

GUIDE
TO
NEW HAMPSHIRE
AUTOMOBILE ACCIDENTS



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Because insurance companies' adjusters and lawyers are experienced in attacking automobile accident claims, it is important to understand the process so we present the strongest case for you. You may be unfamiliar with the procedures involved in a motor vehicle accident case so we have prepared this brief Guide to help you understand the general manner in which these cases are handled.

I. Investigation

After your file has been opened in our office, the facts are first investigated to determine who is responsible or at fault for the accident. The police report usually determines the cause of the accident and may identify witnesses to the accident. At this point, we make a claim and put the other driver's insurance company on notice of your claim. From this point forward, we will handle all communication with the insurance company. In other words, the insurance adjuster or lawyer will not contact you.

II. Claim With Insurance Company

Later, when you have completed your medical treatment for injuries caused by the accident, we will talk to the other driver's insurance company about negotiating a settlement. We prepare an extensive packet to provide to the insurance company, including medical records of your care, medical bills and information of any lost wages. As a part of this packet, we provide a personal impact statement. This section describes how the accident and injuries has impacted your life. If the insurance company will not pay you a fair settlement for your injuries, then the next step is for us to file a lawsuit in court.

III. Filing a Lawsuit in Court

If a suit is filed, further investigation is made and, when necessary, periodic medical reports are requested from your doctors and hospital to enable us to follow the progress of your recovery. Also during this period, written "interrogatories" may be submitted seeking written answers by you and the other driver. Interrogatories are merely questions about your background, details of how the collision occurred, identification of your injuries and the nature of any medical treatment. In addition, after interrogatories are answered by the parties, it is common for oral "depositions" to be taken. A deposition is "question and answer" sessions, under oath. The lawyer asks the questions and then the questions and answers are taken down by a court reporter and then typed up. The attorney for the defendant may want your sworn testimony in deposition form as to the facts of your case and we may want to take the testimony in deposition form of the defendant and possibly other witnesses. We will, of course, be with you when your deposition is taken and will meet ahead of time to prepare you for it.

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Even after a lawsuit is started, the possibility of settlement always exists at any time during the case. You, of course, make the final decision as to whether a settlement offer is to be accepted or not.

IV. Steps to Protect Your Case

In order for us to effectively represent you and see that your full rights under the law of New Hampshire law are protected, it is important that certain basic steps be followed. These things will help your case:

1. Save medical equipment that has a bearing on your case, such as braces, belts, crutches and supports or traction devices that were prescribed because of the accident. Keep these items in your possession.
2. Take photographs of your injuries and your use of braces, supports or crutches. This is important because cuts and bruises may fade but the pictures will help show your injuries. Because you use braces, supports or crutches may be for a limited time, photographs of you using those devices show the impact of your injuries.
3. At frequent intervals, and at least monthly, send to us all medical bills, statements and similar items that are related to the accident and received by you.
4. Advise us of any significant developments which occur in respect to your injuries such as being hospitalized, referral by your attending physician to another physician, undergoing surgery, involvement in another accident or discharge from treatment by your physician.
5. Remember that everything you say “can be held against you.” It is best not to give information about your case to anyone, except your doctor.
6. Continue with medical treatment as long as your doctor believes it is necessary. It is very important that you follow your doctor’s instructions and treatment, and do not stop seeing your doctor until you have been discharged from further treatment. The reason for this is two-fold:
 - a. We want you to get better as quickly as possible; and
 - b. It is important to your case that a complete, continuous and accurate record of your complaints and treatment be made by your attending doctor. The insurance company will try to use missed or cancelled appointments against you to minimize your injuries by suggesting that you would not have missed medical appointments if you were really injured and needed treatment.

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7. Please be sure to keep copies of expenses relative to your case such as co-pays, prescriptions and any other out-of-pocket costs you incur because of the accident.

8. Complete our Automobile Accident Checklist form to organize the necessary information about your car accident.

9. Our e-book, Consumer Guide to New Hampshire Personal Injury in New Hampshire, provides a more detailed description of a personal injury claim such as an automobile accident.

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