How Long a Car Accident Claim Takes, Stage by Stage

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 lawyer can explain where a particular claim stands, though every claim is different.

The first hours and days

Getting medical care comes first, even if injuries seem minor at the scene, and the records made that day often become important evidence. Police usually write 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 recorded over.

Property damage and early contact

The vehicle is repaired or declared a total loss, and the insurer pays for repairs or the actual cash value. Diminished value may be claimed in some states. The other driver's adjuster may request a recorded statement or make an early offer. Many people consult a car accident attorney at this point, before signing any release. A preservation letter can ask the other driver or nearby businesses to keep video and event data recorder (EDR) data.

Treatment and documentation

During treatment, the medical records and bills are collected, along with proof of lost wages. Many claims are not valued until the injured person reaches maximum medical improvement, meaning the point at which doctors can describe the long-term outlook. A car accident lawyer then sends the insurer a demand package containing the records and bills, along with a summary of damages. In some states, time-limited settlement demands must follow statutory rules.

Settling before treatment ends

Once a release is signed, the claim is usually over for good, including future medical costs connected to the crash. When a doctor expects surgery or ongoing care, those future costs are usually estimated before a demand goes out. A written opinion from the treating doctor can document them, and in serious cases a life care plan may be prepared. Settling too early can leave those costs unpaid, while waiting too long can run into the filing deadline.

Filing suit

The insurer may accept the demand, reject it or make a counteroffer. If the claim does not resolve, the next step is usually a lawsuit, which must be filed before the statute of limitations expires. Each state sets its own deadline, and claims involving a government agency may require written notice much https://caraccidentlawyers.wiki/reference/lawyers-and-fees/ sooner. Discovery brings written interrogatories, document requests and depositions, and the defense may request an independent medical examination. Many courts require mediation before trial, and most cases settle rather than reach a verdict.

Settlement and closing

A settlement usually requires a signed release. Before funds are paid out, liens from Medicare, Medicaid or health plans may need to be resolved, and settlements for minors may need court approval in many states. An automobile accident lawyer typically provides a written closing statement showing the fee, the costs and the net amount. This is general information and not legal advice, and it cannot predict how long a particular claim will take.