Personal Injury Claims – 9 Things To Do Following An Accident

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Accidents happen. Sometimes an accident may cause extensive physical and psychological injuries and prevent you from working, caring for yourself and your family, and participating in activities that you used to enjoy.

Here are some things that you can do in the minutes and months following an injury that can assist in the event you are injured in an accident.

1. Medical Attention: First and foremost, your priority and the priority of those around you should be to ensure that you receive timely and appropriate medical attention. Your physical and psychological health are paramount.

2. Witnesses: Immediately or as soon as possible, make a list of all individuals who witnessed the incident. This list should include names, phone numbers, addresses, and e-mail addresses. Witnesses may help support your claim.

3. Photographs: Pictures speak louder than words. You should take, and save, photographs of the exact location of incident as soon as possible. Your objective is to take pictures and/or videos of the conditions that caused or contributed to the incident. For example, if you slipped and fell on an icy sidewalk, you should take pictures of the sidewalk, the ice, the location of the sidewalk on the street, and the surrounding area.

4. Make Notes: Memories fade, but in litigation, details are very important. What you write down will depend on the nature of the incident. For example, if you slip and fall, you should note where you were walking, what shoes you were wearing, a description of the ground/flooring, etc. If you have a sports injury, you may want to describe how you put on your equipment, the time of the game/event, and the location of the event. In a boating accident, you may want to note wind direction and gusts, location of the sun, and the location of the accident on a GPS. Write down a very detailed summary of the incident. This may include:

- The date; the time of day; the weather conditions; the lighting (daylight, sunset, well-lit room, etc.); what you saw and heard prior to the incident (children playing nearby, cars, boats driving by).
- What you felt as the incident happened (did you trip on the sidewalk, slip on ice, fall unexpectedly

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playing hockey/soccer/football).
- Describe how you fell and how you landed after you fell. Try to describe the mechanics of the incident (i.e. I stepped forward with my right foot, I slipped on the ice, fell backwards twisting my right knee, put my left hand out to brace the fall and landed on my left shoulder).
- What happened after the incident (i.e. I could not move, I felt pain, the ground felt cold/warm, people came to help me, I passed out).
- Also write down what happened in the days and months following the incident. We recommend keeping a journal in which you can write down medical appointments, pain levels, mobility, etc. Keep track of your personal account of your pain and rehabilitation.

5. Keep your shoes and clothing: Do not wear the shoes again and certainly do not discard them. Your shoes may need to be produced as evidence in a slip and fall. If you have a sporting injury, keep your sports equipment. If you injure yourself while operating an all-terrain vehicle or boating or sledding or skiing, etc., you should seek legal advice about whether it is necessary to preserve relevant evidence.

6. Treatment: Seek prompt and ongoing medical treatment as required and follow the medical advice you receive. It is important to document your injuries and determine your diagnosis and prognosis. Your doctors may refer you to specialists or other healthcare providers such as physiotherapists, chiropractors, or massage therapists. You do not, however, need to know your diagnosis and prognosis before you seek legal advice about whether you have a potential legal claim against the property owner or another party involved in the incident.

7. Receipts: Keep all receipts for purchases related to the incident. This may include receipts for prescriptions or over the counter medication, medical care, other medical aids (braces, crutches), exercise facilities or devices (balls, rolls, etc.), replacement clothing/eyewear/shoes, and treatment receipts (massage, physiotherapy, chiropractic care).

8. Employment: If you are unable to work, obtain appropriate medical notes/reports for your employer. Provide frequent updates of your condition to your employer. Document the days of work missed. You may qualify for short-term or long-term disability benefits. You may have a compensable loss of income claim. A lawyer can help you navigate your time off of work.

9. Retain a lawyer: In Manitoba, you have two years to sue from the date of the accident. However, other limitation periods may apply. A lawyer will advise you of all potential deadlines. A lawyer will also assist in putting all necessary parties on notice of your accident and guide you through the foregoing steps and advance a claim on your behalf.

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