



You've been injured in a car accident. Now what?

Get full settlement with the help of
our car accident attorneys.

When you or a loved one have been injured in a car accident through no fault of your own, it can be difficult to navigate the healing process while seeking justice. Help starts here with Hennessy & Haight Injury Law. This ebook provides you with guidance from our trusted legal experts and car accident attorneys.



www.hennessandhaight.com



(702) 805-HELP

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Chapter 01

After You've Been Injured in a Car Accident



If you have been injured in a car accident or believe you have been injured because of someone else's negligence, it is critical to get medical attention right away.

In the aftermath of a car accident, the most important action you should take is to get immediate medical attention—even if you feel your injury is minor. Even small injuries can become worse without immediate medical attention. When in doubt, be sure to get yourself checked out.



Medical studies confirm that most injuries will resolve quicker and more fully if medical care is initiated within hours or days, as opposed to weeks or months later."

Just as if you sprained your ankle and you would use ice immediately to reduce swelling and promote healing, your body requires immediate therapy in what is called the "acute" phase of the injury to provide you with the best opportunity to make a full and complete recovery.

My doctor says they won't treat my injuries. Why not?

Many people are surprised when they call their primary care physician for treatment after a car accident and are turned away. Most primary care doctors won't treat acute injuries resulting from another's negligence such as car accidents. This is because your primary care physician is often not equipped to provide you with the comprehensive medical care needed for injuries caused by a collision with a vehicle.

Comprehensive medical care is more than emergent care. It is the post-traumatic care that your body needs to heal and is often provided by chiropractors and physical therapists who routinely treat these types of injuries. Your chiropractors and physical therapists will coordinate your care with a network of other specialists such as orthopedic physicians, neurologists, or pain management specialists. Additionally, they can refer you for X-rays and other diagnostic imaging when necessary.



Why am I being asked if I have an attorney?

When contacting a chiropractor or physical therapist to set up an appointment to treat your injuries, most offices will ask if you have an attorney. This is because most chiropractors and physical therapists who treat accident-related injuries prefer to do so on what is called a lien.



Treating on a 'lien' allows you to receive the care you need related to the accident while waiting for your personal injury case to resolve to pay for your medical treatment."

Specialists who treat your car accident-related injuries will require a patient to have an attorney before they will treat you on a lien. Otherwise, you will be asked to use your health insurance or pay cash for your care. If you decide not to hire an attorney, you run the risk of being liable for your health care costs due to someone else's negligence.

Regardless of whether you hire an attorney or not, be sure to seek care for your injuries right away from a medical provider who specializes in treating the type of injuries you suffered.



Chapter 02

What To Do When You've Been Injured In a Car Accident



Nevada is one of the most dangerous states for pedestrians and bicyclists and ranked sixth for the nation's worst drivers.

According to the Nevada Highway Safety Plan Annual Report for 2021, serious injuries and fatalities were declining in 2020. Still, Nevada consistently ranks among the 10 worst states for serious injuries and deaths due to car accidents and has landed on the Car Insurance Comparison's list for the last eight years. Driving in Nevada is risky, and the top reason that drivers cause accidents is failure to obey and careless driving.



Of the 330 traffic deaths in 2018, 27.9 percent were due to speeding, 26.4% were due to careless driving, and a whopping 35.3 percent were due to not wearing a seat belt or a driver not having a license or carrying an illegal license.

Nearly one in eight people are injured in a car accident in Nevada each year and if you were injured in a car accident that wasn't your fault, you need to hire an attorney.



If you've been injured in a car or vehicle accident, it may be difficult to remember what you should and shouldn't do. Here is a quick overview of what you should do after a car accident:



What To Do

- **Get medical treatment**¹
 - Immediate medical treatment during the acute phase of your injury is critical
- **Stay at the scene**
 - You must stay on the scene of an accident until emergency responders and the police arrive
- **Take photographs**
 - Take photographs of any property damage, the surrounding area, any debris or obstructions that may have caused the accident, road signs, and any injuries
- **Exchange insurance information**
- **Call Henness & Haight at (702) 805-HELP**²
 - Your consultation is free and confidential
- **Get names and contact information of all witnesses**
- **Get any property damages assessed**
- **Track medical treatment**
- **Notify your insurance company (with the help of your attorney)**



What NOT To Do

- **Don't leave the scene**
 - Leaving the scene of an accident is a crime in Nevada
- **Don't get into physical altercations or an argument**
 - Anything you say or do at the scene, including apologizing, could damage your case
- **Don't move vehicles, evidence, or injured people**
- **Don't admit fault**³
- **Don't lie to police or investigators**
- **Don't file a claim or talk to insurance adjusters without your attorney**
- **Don't put up information on social media**
- **Don't refuse or postpone medical treatment if you need it**
- **Don't accept a settlement before your injuries are fully resolved or assessed**
- **Don't wait to file a claim**⁴

¹ Individuals with acute whiplash injury who waited more than 28 days after their injury to consult a physiotherapist reported greater healthcare use compared with those who consulted a physiotherapist within 28 days of their injury.

² Many accident victims cause irreparable harm to their claim because they decide to deal with an insurance company directly before obtaining legal advice.

³ Admitting fault at the scene of the accident or in your statement to police may invalidate your insurance policy. Always let police and investigators determine who is liable.

⁴ Nevada has a statute of limitations on automobile personal injury claims of two years from date of injury or two years from date of death for wrongful death claims.



Chapter 03

Types of Insurance Coverage



To operate a vehicle in the state of Nevada, you must have at least the following car insurance coverage:



Bodily Injury Liability Coverage

\$25,000 per person
\$50,000 per accident



Property Damage Liability Coverage

\$50,000



Uninsured Motorist Coverage

\$25,000 per person
\$50,000 per accident

What is bodily injury?

Bodily injury liability covers other people's injuries, loss of wages, legal fees and more. If you are injured in a motor vehicle accident and the other driver has this coverage, their insurance company will respond to your claim.

What is property damage liability?

Property damage is the part of your motor vehicle coverage that responds when you have damaged another person's property such as their car, a fence, or a home.

What is uninsured motorist coverage?

Uninsured motorist coverage protects you when the other driver is at fault for the accident but does not have enough liability coverage, isn't insured, or leaves the scene. Since most vehicle insurance policies do not have enough coverage for extensive damages or injuries, your uninsured motorist coverage can respond after the other parties insurance responds to cover the gap in order to protect your finances.

A blue-tinted photograph of a car accident scene. A car is heavily damaged, with its front end crumpled. A person wearing a safety vest is visible near the wreckage. The background shows a parking lot with other cars and buildings.

Chapter 04

What to Do if the Other Driver Isn't Insured



No-Fault and Traditional Negligence states

In some states, there is a no-fault car insurance rule that means that each driver is responsible for their own injuries or damages regardless of who is at fault. In a no-fault state, unless there are serious injuries or damages over a certain amount, you are typically restricted from suing.

In the unfortunate event where you have been injured by a driver who is not insured, you may have to turn to your own insurance policy to recover damages and then pursue a lawsuit against the other driver.



Nevada is a traditional negligence state where you are allowed to sue the other driver for damages and win a judgement."



Chapter 05

A Word About Damages



The value of your personal injury case depends upon several variables, including property damage, medical bills, lost wages, and other factors.

Our clients often seek representation after a car accident in order to receive restorative justice which means they only want to be compensated for the actual damages they incurred, such as medical care or wages lost.

Some people avoid hiring a personal injury attorney because they don't want to appear "sue happy" or because they feel sympathy for the defendant and don't want to cause financial harm to another person.

However, seeking restorative justice is warranted when you have suffered losses due to the negligence or actions of another person. You may need medical care for chronic issues that last for years due to your accident. Or, you may lose your job and need financial support while you recover. In some catastrophic injury cases, you may be permanently disabled and must find a way to be supported for the rest of your life. A personal injury attorney can help you recover these losses from various sources including insurance companies and those responsible for your injuries.

The first question many people ask when hiring a personal injury attorney is 'How much is my case worth?'

Our team will assess your case and we'll calculate what losses you have incurred to determine what recovery is possible.

Rest assured, that if you do not recover damages, you will not owe legal fees for the services we provided or the costs we advance on your behalf. We provide all legal services on a contingency fee basis which means we only get paid if you get paid. And we never take more than you have been awarded. In addition, your initial consultation with us is always free.

What are the three types of damages?

Determining damages can be difficult, especially when you've experienced losses that do not have a direct monetary value. Any type of compensation requires that you establish negligence and you must prove that the other party has a duty of care to you and that their failure to use reasonable care was the reason you suffered losses.

There are three types of damages that you may receive in a settlement or as part of a court verdict:

01 Economic Damages

Economic damages are specific damages that can be calculated and are based upon the fair market price at the time of the accident.

Examples of economic damages may include:

- Loss of wages
- Medical costs
- Property damage
- Living expenses associated with a disability
- Funeral costs in the case of a wrongful death
- Personal care costs

To provide evidence of your concrete monetary losses, you will want to collect and track the following items for your attorney. It is crucial to keep all receipts and to document all the bills you paid for during your injury so that you can receive complete reimbursement:

- Any medical bills (emergency room bills, follow-up doctor visits, physical therapy, diagnostic tests, X-rays, blood tests, physical therapy aids, mobility aids, occupational therapy, travel costs to medical appointments, and prescription costs including over the counter costs)
- Psychological treatment and other mental health costs
- Lost wages due to actual, sustained, and real loss of income including tips and bonuses
- Future lost earning capacity
- Property damage assessments including repair or replacement costs
- Household services including maids, gardeners, child care, or driving costs where you have to now hire outside services for activities you once did yourself

There is no limit to economic costs that you can recover.

02 Non-Economic or General Damages

Non-economic damages are often immeasurable, such as pain and suffering, emotional distress, loss of enjoyment of life, and loss of consortium. While you can't collect hard evidence such as receipts or bills for these damages, there is a way to collect evidence to prove your losses in these areas.

To prove emotional distress, you may need written evidence from a mental health professional. If you enjoyed certain outdoor activities when able bodied but can no longer participate in the hobbies you once enjoyed, you may be able to document past experiences and activities and provide written medical notes from doctors that show that you are medically prohibited or no longer capable of enjoying those activities.

And if you experience severe injuries and can no longer care for your children or if the accident hurt your marital relationship, these can be shown to have caused loss of consortium.

Disfigurement and disability, both short and long-term are other types of non-economic damages.

03 Punitive Damages

When we are able to prove misconduct that goes beyond the standard of negligence, you may be awarded punitive damages which are an extra financial settlement amount on top of your compensatory damages awarded.

According to Nevada law, NRS 42.001, you may receive an award of punitive damages when the defendant's conduct consists of "fraud," "malice," or "oppression."

- **Fraud:** The intentional misrepresentation, deception or concealment of a material fact known to the defendant and made with the intent to deprive you of your rights or property or to otherwise injure you.
- **Malice:** Conduct which is intended to injure you, or despicable conduct which is engaged in with a conscious disregard of the rights of safety of others.
- **Oppression:** Despicable conduct that subjects you to cruel and unjust hardship with conscious disregard of your rights.
- **Conscious disregard:** The knowledge of the probably harmful consequences of a wrongful act and a willful and deliberate failure to act to avoid those consequences

In Nevada, punitive damage awards are generally capped at \$300,000 if the amount of compensatory damages awarded to the plaintiff is less than \$100,000, or three times the amount of compensatory damages awarded to the plaintiff if the amount of compensatory damages is \$100,000 or more.

There is NO limit on the amount of punitive damages if your case involves a motor vehicle accident caused by a driver who willfully consumed alcohol and/or drugs.



Chapter 06

What is The Difference Between a Settlement and a Trial Verdict?



The difference between a settlement and trial verdict

A settlement is an agreement between both parties outside of court. In most cases, Henness & Haight Injury Law successfully negotiates a settlement on behalf of our clients though we will go to court to aggressively defend your rights.

A trial verdict involves a jury trial where the court of law provides a ruling.

This is important because Henness & Haight attorneys are committed to getting you fair results. If an insurance company or other defendants are unwilling to settle for maximum value, we take an aggressive approach. Over and over, we have proven that we win when we take our cases to trial and due to our stellar reputation many defendants are unwilling to go to court and choose instead to settle for the maximum value of your case.



How to Hire a Car Accident Attorney

The attorneys at Hennessy & Haight Injury Law have been helping clients recover damages and file personal injury claims for more than two decades. To hire us, your initial consultation is free.

Contact our expert legal team today.

[Schedule Your FREE Consultation Now](#)

FAQs

What is the statute of limitations on car accident cases?

Each state has different statute of limitations for filing personal injury claims.



A statute of limitations is the legal time limit allowed for claimants to pursue action for a civil claim.”

The statute of limitations for car accident cases in Nevada is:

- **Personal Injury:** Two years from the date of the injury
- **Wrongful Death:** Two years from the date of death

What if I was hit by a commercial vehicle?

When a commercial truck is involved, Federal Motor Carrier Safety Regulations (FMCSA) will play a role in your claim.

It is especially important to contact a personal injury attorney when you've been injured by a commercial vehicle due to the varying regulations that govern the trucking industry in Nevada. Do not try to navigate a claim involving a commercial vehicle by yourself.

Follow the same steps outlined in Section Two when injured in a vehicle or car accident but also do the following:

- Call the experienced commercial vehicle attorneys at Henness & Haight at [\(702\) 805-HELP](tel:7028054444) before speaking to any claim adjuster or inspector. Do not admit fault
- Get immediate medical treatment and document every test, doctor visit, prescription, and rehabilitation appointment
- Document the names, phone numbers, addresses, and email addresses of all drivers, occupants, and witnesses
- Get the details of both the owner of the truck and the driver's employer since they may not be the same entity
- Ask for the United States Department of Transportation serial number
- Get information of the owners of both the cab and the trailer since they may be owned by separate people if you were hit by an 18-wheeler
- Don't wait to file a claim. Trucking companies can destroy their maintenance records and driver's logs after 6 months. To preserve critical evidence, file your claim and hire an attorney to collect this information immediately following your accident

FAQs

What if my loved one has been injured or killed in a car accident?

Sometimes a person has been injured so badly or killed that they cannot seek representation for themselves. If your loved one has been injured or killed due to someone else's negligence, it may be up to the decedent's family to file a personal injury or wrongful death claim.



Wrongful death, as defined by Nevada state law is 'when the death of any person, whether or not a minor, is caused by the wrongful act or neglect of another, the heirs of the decedent and the personal representatives of the decedent may each maintain an action for damages against the person who caused the death.'"

Wrongful death cases may either be civil or criminal and can often be both.

Under Nevada state law, wrongful death cases must find the following four elements:

- A person died
- The death was caused by the defendant's wrongful actions, negligence, or recklessness
- The plaintiff is an heir or personal representative of the decedent
- The plaintiff suffered damages for monetary injury as a result of the death

If your loved one was killed in a car accident because of the negligence or wrongful act of another person, there are some steps you should take to help prove your wrongful death claim.

- Get copies of any records relating to the death of your loved one. These could be police reports, medical records, accident reports, insurance claims, etc.
- Ask for an autopsy
- Record the names and contact information of any witnesses to your loved one's death
- Take photos or collect any photos or video evidence of the accident or death
- Have an investigation conducted into prior deaths (if the person has been involved in other catastrophic accidents)
- Call the attorney's at Hennes & Haight Injury Law at [\(702\) 805-HELP](tel:7028054353)

FAQs

Who is eligible to file a wrongful death claim?

When your loved one is killed in a car accident, you must meet the following criteria in order to be considered eligible to file a wrongful death lawsuit. The only people eligible to file are:

- The personal representative of the deceased person's estate; and/or
- The deceased victims "intestate heirs," which is the legal term for the decedent's surviving family

A married person's surviving spouse or domestic partner or children would be the heirs. If the decedent is unmarried and childless, the heirs would be listed in the following order:

- Parents of the deceased
- Siblings of the deceased
- The closest surviving family member who is not a parent or sibling

The following are ineligible to bring wrongful death claims, even if they are named as beneficiaries in the victim's will:

- Significant others
- Fiancees
- Close friends

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