

RECLAIMING CONTROL OF YOUR LIFE AFTER A NEBRASKA CAR ACCIDENT



THOMAS T. INKELAAR, ESQUIRE

“Reclaiming Control of Your Life After a Nebraska Car Accident”

First Edition

By Thomas T. Inkelaar, Esquire

Inkelaar Law

Copyright © 2016, Inkelaar Law

Omaha, Nebraska

All Rights Reserved

Table of Contents

Title Page	1
Table of Contents	3
Foreword	4
Introduction	6
Section 1: Auto Accident Triage (Time Zero to 7 Days After the Crash)	9
Section 2: Auto Accident Recovery (7 Days After the Crash to the Resolution of Your Case)	22
Section 3: Restoring and Reviving Your Life After the Accident	33
Conclusion	41
Disclaimer	43

Foreword

Why We Do What We Do – and Why This Ebook Exists

When you work day in, day out with victims of terrible accidents – and empathize with them and thus experience and internalize some of their suffering – you have to be driven by a deep purpose to keep going. Before we begin our journey in this book, I wanted to share with you why I do what I do and why our whole team can't wait to get started every day.

Our mission is to *give voice to and fight on behalf of those who can't defend themselves against unfair systems.*

We don't like seeing people pushed around by big insurance companies or denied fair treatment. Our reason for being is to create an even playing field, so people get the justice they deserve.

For nearly three decades, I have fought this good fight, serving diverse communities in Nebraska. To our team, "Justice You Deserve" is not an empty slogan but rather an animating moral imperative. I have devoted my life to this ideal, enlisted the best people I could to take up the banner, and embraced and supported activism in the community to further the mission. For instance, on behalf of 13-year-old Frida Aguilera De la Torre, who was brutally assaulted by her peers, we petitioned the Nebraska state legislature to pass [Frida's Law](#), reclassifying bullying as a felony and mandating minimum sentences compelling counseling, victims' impact awareness classes and community service.

Our mission extends to how we relate to our clients. To provide "Justice You Deserve," we emphasize excellent communication and reliable service by promising to respond to any case evaluations within one business day; providing case updates at least once a month; assigning clients individual

For immediate insight into your Nebraska car accident, call Inkelaar Law to get the justice you deserve at (877) 537-4665, or visit www.JusticeYouDeserve.com.

case managers with direct email and phone contacts; and traveling to see injured clients in their homes and in hospitals.

These activities – the deliberate ways we treat our clients along with our community activism – are one of a piece. We hope that you find this ebook to be an extension of this mission as well. We hope it empowers you and gives you some much needed clarity and peace of mind.

Introduction

I wanted a perfect ending. Now I've learned, the hard way, that some poems don't rhyme, and some stories don't have a clear beginning, middle, and end. Life is about not knowing, having to change, taking the moment and making the best of it, without knowing what's going to happen next. – Gilda Radner

In the United States every year, over 1.5 million people suffer injuries in approximately 5.5 million car accidents. In 2014, 225 people died in Nebraska car crashes, and thousands more suffered injuries on state roads. Although Nebraska is one of the safest states in terms of car accident deaths and injuries, 2014's death toll was the highest number on record in nearly a decade, according to the National Highway Traffic Safety Administration. Nobody plans for a car crash. When you climb in your vehicle, your thoughts are on your destination and the plans you've made for when you arrive. You're not thinking about the physical pain and emotional shock that hits at the moment of impact. You're not planning ahead to long hours spent in doctors' offices, towering medical bills, lost wages from time missed at work, discussions with your mechanic, or arguments with the insurance company. You're certainly not trying to figure out where you can find an experienced attorney to help you on short notice.

When you get in the car, it's because you have a busy day ahead of you. You have places to go and people who are relying on you to be there. When a devastating car accident occurs, dealing with the fallout can simply be overwhelming, especially if you or a loved one faces serious injuries. Since nobody plans for a crash, no one is ready.

The purpose of this e-book is to help you (or a loved one) process your accident in a healthy, efficient manner. In this book, you'll find a step-by-step guide to facing the most common challenges that follow a car accident. We'll talk about injury recovery, dealing with insurance companies, handling

your legal rights and options, preparing for common emotional reactions, and more.

While this book is not a substitute for legal counsel, it does offer practical tips, coping strategies, links to outside resources, and information to help you handle virtually every one of your needs following an accident.

SECTION ONE lists the actions you should take within the first week of your accident. We'll look at the "dos" and "don'ts" of managing your accident in the days that follow it. The steps you take immediately following your accident can have a profound effect on your future, including your legal options and the settlement you may be offered. In this section, we offer practical, concrete advice for handling these issues as they arise.

SECTION TWO discusses the long-term issues related to the crash. The first week is crucial, but it isn't the end of your journey. In this section, we talk about how to handle insurance companies, prepare your accident claim, and recover from common car accident injuries. How you manage your rehabilitation has a significant effect on how quickly and fully you heal, so we will discuss recovery at length here.

SECTION THREE helps you pick up the pieces after the accident. A car accident can bring a host of other delicately-balanced stressors crashing down in your life. We will talk about how to handle stress related to finances, work, relationships, physical and emotional trauma, medical needs, and more. You'll find concrete strategies, easy tips, and links to resources that can provide additional help. Repairing your life after a crash doesn't end when the injuries have healed and your vehicle is back on the road – it ends when you are happy, healthy, and have a hopeful outlook on life once more.

A car accident can ruin your day, but it doesn't have to change your life. Use the resources in this e-book to pick yourself up, regain control, and move forward.

Section 1: Auto Accident Triage (Time Zero to 7 Days After the Crash)

Yesterday is a cancelled check. Tomorrow is a promissory note. Today is cash – spend it wisely. – Author Unknown

When a crash occurs, a great many problems come with it. While the steps you'll take to address each problem vary, one thing stays the same: it pays to address each of them promptly and thoughtfully.

Post-Zero: in the moments after the crash

In the minutes after the accident occurs, your top priority is your health.

Call 911

If anyone involved in the crash has been injured, even slightly, call 911 or your local emergency number. A “slight” pain at the scene, when the injured person is still in shock, can signal a much more serious injury, especially if that pain is in the head, neck, or back. Avoid moving anyone with head, neck, or back pain of any kind. Wait for medical professionals to treat the person instead.

Move off the road

In a minor accident where the vehicle can still travel, move the vehicle as far off the road as you can. This will help prevent oncoming traffic from accidentally hitting you or the car, making the accident worse. Put the vehicle in park, and turn on your hazard lights.

If the vehicle won't move, or if you can't move it without endangering yourself or someone else, leave the vehicle where it is. Turn on the hazard lights, use road flares, or set up reflective warning panels if you have them. Move yourself and others a safe distance from the scene if you can do so without risking further injury. Don't stay around a vehicle that has been hit – it may have a gas leak or other dangerous condition you can't see.

Gather information

Collect, or ask someone else to collect, as much information as you can while you are at the scene. Start by exchanging contact information with the other people involved in the crash. This information should include:

- First and last names
- Home and mobile or cell phone numbers
- Email addresses
- Drivers' license numbers
- License plate numbers
- Insurance contact information (you can find this on your insurance cards)

Gathering full names, phone numbers, and email addresses from any witnesses can also help you with your claim at a later date. Don't worry if witnesses don't seem to know or remember anything useful; just get their information. Your attorney can help you figure out later who is genuinely helpful to your case and who is not.

As you gather information, ***do not admit that you were at fault for the accident*** – even if you think you were partially responsible. Admitting blame can potentially hurt your claim. In the moments immediately following a crash, it's impossible to tell who or what was actually at fault, especially if you are in pain or beginning to suffer the effects of shock. Your job in these moments is to collect information, not to assess root causes or speculate.

Make note of unusual evidence

Naturally, you'll want to document the visible damage to your car, your own injuries, and the "layout" of the scene as much as you can. But what else should you collect?

Pay attention to any unusual details about the accident. For instance, do you see any open beer cans or drug-related items in the other vehicle? Does the other vehicle have a license plate, or is it missing? Is a stoplight on the fritz or road signage blocked or defaced? Write down anything that stands out as unusual or problematic.

Document your injuries

If you have a camera or cell phone, take pictures of the accident scene and the damage to your vehicle. Likewise, take photos of your injuries, even if there is little "external" evidence of harm. Some injuries, like bruises, may hurt immediately after the crash but take a few days to fully appear.

Photograph these injuries as they develop. A passenger or witnesses may be willing to gather information and take photographs for you if you are in too much pain or too "out of it" to do so yourself.

If you can, write down everything you remember about the moments leading up to the crash. This statement can help you reconstruct what

happened. Insurance companies and courts value “fresh” testimony and evidence more than they value memories that are weeks or months old.

What if it’s already been a few days or even weeks since your accident?

Don’t worry – you can still write down what you remember, take photographs of injuries or vehicle damage, and gather contact information. But do so as quickly as you can. Likewise, get a copy of the police report.

Putting the pieces together

After overcoming the initial shock and taking care of immediate needs, it's time to make sense of the situation. What caused the accident to happen? Who was responsible? How can you prevent another accident from taking place in the future? These are all extremely important questions that can only be answered once you gather and examine the evidence.

Diverse and hidden causes of your collision

When you’re caught up in the moment, the cause of your crash may seem blindingly obvious:

- The other driver sped through a red light.
- The truck driver lost control of the wheel and veered into your lane.
- The sun got into the eyes of the motorcyclist, causing him to zigzag in front of the SUV, which in turn caused that car to sideswipe you.

In the heat of the moment (and soon afterwards), we tend to blame people, rush to judgment and get emotional about what happened. These instincts make sense. However, a more sober, objective assessment could reveal surprising features that force a change of perspective. For instance:

- Maybe the other driver sped through the light because his brakes failed, indicating that the *maker of the brakes* or the *mechanic who installed or repaired them* could be liable for your damages.
- Maybe the trucker who lost control and veered into your lane did so because his company assigned him too much work, violating regulations; hence, *that company* would be liable for your damages.
- Maybe the motorcyclist skidded out on loose oil and stone that the city hadn't marked well; hence, the *municipality in charge of highway signage* could be held responsible.

Using effective investigation and forensic work, your attorney and authorities should strive to clarify exactly who or what caused the crash, not only to ensure justice in your case but also to protect other drivers and pedestrians still vulnerable to whatever caused your accident.

One reason many states have “no-fault” auto insurance laws is because it's often quite challenging to reduce fault in an automobile accident to a single factor or a single person. According to data from the National Highway Traffic Safety Administration (NHTSA), [22 percent](#) of all vehicle crashes in a single year are weather-related. Weather-related accidents occur in adverse weather conditions (snow, rain, fog, etc.) or on slick roads. Since car accidents are so much more likely in adverse weather, it's safe to assume these conditions are frequently partly to blame. It's not just the texting teen driver or the sleepy trucker at fault: the entire context of the crash matters!

Commercial vehicle accidents – special considerations

Due to the nature of their work, trucking companies pick up the pieces after literally [thousands of grisly accidents](#) each year, some of which lead to six and seven figure settlements or judgments. Knowing what's at stake, trucking companies act fast. They send insurance company representatives to inspect accident scenes and sometimes interfere with police investigations. Meanwhile, these insurance representatives often act

For immediate insight into your Nebraska car accident, call Inkelaar Law to get the justice you deserve at (877) 537-4665, or visit www.JusticeYouDeserve.com.

aggressively to prevent victims from filing suit. We'll discuss these complications (and what to do about them) later in the book.

Seeking medical help after a Nebraska auto accident

If you're severely hurt or bleeding, you likely won't need to be told to get to the hospital, stat. However, not every injured person seeks professional medical help after car accidents. Here are some reasons why:

- The accident left few visible injuries.
- The injured party has [high-deductibles](#) and/or high-copay health insurance. These features discourage "excessive" doctor's visits.
- The injured party believes the injuries will heal/go away on their own.
- Adrenaline and other "fight or flight" hormones and neurochemicals spike after a crash and numb the victim.
- The injured party is simply too busy to schedule an appointment.

Here's the bottom line: it's *always* better to be safe than sorry concerning your health and well being, particularly if you experienced any head trauma, such as a concussion.

Some severe injuries will not be clearly visible, and some [may even take several days](#) to develop and exhibit symptoms. For example, an x-ray of a bruised wrist may reveal a progressively-worsening fracture. Scratches, gashes, and other wounds develop infections without proper treatment. Undergo a full physical exam by a medical professional to get peace of mind and produce vital records to substantiate any claims you later make.

For immediate insight into your Nebraska car accident, call Inkelaar Law to get the justice you deserve at (877) 537-4665, or visit www.JusticeYouDeserve.com.

Signs that you need medical attention

- Weakness, numbness, or tingling in the arms or legs
- Loss of bladder control
- Bloody nose, or other unusual bleeding
- Headaches—particularly at the [base of the skull](#)
- Chronic fatigue
- Bruises on or around the head
- Difficulty swallowing or eating
- Blurred vision, ringing in the ears, and other difficulties seeing or hearing
- Neck pain
- Chest or abdominal pain
- Sharp pain anywhere on the body
- Dizziness
- Problems with concentration and memory

Don't neglect your mental health

Fortunately, research shows that the majority of motor vehicle accident survivors do not develop mental health problems that warrant professional treatment. However, the National Center for Post Traumatic Stress Disorder (PTSD) found that [approximately nine percent](#) of accident survivors develop PTSD. Among accident survivors who seek mental health treatment, PTSD sufferers make up an average of 60 percent across studies. One particularly large study of car accident survivors found that 27 percent had an anxiety disorder on top of PTSD, and 15 percent reported a phobia of driving.

Visit a mental health professional to detect possible symptoms of a problem, and begin treatment if necessary. Preserve records from any sessions.

Be proactive in your care

Especially if your injuries and symptoms are pronounced, obtain a complete, written diagnosis of the problem and how to treat it. This might mean getting a second medical opinion, perhaps from a specialist with experience treating the condition in question. Imaging programs like CAT scans, PET scans, and MRI scans all have varying success rates for identifying brain injuries. Do research and due diligence, and be sure the diagnosis is exhaustive. The current medical consensus (as of early 2016) is that MRIs generally produce [more accurate readings](#) of brain injuries.

Follow your doctor's instructions carefully, and schedule follow-up appointments to document the progress of your condition. Keep an injury journal to document your condition on a daily basis. Ideally, this should include pictures (at least once per week) of any visible signs of injury. Write down details about any pain you experience, including its exact location, severity, and type (dull, aching, pressurized, burning, stinging, etc.).

Your journal should also include all medication and treatment methods used to paint a clear, vivid picture of your experience. For example, you may underestimate the severity of your pain if you continually take high doses of pain-relieving medication.

For immediate insight into your Nebraska car accident, call Inkelaar Law to get the justice you deserve at (877) 537-4665, or visit www.JusticeYouDeserve.com.

How to deal with the insurance company

Auto insurance companies will likely begin contacting you within days of the accident. If the accident was widely publicized; if it led to serious injuries or damages; or if it involved a commercial driver or well-known public figure, expect particularly aggressive attention from insurance agents.

During these initial points of contact, in general, **defer speaking with an insurance company representative without first speaking to your lawyer.** Anything you say to an insurance agent – even simple sounding, innocuous things like “I’m feeling better today than yesterday” – could be twisted to hurt your claim. Remember that, marketing slogans to the contrary, insurers do not necessarily have claimants’ best interests in mind. Not to sound cynical, but insurance companies are primarily motivated by profit. The less they pay out to claimants like you, the better for their bottom line.

This isn’t to say that insurance companies are “evil”; the picture is complicated. For a nuanced examination, read this fascinating [Bloomberg article](#). Here’s a telling quote from it regarding Allstate Insurance:

“Collectively, the documents [12,500 PowerPoint slides consulting agency McKinsey prepared for the insurer] present a portrait of business strategies that are at odds with the insurer's carefully cultivated public image. Rather than simply rushing to the scene of an accident and doling out cash, Allstate deploys a variety of systems set in place by McKinsey to make sure it pays the minimum necessary -- and it plays hardball with those who seek more.”

Working with an attorney

Nebraska's [statute of limitations](#) allows an injured person four years after the date of a car accident to file a lawsuit. This step typically includes filing an initial complaint and summons in civil court. In general, the earlier you take action, the more likely you are to obtain a favorable outcome.

For immediate insight into your Nebraska car accident, call Inkelaar Law to get the justice you deserve at (877) 537-4665, or visit www.JusticeYouDeserve.com.

Research lawyers in your area, and ask around for recommendations. Narrow your list to a few firms that appeal and that seem to share your values, and schedule free consultations – most firms offer this courtesy.

During these meetings, discuss your case in full detail, and take notes to compare and contrast your options. Consider asking the following questions to determine whether or not the attorney is a good fit:

- *What inspired you to become a Nebraska auto accident attorney?*
- *Why do you do what you do? Why are other people (e.g. other attorneys at the firm and paralegals) drawn to your mission?*
- *What distinguishes your approach from what your competitors do?*
- *How many cases like mine have you worked with in the past? What is your success rate?*
- *What do you expect from your clients in these kinds of cases?*
- *What can I expect from you as my attorney?*
- *What are your rates, and what fees will I have to pay?*
- *What are some reasons why I shouldn't hire your firm?*
- *Given the details of my case, what are the next few steps you would take from this point?*

An attorney who shares your values and worldview

You may be working in close contact with your lawyer and his or her team for months if not longer. Dig deep, and discover the deeper motivations for service. For reference, here's what we promise to our clients. We will:

- Respond to your case evaluation within one business day:
- Provide case updates at least once a month;
- Assign you an individual case manager with direct email and phone contact;
- Travel to see injured clients in their homes and in hospitals.

The mission of our firm is to help people who are in true need – the underdogs. We revolt at seeing innocent people treated badly by big insurance companies or otherwise denied fair treatment. This passion fuels our team, driving us to create a kind of sanctuary atmosphere for clients – a place they will be respected and dignified. We've taken this strategy beyond the courtroom, advocating state legislators (successfully) to pass stricter anti-bullying laws in Nebraska schools.

In any event, the point here isn't about our firm – we're not right for everyone. It's that you should take time to *get to know what drives and motivates the attorney*, because the relationship will impact your future.

Once you finish your screenings, decide and commit to an attorney. (If you're truly stuck, try this nifty "[tough decision making hack](#)" to get clarity about your intuition.)

To work effectively with your auto accident lawyer, observe the following:

1. Be 100% truthful.

For immediate insight into your Nebraska car accident, call Inkelaar Law to get the justice you deserve at (877) 537-4665, or visit www.JusticeYouDeserve.com.

Your conversations will be protected by attorney-client privilege – there's no need to hold back. Exaggerating, omitting certain details or outright lying can hurt your case. For example, if you claim the crash caused a slipped disk, but you already receive worker's compensation for a similar back injury, this information will likely be exposed during the discovery process. Remember that your lawyer understands Nebraska personal injury law and how to make the system work for you; the value of his or her advice largely depends on your willingness to disclose relevant information and be ethical.

2. Keep records of all questions and concerns.

There's a reason people keep lists! When you're at the grocery store is not the time to work to remember whether your mother in law drinks whole milk or two percent. Create an ongoing, updated list of "things to ask the lawyer about" to consolidate the process (i.e. use up less of your and the attorney's time/energy) and free up your cognitive resources.

Productivity author, David Allen, discussed this concept at length in his bestselling books, *Making It All Work* and *Getting Things Done*. Your brain, per Allen, is excellent at figuring out what to do with information but bad at storing it and not particularly good at feeding you insights when appropriate (e.g. we often have our best ideas in the shower, not at the office). Keep a pad and pen handy by your bedside, in your car and in the bathroom to jot down concerns, so that you can "batch ask" them later to the attorney. Write down all the answers you get for future reference.

3. Be upfront about your expectations.

If your attorney isn't communicating well or as often as he or she promised, speak up immediately. Take corrective action to address problems that arise, and hold your attorney and the team to their standards. If issues persist, take your business to another qualified attorney. Ultimately, your case and health are on the line, so take things seriously.

Is hiring a lawyer really worth it?

To dissuade claimants like you from taking legal action or negotiating aggressively, the insurance adjuster may warn you against hiring an attorney by suggesting that the process will cost you more than any additional compensation you might receive.

However, what statistical analysis has been done does not support that argument. The [Insurance Research Council \(IRC\)](#) actually studied this problem and determined that claimants in car accident cases achieved payouts 40% greater when lawyers represented them. A separate study about car crash cases that settled found that represented claimants recovered three-and-a-half times more money than did unrepresented claimants, even after subtracting attorney's fees.

To maximize compensation and ensure fair results, the data suggest that it does indeed pay to retain a qualified car accident lawyer.

Section 2: Auto Accident Recovery (7 Days After the Crash to the Resolution of Your Case)

“No matter what your current condition, how or where you grew up, or what education or training you feel you lack, you can be successful in your chosen endeavor. It is spirit, fortitude, and hardiness that matter more than where you start.” -Jack Ma

You want to resolve your case and move on with your life. To make it to the finish line, you'll need to do some work. Let's begin with a discussion on the types of damage you can potentially recover from an automobile accident.

- **Property Damage**

This includes damage to the vehicle itself as well as any damage to objects in the vehicle. For example, the impact smashed your smartphone, or the subsequent flames scorched your designer handbag. Less severe accidents may have limited property damage, although you should always take into account the diminished value of your car following the accident.

- **Medical Expenses**

When calculating your medical expenses, include the cost of emergency room visits, ambulance fees, doctors' office visits and all medication taken after the crash, including over-the-counter medicines. Keep receipts. Medical expenses also include projected long-term care costs, such as continued physical therapy, acupuncture, massage, and all related mental health treatment for the foreseeable future.

- **Lost Wages**

This figure includes missed workdays as well as additional compensation for things like special projects you abandoned due to your injury, loss of

commissions and missed bonuses. For example, if you were scheduled to work overtime hours for time-and-a-half pay, your lost wages compensation should reflect this. You could also argue that your injury prevented you from taking advantage of career-enhancing opportunities, such as traveling to meet with new clients or obtaining a promotion.

- **Pain and Suffering**

Pain and suffering is the legal classification of physical and emotional stress resulting from an injury. These damages include temporary and permanent limitations on physical activity, potential shortening of life, scarring, emotional trauma and effects on your personal life. The Nebraska Supreme Court gives the fact finder full discretion in quantifying pain and suffering. However, in [Fickle v. State of Nebraska](#), the court reversed an award of \$500,000 for non-economic damages after finding the figure inadequate as a matter of law.

- **Loss of Consortium**

This is a cause of action available to the family members of a person injured or killed due to the negligence or wrongful actions of another. In the state of Nebraska, damages for loss of consortium "represent compensation for a spouse who has been deprived of rights to which he or she is entitled because of the marriage relationship, namely, the other spouse's affection, companionship, comfort, assistance, and particularly his or her conjugal society"([Carlson v. Okerstrom, 267 Neb. 397, 423, 675 N.W.2d 89, 111 \(2004\)](#)).

Fixing your vehicle

After carefully documenting all damages to your vehicle, begin the process of repairing or replacing your vehicle. The driver at fault for the accident—or that driver's insurance company—should be responsible for related costs. Many insurance companies also cover costs of rental cars during the interim.

However, before contacting the insurance company, discuss your approach, expectations, and other concerns with your attorney. Request a formal contract, and make sure you do not agree to sub-par terms, such as the use of aftermarket or junk parts to repair your vehicle, rather than [original equipment manufacturer \(OEM\) parts](#).

Coordinate with the auto insurance company to settle on a collision repair center or rental car agency, and check references and reviews of all your options. The insurance company may send out an adjuster to provide an initial estimate before sending the vehicle out for repairs.

Throughout this process, save all paperwork, and consider all offers carefully before reaching an agreement. If the insurance company offers a set dollar amount for the vehicle repair or purchase, conduct research to determine whether the price is fair, and be assertive in your negotiations. Interview other auto insurance agents to determine a standard price, visit car dealerships, and research online for the average cost to replace your vehicle; also, talk to mechanics about factors to consider when pricing the repair or replacement of your car. The insurance company should either fix the vehicle or total it out and pay you the fair market value of the car. If it costs more to fix the car than to replace it, the insurer has to pay you fair market value – whatever amount is less. For instance, if it costs \$25,000 to fix the vehicle, but your car is only worth \$10,000, the insurance company only needs to pay you \$10,000.

As always, run all information by your lawyer, and verify your strategy before agreeing to any terms.

Documenting lost wages

If you work for a company, your Human Resources department can help you track lost hours and obtain official records to substantiate a claim of lost wages. Remember to factor in additional job-related losses, such as missed opportunities for a promotion or bonuses for overtime work.

For immediate insight into your Nebraska car accident, call Inkelaar Law to get the justice you deserve at (877) 537-4665, or visit www.JusticeYouDeserve.com.

Since aspects of a lost wages claim can be difficult to prove—and even more difficult to quantify—gather as much [evidence](#) as possible. Let's say you spent months working on a presentation to a client to win a \$10,000 closing bonus. Due to your accident, you lost that opportunity. A co-worker took over last minute (relying mostly on your work), presented to the client, and subsequently received the bonus instead of you.

All of the above information can be substantiated through contracts, check stubs, documentation of the project and written testimonies from co-workers and supervisors who can confirm these claims.

You must, however, prove that the injuries sustained from the automobile accident prevented you from working. To seek lost wages that extend beyond a reasonable recovery period, you will need to provide substantial evidence to support the claim. For example, let's say you sprained your ankle badly, but your job just involves sitting at a desk in front of a computer all day. The court will likely be skeptical about your claim's plausibility.

In any case, you will need a physician's note to substantiate the extent of your injuries, which should include specific instructions for proper recovery and a set time period to refrain from working or participating in other activities. Referring back to the sprained ankle scenario... your physician might prescribe a week of bedrest and limited physical activity until your ankle fully heals. Although a sprained ankle may not directly prevent you from working an office job, the doctor's orders to rest and avoid physical activity should be enough to prevent you from returning to work.

Understanding "soft tissue" injuries

The human body is a complex system that includes vulnerable soft tissue in muscle, fascia, tendons and ligaments. Soft tissue injuries are divided into [two basic categories](#): acute injuries and overuse injuries.

- **Acute injuries:** caused by sudden trauma, such as a fall, twist or blow to the body. Examples include contusions, sprains and strains.
- **Overuse injuries:** develop gradually as a result of repetitive athletic activity or other physical activity, which does not allow the body to fully heal in between injuries. Common examples include tendonitis and bursitis.

In cases involving auto accidents, soft tissue injuries are acute. Damage to the soft tissue can cause headaches, digestive pain and visceral pain. Additionally, soft tissue injuries—bruises, muscle strains, joint and ligament sprains, damage to the fascia (connective tissue)—lead to painful symptoms like inflammation, swelling, stiffness and soreness.

Some kinds of car accidents are more likely than others to cause soft tissue injuries. For example, if you were stopped when another car slammed into your back bumper going 30 miles an hour, the impact would have violently thrown your body forward and backward. The intensity of this impact is what leads to whiplash, causing strained muscles and damaged soft tissue.

Although they come with painful and debilitating symptoms, soft tissue injuries are difficult to prove. X-rays, MRIs, CT scans and other advanced medical devices can clearly substantiate a broken bone, damaged organ, brain injury and other overt medical concern. However, soft tissue injuries are not always detectable by modern imaging equipment; they often exhibit symptoms that are inconsistent; and they respond differently to treatment. For example, physical therapy may completely relieve the tension, but the pain comes roaring back days later for no discernable reason.

The cost of treatment for soft tissue injuries is likewise unpredictable. For example, one person can be treated for whiplash with just a few physical therapy appointments, rest and massage. Another person might have

months or years of persistent symptoms that lead to additional complications, such as [fibromyalgia](#).

Another common problem with substantiating soft tissue injuries is that symptoms are sometimes quite distant from the location of the injury. Some [researchers](#) have noted that muscle knots in the upper back, chest, and neck areas are symptomatic of soft tissue injuries. This is one of many reasons why soft tissue injuries are commonly misdiagnosed.

Although medical research has not yet grasped a strong understanding of soft tissue injuries, the following steps allow you to be proactive about your treatment and (hopefully) land on a method that works for you.

1. Keep records of your treatment and all diagnostics.
2. Seek out different types of therapy and treatment to find the best solution.
3. Determine what causes symptoms and what alleviates pain.
4. Don't underestimate the long-term consequences of a soft tissue injury.

Soft tissue injuries may not appear as debilitating as, say, a broken leg, but they can cost [thousands](#) in medical bills. Knowing the complexities involved in proving a soft tissue injury, your attorney might suggest deposing an expert witness to testify to the nature and extent of your injuries.

Watch out for insurance companies

As we mentioned in Section One, insurance companies can be quite aggressive during the repair and recovery process. They and the agents that represent them may not have bad intentions or a desire to cheat you out of

For immediate insight into your Nebraska car accident, call Inkelaar Law to get the justice you deserve at (877) 537-4665, or visit www.JusticeYouDeserve.com.

what you deserve. But at the end of the day, insurance companies are businesses, and your liability poses a threat to their profits.

According to a recent [FBI report](#), the total cost of insurance fraud (excluding health insurance) was estimated to be more than \$40 billion per year. Insurance companies aren't the only ones who suffer; this fraud costs the average U.S. family between \$400 and \$700 per year in the form of increased premiums. Although motivated in part by business interests, insurance companies may “over scrutinize” cases in an effort to cut back on fraud.

Navigating conversations with an insurance representative

An insurance adjuster will most likely reach out to you within hours of the accident. In addition to gathering the basic details, this adjuster may utilize the following common tactics:

- Push you to admit to any responsibility for the accident.
- Encourage you to make a recorded statement about the accident.
- Ask you to sign a medical release form.
- Discourage you from speaking with a lawyer about your case.
- Suggest that you use a particular body shop or vendor to repair your vehicle.

These requests may seem harmless, but always speak to a lawyer first. You may be disoriented, in shock and in pain; these things can cloud your judgment. The insurance agent may push you to finish paperwork quickly, but you ultimately have the power to comply on your own terms.

Remember that even a seemingly minor injury can cost tens of thousands (or more) in medical bills down the road!

Here's an example of how a seemingly harmless discussion with an insurance adjuster can come back to bite you in court.

Adjuster: *It's been a week since the accident, so I wanted to call and check up on how you were doing.*

Accident victim: *I am actually feeling much better today. Thank you for asking.*

This seems like a typical, polite exchange between two acquaintances. But consider how this simple exchange can be easily misconstrued and used against you in court. Had the accident victim been conversing with a close friend or relative, she might have given a more honest answer like:

Accident victim: *Well, the past few days I felt like I had been hit by a truck, but this morning I picked up my Vicodin prescription, and now I feel on top of the world.*

Without the appropriate context, telling an insurance adjuster you are "feeling much better" after claiming thousands in medical expenses and pain and suffering will raise red flags. The takeaway here is to avoid sharing every detail with the insurance adjuster. Stick with short, fact-based statements, such as "I'm still waiting to hear back from my doctor about the diagnosis." You're under no obligation to tell the insurance agent about your symptoms and experiences during this time; this is a private matter between you and your doctor.

Beware the medical release form

An insurance adjuster might ask you to sign a [medical release form](#) to document the extent of your injuries. Although this might seem reasonable,

remember that you will have sent copies of all relevant medical records with your personal injury demand letter. If the adjuster requests additional medical records not included in your initial file, discuss with your attorney about whether the request is reasonable.

If so, set your own terms to prevent adjusters from snooping through your personal information. Indicate that you will provide the records if the insurance company pays the fee usually charged by medical facilities to copy records. Review these records personally and thoroughly before sending them, and remove all records that do not pertain to accident injuries.

One of the main reasons why insurance companies might request a more extensive medical release form is to search for pre-existing conditions that could delegitimize your claim. For example, if you developed whiplash as a result of the accident, but you have a medical history of regular chiropractic visits for an unrelated injury, the insurance company might use these records to deny your claim on the basis of a preexisting medical condition.

Full and final statement

Insurance agents may ask you to sign a "full and final statement" regarding the accident, which usually comes with tempting advantages. Some of these advantages include the following:

- Immediate check in the mail to cover all car repairs and hospital bills.
- Often a notably large amount of money.
- Opportunity to quickly end the whole stressful process.

When you're dealing with a debilitating injury, high medical costs, the insecurity of not having a vehicle, and all of the work required to pursue a

lawsuit, it's easy to see why this offer might be tempting. But here's why you should avoid finalizing the matter too early, especially if you haven't yet discussed it with your attorney.

- The amount offered could be thousands less than the amount to which you should be fairly entitled.
- Signing almost certainly prevents you from pursuing legal action in the future.
- The amount will not compensate for pain and suffering, lost wages and other critical factors.

Insurance adjusters are specially trained to persuade injury victims to share personal details and choose not to pursue legal action. Although they might seem kind, trustworthy and reasonable, you cannot afford to risk jeopardizing your case. Do not allow the adjuster to record your phone conversations, and refuse to give formal statements without your attorney present. When friendly conversation doesn't achieve the desired results, an insurance adjuster may resort to threatening or intimidating measures. For example, if you argue for a higher compensation amount, the agent may insist that this is the highest offer the company will extend and set up an all-or-nothing dilemma.

One of the most unsettling revelations about insurance companies in the last several years is their [increasing access](#) into the private lives of the citizens they serve. Still, this trend is not altogether a bad thing. For example, *The New York Times* recently [reported](#) that Progressive, Allstate, and State Farm offer optional programs to insured drivers that deliver discounted rates in exchange for 24/7 tracking of all driving activity. These discounts can save drivers hundreds of dollars for [good driving practices](#),

For immediate insight into your Nebraska car accident, call Inkelaar Law to get the justice you deserve at (877) 537-4665, or visit www.JusticeYouDeserve.com.

although they raise important questions about privacy rights—particularly when this information is used to refute legitimate claims.

In any case, the focus from this point onward should be on returning to normalcy.

Section 3: Restoring and Reviving Your Life After the Accident

"If you think you can do a thing or think you can't do a thing, you're right." -
Henry Ford

Like most people, you likely already had a busy and fruitful life before the car accident. Perhaps you were facing serious challenges, such as a recent loss of employment, a death in the family or divorce. Maybe you had just gotten your driver's license and/or your first personal vehicle. Whatever your situation, the following ideas should help you get your life back and apply new, productive strategies for any challenges that still await.

Get organized

If you are already a fairly organized person, you probably had a full calendar and to-do list when the accident occurred. Naturally, everything on these lists was likely demoted to the back burner while you were in recovery. But now that the dust has settled, how will you cope with the flood of delayed responsibilities and regain a feeling of control and equilibrium?

Allot just a few hours to get organized with the following exercise.

- 1. Write down all of your responsibilities:** I mean *everything*—going to the grocery store, helping mom with her computer, paying the electric bill, visiting a therapist, meeting with a client, etc. Write down immediate and ultimate goals just to get them off your mind.
- 2. Schedule with a large printed calendar or a digital calendar:** Look at your list of responsibilities, and create a set schedule for accomplishing them. This will help you space out activities to avoid feeling overwhelmed.

3. Recruit help: If your calendar still looks full or overwhelming, outsource some of these responsibilities—even if only temporarily. For example, hire a maid service to take care of daunting housekeeping tasks and/or ask a co-worker to take on a larger portion of the responsibility in a joint project.

Although the thought of laying everything out might seem formidable, but you will most likely find that the practice relieves stress. Furthermore, organizing and scheduling your responsibilities will help you regain a sense of control over your life and allow you to take everything one step at a time. There is no greater satisfaction than checking off or crossing out an item on your to-do list, and you will feel empowered looking back at what you accomplish over time.

Keep a journal

Another way to relieve stress, track progress and regain stability is to keep a journal. In Section One, we discussed the importance of keeping an injury journal that tracks the healing process and related matters. Continue to write regular journal entries to track progress in other realms in your life and safely vent problems and frustrations along the way.

Review your entries often (aim for once a week) for wisdom guidance. For example, if your journal entries reveal that highway traffic is a major source of stress for you and that your mood is more erratic on days where you don't exercise, you can solve both problems by opting to bike to work instead. This brings up our next point...

Enhance your diet and exercise routine

According to a recent [Gallup poll](#), Americans are exercising more frequently than ever, with 55.5% indicating frequent exercise in June 2015. This figure

For immediate insight into your Nebraska car accident, call Inkelaar Law to get the justice you deserve at (877) 537-4665, or visit www.JusticeYouDeserve.com.

is the highest on record since Gallup and Healthways began tracking the metric in January 2008. Although you may have maintained a solid exercise routine over the years, a car accident can quickly throw your routine off track. In terms of maintaining physical health and emotional stability, exercise (combined with proper diet) could not be more important.

A 2010 Australian [study](#) found that "a dietary pattern of vegetables, fruit, beef, lamb, fish and whole-grain foods was associated with a reduced likelihood of major depressive disorder, dysthymia, and anxiety disorders." After adjusting for age, socioeconomic status, education, and health behaviors, a nutritious diet (as outlined above) was much less likely to produce psychiatric disorders in patients when compared to a diet of processed or fried foods, refined grains, sugary products and beer.

A 2011 [Nurses' Health Study](#) involving over 50,000 American women concluded that women who were more physically active had a reduced risk of clinical depression over 10 years of follow-up evaluations. A nutritious diet and regular physical activity strengthens your body, aids in the healing process, improves your mood, increases energy levels and promotes overall well-being. Although you should always discuss diet and exercise concerns with your doctor—particularly if you suffered from a serious injury after the accident—strongly consider moderating your [carbohydrate intake](#) (particularly if you're overweight, diabetic or insulin resistant); limiting consumption of processed [vegetable oils](#) and [sugar](#); and eating enough green, non-starchy vegetables, protein and health fats.

Exercising with an injury

Now that you understand the proven benefits of proper diet and exercise, the question remains: how can you successfully achieve your goal? More importantly, how can you maintain a healthy exercise routine while healing from an injury? As always, you should ultimately refer to your doctor for professional advice regarding your diet and exercise limitations. However,

the following exercises can help you maintain an ideal level of fitness regardless of your current injuries.

- **Tendinitis in shoulders, elbows, or other upper-body area:** Variation may help you navigate overuse injuries like tendinitis, so be sure to regularly [mix up your routine](#). Avoid the benchpress in exchange for body-weight dips on the Olympic rings to develop upper body strength with less strain on your shoulders. Work on opposing muscle groups, and listen to your body to avoid overdoing it.
- **Knee injury or strain:** Squats are a popular exercise for men and women, but if you feel your knees buckling inward with this exercise, it may be caused by a muscle imbalance in the hips. Your inner abductors (groin muscles) are typically stronger than the gluteus medius and other outer thigh abductor muscles. Talk to your trainer about wrapping a medium-strength [TheraBand](#) around the outside of both knees when performing squats to exert an outward force to strengthen hip abductors and improve movement patterns.
- **Lower-body injury:** Whether you have a sprained ankle or a broken foot, there are many [high-intensity upper-body workouts](#) you can try to stay fit without aggravating your injuries. Start with a few rounds of dumbbell rows, push-ups, sit-ups, triceps dips and seated dumbbell presses. Work your way up to a comfortable intensity level that your doctor recommends.
- Swimming, walking, yoga, and other light exercise activities are also excellent options for maintaining health and fitness while recovering from an injury. If you sustained particularly serious injuries, and you are experiencing significant difficulty getting back into your fitness

routine, consider hiring a personal trainer to help you achieve proper form and determine an appropriate routine.

Meditate

An [increasing number of studies](#) show that meditation can have dramatic positive impact, including—but not limited to—stress relief. Experts recommend meditating for approximately 40 minutes a day for at least eight weeks to take full advantage of these benefits. However, many people experience greater calm, patience, and clear-headedness immediately after the first few sessions. If you aren't sure exactly how to approach your meditation routine, consider signing up for a class at a local meditation center or gym. You can also attend a [meditation retreat](#) for a more extensive period of relaxation and to perfect your technique for at-home, continuous practice.

Alternatively, if you're more comfortable practicing meditation at home, consider the following tips for beginners.

- **Limit sessions to 3-5 minutes:** Data from the [Lift goal-tracking app](#) shows that most beginner meditators started with 3-5 minutes. Although this might seem *too easy*, a few minutes can feel like a pretty long time when you first start. Meditation is all about focusing on the present moment and really feeling your bodily sensations. To start, try paying full attention to the sensations of taking three large breaths followed by slow exhales.
- **Find your "happy place":** Meditate in a quiet, peaceful place where you feel completely comfortable, like a lush park or your back patio. If you're more comfortable at home, set the mood by lighting incense, dimming the lights, and/or turning on some calming music.

- **Warm up:** If you're feeling too anxious to sit still, try a few warm-up yoga exercises to improve circulation and alleviate restlessness. Even just a little bit of physical activity beforehand can make it easier to focus and avoid fatigue.
- The website www.HeadSpace.com offers excellent insights into the practice of mindfulness, [providing easy to process lessons that take just 10 minutes a day](#). [HeadSpace has been featured in stories from Wired, The New York Times, Esquire and The Financial Times.](#)

Boost your finances

Court fees, lost work, medical bills, and other expenses can quickly put your financial life in disarray. Although your award or settlement hopefully can cover the bulk of these expenses, you will likely need to reconfigure your budget and financial habits as soon as possible. Particularly if you received a large sum of money, consider hiring a professional financial planner or accountant to create a reliable budget, cut unnecessary expenses, pursue lucrative opportunities and take care of tax-related obligations.

Ideally, you should review your financial situation and set a strict budget directly after the accident. Early budgeting can help prevent the financial insecurity that drives many injury victims to settle for far less than they deserve. If necessary, consider applying for government assistance, taking out a loan, or temporarily downsizing your lifestyle (e.g. crashing with a friend to cut out rent expenses) to maintain financial stability in the interim.

Finance management tools

If you aren't the most disciplined type when it comes to finance management, the following [finance management tools](#) can help you stay organized and ahead of the game.

- [Mint.com](#): This web-based personal financial management service made a huge splash when it first rolled out, and it continues to be quite popular. Mint offers account aggregation that enables you to track all bank accounts, credit cards, investments, loans and other transactions through a single user interface. Through this intuitive, free service, you can create budgets, receive alerts on unusual spending, monitor your credit score and receive custom tips for reducing fees and saving money.
- **Shared spreadsheets**: Particularly for couples, families, roommates and other groups with collective financial needs, shared spreadsheets through platforms like Google Drive are excellent collaborative tools for financial management. Since many tools like Mint do a lot of the work for you, shared spreadsheets encourage you to regularly review your accounts and manually update them, so you remain in control of your finances.
- [HelloWallet emergency savings calculator](#): Everyone understands the importance of saving money, but most are relatively clueless when it comes to determining the appropriate amount. HelloWallet recently introduced a free emergency savings calculator that determines a specific, goal savings amount based on your earnings, expenses and lifestyle. Having a specific target in mind eases the anxiety associated with setting money aside.

In some cases, settlements or court-awarded money from a car accident lawsuit can be quite substantial. Recipients who don't have proper money management skills may not know what to do with a wave of new income, and they can consequently squander away more than they intended in a short period of time. No matter how tight your budget might be, practicing

smart money management techniques both before and after you receive any compensation will serve you well in the long run.

Building your network

What you need more than anything after a car accident is support. Even if you're a staunchly independent type who abhors asking for help, swallow your pride. If family and friends offer help, accept it, rather than politely decline. Having someone else meet responsibilities will save you time and energy, and the companionship will be energizing and uplifting.

Also consider reaching out to friends and acquaintances who have undergone similar situations, and get advice. For example, maybe a friend told you about a friend of hers who underwent a legal battle after a car accident. Call this person for recommendations of legal professionals and other hindsight-inspired advice.

Your network can offer support that will change your life dramatically. From your mother driving you to doctor's appointments to your neighbors delivering home-cooked meals, you will be surprised how much easier your life becomes when you allow others to help you through a difficult time.

Conclusion

“Success is not final, failure is not fatal: it is the courage to continue that counts.” – Winston Churchill

At the beginning of this book, we learned that Nebraska's 2014 car accident death toll was the highest number on record in nearly a decade, according to the National Highway Traffic Safety Administration. This fact puts your legal, physical and emotional challenges into perspective, in that you are truly lucky to have survived. This is not to dismiss the very serious trials of those involved in non-fatal automobile accidents. On the contrary, our firm strives to ensure significant compensation for car accident victims who have suffered—in *any* way—through no fault of their own.

Section One outlined the actions you should take from the moment after the accident to exactly one week later. The text emphasized prioritizing your health and safety by first calling 911, moving the vehicle off the road and waiting to be seen by a medical professional. Next, we discussed effective strategies for gathering evidence, including evaluating fault, proactively approaching your treatment and working effectively with a Nebraska auto accident attorney.

In Section Two, we discussed the long-term consequences of the crash. Although most of the work takes place in the first week, the weeks thereafter also require a lot of cutting through red tape and recovery. This section emphasized the importance of standing your ground against predatory insurance companies, understanding the various categories of legal damage, and the complications of soft tissue injuries. Overall, this portion dealt with recovery in its many forms: legal, physical, and financial.

Finally, Section Three focused on restoring and reviving your life after the accident. We discussed getting organized after an accident through to-do lists and calendar-based scheduling. Next, we went over the importance of

maintaining your physical and mental health through proper diet, exercise, and meditation. Following this, we learned how to manage your finances and build your network to ensure continual support throughout the recovery process.

We hope this book has empowered you to take charge of your case, your health and your life after a debilitating car accident. If you have any additional questions, concerns or specialized needs that have not been fully discussed in this book, we encourage you to reach out to the experienced legal team at Inkelaar Law. We work extensively with residents of Omaha, Lincoln, and surrounding areas in Nebraska, offering professional, reliable representation. Please call us now at (877) 537-4665 to schedule a free case evaluation, or visit www.justiceyoudeserve.com to learn more.

Disclaimer

Disclaimer for “Reclaiming Control of Your Life After a Nebraska Car Accident”

You understand that this book is not intended as a substitution for a consultation with an attorney. Requesting this book or viewing the information in it does not create an attorney-client relationship with Inkelaar Law or any of its attorneys. To obtain legal advice about your personal injury matter, please engage the services of Inkelaar Law or another law firm of your choice. To discuss engaging Inkelaar Law to help you with your matter, please contact the firm.

INKELAAR LAW IS PROVIDING “**RECLAIMING CONTROL OF YOUR LIFE AFTER A NEBRASKA CAR ACCIDENT**” (HEREAFTER REFERRED TO AS "BOOK") AND ITS CONTENTS ON AN "AS IS" BASIS AND MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY KIND WITH RESPECT TO THIS BOOK OR ITS CONTENTS. INKELAAR LAW DISCLAIMS ALL SUCH REPRESENTATIONS AND WARRANTIES, INCLUDING FOR EXAMPLE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. IN ADDITION, INKELAAR LAW DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION ACCESSIBLE VIA THIS BOOK IS ACCURATE, COMPLETE OR CURRENT.

The book is provided for information purposes only, and relevant laws frequently change. Except as specifically stated in this book, neither Inkelaar Law nor any authors, contributors, or other representatives will be liable for damages arising out of or in connection with the use of this book. This is a comprehensive limitation of liability that applies to all damages of any kind, including (without limitation) compensatory; direct, indirect or consequential damages; loss of data, income or profit; loss of or damage to property, and claims of third parties and punitive damages.