

PHOENIX  
PERSONAL  
INJURY  
GUIDE

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SMITH & GREEN  
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Have you been seriously injured due to someone else's negligence? There are many causes of injury that a Phoenix personal injury attorney can represent you for.

We represent personal injury cases including:

- » Slip and Fall
- » Car Accidents
- » Bus Accidents
- » Motorcycle Accidents
- » Bicycle Accidents
- » Truck Accidents
- » Pedestrian Accidents
- » Dog Bites

An accident such as these can change your life forever and leave you completely devastated. You need to focus on healing and getting better, but the insurance companies might be knocking at your door trying to get statements from you in vulnerable states of mind. A Phoenix personal injury attorney can take up the burden of dealing with this case and help you get proper compensation.

## COMMON INJURIES FROM SLIP AND FALLS

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A slip and fall injury can be minor or serious in nature. The most common injuries associated with these accidents include:

- » Soft tissue injuries, such as a twisted ankle or sprained wrist
- » Torn muscles or ligaments
- » Broken bones

- » Head and neck injuries, including concussions, whiplash, and traumatic brain injuries
- » Spinal cord injuries
- » Lacerations and bruising
- » Death

## PHOENIX CAR ACCIDENTS: WHAT YOU NEED TO KNOW

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Phoenix car accidents can turn your world upside down, and have the potential to cause serious, life-changing injuries including traumatic brain injuries, broken bones, paralysis, internal injuries, and even fatalities. Even if there are no serious injuries, there can still be steep medical bills and property damage that must be covered. You could be sued, or a lien could be placed on your property if you are unable to pay those medical expenses that you incurred because of someone else's negligence and not being able to go to work.



## HURT IN A BUS ACCIDENT? HERE'S HOW A PHOENIX BUS ACCIDENT LAWYER COULD HELP YOU

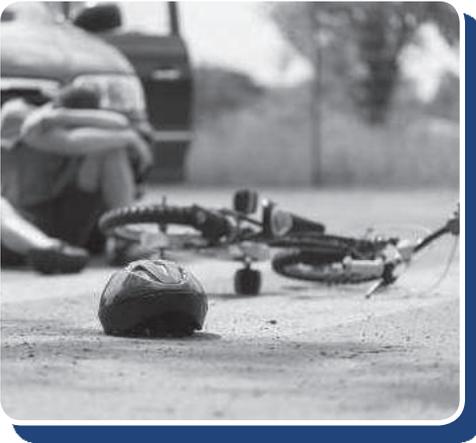
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Using public transportation in Phoenix is the norm for hundreds of thousands of residents. What happens if you're hurt in an accident involving a bus? Should you sue the driver or take on the city by yourself? If you have questions about how you should handle a potential bus accident claim, call a Phoenix bus accident lawyer to schedule a case review.

# MOST MOTORCYCLE ACCIDENTS AREN'T THE FAULT OF THE RIDER

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There's a common misconception that motorcycle drivers are always at fault in an accident. This isn't true. In fact, studies show that the majority of Phoenix motorcycle accidents are the fault of another driver. Failure to properly share the road, not checking mirrors, and failure to acknowledge a motorcyclist who has the legal right of way cause most accidents. Arizona DOT's study shows that more than half of motorcycle accidents involved no improper action on the part of the motorcyclist.



## DOCUMENT THE SCENE OF THE BICYCLE ACCIDENT

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If you don't have a serious injury, use your smart-phone to take photos of the scene of the bicycle accident. You should take photos of where the accident occurred, the damage to your bicycle, and the damage to the other vehicle. These pho-

tos can be very helpful when negotiating with the insurance company. It also helps a Phoenix bicycle accident lawyer who may file a legal claim on your behalf.

# TRUCK ACCIDENT VICTIMS AREN'T ALWAYS TREATED FAIRLY

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Despite the serious injuries that truck accidents can cause, victims aren't always treated fairly by insurance companies and trucking companies. Both insurance companies and trucking companies are for-profit businesses. They may not want to pay you enough to cover your medical expenses let alone give

you money for damage to your vehicle, lost wages, on-going medical care, or pain and suffering. Many trucking companies have their own legal departments. Some are even self-insured.

You need an experienced Phoenix truck accident lawyer to deal with the insurance company, trucking company, and truck driver. Signing a settlement agreement without first having it reviewed by a lawyer to ensure it's in your best interest can strip away your legal right to sue or to get financial help with future medical expenses related to your injuries. A Phoenix truck accident lawyer looks out for your best interest and explains how the settlement agreement may affect you. If necessary, the lawyer may litigate on your behalf.

## ARIZONA LAW PROTECTS PEDESTRIANS

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Under Arizona state law, the driver of a motor vehicle is always required to yield to pedestrians crossing the street. Pedestrians also have the right of way if they are on the opposite end of the road but still close enough to the vehicle that it creates a dangerous situation. Additionally, if a driver approaches a cross walk and another vehicle is stopped to allow a pedestrian to stop, all other drivers are also required to stop. The cross walk does not have to be marked.



## IS THE DOG OWNER ALWAYS LIABLE?

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No, a dog owner isn't always liable if their dog bites someone despite Arizona being a strict liability state. In Arizona, there are laws that protect the owner from liability if the victim provoked the dog. Provocation is defined as "circumstances [that] would be likely to provoke a dog."

Additionally, the dog owner may not be liable if their dog attacks someone who enters private property in an unlawful manner if there are signs posted that indicate that the dog is vicious. If the dog bites someone who was invited onto the property, the owner would likely be liable for the injuries.



## FREQUENTLY ASKED PERSONAL INJURY QUESTIONS

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### *When Should I Contact a Car Accident Attorney?*

Most of our clients have contacted us immediately following the accident. We get called right away. Some of them have called us while they're still standing by their car right after the accident occurred asking us what they should do. That's not always the case. If you're ever seriously injured in a motor vehicle accident, maybe you're unconscious, maybe you're transported to the hospital. My recommendation to you would be to call an attorney as soon as you're able to. You want to make sure that you call an attorney right away so that they can make sure that you don't do something that could harm your case.

For example, insurance companies, immediately following an accident, are going to call you. They're going to try to get statements. That can hurt your case, but then also after the accident, there are certain things that you can use as evidence that can help preserve your case like for example, taking pictures of the vehicles, where the cars are positioned, and pictures of the damage to the vehicles. All those things can really help us when we're trying to establish liability. I would recommend contacting an attorney as soon as you possibly can after a motor vehicle accident.

### *Should I Call My Insurance?*

Many of our clients have advised us that immediately after an accident, they have been contacted by their insurance company asking for statements. There

have been situations where, after an accident, you think that you should immediately contact your insurance company. You really shouldn't do that. I recommend that you contact your attorney and let us call your insurance company for you. The reason I say that is there are certain things that you could say that could hurt your case. Now, most people think that their own insurance company is on their side. The sad reality is that the insurance companies may be trying to limit their exposure so that they can pay you as little as possible. Make sure you contact your attorney. Let your attorney handle the conversations with the insurance companies so that you don't say anything that could mess up your case.

## *What First Steps Should I Take After an Auto Accident?*

For our clients that have been injured in motor vehicle accidents, our biggest concern, and it's always going to be our biggest concern, is their health and wellbeing. That's the number one priority. If you're injured in a motor vehicle accident, the first thing that you want to do is make sure that you seek out proper medical treatment. Go to the hospital. Go to all of your appointments. If they recommend going to a chiropractor, go to the chiropractor. If they recommend physical therapy, go see a physical therapist. Our concern should not be with how long it is going to take to recover money for you or how long it's going to take for us to get paid. That's not our biggest issue. Our biggest concern is your health. We will ultimately recover for you, but we want to make sure that you take care of yourself first.



## *What if I'm Hit by a Driver Who Doesn't Have Enough Insurance?*

A lot of our car accident clients have been saved by the fact that they have underinsured and uninsured motorist coverage. There are a lot of people out there driving that don't have insurance coverage even though the law requires that you do. The question becomes, "What happens if you're involved in an

accident that's caused by somebody else?" It's not your fault, it's caused by somebody else, and that person doesn't have insurance or that person does have insurance, but it's not enough to cover your injuries. In that case, we often rely on our client's underinsured and uninsured motorist coverage to help pay for those costs. One thing I would consider doing is talking to your insurance agent about your coverage limits and making sure that your underinsured and uninsured motorist coverage limits are enough so that they can cover you and your family in the event of an accident.

## *What If I'm Hit by an Uninsured Driver?*

We've had several of our clients that have come to us that were involved in motor vehicle accidents involving drivers and even caused by drivers that did not have insurance. Complicating matters, they were drivers from out of state. That can make recovery difficult. If you're involved in that situation, and you're on the scene, you want to get a copy of the police report. Then we can find out what type of identification they have, where they're from, their address, and all those things. Then we can do what we can to research the issue and find out whether or not they have any assets that we can go after to recover on your behalf. Another important thing to remember is that you hopefully have underinsured or uninsured motorist coverage. In those cases, if we need to, if the other party doesn't have insurance, we can use your own policy to help recover for the injuries that were caused to you.

## *What is the Minimum Amount of Medical Bills for a Claim?*

We have clients with injuries from motor vehicle accidents with a very broad range as far as the amount of medical bills that they have incurred from the motor vehicle accident. There is not a minimum limit to any type of injury in order to file a lawsuit. In some cases, your medical expenses might be very low, but you might have a good chance of recovering a large sum of money for compensatory damages or punitive damages. Let's say for example you've had long-term mental health issues as result of the vehicle accident. In those cases, you might not have a lot in terms of medical bills. There is no minimum amount of medical bills or cost or anything like that in order to bring a lawsuit.

## *Is it Bad if I Don't Seek Immediate Medical Care?*

My advice is if you are in a motor vehicle accident, as soon as you see any sign of injury whatsoever, back pain, neck pain, leg pain, you should immediately seek out medical care. It certainly makes it easier for us to recover for those injuries if we can show that the injury is related to the accident. Now, if you're in that situation where you didn't seek out care and it did take some time for the injury to manifest, that does not bar your claim. Again, we would rather you have sought treatment right away, but if you did not, that's not unusual. That happens from time to time. If that happened to you, seek out counsel from an experienced injury attorney in Arizona.

## *How Much Will I Get for My Case?*

That is a very difficult question to answer. A lot of times it comes down to the specific nature of that person's injuries. Not only the physical injuries but sometimes there can be some mental injuries as well. It can be very difficult assessing or valuing a case. We can look at precedent. We can look at other cases that have been settled in the state of Arizona. There are other things that we can do to help you determine the value of your case. There's no set formula for determining the appropriate value of a case. It can be difficult. You need an experienced attorney in Arizona to help you determine what the value of your case is.

## *What If I'm Hit by a Drunk Driver?*

Arizona has one of the stricter laws regarding drinking and driving in the nation. Unfortunately, that doesn't detour everyone from engaging in that type of conduct. There are accidents caused in this state every day involving drivers who are intoxicated. In most cases, nearly all cases, the fact that the person was intoxicated is proof that the person was negligent. Therefore, it makes it a little bit easier for us to recover from that person or from that person's insurance if they are responsible for that accident. It's essentially proof that they were negligent. It makes it a lot easier. If you're involved in a motor vehicle accident involving somebody that was intoxicated, please contact us so that we can help you.

## *How Long Will a Case Take?*

One of the first questions we get from clients is how long this is going to take. Our clients are concerned because their car is in the shop, or that they've got medical bills they need to pay, or they're getting notices about late medical bills, those sorts of things. Those are all legitimate questions and concerns, but there is no blueprint for how long it's going to take to process your injury case. Every case is totally different. Some of them can be resolved very quickly with settlements while others could take a very long time.

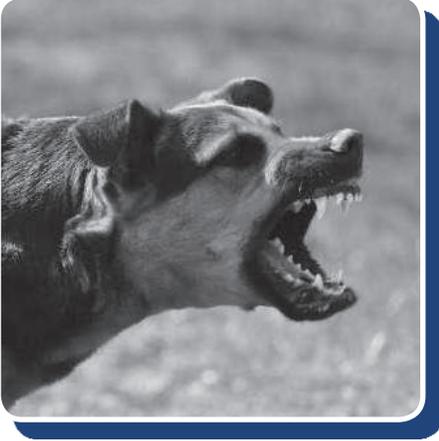
For example, our primary concern is not with how long it's going to take to process your personal injury case but waiting until you're healthy. We want to make sure that you get all of the treatment that you need, all the treatment that you deserve before we even seek any kind of a recovery from the insurance company. Again, our primary concern is going to be making sure that you get the treatment that you need. It's not going to be with hurrying up and rushing through the case and trying to finish it as quick as we can. That's not our biggest priority.

## *Should I Take the First Settlement Offer?*

Many of our clients have received offers from insurance companies that are far below what the value of their case is. With any kind of a negotiation to resolve a case, there's going to be some back and forth. Usually, the first offer is not something that a client should ever consider taking. There may be that rare instance where somebody received a fair offer the first go around, but that's not usually the case. I would not recommend taking an offer from an insurance company right away. I would recommend consulting with an experienced attorney and determining whether or not that's the proper value of that case and whether or not you should consider accepting that offer.

## *What Questions Should I Ask a Dog Owner?*

The first thing that I would want to know if I was representing somebody that was bit by a dog was, if you asked the owner questions about the dog. Has the dog ever shown a propensity for violence in the past? Has that dog ever bit anyone else? Does the dog have all of its shots? Does it have its rabies shots? You want to make sure of those things.



I think the key is really learning about the dog, whether or not the dog had a propensity for violence, whether or not the dog has ever tried to attack anyone else in the past, and those types of things. Because then it can really show that the owner had knowledge of the dog's viciousness or propensity for violence. Then the owner at that point would have had a duty to take action to make sure that the dog doesn't bite anybody else. Those are the questions that I would want to know and that I would encourage you to ask if you're ever bitten by a dog.

## *Is the School Liable for Injury?*

There can be situations where a kid is injured in school. Kids can get beat up or get bullied by another kid, a teacher can use excessive disciplinary measures, or the kid could fall off the monkey bars. One thing to remember is if you have a claim against any kind of a school like a municipality, there is a Notice of Claim Statute in the state of Arizona. What that means, is in order to recover from that school, you have to file a Notice of Claim. The problem with it is you have to file it within 90 days of the injury or incident occurring. You can't wait. If something happened to your kid, if your kid was injured at school, make sure you contact an attorney right away so that they can take those steps to preserve your case.

## *Can I Go After a Store if I Slip and Fall?*

A client recently contacted us after she slipped and fell in a convenience store. She initially didn't feel like she was that hurt. It later turned out that she had some pretty severe injuries as a result of that fall. A lot of people will try to discourage you or make it sound like you're a bad person or something if you try to peruse a slip and fall claim against some type of company. However, the reality is that those companies are oftentimes responsible. It is their negligence that lead to you slipping and falling in those locations.

You shouldn't be responsible for the medical bills because of somebody else's negligence. If you ever slip and fall and you're injured, first off, seek medical care for your injuries. Then also contact your attorney so that they can help you recover for those injuries.



## ABOUT THE AUTHOR

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### *James M. Green*

James M. Green primarily focuses on labor and employment law; however, he has expanded his practice to include other areas of law, including family law, and personal injury.

After working with the United States Air Force for eight years, he graduated from Arizona State University Sandra Day O'Connor College of Law with a juris doctorate in 2015. James is admitted to practice in the state of Arizona and the United States District Court for the District of Arizona.



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