

How the Claims Process Works for Personal Injury Cases

The claims process can be confusing, and we're here to help you understand what you might expect. While every case is different and our approach on each case depends on the specific facts and issues involved, there are some broad-based common approaches to reach a resolution in personal injury and wrongful death cases.

The initial phase involves investigation. We will begin gathering evidence and information as soon as possible after the initial incident, including information about the cause, witnesses involved, and the identities of responsible parties and their insurance carriers. Depending on the circumstances, it might be necessary to retain consultants to help preserve evidence. For example, we have used accident reconstruction experts to collect information from the scene, as well as to measure and photograph vehicles.

If the case involves personal injuries requiring medical treatment, we will be working on the investigation phase while you recover from physical injuries with the help of your physician and other healthcare providers. Typically, however, we cannot begin to try and resolve your claim with the at-fault party's insurance carrier until your physician has released you from care and we know the full extent of your injuries.

Once healthcare professionals have released you from care, we will obtain complete copies of your medical records and bills. In most cases, we will give the responsible party's insurance carrier an opportunity to resolve the claim fairly without filing a lawsuit. Therefore, it is our usual practice in claims involving personal injuries to provide the insurance company with a comprehensive settlement proposal with all of our client's pertinent records.

If we are unable to resolve the case in pre-suit negotiations, we will discuss options with our client. It may be that the only feasible option to seek fair compensation for your injuries is to file a lawsuit against the responsible party. If a lawsuit is filed, it may take 6 to 12 months or even longer to get to trial. Of course, it is always possible that the case may settle before trial.

Do you have additional questions about the claims process, or about what you can expect when you hire an attorney for your personal injury or wrongful death claim? Contact Mark Hefter for more information.