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

Right after the crash

Medical care comes first, even when 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 used to request a copy. Most auto policies require prompt notice to the policyholder's own insurer, even when the other driver caused it. Photos of the scene, the cars and any visible injuries are easiest to get early, and dashcam files should be saved before they are recorded over.

Repairs and the first calls

The vehicle is repaired or declared a total loss, and the insurer pays for repairs or the actual cash value. Some states allow a diminished value claim. The other driver's adjuster may request a recorded statement or make an early offer. Many people talk with a car crash lawyer at this stage, before a release is signed. A preservation letter can ask that video and event data recorder (EDR) data be kept.

The months of treatment

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, the point when doctors can describe the long-term outlook. A car crash attorney 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. 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 serious cases sometimes use a life care plan. An early settlement can leave those costs uncovered, while waiting too long risks missing the filing deadline.

If the claim does not settle

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. Each state sets its own deadline, and claims involving a government agency may require written notice much sooner. In discovery, the parties exchange written interrogatories and documents and take depositions, and the defense may Car Accident Lawyers Wiki request an independent medical examination. Many courts order 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 may need to be resolved, and settlements for minors may need court approval in many states. A motor vehicle 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 it cannot predict how long a particular claim will take.