

## FINDING WITNESSES AFTER AN ACCIDENT

George Allen Moore

Johnston, Moore & Thompson

400 Meridian Street Suite 301

Huntsville, AL 35801

(256) 533-5770

[www.alabamajusticecenter.com](http://www.alabamajusticecenter.com)

You are driving to work, following your normal route and taking your time. You approach an intersection where the stoplight is green. You proceed into the intersection, and out of the corner of your eye, you see a flash. Your car is hit on the passenger side.

An adjuster from the insurance company for the person that hit you calls you a few days later. You are informed that the insurance company is denying your claim from your accident because their insured says that you did not have the green light, but he did. This is particularly true where a truck wreck or an automobile accident has caused serious or permanent personal injury.

We hear this story often. There isn't much that can be done to make a recovery without other witnesses. If the insurance company refuses to discuss a settlement, your only option is to file a lawsuit and go to court. At court, the injured person has the burden of proof, meaning the injured person has the burden to prove the other driver is at fault. Your word against the other driver is usually not enough. Evidence is needed to prove you had the green light. The investigating officer charging the other driver is not enough to prove your case in civil court. The testimony of a witness is the best way to prove your light was green.

If you are involved in an accident, ask the people who stop for their names and contact information. They may remember facts that would prove you are being truthful about what happened even if they didn't see what happened. Many times witnesses will have more information than just the facts about the accident. Their information can help support your credibility and undermine the other driver's.

You must be able to contact the witnesses in order to have their testimony. It is very important to obtain their names, phone numbers, and addresses at the scene. Ask the investigating officer if he took the names and contact information of everyone who was at the scene, but do not rely solely on the officer. Get the information directly if you can while you are at the scene. The police officer is usually involved in making sure everyone who is injured gets medical attention, obtaining the necessary information from the

people involved in the accident, and preventing another accident, so that he may be too busy to get names and contact information from everyone at the scene of the accident.

At the scene, everyone's first responsibility is to attend to the people who are injured and to assure safety for other motorists. If others are taking care of this, you can help by getting witness information. Even if all you have is the license plate number of a vehicle at the scene, you can later investigate, if necessary, to try to locate a witness who may make all the difference in the case.

After you obtain the names and contact information for everyone present at the scene, give the police officer this information. The information can mean the difference whether an injured person is able to recover for the injuries and losses caused by someone else. This information will mean a lot to someone who has suffered permanent or serious personal injury because of a truck wreck or auto accident.