

## 13 QUESTIONS ANSWERED AFTER A SLIP AND FALL ACCIDENT

We asked our staff and lawyers what were the most frequently asked questions they received after our clients were injured in either a slip and fall or trip and fall accident. We felt like putting together a list of these questions and answers would serve as an efficient way to educate our clients. We hope that this list will assist you in your time of uncertainty. We wish you the best for a speedy recovery and a successful accident claim.

### FREQUENTLY ASKED QUESTIONS

- 1. How Long Will This Take?**
- 2. Can I See the Video of the Accident?**
- 3. Who Pays For Gas to Get to My Doctor Appointments?**
- 4. What Happens If I Miss Work?**
- 5. Should I See My Primary Care Physician?**
- 6. Why Do I Need to Go To a Chiropractor?**
- 7. It Hurts When I Get an Adjustment. Do I Have to Keep Going?**
- 8. What Happens If I End Up Not Being Seriously Hurt?**
- 9. Who Is Going to Pay My Medical Bills?**
- 10. When Will You Know If There's Insurance Coverage?**
- 11. What Happens if They Blame Me For the Fall?**
- 12. What Do I Have to Pay the Attorney If There's No Coverage? Or If We Don't Win?**
- 13. How Much Money Will I Get?**

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## 1. HOW LONG WILL THIS TAKE?

There is no way to accurately predict how long your slip and fall accident case will take because it depends on factors outside of our control. But, there are some general rules of thumb.

- If your injuries are soft tissue in nature and you only get conservative treatment, your case should be ready for a demand within 6 months.
- If your injuries require any type of injection, then add at least 90 days to the treatment period.
- If your injuries require surgery, most of our clients first exhaust conservative treatment and then a series of injections. So, you could be looking at several months of medical treatment just to get to the point of deciding to get the surgery. If not, then your case will be ready for demand after the surgery and physical therapy is completed.

You should be aware that slip and fall accidents wind up in lawsuits more frequently than other types of cases. We will never file a lawsuit without discussing all of the pros and cons and getting your consent. But, if we are left with no other choice than to file suit, your case can be delayed as it makes its way through the court system.

## 2. CAN I SEE THE VIDEO OF THE ACCIDENT?

There are strict rules about when we can see the video. Since almost all slip and fall accidents occur in a store, they are often caught on closed circuit security cameras. The video is considered to be work product, and the store will not turn it over until after a lawsuit is filed. Now, during the pre-suit process, we always ask the adjuster what is on the video, but that is often as much as we are able to learn. It is a frustrating process, but the law.

## 3. WHO PAYS FOR GAS TO GET TO MY DOCTOR APPOINTMENTS?

We are able to provide you with a mileage reimbursement form to keep track of your mileage to and from your doctors appointments. However, you will not be reimbursed \$1 for \$1. We advise our clients to track their mileage until the end of the case to be included in the demand for damages.

## **4. WHAT HAPPENS IF I MISS WORK?**

Reimbursement for lost wages is a very important item of damages. You must keep track of every hour that you miss or every job that you cannot perform. Documentation is the key to recovering money for lost wages. If your income drops from year to year because you are unable to work, your tax returns may also be used to prove this.

## **5. SHOULD I SEE MY PRIMARY CARE PHYSICIAN?**

Yes. We recommend that you use your health insurance to treat for a slip and fall accident. If your PCP needs to refer you to a specialist, then that is fine too. The key is to always have the medical treatment paid by insurance for these types of accidents. We can also refer you to doctors who may use your insurance.

## **6. WHY DO I NEED TO GO TO A CHIROPRACTOR?**

To be clear-you are never required to go to any particular doctor. But, for most soft tissue cases, we recommend starting with a chiropractor for a few reasons. Chiropractors specialize in slip and fall accidents, so they have undoubtedly seen your injuries before. They are also very good at therapy that is helpful for back and neck injuries. They know how to write reports that will help your claim. And, because they deal with so many slip and fall accident injuries, they will know the other doctors to send you to if your situation calls for it. We have found that chiropractors are very good “quarterbacks” for our clients’ medical treatment.

## **7. IT HURTS WHEN I GET AN ADJUSTMENT. DO I HAVE TO KEEP GOING?**

No. Chiropractors are not for everyone. While they normally do a good job at alleviating symptoms after the accident, the treatment doesn’t always work. If you are not comfortable or are having pain, then let us know and we can work to find another solution. It may be as simple as switching you to physical therapy or sending you to a pain management doctor. Please do not continue to go somewhere simply because you don’t want to disappoint us or you are worried that it will affect your case. Switching treatment because it is not working will not hurt your claim.

## **8. WHAT HAPPENS IF I END UP NOT BEING SERIOUSLY HURT?**

This is a loaded question because the degree of being “hurt” or “injured” is so subjective for slip and fall accident claims. Our advice is to wait until after you have had your MRI to evaluate your situation. You would be surprised about how easily the discs in your spine are injured by the forces involved in a fall. MRIs are very sensitive and can detect these injuries. Regardless, even if you do not have a serious injury, your case might still be valuable. Just follow your doctor’s advice and communicate with our office to come up with a plan.

## **9. WHO IS GOING TO PAY MY MEDICAL BILLS?**

How medical bills are handled is one of the most challenging aspects to any slip and fall claim. We encourage our clients to use their health insurance for as much medical treatment as possible. The reason for this is because slip and fall cases do not pay out like other types of accident claims. The recoveries are usually smaller and there is more of a fight. This does not mean that they are not worthwhile, just that we like to minimize the risk to you. Understand that if your doctors bill your insurance, there will be a lien that we have to repay out of any money that we recover for you. But, we can sometimes get that lien reduced.

If you do not have health insurance, you can either pay out of pocket or get treatment on an LOP (like an IOU). Before you treat through a LOP, we will need to determine liability and have a discussion with you and your doctors about the risk.

## **10. WHEN WILL YOU KNOW IF THERE’S INSURANCE COVERAGE?**

Finding out the amount of insurance available is very important to us. We send out letters of representation to the insurance company the day that you sign the contracts with us. We then follow-up within a day or two to get a verbal answer on how much insurance there is. So, we will usually have a pretty good handle on the amount of insurance within a few days. Getting this information quickly is important because we want your medical bills to be in line with the amount of insurance. The good news for slip and fall accidents is that there is almost always a commercial insurance policy or self insurance with large limits. The amount of insurance for a slip and fall is rarely an issue.

## **11. WHAT HAPPENS IF THEY BLAME ME FOR THE FALL?**

You have to expect that the business where you fell is going to blame you to some degree. That happens in every single case. But, the key to making them pay is proving that the business was also at fault. Maybe they did not inspect and maintain their floors? Maybe they knew there was a leak and didn't fix it? Maybe they knew or should have known there was liquid on the floor, but didn't put up a sign? Whatever the situation, that is for us to handle.

## **12. WHAT DO I HAVE TO PAY THE ATTORNEY IF THERE'S NO COVERAGE? OR IF WE DON'T WIN?**

If there is no insurance coverage, we don't have a claim or a case. But, that is extremely rare. The more common situation for a slip and fall is that we can't show fault on behalf of the business where you fell. The silver lining is that you will not owe our office anything. You do not owe us a fee and you don't have to reimburse the money that we spend on costs. We understand that not every case will result in a recovery, so that is the risk that we take when we agree to take your case. However, rest assured, that we will do everything in our power to find insurance and recover money for you.

## **13. HOW MUCH MONEY WILL I GET?**

We struggle with this question early on because it is so difficult to answer. We need to get an idea of what your injuries are and how much your bills can be reduced to. We need to discuss liability with the adjuster handling the claim to get a feel for the amount of fault being accepted. Please understand that if you are asking this question early on in the case, no slip and fall accident lawyer can ever answer this accurately. If they do, they are either misleading you or don't know what they are doing. Know that in almost every injury claim, the attorney's fees come off the top, then there is usually some amount of money that is used for medical bills/liens, and then you get the rest. We never settle claims knowing that you will get nothing in your pocket unless we have had many serious discussions about the situation in advance. Not getting anything in your pocket is very rare. We understand that every client wants their medical bills paid and to get money for what they went through.