Episode Title: Navigating Insurance Coverage in Texas Injury Law

How often does the at-fault driver's insurance fall short of covering accident damages?

It's quite frequent. The minimum liability coverage requirements differ by state and can reach up to $2 million. However, in ordinary auto cases, the coverage might be as low as $30,000 per person, not exceeding $60,000. Medical bills can quickly surpass these limits, especially in emergency situations, necessitating the exploration of additional policy coverages.

What factors determine how much insurance coverage is available in an accident case?

The available coverage is primarily determined by who the drivers are. If the at-fault driver is not the owner of the vehicle but had permission to use it, both the vehicle's insurance and the driver's insurance might apply. If there is more than one defendant involved, additional policies could come into play, but with a single defendant, you might be limited to one policy.

How can one identify other sources of insurance coverage beyond the at-fault driver's policy?

You need to examine the client's policies, known as first-party insurance, which includes underinsured or uninsured motorist coverage. These can provide additional funds when the claim's value exceeds the at-fault driver's policy limits. This coverage functions contractually, safeguarding against inadequate coverage by the liable party.

What are common misunderstandings about insurance coverage in these scenarios?

Many people confuse liability and uninsured motorist coverage, but both require proof of damages. Uninsured coverage often deals with high-value cases and may involve more stringent evidence requirements, like future medical expenses. Both types of coverage require proving the other party's fault and the extent of damages.

How does the structure of available insurance coverage affect the handling of a case?

Initially, liability and uninsured coverage don't greatly influence the case. However, Texas has a personal injury protection (PIP) policy that covers medical bills independently of fault. Other factors include confirming all liable parties, as multiple defendants could mean more liability policies and greater coverage potential.

How does your strategy change if you know from the start that coverage is limited?

When the potential damages are large, we notify all relevant insurance policies upfront, including those for the defendant, underinsured/uninsured motorist, and PIP. Sometimes, additional policies might be applicable, like those from divorced parents of a student involved in the accident.

Have you found additional coverage after initially thinking there wasn't enough?

Yes, during litigation, more policies can emerge. For instance, a young girl's case initially had a $30,000 policy, but further investigation revealed her parents' separate policies, increasing the total recovery to $90,000. Additional policies from other liable parties can further increase coverage.

What happens if there isn't enough insurance coverage for the damages?

The case doesn't get thrown out. Instead, efforts focus on negotiating with medical providers and lien holders to reduce bills. This process can take significant time and effort to ensure the client receives some compensation even if coverage is inadequate.

How should individuals decide on the amount of insurance coverage to carry?

Avoid minimum coverage, as medical expenses are rising rapidly. In Texas, a 100/300 liability policy is advisable, and uninsured motorist coverage should be as high as possible, ideally 100/300 or even 250,000. For those with significant assets, an umbrella policy provides additional protection.

What should people understand about moving forward in cases where coverage seems insufficient?

All cases can proceed, but having a lawyer from the start is crucial for identifying all available policies and ensuring proper notice requirements are met. Quick action is necessary for evidence gathering and witness contact. Consulting a lawyer early helps secure a complete recovery.