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The Eye Witness To Your Getting Creamed

By Dan Baldyga

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Thirty four years ago, in a book I wrote and was published, entitled, How To Settle Your Own Insurance Claim, I stated: "An eye witness can make or break your case. If you've been able to keep your wits about you the first thing you should do, immediately after impact has occurred, is to find somebody who observed it. After having spotted such a person, don't be bashful. Go right over to them and ask if they saw the accident ? If they did, jot down their name, address and telephone number. Should they drive away before you can zero in on them, make note of their motor vehicle's registration number so you can later obtain their name through the department of motor vehicle office."

What I wrote, over thirty years ago, remains true today. (As a matter of fact, when it comes to insurance claims, little has changed over the past sixty years)! Companies like Rock Solid Insurance Corporation are still raising rates into the stratosphere while crying in their suds about all the money claims are costing them and those employed by them are still taking advantage of every motor vehicle accident victim they can sink their claws into.

A WITNESS CAN BE CRUCIAL: When you've been smashed into one of the most important sources of help -- when it comes to digging up information and assembling a record of the accident -- is the eye witness to that impact, with their accounts and recollections as to what happened. Try to secure a detailed written statement (or tape recorded or maybe even a video statement) from them. That "witness person" could be a passenger in your own or other vehicles, pedestrians, onlookers and bystanders at the scene of the accident, and/or driver's of other motor vehicle's who were not directly involved in the accident.

UTILIZING THE WITNESS: How do you actually go about the task of securing the relevant witnesses, testimonies and cooperation? To begin with, know this: It's important that you get to a witness first -- before that a fast talking adjuster corners them and uses his expertise to twist the facts. By moving quickly you stand a good chance of getting the witness committed to your account of the events and/or to come down on your side of the case. If they do that's money in the bank!

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You should contact each witness of the accident (identified from the list of persons you compiled at the time of the accident – or perhaps even discovered in the police report) and talk to them about what they saw, or know, concerning the accident. The ideal procedure is to get them to write out, in detail, what they observed, in their own words. If they're not willing (or able) to do this, then write their statement yourself (or merely jot down on a pad) what each witness tells you, then have them sign and date it. Try to capture their recollections, impressions and observations of what happened.

Upon completing the interview of each witness, and taking his (or her) statement, ask that individual to read it. When they're finished have them sign and date it, with their home address and phone number included. (If the statement is more than one page have them initial and date the bottom of each page, then ask them to apply their full and complete signature at the very end.)

You should make a copy of what they signed and send it to them. That's so they'll know exactly what

they told you – if, later on down the road, when the adjuster try's to hustle and con them into stating something differently – they'll be able to stick to their guns because they'll have written proof to show that adjuster exactly what they told you.

LOCATING A MISSING WITNESS: You may be unable to directly contact or locate the whereabouts of a witness whose name, home address or phone number you have obtained. (The witness may have moved). Here are two helpful steps you can take to locate a witness:

1. Send a "Certified" or "Registered" letter to that witness, addressed to his (or her) last known address with the "Return Receipt Requested" plus the "Address Only" box checked off. This way, if you receive back from the post office the return receipt signed by the witness, or executed by the post office, you should find, fully entered therein, the current address of the witness.
2. If you have their full name and address and you're comfortable surfing through cyber-space there are dozens of ways to locate a person via your computer. Should you not be wise to the ways of the internet find somebody to help you who is.

IN SUMMARY: I spent most of my life investigating motor vehicle accidents. First as I worked my way through college as a Private Investigator, specifically assigned to motor vehicle accidents, next as a Special Investigator in the United States Navy, covering major military motor vehicle accidents in the mid-west, and then, after my naval daze, over thirty years as a Claims Adjuster, Supervisor, Manager and Trial Assistant. I know, from personal experience, a witness to a motor vehicle accident can be invaluable when it comes to making your case. Witnesses may be able to describe things in an accident that confirm what you know happened, thus backing up your side of the story. They may also provide you with information you were not aware of, which indicates how the other operator was at fault. A witness may have heard a verbal remark that someone other than you was at fault. Even a witness, who did not actually see your motor vehicle get crashed into, may have observed you, soon after impact, and confirm the pain and discomfort you were experiencing. A signed statement handed to Adjuster Hard-Nose, taken from somebody who did not know you personally, detailing the suffering you were enduring at the scene, right after you were bashed into, is even more money in the bank!

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On that same subject of "Pain and Suffering" the adjuster might try to convince you that what a witness says is less important if what is being stated is coming from a friend or relative. Don't you believe it! There are hundreds of thousands of motor vehicle insurance accident claims on record that prove this contention to be false. If a friend or relative actually saw the accident and what they observed proves you're not at fault in any way, shape, manner or form (and/or can detail how much physical discomfort you displayed at the scene after impact) their value as a witness (on either issue) is worth its weight in gold. How much the "Pain and Suffering" you endured is worth can be discovered via THE BASE FORMULA contained within my latest book AUTO ACCIDENT PERSONAL INJURY INSURANCE CLAIM (How To Evaluate And Settle Your Loss) found at either <http://www.caraccidentclaims.com> or <http://www.autoaccidentclaims.com>.

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RESPONSIBILITY to obtain said services.

Dan Baldyga
AUTO ACCIDENT PERSONAL INJURY INSURANCE CLAIM
(How To Evaluate And Settle Your Loss)

Dan Baldyga is now retired and spends his time writing articles to assist those who are involved in motor vehicle accident claims so they won't be taken advantage of:

Tips For Selecting The Right Expert Witness Service

By Rosie Fletcher

Living in a litigious society has made many of us think of court settlement as our first rather than the last resort. Whenever a problem arises and ends up in a dispute, most of us prefer to have our dispute legally settled.

Thus, there's always a chance that you'll need the services of an expert witness at some point in your life. Hiring an expert witness can solidify your case against the other party; if you hire the right expert witness service, the company will be able to provide more than adequate proof and reliable testimony in court to support your claim.

Even if you don't need to hire the right expert witness service now, you could need one later so its

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better to be prepared in advance. The expert witness service you'll avail of must meet the following criteria:

1. Adequate Courtship Experience

You can't hire a novice to act as your expert witness. Court room battles are vicious and if the expert witness doesn't have any experience in providing testimonies, his claims will be shredded to bits even if he's telling the truth. An experienced expert witness knows on the other hand how to handle himself in court and modify his behavior and speech depending on the type of lawyer or judge who's questioning him. An experienced expert witness knows when to act calm or passionate and above all, how to be utterly convincing.

2. Proficiency in Report Making

Expert witnesses are almost always required to submit detailed reports about their findings. If an expert witness doesn't have excellent writing skills and adequate experience in creating reports, he will once more be subject to more abuse from the other party's legal counsel. Facts can easily be overturned if they are not stated convincingly. Ask for samples of your expert witness reports to visualize how he can help win your case.

3. Achievements and Credentials

Although titles don't define a person, they do carry significant weight in the court room. Consider this: if a jury is debating on the quality of education being provided by a certain school, that type of expert witness will they be more inclined to believe one who has sufficient experience in teaching and have a long list of professional credits and certification to his name or one who has simply had the benefit of graduating from high school? It may not be fair but that's how the world or more specifically, the law works. Knowing this, why hire one who doesn't have enough credentials when you can hire an expert witness that has them?

4. Degree of Involvement in an Industry

If you are looking for an expert witness to help you win a dispute over a real estate property, you will do better if you hire an expert witness who happens to work in the real estate industry as well. Being an

active member of the industry helps the expert witness become a better judge and adviser. The expert witness doesn't rely on his observations and analytic skills alone to render a judgment; his actual work experience helps him greatly as well in coming up with valid and accurate results.

5. Training and Workshops Attended

Believe it or not, there are trainings, workshops and seminars offered to help expert witnesses improve in their line of work. These additional classes will help expert witnesses attain their goals in a more effective and efficient manner.

6. Paying the Right Price

Of course, expert witness services come in a range of prices. Their rates depend on the amount of experience they have and the extent of work theyll be expending for your case. Its your call if you wish to go over your budget and secure a favorable outcome of your case.

7. Reputation Matters

Lastly, although its you who have hired the expert witness, he must still remember and understand that his primary duty is to help the court seek the truth. Thats why his reputation matters as well. If hes known to take bribes and make dishonest or biased claims in favor of the hiring party, his professionalism will surely be questioned in the court room. In the worst case scenario, his opinion would be rendered invalid and youll end up having hired him for no reason.

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