

# VIRGINIA PEDESTRIAN ACCIDENT GUIDE

*Helping You Recover  
After a Serious Injury*

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Imagine that you're walking to work or if you've just gone out for an evening stroll. Out of nowhere, you're hit by a car, truck, or even a motorcycle. Now you're hurt and can't work. Your injuries could be permanent. Some families even lose their loved ones in these sorts of accidents. If you're hurt, you may be worried about

how you'd pay your monthly expenses. On top of that, you're going to have unexpected medical expenses. All of this happened because you took a walk and some driver wasn't paying attention. If you or someone you love is hurt in this way, you should call our Virginia pedestrian accident lawyer to schedule your free consultation.

## MOST COMMON PEDESTRIAN ACCIDENT INJURIES

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Pedestrian accidents can involve people who are walking, jogging, or running. They can happen in big cities, small towns, or even out in rural areas. Before we talk about the most common injuries, let's talk about why this sort of accident is so dangerous. If you're in a car and you're in an accident with another vehicle, the vehicle absorbs some of the impact from your body. Of course, you can still have significant injuries from that sort of accident. You may also have minor injuries. When a vehicle hits someone who is walking, jogging, or running, there isn't a lot of protection for the human body. The entire impact is absorbed by the body. Then, the victim could very well experience a secondary impact with the ground or another object.

Minor common injuries include bruises, scrapes, "road rash," strained or sprained muscles, or minor broken bones. Serious injuries that are also common to pedestrian accidents are compound fractures, multiple broken bones, traumatic brain injuries, concussions, broken teeth or a broken jaw, and internal bleeding.

# HIT BY A CAR? FOLLOW THESE STEPS

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Pedestrian accidents are extremely frightening situations because of their potential to be life-altering. It can be hard to know what to do. While we hope you're never involved in one of these accidents, we want you to understand what to do.



First, think about your own safety. If you have or think you have a head, neck, or back injury, don't move unless it is absolutely necessary (such as to keep yourself from being hit by another vehicle). Those injuries can cause permanent damage. Moving can make those injuries worse.

Second, determine if you think you need immediate medical care. Again, consider whether you may have hurt your neck, back, or head. You could also have internal injuries. If you think that you may have a medical emergency, call 911. Your health and well-being are the most important thing. If you don't think that you have a major injury or if you think you're not hurt at all, you still need to get medical attention. Some injuries have few or no signs until you have a big problem on your hands. Minor injuries can also get worse if you don't get medical attention.

Next, call the police. They will come out and take a report of what happened. You'll be given a report number so that you can get a copy of it. The police can help you by getting the insurance information of the driver or drivers involved as well their names, addresses, and contact information. You'll need that information to file a claim.

Call our Virginia pedestrian accident lawyer as soon as you can to schedule a free consultation. We can discuss your claim with you. Lawyers play an important role in these sorts of claims. We help make sure that you're treated fairly by the insurance company.

# YOU COULD BE ENTITLED TO FINANCIAL COMPENSATION

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If you're hurt in a pedestrian accident, you could be entitled to financial compensation. The facts of the case will affect whether compensation will be awarded. Common types of compensation include:

- » Medical bills
- » Pain and suffering
- » Property damage
- » Temporary or permanent disability
- » Missed time from work



## FREQUENTLY ASKED PEDESTRIAN ACCIDENT QUESTIONS

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### *What Should I Do If I Was Hit by a Car While Walking?*

Occasionally, clients come to see us for help in pedestrian accidents in Virginia, and these usually are involving cars that have struck a pedestrian as they're crossing an intersection. They're some of the more difficult cases to prove under Virginia law, but there are certain presumptions that you can take advantage of as a pedestrian when you're involved in that type of collision. The first and most important is to establish what your position on the road was. That will determine whether you were within the intersection, which grants you a legal right of way over any vehicle entering the intersection while you're there.

The next is to determine what the activities of the other vehicle were that it was doing prior to hitting you, and by establishing, for example, that a vehicle made a rolling stop through a stop sign, disregarded a red light, or ran through a yellow light while the crosswalk was still occupied. Those facts can make all the difference in the world to prove your pedestrian injury case.

## *What Mistakes Should I Avoid?*

The most common mistakes I see pedestrians make in pursuing a personal injury case have to do with not preserving the evidence of the crash as quickly as possible after it happened. The second most common mistake I see them make is not getting the right medical care for their injuries. The third most common mistake I see in pedestrian cases is not following the instructions of the physician after they've retained one to help them recover from their injuries. In each of those instances, having the right lawyer to help and guide you through your recovery process can make all the difference in the world as to the success of your recovery from that injury.

## *What Do I Do After My Accident?*

The first thing to note about the differences is to establish where the person was at the time of the crash. If you were in an intersection, you have an automatic right of way over the vehicle, but if you're not in the intersection, it doesn't mean automatically that you have no case. It simply means that both parties – the vehicle and the pedestrian – have a reciprocal duty to act reasonably and keep a proper lookout. If you're not in an intersection, you may still have a case, but you just need to establish where you were in the crossing activity and if there enough time for the vehicle driver to have seen you before the crash in order to recover in that type of case.

## *Should I Talk to the Insurance Companies?*

When I'm asked by clients whether it's safe to talk to an insurance adjuster after their pedestrian accident in Virginia, I tell them, just as I do with all my injury victims, that it is not a good idea to talk with an insurance adjuster after your accident. There is plenty of time to provide the evidence necessary to properly evaluate your claim. To make you go through a recorded statement when you don't have legal counsel to help you and guide you in making the right answers,

then you could unwittingly damage the value of your case. It's best to have legal counsel to understand what the issues are in the case, and then be able to go through the normal investigation process with their help and get your case evaluated fairly by the insurance company when it's appropriate to do so.

## *Can I Get Compensation If I Was Partially at Fault?*

The biggest question most people have when they've been struck by a car as a pedestrian crossing a highway in Virginia is, "Can I be found to be at fault in that collision?" Now, the simple answer is anybody can be at fault, and if you don't have the evidence to back you up, you have a severe handicap in being able to make a successful recovery in that type of case. The way to establish what happened in the accident is to make a quick investigation of the scene and to look at the damage patterns on the vehicle, which are usually indicative. For example, the higher up the injury victim's body imprint is on the vehicle, the faster the vehicle can be determined to be going at the time of the crash.



The second thing to look at is the electronic data from the black box in the vehicle. If you can get to that quickly enough – and I'm talking oftentimes as quickly as within 48 hours after the accident occurs – and retain an attorney in that time to help you, you might be able to save that electronic data and prove from that when the brake was struck and what the positions of the vehicle were at that point, compared to the skid marks in the road to show that that vehicle was speeding and that it was disregarding you as a person in the right of way of the intersection at the time of the crash.

## *What Should I Do If I Was Injured in a Hit and Run?*

When a pedestrian is struck by a hit and run driver in Virginia, they have the right to pursue a claim against an unknown driver. But as a pedestrian who's

struck by an unknown driver, you have no information on who that driver was or what kind of insurance they had. Now, in order for you to have any viable right of recovery of insurance money at all, you have to look to your own policy of insurance, and if you had an insurance policy in your own name as the named insured, you will have a right to make an uninsured motorist claim under your own policy, but those cases depend on having your own insurance in place to protect you.



## *How Much is My Case Worth?*

When I'm asked by client what the value of their pedestrian auto collision case is worth in Virginia, I tell them quite honestly that those cases, although they're difficult to prove in the manner of how the crash occurred, usually carry higher value, simply because the injuries are often much worse. We'll determine the value of your pedestrian injury claim, in large part, by how bad the conduct was of the car

that hit you. We've had cases where people have been killed as a result of a collision. Obviously, that's a huge value case.

When pedestrians are struck and fractures are caused to bones in their body, those are very severe cases, and the value, accordingly, is far higher. When you have less severe injuries, for example a muscle strain or a pulled ligament, that can readily heal itself with time, those have less value than the more severe injuries we just described. The severity of the injury determines what the value of your case is, but more important than all of that is how bad the conduct of the driver that hit you was. If we can establish through careful investigation of the scene of the collision that that person violated an important safety rule and endangered the community, that can add up value in your case substantially.

## *How Long Do I Have to File a Claim?*

While the easy answer is that you have two years from the date of the accident to file your personal injury claim in court, in reality if you want to actually have the best chance of recovering what you're owed for that injury claim, you need to start far sooner than that. In fact, the sooner after the accident you retain

counsel, the better your odds are of recovering anything as a result of that collision. As a pedestrian it's assumed by most people, as a general rule, that you must have been at fault somehow to start crossing when a car was coming.

How do you get over that presumption? Well, the only way to do it is with careful and early scene investigation. By doing that, whether it be through taking copies of the investigating officer's notes or photographs, going out and doing actual measurements and looking at sight lines at the scene of the crash, it's extremely important to get somebody on your case immediately after it happens, in order for you to have the best chance of recovering from that claim.

### *How Long Will the Case Take to Settle?*

Some people never get over injuries from a pedestrian accident case, unfortunately, because of the severity of impact from a heavy motor vehicle into your unprotected body. When those injuries occur, we follow the progress of your medical care, and when you've reached the point of what the doctor calls maximum medical improvement, then we can begin to estimate what the value of your total case is, and shortly after that period of time, we're able to resolve the case in most instances.

## SCHEDULE YOUR FREE CONSULTATION

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We provide free consultations for injured victims. To learn more, we encourage you to call us now and schedule your free consultation.



## ABOUT THE AUTHOR

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Michael R. Strong has handled complex auto accident, trucking accident, and products liability claims for over 38 years. He has achieved many six-figure settlements and verdicts for his clients involving highway accidents, products liability claims, and medical malpractice claims.

A true litigator, Michael Strong is licensed to practice law in Virginia, Maryland, and the District of Columbia. He has been licensed to practice law since 1980. Mr. Strong earned his law degree from the University of Dayton School of Law. He handles cases involving personal injury and business litigation, including catastrophic injuries, serious accidents, business contracts, business transactions, and more. As a dedicated advocate, he is well-known for his client-focused representation. He has secured favorable results for many of his cases and is passionate about serving his clients.

Mr. Strong is the author of several articles involving personal injury recovery advice, development of sources of insurance coverage in complex accident cases, and creative solutions for compromise of medical provider and subrogation liens. He is also a Number One Best Seller on Amazon.com on Insurance Issues.

