



Car Accidents: Copy

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St. Louis Car Accident Lawyers

St. Louis area roadways get more dangerous every year.

Between 2012 and 2022, the number of people killed in traffic crashes in the city of St. Louis doubled.

Outside the city, [nearly 15,000 people were injured in traffic crashes in St. Louis County](#) in 2022 alone.

Do you need a car accident attorney?

Missouri is an at-fault state. That means the driver who causes a crash is responsible for paying for any damages to people or property.

If you are the victim of a car accident, you can claim compensation from the at-fault driver or their insurance company.

But you shouldn't expect to get the money you're owed without a fight. Insurance companies employ teams of lawyers to cast doubt on who was truly at fault, the extent of the other driver's negligence, and the amount of money your injuries from the accident are worth.

To counter them, you need an experienced legal team fighting on your side. Gonzalo Fernandez of Fernandez Law has more than 30 years of experience handling complex car accident cases in the St. Louis area.

With Fernandez Law in your corner, you can concentrate on recovering from your injuries and repairing damage to your property. Our team will handle the complicated legal and insurance systems while you focus on getting your life back to normal.

Rangle vs. Superior Waste Management: \$1.25 million verdict

We represented a young woman who suffered injuries in a head-on collision after swerving to avoid a garbage truck stopped in her lane around a blind curve.

Though her medical bills totaled only \$20,000, a jury awarded her \$1.25 million. The total was reduced by 25% due to her [comparative fault](#), leaving an award of over \$937,000.

How comparative fault impacts a car accident settlement

Comparative fault means the injured party bears some responsibility for the accident.

For example, in the case we mentioned above, Rangle vs. Superior Waste Management, our client was injured in a head-on collision because she swerved into oncoming traffic.

The at-fault party was the one stopped in her lane around a blind curve, forcing her to swerve. But because she took that action, she was found to be partially at fault.

Comparative fault does not mean the party that bears most of the blame gets off free. It just means the settlement amount is reduced. The at-fault party pays a percentage of damages relative to their level of responsibility for the crash.

In the Rangle case, it was determined our client bore 25% of the responsibility for the accident, so the other party was required to pay 75% of the damages awarded by the jury.

Types of compensation after a car accident

How much compensation you stand to receive after a car accident depends on the circumstances of the crash, including severity of losses, level of negligence, and amount of liability.

Losses you may be able to sue for include:

- [Medical expenses](#)
- Lost wages
- Loss of future earnings
- Property damage, (damage to your vehicle, etc.) Pain and suffering
- Emotional distress
- [Loss of the enjoyment of life](#)
- Special damages – additional out-of-pocket expenses like car rental fees
- [Death](#)

Who should pay after a car accident?

A good car accident lawyer investigates closely to establish liability. If you are involved in a car accident with someone [driving in the course of their job](#) – like a delivery driver, a big-rig trucker, or even a police officer – the agency that employs that driver might be held liable as well as the driver.

Boxdorfer vs. Lason Corp. and Jones: \$4 million settlement

In Boxdorfer vs. Lason Corp. and Jones, our client was injured in an accident with a commercial truck in an intersection.

The police report placed 100% of the blame on our client, but through our investigation, we found additional eyewitnesses who had not been interviewed by police.

Those witnesses confirmed the truck driver had sped up at the intersection to beat a yellow light. We sued both the driver and the trucking company, and obtained a \$4 million settlement for our injured client.

Who can you sue after a hit-and-run accident?

It's frustrating, but [in nearly 40% of St. Louis car accidents, the at-fault driver flees the scene](#). How can you sue for damages when you don't know who's responsible?

Ideally, you will be able to identify the fleeing driver – for example, by their license plate number. This identifying information can be used to apprehend them and get the information you need to file a claim through their insurer or against the driver themselves.

Sometimes no at-fault party can be found. If this is the case, you can seek compensation for your losses through your own insurer. The same would apply if the person who hits you and is at fault did not have any insurance.

Don't be fooled – just because you pay your premiums every month does not mean your insurer is looking out for your best interests. Insurance companies pay out the lowest amount they can get away with, even to their own customers.

Even if you do not plan to file suit against another driver, get an experienced car accident attorney on your side to make sure you get the compensation from your insurance company you deserve.

What causes most car accidents in Missouri?

Car accidents can be caused by a multitude of things. In some cases, an accident may have more than one cause – such as a driver speeding on a slippery road.

The most common causes of Missouri car accidents include:

- Adverse weather conditions, such as icy roads or rain. While most accidents take place on dry roads in clear conditions, weather can make driving more hazardous by limiting visibility or making roads slick.
- Speeding, which includes both driving above the posted speed limit and driving too fast for conditions like traffic or weather. [In Missouri, the number of fatal car accidents in which speed was a factor is more than 10% higher than the national average.](#)
- [Cell phone use](#). It's hard to pin down the exact number of crashes that happen because drivers are distracted by their phones, since that would require the at-fault driver to admit that's what happened. [But in an anonymous survey by AAA, more than one-third of drivers admitted to reading text on their cell phone while driving in the past 30 days.](#) From our experience, cell phone use and a distracted driver pop up in an extraordinary

amount of the cases we handle. We recently handled a case where a car was struck by a vehicle and then struck the concrete median and became disabled, parallel to traffic in the fast lane. A second vehicle approaching in the fast lane struck them at 82mph killing the driver and breaking the neck of the passenger. The black box data and accident reconstruction report from the Missouri Highway Patrol showed that at impact that second vehicle was traveling at over 82mph and never hit the brakes prior to impact. It also showed that at least a minute went by between the car becoming disabled in the fast lane and the impact. Finally, it was a level highway with no visual obstructions and the disabled vehicle should have been visible from a significant distance. Obviously the driver of the second vehicle was either on their cell phone or completely distracted in some manner.

- Distracted driving. Cell phones are a frequent culprit, but we've seen accidents caused by all kinds of distractions – like drivers fiddling with their radio, dropping their burrito, writing a note, attending to a screaming toddler, or trying to control a rowdy pet.
- Intoxication. This includes drivers under the influence of alcohol and those under the influence of legal or illegal drugs.

Being under the legal blood-alcohol content (BAC) limit does not mean you're fine to drive.

Well before you've consumed enough alcohol to hit the legal limit of 0.08, your reaction time has slowed, your ability to concentrate has faded, and your perception of your speed and surroundings has altered.

If you're over the legal limit, you can be charged with DUI even if your driving is not impaired.

- Failure to yield. The most common cause of accidents at intersections is a driver refusing to yield the right-of-way.
- Tailgating. Following too closely is the leading cause of rear-end collisions, which account for nearly [30% of traffic crashes nationwide](#).
- Driver fatigue. Driving while drowsy carries many of the same risks as driving while intoxicated – difficulty concentrating, slowed reaction time, poor judgment, and impaired perception of what's happening around you. [After being awake for more than 18 hours, your ability to drive is similar to having a BAC of 0.05.](#)

What to do after a car accident in Missouri

Immediately after a car accident

Before anyone leaves the scene, call the local police department. Even if the accident seems minor and no one seems hurt, you want law enforcement to document the scene. You don't want to be hit later with a surprise claim from the other driver claiming you were at fault.

Gather as much vital information as you can:

- Take down the names and contact information of eyewitnesses
- Exchange insurance information with the other driver
- Take photos and video of the scene of the accident, vehicle damages, and injuries

The moments after an accident are charged with high emotion. You may feel upset if it seems the other driver is recording you, and they may get upset if you are recording them. [If the accident happened on a public roadway, you are within your rights to take photos and video.](#)

Finally, get medical attention. You might feel fine at the moment, but you should still be evaluated by medical professionals. Immediately after the accident, stress and adrenaline can mask pain. You may also have injuries that are not instantly apparent but will worsen as time goes on.

In the days and weeks after an accident

Keep documentation of everything that happens because of the accident: medical records, repair bills, even invoices for a rental car you had to use while yours was being repaired.

Get in touch with a car accident attorney who can advise you on what to do next.

If you are contacted by a lawyer or insurer for the other driver, do not speak to them or give them a written statement. All their contact with you should be through your attorney.

Statute of limitations to file suit

In Missouri, victims of a car accident have five years to file a claim arising out of the accident.

If the accident happened in Illinois, the time frame is shorter. Illinois' statute of limitations for car accident claims is two years from the date of the accident.

What does a car accident lawyer do?

Gather evidence

When you hire an attorney to represent you in a car accident claim, the first thing they will do is gather evidence about the crash.

The attorney's investigation has two aims: proving liability and justifying your claims.

Proving liability means identifying anyone who might have been responsible for the accident. Besides the other driver, this could include private companies (like the owner of a commercial truck) and even government agencies (like a municipality responsible for a road hazard).

Establishing who might be liable is step one. Step two is proving that they were liable in this case. Your lawyer must prove three things:

1. The party had a duty of care – that is, the level of care a reasonable person would take to protect the safety and property of others in this situation.
2. The party breached that duty of care.
3. That breach caused the accident, and the accident caused your injury.

Justifying your claims means being able to prove that you suffered the losses you say you did. Your attorney will help you gather and organize all the information and documents you need to prove your losses are real and should be compensated.

Negotiate a settlement

Settlement negotiations begin with a demand letter. The vast majority of car accident claims settle without ever going to court.

You want an attorney with a proven track record of drafting meticulously detailed settlement letters for claims adjusters. These attorneys can typically get their customers more money faster than those who rely on arguing the case in court.

The insurance company may not accept your attorney's first demand. That's where their negotiation skills come into play. Your lawyer will negotiate with the insurer to get you a fair settlement.

Bring a claim

What if the insurance company refuses to budge? If settlement negotiations don't succeed, your attorney will take the next step: bringing suit.

For the best experience, you'll want a local attorney deeply familiar with Missouri laws and the St. Louis court system. They will know how to file the right kind of claim in the right court and how to respond to legal challenges.

Protect you from harassment

Hiring a good car accident attorney is one of the best things you can do to protect yourself from stress after the accident.

Once you have legal representation, insurance adjusters, negligent drivers, and defense attorneys can't call you directly. All communications must be channeled through your attorney.

Frequently asked questions for car accident lawyers

The other driver's insurance company wants me to give a statement. Should I?

No. Insurance companies have one directive when it comes to car accidents – pay out as little as possible.

To do this, they might try to trick you into admitting fault or into giving up your right to sue. They may also try to run out the statutory clock, dragging their feet on your claim until the statute of limitations has expired and it's too late for you to sue.

Do I have to sue to get compensation?

No. Most car accident cases settle out of court. Your claim will only proceed to trial if the two parties disagree over who was at fault or if they can't agree on the amount of damages.

What's the maximum amount I could get from a car accident claim? What's the minimum amount?

There's no simple formula. The amount of compensation varies from accident to accident, depending on the details of the crash and its aftermath.

How much of a settlement will a car accident lawyer take as their fee?

There are multiple factors that go into calculating legal fees. Typically, an attorney in a car accident case will charge one-third of the settlement amount.

What is the statute of limitations for a car accident claim in Missouri?

Missouri's statute of limitations to take action on a car accident is five years from the date of the accident.

If the case involves wrongful death, the statute of limitations in Missouri is three years from the date of death.

If your crash took place in the Metro East, your timeline is shorter. [Across the river in Illinois, the statute of limitations to file suit in a car accident is two years from the date of the crash.](#)

Do I have to file a police report after a car accident?

Under Missouri state law, if a car accident results in injury, death, or more than \$500 in property damage, it must be reported to the police within 30 days.

Even if an accident doesn't seem that serious, or if you're unsure about the amount of property damage, it's best to file a police report. The police will document evidence you may need later if injuries or damages develop that were not immediately apparent, or if the other driver tries to sue you.

About Gonzalo Fernandez

[Gonzalo Fernandez](#) has been practicing law in Missouri and Illinois since 1989. His background includes working internationally in the world's largest law firm, trying over 100 cases as a prosecutor with the St. Louis Circuit Attorney's Office, working as general counsel for Anheuser Busch, and working in private practice specializing in medical malpractice, personal injury, and catastrophic injury cases.

Gonzalo grew up in University City, Missouri, and is an active member of the St. Louis community. He appears frequently on television and news broadcasts as an expert explaining aspects of the law.

