

# **A GUIDE TO CAR ACCIDENT CLAIMS IN ALASKA**

Law Office of Ben Crittenden

Over 5,000 people are injured and killed in Alaska car crashes every year. From seemingly minor injuries to tragic deaths, the outcomes are real and can be life-changing.

It's frustrating to recognize that many of these accidents could have been prevented with a simple amount of care and caution by a driver. Too often, drivers make the decision to drive impaired, or ignore the speed limit, or text behind the wheel. Their choices directly affect others, and for car accident victims, the consequences can be painful and overwhelming.

However, Alaska car accident victims have rights that can be protected. When you're involved in a car accident, even a seemingly minor one, you likely have legal options available to you that can protect your health, your family, and your future.

Many people hesitate to pursue legal action after an accident. Some feel intimidated by the legal system or worry they can't afford an attorney. They don't want to appear overly litigious or simply don't think they have a case. In some cases, insurance companies have already started calling, offering the promise of a quick settlement or deceptively minimizing victims' rights and options.

Personal injury laws exist, though, to ensure that victims do not have to suffer alone because of another person's poor behavior. These laws are meant to provide the medical care and the compensation victims deserve and to give them a voice against the intimidating and aggressive insurance companies. If you or someone you love has been involved in a car accident in Alaska, you likely have many questions, and you may be unsure about where to find the answers you need. In this book, I hope to inform and empower you by offering the information you need about Alaska law and helping define what it means to pursue a legal claim.

## Common Alaska Car Crashes and the Law

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The Centers for Disease Control and Prevention (CDC) states that over two million people are injured and killed in the United States every year in car accidents, making U.S. roads some of the most dangerous in the world. In 2013, the U.S. experienced more than twice as many fatal crashes as other high-income countries. Most of these crashes are caused by driver error. Despite knowing the risks associated with these behaviors, drivers continue to choose to put others at risk.

Some of the most common causes of car crashes include:

- Drunk driving
- Drugged driving
- Distracted driving
- Fatigued driving
- Speeding
- Aggressive and reckless driving

When drivers choose to get behind the wheel, they have a responsibility—attorneys call it a “duty of care”—to operate their vehicles safely. Ignoring that duty by engaging in reckless or risky behaviors is against the law, and those drivers can be held accountable for the damage they cause.

Car accident victims can experience a wide range of injuries in a crash, and even seemingly minor injuries can sometimes develop into more serious and long-lasting problems. Common injuries include:

- Broken bones
- Head injuries
- Back injuries
- Neck injuries
- Soft tissue or connective tissue injuries
- Burns
- Loss of limb or extremity
- Scarring
- Death

Many injuries are both physically and emotionally painful, and may require lengthy hospital stays, surgery, rehabilitation, and medications. Even an injury that you may regard as slight can affect your ability to work and to perform normal daily duties or can leave you with lingering pain. Accidents happen, but when someone else’s careless behavior leads directly to your injuries, you do not have to accept that. You have rights that can be protected.

## Seven Things You Should Do After You’ve Been in a Car Accident

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Knowing the law and understanding insurance is helpful—and we’ll get to those topics soon—but when you’ve been in a car crash, you need practical advice for what to do *right now*. Often, the steps you take directly after a crash can shape the outcome of your insurance or personal injury claim. To help get you started, here are seven important things to remember:

- 1. Seek medical help.** Even if you think you are not badly injured, it’s best to see a doctor as soon as possible. Only a medical professional can determine the extent of your injuries; in some cases, injuries that initially seem minor become much more serious after a few hours or days. A trip to the local emergency room is always a good idea. If you are able to walk away from the accident, you can seek the advice of your family doctor instead. If you don’t have a family doctor, visit a walk-in clinic or urgent care center.

2. **Follow your doctor's medical advice.** Make sure to take the necessary steps to care for yourself and get on the road to recovery. If you are given a prescription for medication, fill the prescription and take the pills. If the doctor schedules follow-up visits or diagnostic tests or refers you to a specialist, make sure to keep those appointments. An injury claim is based on the fact that an injury exists. If you fail to seek or follow through with medical treatment, it can be difficult to claim that you suffered a serious injury.
3. **Don't worry too much about paying for your medical care...at least, not right now.** Many victims fail to seek medical care because they are worried about how they will pay. If you've been hurt in a crash, you need and deserve proper care. There are a number of options when it comes to covering the costs of your post-accident medical treatment. First, your own auto insurance policy can provide medical coverage if you've been in an accident. Your personal health insurance can also be used in these situations. Later, when you receive compensation from your case, those companies can be paid back. Even if you are uninsured, you still have options. An experienced injury attorney can help you examine your case and determine the best path forward.
4. **File a police report.** Many times after a crash, drivers will simply exchange information and plan to connect later. This is not a reliable way to document the accident or to get a recovery for any damage done. Always contact the police and file an incident report. The officer taking your report will be a neutral third party, and the report will contain key information that can be important to the case. In Alaska, drivers are required to file a report for a crash that causes injury or death or causes more than \$2,000 of property damage. This can be done online or in person at your local police station.
5. **Gather what evidence you can.** If you are able, gather as much evidence as possible from the accident scene. Take photos of the vehicles, the damage, the surrounding area, nearby traffic signs, and anything else you think may have contributed to the accident. Write down the names and phone numbers of witnesses so they can be contacted later to provide support for your claim.
6. **Write down your version of events.** When you can, take a moment to write down what happened. Car accident claims can take time, and you may forget some of the details as time passes. Write down your story, and make sure to include as many details as possible.
7. **Do not talk to an insurance adjuster.** Regardless of what he may tell you, an insurance adjuster is out to protect his company and minimize the financial consequences of the accident. While he may seem friendly at first, he is looking for ways to undermine your story and keep from paying you what you deserve.

## Alaska Legal Principles That You Need to Know Now

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Every state has specific laws that aim to protect those on the road after an accident. These laws allow car crash victims to pursue legal cases against those responsible for their injuries, in order to recover as fully as possible—physically, emotionally, and financially. Often, the injuries sustained in an accident prevent victims from working and earning income. The accident can damage vehicles necessary for travel to work and prevent victims from performing their usual household tasks. It is unfair for victims to have to shoulder these losses alone, especially when another person’s bad behavior caused their injuries.

### Negligence

In general, to mount a successful injury case, a victim must show that the at-fault driver was **negligent** in his behavior. Negligence occurs when one behaves in a careless manner, and that carelessness leads to the injury of another. Negligence can take many forms—drunk driving, running a red light, failing to stop at a stop sign, texting, speeding, and much more.

### Fault

The second main element in an Alaska car accident case is **fault**. Every state addresses fault differently, and Alaska follows a pure comparative fault approach. With pure comparative fault, blame is divided among those involved as appropriate. It acknowledges that an accident can occur as the result of a number of factors, rather than just one gross element (though that is sometimes the case). Insurance representatives or the court will examine the accident and determine who bears what portion of the blame. Then, any settlement will be adjusted based on your portion of the fault. Beware that insurance companies often unfairly try to minimize the fault of the insured and emphasize (rightly or wrongly) the fault of the other driver.

For example, let’s say one driver is traveling through an intersection on a green light at 10 mph over the speed limit. A second driver ignores his red light and turns left, striking the first vehicle in a side-impact collision. In this example, it might be found that the second driver is 90 percent at fault for the accident (for running a red light), and the first driver is 10 percent responsible (for speeding). If the first driver is awarded a settlement through a legal claim, that award would be reduced by his amount of fault—10 percent in this example. If he were awarded \$100,000, he would receive \$90,000.

Alaska is one of just a few states that follows “pure” fault rules, which allow a victim to pursue a claim regardless of his own level of fault in the situation. So, if you are found to be partially or even significantly responsible for the accident, it can still be possible to obtain some amount of compensation.

## Alaska Car Insurance Laws and How They Can Affect You

In Alaska, drivers subject to registration must comply with the state's Mandatory Insurance Statutes. At a minimum, vehicle owners must have car insurance coverage in the following amounts to pay for damages when they cause an accident:

- \$50,000 bodily injury protection (with a \$100,000 limit per accident) to cover medical bills and lost wages for injured drivers, passengers, and pedestrians.
- \$25,000 property damage protection to pay for repair or replacement of property damaged in the crash including vehicles, homes, and other structures.

Drivers who fail to meet these insurance requirements can face stiff penalties, including fines, loss of licensure, and vehicle impoundment. Unfortunately, there are times when even an insured driver's policy is not enough to cover the damage he has inflicted in an accident. A severe car crash injury can easily come to more than \$50,000 in medical care—far more if the victim will need lifelong therapy or treatment. If an at-fault driver has purchased the minimum required insurance, he may find himself personally liable for thousands of dollars beyond the coverage his policy provides.

Most people don't have that much money to spare. If you were the person injured in this car crash, you might not be able to collect enough money to cover your losses if the at-fault driver has purchased too little insurance. Your position will be even worse if the other driver has been driving illegally without any insurance coverage at all.

Because of the risk that other drivers won't carry enough insurance, it is strongly recommended that drivers obtain uninsured motorist (UM) and underinsured motorist (UIM) coverage. These are optional add-ons to your own car insurance policy. They each cover different circumstances:

- **Uninsured motorist.** When you are involved in a crash with a driver who does not have insurance, your own car insurance company will cover your bills associated with the accident. In some cases, it can also cover you when you are involved in a hit-and-run accident.
- **Underinsured motorist.** When the driver at fault for your accident has insurance, but it is not sufficient to cover your damages, your own insurance can make up the difference.

These types of insurance coverage can save accident victims a good deal of money and stress, but they do come with their own complications. If you are forced to use your uninsured or underinsured motorist coverage, it can create an adversarial relationship with your own insurance company. Just like another driver's company, your insurance adjuster wants to save money and may dispute your claims in an attempt to do so. An experienced attorney can help you understand your rights, offer you advice, and negotiate with insurance companies to help ensure you get the benefits to which you are entitled.

## How Insurance Companies Deal With Your Car Accident Claim

As soon as they learn of an accident, insurance companies and their employees go to work trying to find ways to mitigate the negative consequences to their business. It's common for adjusters to call crash victims very soon after the accident. At first, they seem friendly and helpful. They often claim they simply want to help you understand your options and resolve your claim quickly and easily. Unfortunately, this is often a tactic to help them obtain information to use against you and to coerce you to accept much less compensation than you deserve.

Always bear this in mind: an accident victim has very few obligations to an insurance adjuster, and adjusters are not always a reliable source of information. The adjuster does not want you to understand your legal rights. He does not want you to have an accurate idea of what your claim is worth. Above all, he does not want you to have an experienced lawyer on your side.

When it comes to insurance companies, here are a few key things to note:

- **You do not have to make a recorded statement (nor should you).** Other than the basic facts of the accident—where it happened, the date and time it occurred, who was involved, and which vehicle was damaged—crash victims do not have to share information with insurance companies. Often, these companies will claim they just want your version of events. You are not obligated to do this. Insurance companies want to lock accident victims into one story as soon as possible. Later, they will try to pick apart this story to weaken your case, so it is important to be very careful about what you share.
- **You do not have to sign a medical release.** And, again, you should not do so. If you sign a blanket medical waiver, the insurance company is free to dig through your medical history as it pleases. Insurance investigators will look for any detail—even one that has no relation to the car accident—that might be used against you. While some medical information related directly to the accident will eventually have to be shared, victims do not have to allow insurance companies free access to their medical histories.
- **You have time to weigh your options and negotiate.** Insurance companies like to act quickly, offering a settlement amount while the car accident victim still feels overwhelmed by the experience. In fact, the victim may not even know the full extent of his injuries. Insurance adjusters may even try to mislead victims about how long they have to file a claim and receive compensation. In Alaska, victims have two years from the date of the accident to bring a case. Do not let an adjuster rush you into a settlement decision. Typically, those immediate offers are much lower than you deserve.

Unfortunately, once an accident victim has agreed to a settlement and signed on the dotted line, there is little that can be done. It is not possible to go back and try to obtain more compensation after the fact. So, it is very important that victims protect themselves when it comes to insurance companies and their representatives. This can even be true of your own insurance company, if you are involved in a crash with an uninsured or underinsured driver. Your own company may still try to dispute your case to avoid paying your claim.

## An Experienced Car Accident Attorney Can Provide Support and Strength

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The time after an accident can be very trying for victims and their families. The physical and emotional pain of the accident, mounting bills, and growing stress can be difficult to handle. Victims need someone on their side, a representative who understands the situation and knows what it takes to successfully resolve an accident case. Car accident attorneys can shoulder the legal burden and make sure the victim's voice is heard.

While victims and their families focus on recovery, an attorney can take care of the legal details, including:

- Obtaining evidence
- Preparing and filing documents
- Negotiating with insurance companies
- Stating your case in court

While many people fear they cannot afford an attorney, it may be easier than you think to secure quality representation. At the Law Office of Ben Crittenden, P.C., we offer free, no-obligation consultations. We are happy to talk with you about your situation and decide together if and how to best move forward to meet your needs. Additionally, most car accident cases are paid through a contingency fee agreement. This means that there is no retainer or up-front cost, and your legal fees are paid only when a settlement is awarded.

Insurance companies and others try to take advantage of accident victims, who are often both overwhelmed by their injuries and inexperienced legally. Rushing into a settlement can mean a significant loss of compensation that could be vital to the success of your future. Retaining the services of an experienced attorney can show the opposing parties that you are serious about protecting your rights and can help ensure that you obtain the full amount of compensation to which you are entitled. Accident attorneys have been there before with deserving victims just like you, and they know how to be successful.

## What to Expect When You Pursue a Car Accident Legal Claim

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It is understandable to feel overwhelmed or apprehensive at the prospect of filing a legal claim. Many accident victims have no previous legal experience and simply don't know what to expect. You may not even know whether you have a valid claim at all. If you do pursue a claim, it doesn't automatically mean you'll find yourself in a courtroom after months of preparation. Every case is different, and every client has unique goals. At the Law Office of Ben Crittenden, P.C., we work together to pursue the outcome that best meets the needs of you and your family.



The first step is to open a claim with the appropriate insurance companies. Often, car accident cases can be effectively resolved through negotiations with the insurer. With the right knowledge and planning, many victims are able to obtain a settlement offer that ensures their medical care and continued financial stability.

If that avenue proves unsatisfactory, clients may decide to pursue a legal case against the person responsible for their injuries. The length of time it takes to resolve a case depends on many different factors, including:

- **The nature of the injuries.** The severity of the injuries and the effects they have on the victim play a crucial role in a personal injury case. In some situations, it is necessary to let some time pass in order to determine the full extent of the injuries.
- **The amount of compensation at stake.** Severe injury cases that may be worth a significant amount of compensation can take more time. Lower-value cases may get to a negotiated settlement more easily. There is always some risk in going to trial, and often insurance companies will prefer to settle out of court rather than take a gamble on a jury award. Most injury claims are settled out of court.
- **The parties involved.** Every legal case is different. Sometimes, your opponent is determined to fight the case to the bitter end, arguing over each detail. Large corporations, for example, will often take more time to investigate and attempt to minimize an injury case, rather than settle the matter as quickly as possible.
- **The conditions contributing to the accident.** What caused the accident? When fault is clear, the case may proceed more quickly. In situations when fault can be attributed to multiple parties, it may take longer to debate the degree of liability for all those involved.
- **The court schedule.** Once a case moves to court, both sides are at the mercy of the court schedule. Because most civil courts have a backlog of cases, it could take longer than expected for the case to be heard.

## Obtaining Maximum Compensation for Your Accident Injuries in Alaska

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We've mentioned that there is often negotiation when it comes to compensation for accident injuries. How can a victim know what to expect? What is fair compensation?

Every case is unique, and each claim is settled based on its own merit. Compensation is generally divided into two damage categories: special and general. Let's take a closer look at these categories.

## Special Damages

Special damages are fairly easy to calculate. They comprise most out-of-pocket expenses and bills, including:

- Medical bills
- Lost wages
- Property damage
- Rehabilitation costs
- Future lost wages

In most cases, if you can point to a specific dollar amount for the damage or loss, it falls under the special damages umbrella.

## General Damages

General damages are slightly more complicated. They are sometimes called *nonmonetary damages* because it's not easy to pin a fixed value to losses of this type. This area includes the following:

- Pain and suffering
- Emotional distress
- Loss of consortium
- Punitive damages

These losses can be more difficult to quantify. They are determined by the severity of the injury and its impact on the victim's life—both now and into the future. Occasionally, the course of physical treatment and the bills associated with the accident will also be used in estimating the value for general damages. Additionally, the value of damages awarded in similar cases can play a role in the final award. Sometimes experts are needed to help determine general damages.

Car accident claims exist to ensure that the victims do not have to suffer the negative consequences of another person's carelessness. While they cannot undo the physical and emotional pain a victim experiences, they can help ensure that victims and their families do not continue to suffer. Victims deserve to be able to move forward to a safe and secure future, and an experienced attorney can help them obtain the compensation that is necessary to do so.

When a victim receives a settlement award, it can take anywhere from two to six weeks to receive the compensation. Victims are typically required to sign an agreement with the insurance company, which requires the coordination of paperwork and parties involved. The settlement is sent to the victim's attorney, who will see that medical bills and legal fees are paid before forwarding the balance on to the client.

## Other Common Questions Asked by Alaska Car Accident Victims

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**Q: How can I pay my medical bills after a crash?**

A: Don't let concerns about the cost of your medical treatment prevent you from seeking the care you need after an accident. Your health is more important than anything else, and there are several different ways to handle the medical bills. For instance, you may be able to use your own auto insurance coverage or your personal health insurance to cover your medical expenses. Later, when you receive compensation from the accident, those insurance companies can be reimbursed. And if you don't have insurance coverage, alternative arrangements can be worked out with medical providers. An experienced attorney can help give you a complete understanding of your options and work with you to find a solution.

**Q: Can I still pursue a legal claim if I did not have auto insurance at the time of my accident?**

A: In short, yes. While an uninsured driver may not be eligible to obtain general damages, it is possible to receive special damages after a crash. The law in Alaska also states that the driver must knowingly drive without insurance to be ineligible for general damages; in some circumstances, drivers may not realize their insurance has expired. Every situation is unique, and an accident attorney can help you understand how the law applies to your specific situation.

## If You've Been Hurt in a Car Accident, Help Is Available

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While we understand that the thought of taking on a legal case during an already difficult time can feel overwhelming, our office is here to help shoulder some of that burden. A personal injury case is an effective way to ensure that you and your family are taken care of when another person's negligence leaves you injured and facing an uncertain future.

At the Law Office of Ben Crittenden, P.C., we work hard to give a voice to every accident victim. We believe every client has a story to tell, and we want to help you write the next successful chapter. We are happy to discuss your case with you with no obligation. By taking that first step and calling our office, you can feel confident that you have explored your options and are doing what you can to stand up to those responsible for your injuries.

Car accident victims do not have to bear the consequences of someone else's negligent behavior. Call the Law Office of Ben Crittenden today at 907-885-6032 to talk with Ben about your accident and learn more about your options.