

What Happens When You File a Lawsuit?

For most people, the possibility of filing a lawsuit barely comes to mind. It's a rather foreign process for those who have never done it before.

Injuries caused by negligence can come without warning, however. The attorneys at Clancy & Diaz often represent clients who were hurt in traffic collisions, slip and fall accidents, premises liability incidents, and dog bites.

Why would I need to file a lawsuit?

These incidents can happen to anyone at any time. Injuries can be serious enough to require costly medical care, time off from work, and time away from daily activities.

An injury can be more than an inconvenience. It can be financially and emotionally devastating. To make matters worse, insurance companies are often more concerned with cutting their own costs than making sure your medical expenses and lost wages are covered.

To avoid paying out of pocket, you might want to consider filing a lawsuit. That's where we come in. Our attorneys act as a buffer between you and the insurance

companies. We investigate incidents like yours, negotiate with insurance companies, and present evidence in court.

What will happen when I file a lawsuit?

First, you should never, under any circumstance, speak to the negligent party's insurance provider. Anything you tell them can hurt your claim and even prevent you from being compensated.

After you have received a medical evaluation, you should consult with an attorney. Your attorney will review the details of your incident and determine if you have a valid claim.

Your attorney will need to examine the location where your injury occurred, as well as documentation of the incident, your medical evaluation, and other supporting evidence. After your initial consultation, your attorney will need to determine the value of your claim.

Please note: This could take some time. No guarantees can be made regarding how much compensation you can expect to receive.

How will my attorney determine the value of my claim?

After your initial consultation, a thorough investigation will follow. This includes tallying up the damages relating to:

- Your prompt medical treatment
- Cost of future medical care
- Current and future wage loss
- Other loss of earnings
- Property damage
- Pain and suffering
- Punitive damages

How will my claim be settled?

Once an accurate value of your claim has been determined, your attorney will begin the negotiating process. In some cases, the negligent party's insurance provider will come to an agreement with your attorney and offer a settlement without going to trial.

Your attorney will then notify you of the settlement. You can either accept or deny it.

If the insurance company refuses to budge, your case will go to trial. This is where your case can become more complex and drawn out, especially if the defendant appeals the verdict.

Your attorney will need to present strong evidence that negligence was the cause of your injury. This may include:

- A police report
- An incident report
- Witness statements
- Surveillance camera footage
- Pictures of the scene where your injury occurred

The attorneys at Clancy & Diaz have represented injured people in Walnut

Creek and the Bay Area for more than a decade. Our winning legal strategy has helped clients maximize their compensation.

We recently helped a teenager who was seriously injured after being struck while walking to school. The driver of the car ran a red light before striking the teen. She was rushed to the emergency room where she needed pelvic reconstructive surgery.

In our video One Step At A Time (which can be found on our website), we discuss the steps we will take to help you and your family receive the justice you deserve.

Other case results include:

- \$3,000,000 in a wrongful death suit
- \$2,617,566 in an auto collision
- \$1,497,406 to a pedestrian struck by a large truck
- \$1,300,000 in a premises liability case

If you sustained an injury due to someone else's negligence, contact us today for a free consultation.

Is traffic congestion a factor in collisions?

Bay Area commuters know highway traffic congestion all too well.

In fact, the recent Urban Mobility Report released by the Texas A&M Transportation Institute found that commuters in the San Francisco-Oakland area spent more than 103 hours in traffic in 2017. This places the Bay Area as 2nd worst in the nation when it comes to traffic congestion.

Another study conducted in 2018 found that San Francisco ranked 5th in the world when it came to traffic congestion — followed by Moscow, New York City and Sao Paulo, Brazil.

"It's almost unbearable. And it doesn't matter what time of day or what day of the week. It's just unbearable," said one Bay Area commuter.

We know that bumper-to-bumper traffic congestion is common in the Bay Area and other parts of California - but what about the crash risks that come with these traffic jams?

The conditions that can fuel road rage

A lot of drivers get annoyed or angry behind the wheel, but a small handful of drivers actually take their rage to the point of vehicular violence. The Archives of General Psychiatry says that these individuals suffer from

a condition called intermittent explosive disorder (IED) — which affects about 7 percent of the population. These are the same individuals who attack other drivers violently, ram into other vehicles or try to run other drivers off the road.

Traffic congestion often creates the conditions that fuel this type of behavior. Drivers who engage in road rage also often become impatient and engage in aggressive driving. When traffic is backed up, they may cut off other drivers or weave in and out of traffic.

Rear-end collisions are more likely in heavy traffic

Rear-end collisions often occur in bumper-to-bumper traffic, particularly when drivers aren't attentive or are behaving recklessly. Distracted driving is usually the

cause of rear-end collisions, but drunk driving, speeding, and drowsy driving are also common factors.

Even at low speeds, drivers who get rear-ended can sustain injuries. The most common injury in a rear-end collision is whiplash, which occurs when the impact of a crash causes a person's neck to rapidly jerk forward and backward in a whip-like motion. This can result in neck pain, stiffness,

dizziness, confusion, disorientation, pain in limbs, and changes in mood.

That's why in any type of crash, motorists should seek immediate medical attention, even if they feel fine. A medical evaluation can uncover a potentially debilitating condition that could require extensive medical treatment and time away from work. This can be costly and emotionally taxing.

That's where the car accident attorneys at Clancy & Diaz, LLP come in. We have a reputation for fighting for the rights of injured motorists in Walnut Creek, California and the Bay Area. Schedule your free case evaluation by contacting us today.

What should I do if I sustained a traumatic brain injury in a collision?

One of the most serious injuries caused by a car or truck accident is a traumatic brain injury, or TBI. Some common questions that car accident victims have about traumatic brain injuries are:

- What is a TBI?
- How does it affect you?
- What does recovery look like?

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What Is A Traumatic Brain Injury?

There are basically two types of TBIs: closed head injuries and open head injuries, as described by Brainline. Open head injuries involve a foreign object penetrating into the skull and generally involve more localized and focused damage to the brain. These are less common in motor vehicle accidents but can be caused by flying debris or parts of your own vehicle.

Closed head injuries generally occur from rapid head motion in which the brain collides with the inside of the skull. This can easily happen in accidents, as the brain's momentum continues after the vehicle comes to an abrupt stop. The impact itself can cause bruising on the brain and broken blood vessels, especially when the impact is on a part of the skull that is more rough or uneven.

These damages commonly occur where the brain strikes the skull. The axons (nerve fibers) in the brain can also be stretched or damaged from the movement and impact of the brain, which can cause increased problems and radiate throughout the brain. Bruising and broken blood vessels can be found in MRI and other scans, but no imaging technology exists yet that can identify stretching to axons. As such, these broader injuries may only be identified by the symptoms they cause.

If you have sustained a TBI in a car accident, you may experience:

- Loss of consciousness
- Difficulty concentrating
- Memory loss
- Dizziness

- Confusion and disorientation
- Headaches
- Nausea and vomiting
- Effects and Recovery

Symptoms and recovery from a TBI may vary by severity and person. Measuring severity commonly involves the Glasgow Coma Scale (GCS), which rates eye opening, motor response, and verbal response. A higher severity comes with a higher chance of long-term problems.

Individual cases require individual care. If you've been in a car accident, get checked out by a licensed medical professional right away. Then contact us to talk to a car accident attorney about your legal options.