

Negotiating Your Own Personal Injury Claim

If you're reading this, it's because you've been hurt in an accident and are considering filing your own personal injury claim. Well, take a step back and think about this seriously.

Negotiating your own personal injury claim means:

- 1) Getting all medical records
- 2) Getting incident and police reports
- 3) Doing legal research
- 4) Communicating with adjusters who will try to trick you
- 5) Writing demands when you might not have enough experience or objectivity to understand the worth of your claim

That said, sometimes negotiating your own case is a good idea (or a necessity if your case is not significant enough to warrant hiring an attorney).

If you are going to negotiate your own case, you need to do the following:

- 1) Make sure you have photographic evidence of all damages, including damage to your car and all injuries.
- 2) Get the medical treatment you need, no more and no less.
- 3) Be aware that giving a recorded statement could hurt your case and try to avoid it.
- 4) Pay attention to the statute of limitations – you only have a certain amount of time to file a claim, and if you miss the deadline, you could lose your right to compensation.
- 5) Be honest with your doctors about your health.
- 6) Be wary if an adjuster asks for a medical release form. You may need to give it to them but this means they will dig up everything possible to deny your claim.
- 7) Be a good record keeper – you will need to keep track of all your medical bills, lost wages, car repair bills, etc.
- 8) Do not take the first offer. The adjuster will usually offer a lower settlement than your case is worth, and you should negotiate.

If you decide to negotiate your own injury settlement, you will need to write a demand letter. This demand is extremely important as it will be the best way to show the insurance company the worth of your claim.

Start by outlining the facts:

What happened

Why the other person is legally responsible (liable)

What injuries you received

What medical treatment you received

Any income you lost

Any other damages suffered (like car repairs, loss of enjoyment, etc.)

You can structure your letter in the following categories, which are basic and easily understandable:

- 1) Prove liability. It's especially helpful to have a police report if the other person was cited for an illegal traffic violation.

- 2) Injuries and treatments: Do not be modest, embarrassed, etc. – just tell the whole truth and nothing but the truth. Show how the injury has negatively affected activities in your life and give a precise chronology of events and explain how the injury will affect you long-term.
- 3) Medical expenses: Show how much you owe each provider, with treatment dates, and use your actual diagnoses (instead of sore back, for example, you might have compressed vertebrae or a herniated disk – be specific).
- 4) Lost income: Show how much you would have made (do not exaggerate) and explain why you lost this income.
- 5) Other losses: Other treatment you may need, therapy, unusual embarrassments, pain and suffering, etc.

End your letter with a specific sum of money you would like to receive from the insurance company. You should probably make this figure a lot higher than you actually can live with because the adjuster will try to offer a very low sum and you need a high amount to start negotiations.

Include with your letter all supporting documents, like police reports, medical records, etc., and make a copy of the letter. Send the letter certified to ensure that you know when it arrived and when it was received.