The Timeline of a Car Accident Claim

Car accident claims move through stages that may take months or longer. The property damage part often resolves within weeks, while the injury claim usually waits until treatment has run its course. A car accident attorney can explain where a given claim stands, though every claim is different.

Right after the crash

Getting medical care comes first, even if injuries seem minor at the scene, and records from that first visit often become important evidence. Responding officers usually prepare a crash report, and the report number is needed to request a copy. Most policies require prompt notice of a crash to the policyholder's own insurer, even if the other driver was at fault. Photos of the vehicles, the scene and any visible injuries are easiest to take early, and dashcam files should be saved before they are overwritten.

Repairs and the first calls

The car is either repaired or declared a total loss, and the insurer pays the repair cost or the actual cash value. Some states allow a diminished value claim. An adjuster from the other driver's insurer may ask for a recorded statement or offer an early settlement. Many people talk with a car crash lawyer at this stage, before a release is signed. A preservation letter can ask the other driver or nearby businesses to keep video and event data recorder (EDR) data.

Treatment and documentation

While treatment continues, medical records and bills are gathered, together with proof of missed work. Claims are often not valued until the injured person reaches maximum medical improvement, meaning the point at which doctors can describe the long-term outlook. An auto accident attorney then prepares a demand package for the insurer with the medical records and bills plus a damages summary. Some states regulate time-limited settlement caraccidentlawyers.wiki demands by statute.

Settling before treatment ends

Once a release is signed, the claim is usually over for good, including future medical costs connected to the crash. If a doctor expects surgery or long-term care, those costs are usually estimated before a demand is made. The treating doctor's written opinion can document them, and in serious cases a life care plan may be prepared. An early settlement can leave those costs uncovered, while waiting too long can run into the filing deadline.

Filing suit

The adjuster may accept, reject or counter the demand. If negotiations stall, the next step is usually a lawsuit, which has to be filed before the statute of limitations runs. Every state sets its own deadline, and claims against government agencies can require written notice much sooner. Discovery brings written interrogatories, document requests and depositions, and the defense may ask for an independent medical examination. Many courts require mediation before trial, and most cases resolve by settlement rather than verdict.

Resolution and payment

Settling a claim usually means signing a release. Before funds are paid out, liens from Medicare, Medicaid or health plans car accident lawyer may need to be resolved, and in many states a settlement for a minor requires court approval. A car accident attorney should provide a written closing statement that shows the fee, the costs and the net recovery. This timeline is general information, not legal advice, and no article can predict how long a claim will take.