

How to Get the Largest Settlement in an Accident Case



Personal injury cases involve any legal dispute where a person suffers harm from an accident or injury and someone else may be legally responsible. Although car accidents are the most common type of personal injury case; slip and fall accidents, product malfunctions, medical malpractice, dog bites, and even assault are in this same category.

Some people hire a lawyer to handle a personal injury claim and others choose to represent themselves. Here are some tips to help you get the compensation you deserve regardless of who handles the claim.

Call the Police

If the police are called and the at-fault party is cited with a traffic violation, the insurance company **will have a hard time disputing liability**. Witness statements will also **help your position** in this case.

Call an Ambulance

If you were injured, call or tell the police to **call an ambulance**. Make sure you receive immediate medical treatment. After emergency care, the hospital may release you with instructions to follow-up with your primary care physician or with a specialist. Make the appointment to see them **as soon as possible**. Delays in medical treatment or gaps in

follow-up can often hurt your case for personal injury. The specialist or primary care doctor may recommend therapy and/or chiropractic treatments... these appointments are essential too... make sure you follow medical directions.

Document Everything

The first step before negotiating with an insurance company of the at fault party is to take pictures of the damages, the accident scene and the injuries. Get a copy of the police report (in an accident case). Do NOT post any details on social media as this information could be misconstrued and/or used to minimize your claim of injury.

Determine your Deadlines

Getting a free consultation with an attorney would be a smart move – even if it is just to find out what the deadlines pertain to your case in the state where you are filing a claim.

Determine whether you need an attorney

It is certainly possible to represent yourself and have a favorable outcome, even against a large insurance company. If you were not badly hurt and it is obvious the other party is at-fault, you may want to go this route. If you do, you should start by notifying the at-fault party's insurance company about your accident and injuries. Once you make a claim, the insurance company will open an investigation.

If damages or injuries are significant, or fault is somewhat cloudy - having an attorney may help you ultimately win your case and receive a larger amount of compensation. Beyond that, having an attorney can save you the headaches of dealing with the insurance company, conducting negotiations and reaching a fair agreement on your behalf.

Estimate Your Damages

There are two types of damages available to you:

1. Exact Calculation Damages (also called Special Damages): these include items that are capable of exact calculation like property damage, costs to fix your car in a car accident, lost earnings, medical bills, lost future earnings, etc.
2. Damages not capable of exact calculation: pain & suffering or mental anguish as a result of your injuries fall into this category (sometimes called General Damages)

Send a Demand Letter

Assuming you are handling your case yourself, you can send a demand letter to the at-fault party's insurance company as soon as your injuries are healed (or at a time when you are certain of what medical costs will be incurred in the future). There are form letters you can find online but basically, your letter should outline the facts of the accident and your injuries. It should also itemize all Special damages (medical bills, property damage, out-of-pocket expenses, etc.).

An effective way to determine an amount for general damages is to **multiply your special damages by a number from 2 to 5** that reflects your **pain and suffering**. Together, your special damages and general damages will be your **total settlement demand**.



Negotiating a Fair Settlement

Don't be surprised by a low settlement offer. An adjuster will often lowball the initial offer because many people don't have the patience to go through the negotiation process and they will jump at the first offer given. Throughout negotiations, it is the insurance adjuster's job to minimize your claim and thereby pay you as little as they can. They do this by low-balling, stalling, and under-stating the amount you are entitled to for fair compensation.

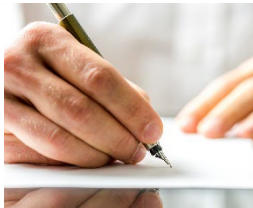
The next logical step is to **reject an initial offer that is too low** with a counteroffer.

You can ask the adjuster for an explanation behind the amount given in the settlement offer. You may reduce the initial amount in your demand slightly, but your counteroffer should reiterate your damages and injuries and reinforce your position.

Your response should address the explanations with statements like "the [evidence, police report, witnesses, etc.] clearly shows your insured is at fault and as a result, I have suffered an inability to engage in [your favorite activity]". **Address the reasons** why you deserve a higher offer (with a focus on your pain and suffering).

The adjuster may not respond right away, and you must be patient if you want to settle your case for what it is worth. It is not uncommon for this process to go through multiple offers and counteroffers before there is a final settlement offer. Stay on top of the communications because every day they delay is a day they are using your money interest free!

The adjuster may make an offer over the phone but, always ask for a written copy in the mail so that you can formally respond in the same way.



At some point the insurance adjuster may say this is a "**final offer**". If the final offer is not agreeable to you, you have one recourse - go to trial. Many claims are settled at this point too, because, when the claim is filed – the insurance company knows you are not bluffing.

Choose an attorney based on skill, not advertising

When someone needs a personal injury attorney, they often choose based on TV ads or radio commercials. Unfortunately, many firms that advertise like this are simply "settlement" firms. They want to settle **as many claims as possible** rather than fight aggressively for a few individual cases. They may not even be equipped or skilled at **taking your case to trial** if the at-fault party refuses a reasonable settlement.

Although most cases are resolved through settlements, knowing your attorney is fully prepared and experienced in the courtroom can **often work in your favor**. The defendant's attorney (or insurance company) is more likely to accept a reasonable settlement rather than a long drawn out fight when they realize your attorney is capable and willing to fight aggressively on your behalf.

With over 35 years in the court room; William F. Mulrone **specializes in personal injury cases**. Having been involved in some very notable cases, arguing in front of the Maryland Court of appeals, and even the United States Supreme Court, he has led and won construction accident cases, automobile accident cases, medical malpractice and many other **serious personal injury cases**.

William practices law in Maryland - helping clients who deserve a fair and favorable outcome.



No fees unless we win.

Call 240-389-1946 today for a free consultation and an unbiased assessment on the value of your case. There is no charge or fees unless we win your case.



Like my page on Facebook for more free legal tips!

<https://www.facebook.com/mulroneylawfirm/>

