

**Special Report #2**

**“I’ve Been  
in a Car Accident,  
What Should I Do?”**

**The Car Accident Victim’s Tool Kit**

**By Jeff Witten**

**McComb Witten Personal Injury Lawyers**

## **I. INTRODUCTION**

Being involved in a car accident is scary. You're shocked, upset and not sure what to do.

I wrote this special report to help provide you with a basic understanding of what to do at the scene of and in the hours following a car accident. Much of what I have to say in this report may be what most people would consider to be just common sense. But I've found that, having worked as a personal injury lawyer for over 17 years, people often aren't thinking straight following an accident and as a result often forget to take care of the basics.

This special report has been written as a "How To" manual. Read it. Think about it. Make notes in the margin. And above all, make sure that you are able to put the contents of this report into practice if you're unfortunate enough to be involved in a car accident.

I sincerely hope that you'll find this special report to be helpful. Its subject matter is something I never get tired of discussing, lecturing on or sharing with people.

I'd be more than happy to talk to you in more detail about anything that's discussed in this report.

Feel free to give me a call at the offices of McComb Witten Personal Injury Lawyers. My phone number is **604-255-9018**. Alternatively, you can send me an email at [\*\*jwitten@mccombwitten.com\*\*](mailto:jwitten@mccombwitten.com).

Happy reading!

Jeff Witten

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THIS SPECIAL REPORT IS INTENDED TO BE INFORMATIONAL IN NATURE. IT REFLECTS THE OPINIONS OF THE WRITER. THE INFORMATION IN THIS LETTER IS NOT OFFERED AS LEGAL ADVICE. IT DOES NOT CREATE A LEGAL SOLICITOR-CLIENT RELATIONSHIP. YOU SHOULD SEEK THE LEGAL ADVICE OF A QUALIFIED LAWYER ABOUT YOUR PARTICULAR MATTER.

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## **II. WHAT TO DO AT THE ACCIDENT SCENE**

You've just been involved in a car accident. The question that you have to deal with now isn't whether or not you wanted this accident to happen, but rather, how are you going to deal with it.

**IMMEDIATELY** following a car accident, right there at the scene, I'd suggest you do the following:

1. Take a deep breath. Try and relax. The calmer you are the better you'll be able to handle the situation.
2. If you or your passengers have been injured call 9-1-1 and ask for medical assistance.
3. Call the police. In some areas police will only attend if someone has been injured or the vehicles have sustained significant damage (all they can do is say no). Keep in mind that when police officers attend at the scene of an accident and investigate they may gather information required to support your case.
4. Write down the full names, addresses and telephone numbers of the drivers of all vehicles who were involved in the accident (people change cell phone numbers like underwear, make sure you get a land line). Gather this information first hand by looking at the driver's licenses of all the drivers. Make sure that the picture on the license matches up with the person who gave it to you. Don't assume that just because someone wrote out some information on a piece of paper and handed it to you that it's kosher.
5. Write down the license plate numbers, color, make and model of all the vehicles involved in the accident. Be sure that you take note of the province/state set out on the license plates. Don't assume that the vehicles involved are from BC.
6. Look at the insurance papers of each of the vehicles involved. Take down the name of the registered owner of each of the vehicles, the insurance company that insures the vehicle and the policy number. Make sure that you match up the license plate number set out on the insurance papers with the license plate number of the vehicle involved.
7. Get the names, phone numbers and addresses of any witnesses to the accident. If no one comes forward and there's a bus stop, house or business in the immediate vicinity,

make inquiries to find out if anybody saw the accident.

8. Take pictures at the accident scene. The positions of vehicles following an accident, skid marks and other information (which usually vanishes immediately following an accident) are often very important. That's why I recommend you carry a disposable camera in your glove box.
9. Draw a sketch of the accident scene and make some brief notes about how the accident happened. It's important to do this while the information is still fresh in your mind.

### **III. DEALING WITH YOUR INJURIES**

If you've been hurt in a car accident it's important that you see a medical doctor as soon as possible following the accident. You need to do this for two reasons. Firstly, to make sure that you're getting the medical advice necessary to place you on the path to recovery. Secondly, the more time that passes between your accident and your first medical appointment, the more likely it is that ICBC will allege that you weren't injured in your accident because you didn't seek prompt medical attention.

If you don't have a regular family doctor, or it's going to be several days before you're able to see your doctor, you should go to a walk-in clinic.

### **IV. REPORTING YOUR CLAIM TO ICBC**

Within 24 hours following your accident you should contact ICBC, through their Dial-a-Claim service.

The telephone numbers for ICBC's Dial-a-Claim service are: Lower Mainland 604-520-8222; outside the Lower Mainland 1-800-910-4222; outside BC 1-800-910-4222.

When you get in touch with ICBC, for the first time, the telephone operator will ask you to provide a whole bunch of information including:

1. The names/driver's license numbers of all drivers involved in the accident;

2. The license plate numbers of all vehicles involved in the accident;
3. Where and when the accident happened;
4. How the accident happened (in detail); and
5. Whether you were injured. And if so, the injuries you suffered.

You should know that everything you say over the telephone while speaking with the ICBC Dial-a-Claim representative is being taken down. Be careful. ICBC may attempt to use anything you say over the telephone against you when it comes to determining the issue of fault for the accident, whether you had valid insurance at the time of the accident and whether or not you were injured.

Think ahead. Make sure that you organize your thoughts before picking up the telephone and contacting ICBC's Dial-a-Claim service. The best way to handle this situation is to ensure that you have detailed notes in front of you while you're talking.

## **V. YOUR FIRST MEETING AT ICBC**

Once you've reported your claim to ICBC they'll want you to meet personally with an adjuster.

What most people don't know, is that you're under no obligation to attend this meeting. In fact, many of my clients hire me before and as a result never need to attend this first meeting. The bottom line here is that it's often not in your best interests to attend this meeting.

However, for purposes of our discussion here let's assume that you do in fact attend this first meeting with an ICBC adjuster. Before you show up you need to know what's going to happen.

At this first meeting the ICBC adjuster will ask you to describe the accident in as much detail as possible. They'll also ask you to fully describe all the injuries/problems which you say were caused by the accident. In addition, the ICBC adjuster will want to find out, in as much detail as possible about; what you do for a living, your recreational activities, what chores you do at home and your medical history. The goal of the adjuster is to gather as much information as possible. After you've provided all this information, the ICBC adjuster will write it down and ask you to sign "Your Statement." "Your Statement" then becomes the foundation of your claim.

The first thing you need to understand is that this document, "the statement", is often something that ICBC uses against people later on in the injury claims process. What you meant to say, whether the wording was suggested to you by the adjuster, or whether you didn't understand the language being used are all irrelevant. It's what makes it down on paper that counts.

Be cautious! Make sure that any "Statement" you sign is entirely accurate and provides a clear picture of the issues being discussed. Signing a "statement" which contains factual errors or which doesn't accurately deal with the matters being discussed may damage your ability to get fairly compensated in the future.

Interestingly enough, the law only requires that you provide your name, a brief description of how the accident happened and a list of your injuries. This, of course, is something that the ICBC adjuster won't tell you at this first meeting.

In addition to the statement at your first meeting the ICBC adjuster will likely ask you to sign the following documents:

1. Medical Authorization - this document allows ICBC to obtain medical records for as far back as they want and to speak to your doctor and any other medical people involved in your care;
2. Wageless Authorization - this document allows ICBC to obtain information from and to speak with your employer;
3. Accident Benefits Application - this document asks a number of questions including: questions dealing with the types of injuries you suffered, your job, your pre-accident earnings and a variety of other personal issues.

You should understand that ICBC's medical authorization allows them to gather your medical records from your date of birth forward. There's no requirement of any kind that the records which they gather have any connection to the injuries you say you suffered in the car accident. As such, there's the potential here for ICBC to gather information concerning personal health matters which may potentially be embarrassing and, more to the point, which have no connection to your injury claim.

The wageless authorization, while often is less problematic than the medical authorization, is something you should fully understand. This authorization allows ICBC to write to and speak with your employer in order to gather information concerning your work and earnings. What

can occur is a situation where your employer provides inaccurate information which may not be brought to your attention until your honesty is being called into question.

The accident benefit application is a document that must be completed in order for you to obtain medical and/or income replacement benefits from ICBC. It's critical that the information provided on this document is clear, accurate and complete. A slip up of any kind on your part including a mistake in relating to your description of your injuries, a mistake concerning any aspect of your employment details or any number of other matters may result in ICBC claiming, at a future point in time, that you attempted to deceive them when completing this document.

## **VI. UNDERSTAND THAT IT'S YOUR RESPONSIBILITY TO PROVE THAT YOU WERE INJURED, LOST WAGES AND INCURRED OUT OF POCKET EXPENSES AS A RESULT OF A CAR ACCIDENT**

Most people don't understand that it is the injured person's responsibility to prove every part of their claim. This includes proving that you suffered injuries. Proving that you lost wages. And proving that you incurred expenses for medication, therapy, and other such things.

As such, it's very important that you keep records to support each aspect of your case.

I often suggest to my clients that they keep a daily diary in order to record what pains they suffered from and how it affected their day to day activities following an accident. Keeping this type of record can be very useful when a person is called upon to remember how they felt at a specific point in time, some years later when they're involved in a lawsuit. I think it goes without saying that a person's memory doesn't improve over time.

In order to get fairly compensated for your lost wages, you'll have to provide ICBC with the dates on which you missed work and the hours of work which you missed on these dates. Unfortunately, I found out through experience that some employers don't keep detailed records concerning time missed by their employees when they're off work following a car accident. The best way for you to protect your right to recover lost wages is to keep notes concerning the dates and hours of work which you missed following your accident. Further, if you're self-employed it's vital that you make detailed notes concerning any business opportunities which

you were unable to take advantage of because you were injured. The details concerning these opportunities to earn income are vital. I'd strongly suggest that you record the specifics of each and every opportunity in as much detail as you can.

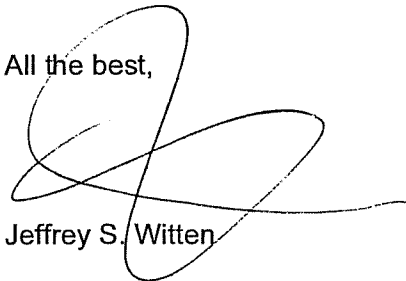
Whenever you spend money because of the injuries you suffered in an accident you need to make sure that you are able to prove you incurred this expense. The best way to do this is to get a receipt. This includes receipts for prescription medications, fees charged by physiotherapists, massage therapists, chiropractors or any other medical treaters, parking charges (for parking your car when you attend medical appointments) or any other expense which you were put to because of your car accident related injuries. Remember, you need to record and ideally document your expenses in order to get reimbursement from ICBC.

## **VII. CONCLUSION**

I hope that this special report has provided you with some valuable information and insights concerning what you should do if you've been involved in a motor vehicle accident.

Please feel free to share this report with your friends and family members. I strongly suspect that they too would benefit from learning about what to do after a car accident.

All the best,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Witten', written over a horizontal line.

Jeffrey S. Witten

**P.S.** I'm constantly trying to improve the quality of the information which I provide people with. Please let me know if you've had an experience or have some insights which you think would allow me to improve the quality of the information set out in this report.

**P.P.S.** Feel free to call me if you want to discuss anything set out in this report or have any questions which I may be able to answer for you. The phone number at my office is **604-255-9018**. Or you can email me at [\*\*jwitten@mccombwitten.com\*\*](mailto:jwitten@mccombwitten.com).

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For Help In **Cantonese** or **Mandarin** call **604-312-9888**

For Help In **Farsi** call **604-805-5943**