



FLORIDA PEDESTRIAN ACCIDENT GUIDE

*What To Do If You're Seriously
Injured In A Pedestrian Accident*



Pedestrian accidents can cause an unthinkable amount of damage to the victims and if you have been involved in one of these horrible incidents, we want to say how sorry we are. You are probably in a world of pain and might be struggling with medical bills. This becomes even worse if you are laid up and can't return to work

because of your injuries, making it even more difficult to pay your bills and provide for yourself or your family. Because of this, we want to extend our services to you to help you get the compensation you deserve. We will fight to get you the best result possible for your case.

COMPENSATION RULES

In Florida, you will be compensated for your injuries through the insurance company of the negligent party. The way things work in this state is through the rules of pure comparative negligence. The only way you can completely be barred from getting compensation is if you are found to be 100% at fault for your accident. The rule also states that if you are found to be at fault under 100%, you can be compensated for your injuries, but the award will be reduced to account for how much the accident was your fault. For example, if you crossed at an unmarked crosswalk, and someone hit you because they were texting, the driver would mostly be at fault. Let's say for that instance, you were deemed to be 10% at fault for the accident. Let's also say that you were awarded \$100,000 for your injuries. Because you were 10% at fault, you could collect 90% of the award, which would be \$90,000. Our goal would be to prevent the insurance company from pinning any of the fault on you so that you can be compensated in full.

STATUTE OF LIMITATIONS

It's hard to think about a legal battle when you're in a lot of pain, but we know that you don't deserve to have to pay medical bills for an accident that was not your fault. We don't want you to be suffering financial burden because someone else was careless, so we urge you to pursue a pedestrian accident claim. Do

not delay once you've decided to file your claim as there is a statute of limitations that you need to be aware of. You don't want to hang around and wait to talk to an attorney. You should call us right away so that we can get to work on your case and make sure everything stays on track to be successful. In Florida, you have a four year deadline to get your claim filed or to have settled it. That might seem like a long time, but it's not wise to wait.

At the scene of the accident, you should collect as much evidence as you possibly can. If you're unable to stay on the scene because you're too injured, it's best to have someone come on the scene as soon as possible and take photos and videos for you, as well as ask witnesses what they saw. The role of a witness is very important as they can account for a lot that happened and help you put the fault on the negligent driver. The witnesses won't be so helpful if you waited years to call upon their testimony. People naturally forget the fine details after time has passed. Because of this, you want to make sure you don't wait to start your case. You especially don't want to wait past the statute of limitations. There is no wiggle room with this, once the time has passed, you don't get to get compensation.

TALKING TO THE INSURANCE COMPANY

To avoid ruining your case, there is one thing you should never do. You do not want to talk to the insurance company about the specific details revolving around your case. They will call you after the accident and they will ask you to give them a recorded statement. While they may come off as pleasant and helpful, you should not be fooled. The questions they ask you will make it seem like you caused the accident. They are not interested in getting you full and fair compensation. They want to reduce their costs by throwing out your case.





FREQUENTLY ASKED PEDESTRIAN ACCIDENT QUESTIONS

How Do I Pick the Right Attorney?

A common question we get from injured pedestrians is, “Why should I select your firm?” The first thing you’re going to notice with our firm is that you’re actually talking to your lawyer and not a paralegal or intake specialist. There are a lot of law firms where that’s not the given, believe it or not. The way to evaluate the who the best personal injury law firm to handle your pedestrian injury claim is by knowing that your lawyer cares about you, they’re willing to sit down and meet with you personally, they have experience in the courtroom, have been doing this for a long time, and are committed to getting the best value out of your claim. That’s our law firm.

We are a law firm with a name that’s been in the community for decades. Every single one of our clients has a personal relationship with their lawyer and they’re not passed off to some case manager. The lawyer is making the decisions to get the case prosecuted, and the same lawyer that you hire and you sit down with today is going to be the same lawyer that’s sitting next to you in the courtroom if we have to go to trial. We litigate our cases, and we get your claim prosecuted as fully and completely as it requires.

What If I’m Hit by a Car?

Recently, a client asked, “What do I do if I’ve been hit by a car?” These can be the most serious injuries that can ever occur involving a motor vehicle accident here in Florida. The most important thing that a pedestrian can do is get medical treatment. I’ve seen a situation where a pedestrian didn’t want the ambulance to take them to the hospital which is a big mistake. Get in the ambulance and go to the hospital, even if you don’t feel badly injured. Even a small injury can get worse down the road.

Go to the hospital, get checked out, and do what the doctor is telling you to do. Let it be known by everyone around you that you've been injured. Sometimes, sadly, the motor vehicle may not even stick around. The absolute most important thing that you have to do is call an attorney who has experience representing pedestrians and is willing to take this case all the way to a trial.

What If I Was Involved in a Hit and Run?

Sometimes we will have a client say, "I was a pedestrian and I got hit by a car, but the car didn't stay at the scene and I tried to get the tag, but I couldn't." Whether there are witnesses or not, it's important for you to know that you still may indeed have a claim, even if an investigation cannot determine who caused that hit and run. It's important for you to know that if you own a motor vehicle or you reside with a relative that owns a motor vehicle, there may be available insurance coverage under their motor vehicles, that either you own or they own, that would protect you in that event. That's what's called uninsured motorist coverage, which applies when a pedestrian gets struck by a motor vehicle. In fact, it even applies if the pedestrian is forced to take evasive action and is not actually even struck by that vehicle.

First and foremost, we're going to make sure that the insurance company is put on notice of that claim. You need to do everything that you need to do to document that that injury occurred. That could be by contacting the police, ensuring that if there are any witnesses there that you try to get their names and information to document that indeed that incident did occur, and then get your medical care and treatment, and lastly come to talk to us so that we can try to help and determine if there is available insurance under your uninsured motorist or a resident relative's uninsured motorist to protect you and to allow you to receive compensation for your injuries.

What Mistakes Should I Avoid Making?

When people are injured as pedestrians, they make a lot of mistakes that can affect their claim in the first day or two after the accident. The biggest mistake they make is that they don't call a lawyer or they don't call a good lawyer. The lawyers who are good, like the lawyers at our firm, are going to give advice to

the pedestrian injury claimant. They're going to help them get the best that they can out of that claim.

The next biggest mistake they make, if a client hasn't talked to a good lawyer within the first day or two after the accident, is they don't get medical care. They fail to understand that there is actual money that's been set aside for pedestrian accidents to get medical care for their injuries. It's important because of all types of health reasons, but all types of evidence reasons too. We have to prove these cases in court, and we have to have the evidence to prove that. That means that we've got to get that evidence quickly in order to make the claim as airtight as possible.

What If I Am Partially At Fault?

A client once came in and asked, "Do I have a claim if I wasn't in the crosswalk when I got hit and I might have been partially responsible for the accident?" It depends on the specific facts, but in general, Florida law recognizes comparative fault. If you have partial responsibility and a jury ultimately determines that you've perhaps failed to use reasonable care, under the circumstances, they may apportion a degree of liability or a percentage of fault to you. On the other hand, they may weigh that percentage of fault with the driver of the vehicle that struck you.



In Florida, the driver of a motor vehicle has a duty to exercise reasonable care to avoid striking pedestrians. There may be a question about whether there was ample lighting, that the driver should've seen you. There may be a question as to whether or not that driver was distracted by something, perhaps a cell phone or something else that was involved. By the mere fact that you may have been comparatively at fault in this pedestrian accident in which you were struck, that does not mean that you do not have a case to be able to pursue a claim against an at-fault driver that was also potentially comparatively at fault.

How Much is My Case Worth?

As an injured pedestrian, you may be wondering what the value of your case is. It takes time to know the value of a case. The practice of law is more an art than a science. We don't know at the outset what the absolute value of the case is going to be, but our role is to gather the evidence, preserve it, and maximize the ultimate recovery of the case. Your responsibility is to get medical treatment and to do what the doctor tells you to do.

What is the Difference Between Pedestrian and Car Accident Cases?

The biggest difference between a pedestrian accident and a car accident is the severity of injury that we typically see when a pedestrian is injured. Another big difference is, sadly, it's not uncommon to see the motor vehicle actually drive away and not even bother to let anyone know that someone's been injured.

The two types of accidents are similar with respect to the fact that the injured person has to get medical treatment and has to get it quickly, not just from a legal recovery standpoint, but from a medical recovery standpoint. We want our clients to heal. We want them to make the absolute best recovery that they can. It's important that our clients actually follow the advice and the recommendations from the doctor. It's also important that you hire an attorney who has experience representing injured pedestrians.

What Should I Know About Insurance Investigations?

One of the biggest mistake that clients make after they've been injured as pedestrians is giving statements to the insurance company of the negligent motorist that caused their injury. It is absolutely critical that anybody who's been injured as a pedestrian never speak to the insurance company for the at-fault motorist unless they have consulted with a lawyer and hired our firm to help them with that. We're typically not going to facilitate that type of a conversation because there's usually no need to. We're going to prove our case on our timeline.

There's no arbitrary time limit to put your claim together. Sometimes insurance company adjusters call up the injured claimant, and they'll say, "I have to get a statement from you," or "I'm going to close my claim in five days." The suggestion is that once the claim is closed, they'll never be able to make a claim for their injuries, so they feel compelled and they say, "Okay, well, I guess I have to give you a statement and tell you what happened." It's unfortunate that some of us fall into that trap because that's usually the opportunity for the insurance company adjuster to twist the facts and get the injured pedestrian to say things that are going to be bad for their recovery. We don't need to do that.

We're always going to be prepared to prove our claim in the form that we choose. Ultimately, that could be a courtroom and everybody is going to be held to the same standard as far as giving testimony under oath, not based on if they felt hurried and they had to speak to an insurance company adjuster on some fictional idea that the claim is going to be closed. Under no circumstances should any pedestrian injury claimant ever give a statement to the insurance company. Call our firm first.

How Long Will This Case Take to Resolve?

In Florida, the timeline for resolving a pedestrian injury claim, if it's done right, is going to take some time. The forces of impact between a motor vehicle and a pedestrian are pretty severe. That means we see a lot of pretty tragic injuries. Never under any circumstances should there be a rush to get it settled. Based on whatever available insurance there is, we're going to make sure that we work up all the medical care, and that could take six months, or even years. I had a case not too long ago where a client held out for a couple of years from the date of the accident until they ended up having to get surgery that they were hoping to avoid, and it dramatically changed the financial complexion of their claim.

We're going to always take our time with these cases. We're going to be patient, not for the sake of delay, of course, but based on the medical information that the treating physicians are telling us, until they have a firm understanding of what's in store for our client's medical future.

How Long Do I Have to File a Claim?

When I'm asked, "How long do I have to file a pedestrian injury claim here in the Tampa Bay area?" the first thing that I will tell you is that the statute of limitations is four years to file a lawsuit against a person who failed to use reasonable care that caused you to incur that damage and that loss. Remember, you should never wait four years. Hire an experienced lawyer right away, because you don't want to wait until the end of that four years to file the claim. Evidence can be lost, witnesses can forget, and you want to make sure that you hire qualified legal representation right away.

CALL OUR OFFICE TODAY FOR A FREE CONSULTATION

If you have been involved in a pedestrian accident, you don't have to succumb to the pressure from the insurance company. You can fight back with the help of a Tampa Bay pedestrian accident lawyer. We will push this case to move quickly and to end in your favor. We want to protect your rights and ensure that you are going to get the compensation you deserve. If you want a lawyer to protect you and defend you to the bitter end, please call our office today for a free consultation.



CREATED BY PERENICH THE LAW FIRM

Brothers and founding partners of PERENICH The Law Firm, Greg, Tim, and Terence maintain their mission to continue the legacy their father, Guy Perenich, began decades before. Together, the

brothers reaffirm their connection to the community they've always called home, through the vocation of legal advocacy, in service to righting the wrongs of injustice.

PERENICH The Law Firm was built upon a foundation of values and principles Guy Perenich taught his sons. Today Greg, Tim and Terence carry on their father's legacy to bring justice to all members of our Tampa Bay community.

We are a family of trial lawyers at PERENICH The Law Firm with deep ties to Clearwater and communities throughout Tampa Bay. For decades, we have built strong bonds and formed lasting relationships with our clients, continuing a multi-generational commitment to helping those seeking recovery and justice.

Our family is dedicated to protecting your family, just as we would our own. Whether an experienced personal injury attorney is needed to enforce your rights after an auto accident, or you need expert legal representation to protect your home in foreclosure or bankruptcy, the attorneys of PERENICH The Law Firm are committed, experienced, effective, reliable Tampa Bay area bankruptcy and accident injury lawyers.

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