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Table of Contents



Whitehead Warren Celebrates First Anniversary	Page One
Tips for Handling Property Damage	Page Two
Representing Sept. 11th Victims	Page Three
Warren named "Up & Coming"	Page Three
Whitehead Lobbies at 2005 Virginia General Assembly	Page Three



THE WITNESS

Whitehead Warren Celebrates First Anniversary

On August 1, 2005, Whitehead Warren will celebrate its first anniversary. Since opening, Vaden Warren and Hunt Whitehead have continued to focus their practices on representing injured people. Together we bring 17 years of experience in the area of personal injury law. We have represented our clients in trials, mediation, arbitration and settlement conferences, in our efforts to aggressively pursue our client's cases.

We have been very fortunate in our first year. Many of our previous clients have referred new clients to us. We always welcome new clients, and are glad that our past clients are so confident

with our representation that they refer others.

We also feel fortunate to have been embraced by many members of the bar. Many of our clients were referred to us by other attorneys throughout the Commonwealth and we appreciate the trust they place with us.

While we focus our practice on injury cases, you are welcome to call us about other legal matters. We will not likely work with you directly on your case but will be glad to put you in contact with a good attorney in the area you need representation. We believe that by focusing on injury cases, we can serve our clients better.

Safety Belts-Wear Them for Life

The best chance you can give yourself to avoid serious injuries in an automobile collision is to wear your seatbelt. The seatbelt will keep you body strapped into the safest part of the car. It will also keep you from being ejected from the car.

Seat Belt Laws in Virginia
 Children between 4 and 16 are required by law to wear a seatbelt. Regardless of where they are

seated, in the front or rear seats of the car. A police officer has the right to stop you if they are not wearing a seatbelt.

Virginia's safety belt law requires drivers and front seat passengers to use safety belts when traveling in a motor vehicle that is equipped with or required to be equipped with safety belts.

If you are pulled over for a lawful reason, you can be written up for not wearing your seatbelt in the front seat.

Source DMV

Do I need an attorney for my injury case?

CONSIDER:

The insurance company immediately begins to investigate the case. If you do not have an attorney, who is investigating the case for you?

The insurance company has an attorney to represent its interest. If you do not have an attorney, who is representing your interest?

The insurance company will raise issues to deny or limit your claim. If you do not have an attorney, do you know how to address these issues?

Tips for Handling the Damage to Your Car After an Accident

People often have questions and concerns about their car after they have been involved in an accident. If the accident is your fault, your only hope of getting paid for the value of the car or having it repaired is through your own insurance company. Your insurance company only pays if you have collision, or full, coverage on your car. If you have only liability coverage and the accident is your fault, the only way the car will be repaired is if you pay for it out of your pocket.

If the collision is not your fault, getting your car repaired or replaced can be difficult.

1. **What should I do first?** Make sure you notify your own insurance company. They can help getting the other driver's insurance to accept responsibility and pay you for your car.

Immediately remove your personal items from your car. Often the car is towed quickly

Take pictures of your car, particularly if you are injured. Some insurance companies try to dispose of vehicles as quickly as possible if the car is totaled.

2. **Who pays for my car? What if the other driver's insurance is stalling?** As long as the other driver has insurance and is at fault for the accident, his insurance company will ultimately be responsible for paying for your car. The process of accepting fault for the accident may take some time. The insurance company is entitled to investigate the collision for a reasonable period of time prior to determining fault and paying a claim.

If the other driver's company does not pay after a reasonable period of time, you can elect to have your own company pay for the car if you have collision coverage. You will be responsible for the deductible, which will be reimbursed when the other carrier accepts fault.

If the other insurance company does not accept fault, you will have to file a lawsuit against the driver who hit you to recover the property damages.

3. **What about storage and towing costs?**

Be sure you keep receipts for towing and any storage. You may need to pay to have your vehicle moved if it is incurring storage costs. You are responsible for minimizing cost if possible and you could be responsible for excessive storage costs if you do not move the vehicle.

4. **Is my car repairable or is it a total loss? Who decides?** Whether a car is "totaled" depends on both the value of the car as well as the amount of damage. If the damage to the car is more than the car is worth, it is a total loss, even if the car still can be driven. Most insurance companies consider a car totaled if the cost to repair the car exceeds 70% to 80% of the value of the car.

If the insurance company determines that your car is a total loss, you may keep your car but will have to deduct the salvage value from your proceeds.

5. **What if I think the car is worth more than they have offered to pay?** The value of a particular car is determined according to industry standards. N.A.D.A. and Kelly's Blue Book (www.kbb.com) will give you accurate values of your car. The insurance company may be willing to negotiate some if you have good documentation to support your valuation.

6. **What happens if I owe more on my car than the insurance company will pay?** Unfortunately, the insurance company is only required to pay you the value of the car. If you have purchased gap insurance, that policy will make up the difference. What you owe on the car does not change the value of the car.

7. **Can I choose where to have my car repaired?** Yes. You do not have to use the shop suggested by the insurance company. If your body shop charges more to fix the car than what the insurance company estimated the repair costs to be, the insurance carrier still has to pay for the repairs. Make sure your body shop has the name of the responsible insurance company before doing the work.

8. **When am I entitled to a rental car?** If your car is a total loss and not able to be driven, the insurance company is required to provide you a rental car (comparable to your car) for a reasonable time after they pay you for the value of your car. A reasonable time usually means one or two days for you to purchase another car. You must give the rental back or pay for it yourself after this time.

If your car can be repaired, you are entitled to a rental car while your car is being repaired.

9. **What if the person who hit me does not have insurance?** Your insurance company should pay for the damages to your car through your uninsured motorist coverage. In this case, you do not have to pay a deductible and it will not affect your insurance rates. Even if you only have liability insurance on your vehicle, you can get paid for the damage to your car in this situation. You only need to rely on your collision coverage when an accident is your fault.

Getting your car repaired after a collision can be frustrating and time consuming. If you have any questions we will be glad to try to answer them.



We have 17 years combined experience in representing injured people. In those years we have exclusively focused our practice on injury law.



Warren Named Up & Coming

T. Vaden Warren, Jr. was featured in a recent article titled "Up & Coming Lawyers," that appeared in a fall edition of Virginia Lawyers Weekly. The article focused on the practices of five young leaders throughout the Commonwealth.

The piece written about Vaden focused on his involvement with the Virginia Trial Lawyers Association. Vaden recently completed his term as chairman of the Young Lawyers Section. One of the largest projects for this group is presenting a program to middle school and high school students, called the Virginia Road to Justice. The program and accompanying video highlight the similarities and differences between the civil and criminal courts.

Representing September 11th Victims

After the terrorist attack on the World Trade Centers and the Pentagon on September 11, 2001, the United States Government set up a Victim's Compensation Fund to provide for the families of those who were killed or injured. Soon after the creation of the Fund, the Association of Trial Lawyers of America created a pro bono entity called Trial Lawyers Care ("TLC"). Attorneys who volunteered through TLC represented clients, pro bono, before the Victim's Compensation Fund. Both Vaden Warren and Hunt Whitehead volunteered to represent families before the Fund.

Mr. Warren represented the family of a woman who was killed in the World Trade Center. She left behind her beloved partner, mother, and two sisters. We were able to make a recovery for her family of over \$1.1 million.

Mr. Whitehead represented the seven-year-old daughter of a man who was also killed in the World Trade Center. The award totaled over \$1 million and was divided between the child and the victim's mother. The daughter lives in Richmond with her mother.

Mr. Whitehead also represented a victim from the Pentagon attack. She was fortunate to survive the attack, although many of her co-workers were killed just a few feet away from her. Despite her injuries, she was able to make it out of the Pentagon building safely.

Representing these clients was some of the most fulfilling work, professionally and personally, that we have performed. We were glad to have the opportunity to help people who had their lives drastically changed by the attacks of September 11, 2001.

Types of Injury Cases

Our attorneys have successfully represented people injured in many different cases. Those different areas include:

- Automobile Accidents
- Wrongful Death
- Product Liability
- Pedestrians
- Small Aircraft Collisions
- Premises Injuries
- Dog Bites
- Motorcycle Accidents
- Intentional Torts

Whitehead Lobbies at 2005 Virginia General Assembly

This past session at the General Assembly of Virginia, Hunt Whitehead worked as a lobbyist for the Virginia Trial Lawyer's Association (VTLA), in an effort to help that organization's goals: protecting injured people; preserving consumer rights; and maintaining a person's right to a jury trial.

Much of this session involved working with the Medical Society of Virginia to come to an

agreement on legislative bills that will improve medical care for patients, protect everyone's access to healthcare and to keep insurance costs down for doctors.

VTLA is one of the few organizations that spend the time and money to fight for the rights of patients and injured people against the lobbying efforts of insurance companies.

