found partially at fault include speeding, running a red light and similar situations.

One thing to note here: if the jury finds that you are 51% or more responsible for an accident, then you will not receive anything. This is because New Jersey is a modified comparative fault state. In some states, you can recover damages if you're more than half at fault in an accident – but not in New Jersey. To receive an award in New Jersey you need to be found less than 51% half at fault.

- If anyone is injured or killed in an automobile accident, you must immediately notify the police and an accident report must be filed with the New Jersey Department of Transportation.
- It's a crime to leave the scene of a car accident that causes personal injury or death without taking the legally required steps – which includes notifying the police.

What are the insurance requirements for drivers in New Jersey?

Auto insurance is mandatory in the state of New Jersey. Drivers who do not have insurance are breaking the law and risk fines, suspension of driver's license or registration and even jail time.

Unfortunately, in New Jersey drivers can purchase \$1/day insurance that only provides emergency room medical care. That's why it is so important for you to carry your own uninsured motorist coverage.

WHAT DO I NEED TO KNOW ABOUT FILING AN INSURANCE CLAIM FOLLOWING AN ACCIDENT?

It's time to discover what most insurance companies don't want you to know about car accidents and how to protect your rights before it's too late!

The truth is if you or a loved one have been injured in an accident there are things you need to know ... and things you need to do ... to protect yourself and ensure an appropriate settlement from your insurance company.

In this section, we are going to reveal:

- The answers to your biggest car accident-related fears – such as who's going to pay your medical bills, how to seek treatment, the likelihood your case will go to trial and, maybe most importantly, how to find the best attorney – an attorney you can trust – to represent you.

We're also going to reveal:

- The multiple mistakes accident victims make when they seek medical treatment after their accident – there is a right way to do this, and a wrong way. If you want to secure the maximum payout, make sure you seek medical treatment the right way.

- The one thing you should NEVER do when you interact with insurance companies after an accident. MAKE SURE you don't do this — it could KILL your case, and leave you with nothing!
- How to deal with feelings of being overwhelmed following an accident and what to do if you have trouble communicating with your insurance company
- How to get the highest settlement amount possible in the shortest amount of time possible ... and much more!

The truth is reading this book may be the most important thing you do all year. Why?

Because finally someone is revealing the shocking truth about car accidents that many insurance companies don't want you to know. The information in this book is vital if you want to ensure proper reimbursement for pain, suffering and misery.

So we recommend that you carefully read every word of this book from beginning to end!

WHAT YOU NEED TO KNOW WHEN INVOLVED IN A CAR ACCIDENT

Every day, thousands of Americans are involved in auto accidents and they aren't lucky enough to have this information in front of them. As a result, they often don't receive the compensation they deserve from their insurance company. That's why we urge you:

Don't Talk to Your Insurance Company About Your Case Until You Finish Reading this Book!

Most insurance adjusters know all about the kind of injuries people like you and me can experience in an accident.

They know sometimes you don't feel injured right away and that's why they try to settle as quickly as possible while your medical bills are low or non-existent.

They'd rather see you in pain after they settle with you picking up the tab for your own treatment.

This can happen even if it's your own insurance company that you are dealing with!

Make no mistake, insurance is a business like any other, and the less they spend on claims, the more money they make their shareholders.

But here's the thing – even if you were just involved in a minor fender bender, studies have proven you could suffer from a severe injury that isn't easily noticeable, or even felt for weeks or months following an accident

You can be severely injured and only feel a little pain after the accident. Your doctor can easily miss this and mistake your pain for something completely different.

You have to take all of this into consideration when negotiating a settlement amount.

In addition there are several steps that need to be taken immediately after an accident to ensure you receive proper compensation from your insurance company for your injuries and losses.

This information is not readily available and thus many people end up making mistakes that cost them in their dealings with their insurance company.

In this guide we are seeking to rectify this. We have identified the 6 biggest mistakes that people make after an accident and are going to tell you how to avoid them.

So let's get started.

6 MISTAKES TO AVOID FOLLOWING A CAR ACCIDENT

Mistake #1 – Not obtaining witness contact information

Most people involved in accidents know to get the contact information and insurance information of the parties they were involved in the accident with.

Unfortunately, many do not go one step further and obtain the contact information of those who witnessed the accident. **It is extremely important that you are able to get in touch with these witnesses!**

For example, if witnesses leave the scene it will just be your word against the other driver, but if you can contact the witnesses you can have corroboration for your version of the events – this can go a long way in you receiving a favorable outcome for your claim.

Don't just rely on the police report to give witness information. Many times these reports won't provide detailed contact information and you won't be able to track them down later.

To ensure your rights are protected going forward, get contact information for all witnesses to the accident!

Mistake #2 – Not doing the right things when seeking medical treatment

If you were in an accident and believe you may be injured it is imperative that you seek medical attention. Failure to seek treatment could allow the insurance company to argue that you were not really injured in the accident.

Often times, insurance companies will argue that since you did not take an ambulance to the hospital to receive treatment that you were not injured. They may even say that you only sought treatment days later on the advice of your attorney.

Waiting days to seek treatment could also allow the insurance company to argue that you were injured in another way and not in the accident itself.

All of these are reasons why you should seek medical treatment immediately after an accident.

When seeking treatment there are certain things you should do as well.

For instance, be sure to describe your injuries in detail to the doctor. You want your injuries to be documented in the medical records. Insurance companies rely on these records when evaluating claims later on.

If you end up claiming an injury that is not listed in your medical records they may argue that it is not related to the accident and that they do not need to cover it.

This means you should mention any and all pain and soreness that you feel – no matter how minor. Remember, injuries can get worse over time. It is better to be thorough than to regret leaving something out later.

As part of your treatment, you should also be sure to undergo any diagnostic tests and physical examinations recommended by the doctor. These types of procedures can provide vital evidence of your injuries.

You may even want to advocate for the tests yourself even if the doctor is not sure you need them. X-rays, MRIs and other scans and tests can be valuable proof of injuries. You do not want to allow for any uncertainty that the insurance company can take advantage of.

Mistake #3 – Giving a statement to an insurance company – even your own

This goes along with our earlier recommendation to read this report before doing anything else following an accident.

One thing you definitely do NOT want to do is to give a statement to any insurance company following an accident – not the other party's company and not your company as well.

In fact, this is **the one thing** you should NEVER do when you interact with insurance companies after an accident!

Keep in mind – your insurance company is a business out for itself; it is not looking out for your best interest.

The truth is insurance companies always try to contact a victim as soon as possible after an accident to find out what happened.

They try to get this quickly before you have had time to talk to a lawyer. If you give a statement and say the wrong thing they can then use this against you later to limit your settlement amount.

Do not make this common mistake. You should contact your insurance company and let them know that an accident has occurred but you should also state that you do not want to give any statement until you have talked to a lawyer.

Why should you also avoid giving a statement to your insurance company?

If the person you were in the accident with has inadequate insurance, or no insurance at all, you will need to go through your insurance company to receive reimbursement for your injuries. This is why you should not provide a statement to your insurance company or the other party's company.

You need to protect your right first and foremost – and that means staying quiet until you have met with an attorney.

Mistake #4 – Not keeping good records

With any legal matter, but especially with a car accident, you should keep detailed records of everything – from the accident to the accident aftermath to dealing with the police to dealing with the insurance company and everything else.

One way to do this is to start a diary where you record daily everything that has happened related to the accident.

You should write down things like your memory of what happened, any pain or other medical symptoms that you experience, medical treatments that you undergo, any time you miss from work and any accident-related expenses that you incur.

Note: when writing about the accident be as detailed as you can possibly be. That means write down what the weather was like, what time the accident occurred, where you were headed, traffic conditions, what happened during the accident, what happened immediately after the accident and so on.

If your case goes to court it could be years before it is settled in court. Having a detailed diary will allow you to go back and refresh your memory on everything that occurred.

Mistake #5 – Not following through with all medical treatments and therapy appointments

It is vitally important to follow through with all prescribed medical treatments and therapy appointments.

Any failure to do so could allow the insurance company to claim that you were not injured as severely as you claim.

The insurance company may also argue that your failure to not receive the recommended treatment caused your injury to become worse and thus they are not responsible for the full cost of your care.

Following the treatment plan created for you by your doctor is essential both for your long-term physical health as well as your financial health. Not seeking prescribed treatment is one of the worst things you can do – your health could get worse and you will be providing the insurance company with a highly effective way to attack your accident claim.

Mistake #6 – Not getting an experienced attorney

This is the biggest mistake accident victims make. Having the right attorney on your side can help ensure you get all the compensation you are entitled to.

You need an attorney that has extensive experience handling accident injury claims and that knows how to make negligent parties pay for their dangerous and reckless actions.

You need an attorney who will:

- Fight on your behalf so that you can focus on recovery
- Ensure you are treated with respect and understanding

- Work hard to see your needs met & your case swiftly resolved

An accident can be dramatically life altering. Aside from pain and suffering, there are often massive medical expenses, loss of employment, and even loss of relationships to deal with.

That's why if you have suffered injuries as the result of a car accident, it is critical that you get high quality legal representation.

HOW TO FIND A HIGHLY QUALIFIED ATTORNEY YOU CAN TRUST

The first thing you SHOULD NOT do is simply hire a firm you saw in a TV commercial or heard about in a radio ad.

Many of the biggest advertising firms are little more than “settlement mills.” A settlement mill is a firm that relies on heavy advertising as the lifeblood of their business and litigates a disproportionate amount of their cases. Such firms do not rely on current or former clients to refer cases via word-of-mouth and can thus afford to employ a mill mentality to their handling of cases.

The truth is “settlement mills” tend to leave money on the table at the time of settlement as they are more concerned with resolving a volume of personal injury cases each month to pay their expensive advertising budget.

Keep in mind that even an average trial lawyer is superior to a settlement mill as the insurance carrier must spend money defending a trial or a case that has advanced far in litigation. The goal of any insurance carrier is to save money and forcing them to run up costs gets their immediate attention.

The bottom line is many law firms promise the moon with expensive television and radio advertisements and then don't come close to delivering on those promises.

One more thing: You should also NOT try to represent yourself!

Facing a team of professional attorneys that work full-time for billion-dollar insurance companies isn't a wise move. It is possible to go at it alone, but you are literally at their mercy; they may give you a thousand dollars, a few hundred bucks, or possibly even deny your claim.

It is going to be up to them since you don't really know what legal rights you have, what alternatives you could use, or what to do to fight them. They spend every day, all day, fighting claims on behalf of their employers (insurance companies) so facing them on your own with no experience is going to have an obvious outcome (an outcome that is not positive for you).

So what can you do to find an experienced attorney who will always put your best interests first?

We recommend contacting us at The Law Offices of David A. DiBrigida.

We have extensive experience in protecting the rights of car accident victims all throughout New Jersey. We also have the financial resources to stand toe-to-toe with any insurance carrier or corporation. Our skilled and dedicated injury attorneys will fight to ensure that you are fairly compensated for your losses.

We will also always keep you in the loop as your case progresses. Call (973) 618-1900, email office@dadesquire.com or [click here](#) to schedule a free consultation.

HOW THE LAW OFFICES OF DAVID A. DIBRIGIDA ARE DIFFERENT

We have vast experience in car accident injury cases. We understand fully every nuance of these issues. We are also focused at understanding the traffic laws and physics behind a car accident crash.

We also have the right skills to educate juries and ensure your case is presented in the best possible light.

Erroneous jury perceptions have caused some injury victims to be denied the compensation they deserve, but we will do our utmost to ensure that this does not happen to you.

We realize the litigation challenges of a car accident claims and will work hard to get you the settlement you deserve.

 (973) 618-1900

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WHAT TYPE & AMOUNT OF DAMAGES COULD YOU RECEIVE?

If you have been involved in a car accident resulting in a physical injury, your likely next step is to file a claim with your insurance company along with the insurance carrier for the at-fault party.

Since New Jersey is a no-fault state, a PIP insurance (Personal Injury Protection) claim will be opened in order to treat your injuries. You must also file a claim with the other driver's insurance (if they were at fault) in order to pay for the medical bills and lost wages that exceed your PIP limit.

Damages awarded in a car accident lawsuit are paid by the person or business responsible for the injuries.

In some cases a settlement is negotiated between the plaintiff and the defendant (usually through their attorneys and insurance providers), while in others the case goes to trial and the settlement is ordered by a judge or jury.

The most common form of personal injury lawsuit awards is compensatory damages. This type of damages can include: medical costs, lost wages, property damage, pain and suffering, emotional suffering, enjoyment loss and consortium loss.

MORE INFORMATION ABOUT LAWSUIT DAMAGES

Here is more information about personal injury lawsuit damages. In some cases a settlement is negotiated between the plaintiff and the defendant (usually through their attorneys and insurance providers), while in others the case goes to trial and the settlement is ordered by a judge or jury.

Below is an explanation of many common types of damages awarded in personal injury cases, as well as how your actions and inaction can affect the damage awards.

Personal Injury Lawsuit Compensatory Damages

Compensatory damages are the most common type of personal injury lawsuit awards.

These are awards that are meant as compensation for whatever was lost by the plaintiff as a result of the accident and injuries suffered.

The intent of compensatory damages is to make the person complete once more from a financial standpoint. Of course, this can be difficult because it entails putting a dollar figure on all the effects of an accident and injury.

While some compensatory damages are easy to arrive at, for example lost wages and medical bills, others are more difficult to arrive at.

How do you place a monetary value on the suffering and pain caused by an injury?

How can you correctly value the lost opportunities or decreased enjoyment of life that occurs because of permanent or disfiguring injuries?

Yet that is exactly what judges and juries attempt to do when awarding compensatory damages.

Here is a list of the most common compensatory damages awarded in personal injury lawsuits:

- **Medical Costs:** Because there are almost always medical costs associated with a personal injury claim, these are the most commonly awarded damages. The court will award an amount equal to your current medical costs as well as compensation for any ongoing or future treatments associated with your injuries.
- **Lost Wages:** In many cases your injuries will have impacted your ability to work and earn a salary. Damages for lost wages are common too, not only for the money you have already lost as a result of the injury, but also any salary or wages you would have earned in the future were it not for your injury.
- **Property Damage:** If you had damage to any property (automobiles, clothing, personal effects), you will be compensated for the fair market value of these items.
- **Pain and Suffering:** While it can be difficult to place a monetary value on your pain, you may be entitled to compensation for any pain suffered as a result of the accident or injury, as well as compensation for any pain you may experience in the future that is a direct result of the injury.

- **Emotional Suffering:** As with pain, emotional suffering can be difficult to quantify in terms of dollars. Still, if you have suffered emotionally or mentally as a result of the accident you may be entitled to compensation for that suffering. These awards are typically for more severe accidents and can include compensation for anxiety, loss of sleep, and fear experienced as a result of the accident.

- **Enjoyment loss:** If your injury is permanent or disfiguring and causes a loss of your normal hobbies, exercise or other recreational pursuits you may be entitled to damages for loss of enjoyment.

- **Consortium loss:** These are damages awarded for any loss of relationship with your spouse. This can include sexual relations as well as companionship. In some states the impact on a parent/child relationship can also result in damages due to consortium loss. In some cases, the damages for consortium loss are awarded to the affected spouse or child rather than the plaintiff.

The Plaintiff's Affect on Damage Awards

There are situations where the plaintiff's actions may have contributed to the accident, or their inaction after the accident may have contributed to injury. These situations can result in a lower settlement in a personal injury lawsuit. Here are some of those situations:

- **Comparative Negligence:** If the court determines that you were even partially at fault for the accident your award will reflect that responsibility. Most states link damage awards to degree of fault in an accident or injury.
- **Contributory Negligence:** There are only a few states that have the concept of contributory negligence, but in those that do you may not be eligible to receive any compensation if it is determined that you had any fault in the accident.
- **Failure to Mitigate Damages:** Most states have stipulations that make the expectation for plaintiff's to minimize the amount of loss they experience following an accident. If it is determined that you did not take some action that could have reduced the impact of the accident on your finances or injuries you could be faced with a reduced level of damages being awarded.

CONCLUSION

Few things can be more emotionally and physically taxing than being involved in a car accident.

First, there's the threat to your safety that can leave you feeling shaken afterward ...

Then there's the damage to your vehicle ...

Then there's the uncertainty of what to do next ...

We hope that this guide has given you insight and direction on what to do and what not to do following an accident to ensure the best possible settlement.

Just keep in mind that when it comes to filing an insurance claim following an accident that you will be dealing with a large company – a company that has handled many cases like yours. **They know exactly what they need to do to ensure the best result for their company.**

Don't forget that while your agent may express deep sympathy for your situation ... he or she works for a company where the bottom line is really all that matters.

That means you need a good attorney on your side. One that has extensive experience and is as knowledgeable as the attorneys for the insurance company ...

One that will defend your rights and fight to get you the best settlement ... in other words, you need The Law Offices of David A. DiBrigida on your side.

Call (973) 618-1900, email office@dadesquire.com or [click here](#) to schedule a free consultation.

We have built a strong reputation for making sure clients are justly compensated for the property damage and the pain and suffering they experience. **Don't just believe that your insurance company will do the right thing!** Get a lawyer to defend your rights.

WE CAN HELP YOU NAVIGATE THE COMPLEXITIES OF AN AUTO ACCIDENT CLAIM

We will:

- Work closely with you to ensure your needs are met and your concerns addressed
- Rely on our extensive experience in the areas of auto accident and personal injury law to help you get the best outcome
- Diligently strive to protect your rights

We have extensive personal injury case experience and have built a strong reputation for helping clients get beneficial settlements and monetary awards.

When you seek our help, you can expect straight talk and honest advice.

We take a practical, smart, common sense approach to handling auto accident and personal injury matters. We explain everything you need to know to make informed decisions and we will tell you where you stand.

We work hard to protect your legal rights and pursue your objectives. Fully understanding that being injured is an emotional time, we will treat you with the compassion and respect you deserve.

We also don't rest on our considerable laurels either. We are constantly evolving and growing and you can count on us to have your best legal interest in mind.

We will also take advantage of the latest technological advances to make it as easy and safe as possible for you to consult with your attorney and move your case forward.

THE NEXT STEP ...

The key to weathering any storm is to first get informed so that you can take the best action moving forward.

Contact us today to schedule a free consultation and to learn much more about how we can help you with your auto accident case.

Don't risk making mistakes or enduring unnecessary, costly delays – talk to The Law Offices of David A. DiBrigida calling (973) 618-1900, emailing office@dadesquire.com or [clicking here](#) to schedule a free consultation.

We understand that going through an auto accident can be a very traumatic experience. We will guide you through the legal process, doing whatever we can to ease your frustration and provide you with a resolution that allows you to build a brighter future.

We are focused on providing you with a smart, reasonable and lasting legal solution. **We have the skills, resources and experience to ensure your best interests are represented.**

At The Law Offices of David A. DiBrigida, we take our role as your legal counselor seriously, creating solutions that work both in the immediate months after your accident and in the years ahead.

Our goal is to provide you with the legal solution that will give you the best possible chance at your best possible future.

Whatever your situation, you need a thoughtful, zealous advocate in your corner.

We will provide you with a free consultation and discuss your options with you. We will then strive to protect you and your family. Let The Law Offices of David A. DiBrigida provide you with the experienced legal representation you need following an accident.

We will use our vast knowledge and experience to protect your present and future welfare. **The first step is to schedule a meeting with us to learn more about how we can help you.**

Call (973) 618-1900, email office@dadesquire.com or [click here](#) to schedule a free consultation.

We will investigate your case and identify all of the factors that might be relevant to your case. Then we will clearly illuminate all of the factors that support your claim.

You can count on us to always have your best interests in mind. Contact us now and ...

***Get the legal advice you need to
take the right next steps!***