

# 10 WAYS TO AVOID PERSONAL INJURY CLAIM MISTAKES



Helpful information  
about your personal injury claim



BRIDGE CITY LAW

■■■ A Different Kind of  
Personal Injury Law Firm



The following pages provide information about the 10 most common mistakes people who have been injured in a car accident, tend to make.

Yet, these easy-to-make mistakes are simple to avoid, will protect your personal injury claim, and will support you in having a full and speedy recovery.

We developed this resource to assist people who have been injured in an accident and to help navigate their personal injury claim process. If you have additional questions, please call our office at (503) 274-0404 . We're happy to help.

# 10 PERSONAL INJURY CLAIM MISTAKES TO AVOID

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## MISTAKE #1:

# Settling your personal injury case before you're done treating from your car accident.

Too often we've seen people settle their personal injury claim within a week or two of being injured for \$500, \$1,000, or \$1,500. This may sound like a lot of money initially, but if it takes five or six months, or even longer to recover from your injuries, you will quickly realize it would have been best to have waited before settling.

While most people make a full and speedy recovery from their injuries, you want to protect yourself in case that is not what happens – or if it does take longer than you thought it would to recover.

The adjuster for the at-fault insurance company counts on you not knowing the risks you're taking by settling too soon and before you know the extent of your injuries and the time you'll need to recover.

We counsel our clients to not prioritize money over their health and offer that same guidance to you. Until your medical provider(s) releases you from their care, we strongly advise that you do not settle your claim -- no matter how tempted you may be to do so.



## MISTAKE #2:

# Delaying seeing a medical provider immediately following a car accident.

Putting off getting medical treatment can cause problems and complexity in your personal injury claim.

First and most importantly, it will DELAY you from having a full recovery – or worse, it can even PREVENT you from having a full recovery.

Second, if you wait too long, the insurance company will likely say that if you were really hurt you would have immediately begun and continued your treatment.

They may also so if you don't see a medical provider right after your accident that another event happened that actually caused you to be injured.

What's important is getting the medical treatment you need without delay, immediately following your accident.

Remember, when you take care of yourself and your health, you are also taking care of your personal injury claim.



## MISTAKE #3:

# Not following your medical provider's advice after a car accident.

To ensure you have a quick and full recovery, it's important to follow your healthcare provider's advice – whether it be how often to see them, following through with any referrals they offer you, or doing your daily exercises and stretches.

When patients fail to follow through with their provider's advice, it will be written in your medical record – your chart notes. This creates two problems.

First, it's not helping you get better.

Second, the insurance companies will say that your recovery either took too long or you didn't have a full recovery because you didn't follow your provider's advice.

The last thing you want to do is to give the insurance company ammunition to say you were the cause of a prolonged recovery, or that not having a full recovery was your fault.

If there is anything in the chart notes that the insurance company can use against you – they will.



## MISTAKE #4:

Providing a recorded statement to the other driver's insurance company without first speaking to an attorney.

We've seen all too often that a recorded statement to the at-fault driver's insurance company is used against our clients. When the other person's insurance company asks for a recorded statement, it is about more than setting up your claim.

The adjuster is looking for any information you give them, or forget to tell them, that they can use against you – especially about your injuries and similar prior physical complaints.

It may feel like you're being unreasonable for not wanting to give a recorded statement. You can simply say, "Let's set a time for me to give a statement the day after tomorrow." In the meantime, talk to an attorney who specializes in personal injury cases on ground rules to follow when giving a recorded statement.

Giving yourself a couple of days to get informed is not being uncooperative. You're simply taking care of your claim and making sure you're not being taken advantage of.



## MISTAKE #5:

# Signing a medical authorization release for the other driver's insurance company.

It's not unusual for the at-fault insurance company's adjuster to ask you to give them permission to get your medical records soon after the accident. You don't want to sign a medical records authorization or release for them until you're done treating.

When an adjuster requests your medical records before you're done treating, they're not using them to evaluate your claim. They use the information against you by calling your PIP adjuster and telling them that based on your medical records, they're not going to reimburse your PIP for any medical treatment.

That causes your PIP carrier to stop paying for your medical treatment.

When you tell the adjuster that you want to wait to sign the medical release, they will often say that they need the information to evaluate your claim. While it is true, they don't need your medical records until you're done treating. Tell them you will sign the form when your medical providers say you're 'medically stationary.'

You are protecting yourself and your claim by waiting until you're done treating to sign the medical release form.



## MISTAKE #6:

Not telling your medical providers about any previous similar medical problems or issues prior to your car accident.

It's critical to let your medical providers know about any similar injuries, collisions or treatment you've had in the past – even if you made a full recovery.

An accurate medical history can become a surprisingly important factor in your personal injury claim.

The more information your healthcare provider has, the better they can treat you and help you should the insurance company challenge your medical treatment.

Take the time to think over whether you treated in the past with a chiropractor, massage therapist, acupuncturist, or physical therapist.

Have you had any past collisions or on-the-job injuries?

Ask a close friend or family member if they remember something that you might not. It will help your claim and your care if all past similar injuries are shared with your provider.



## MISTAKE #7:

# Posting information about your car accident on social media.

Whether it's Facebook, Instagram, Twitter, or any other social media platform, insurance companies will go snooping around to find anything you've said or pictures you've posted, and use them against you.

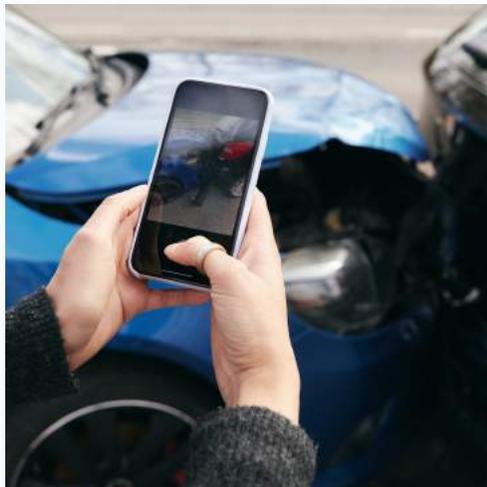
If you have a Facebook account, put your account settings to private, that way the insurance company will have a harder time seeing your information.

There is nothing wrong with making a general statement that you were in a collision and injured.

You want to avoid making specific statements about how the collision happened or any information about your injuries and treatment.

The insurance company will take what you say out of context and use it against you. If you want to communicate specific information, call your friends or family members and tell them personally.

Make sure you're taking care of yourself and your claim, and not inadvertently helping the insurance company, by limiting what you post publically.



## MISTAKE #8:

### Losing track of the other drivers' contact information and photos from the car accident.

Being injured in an accident is a stressful experience. It's all too easy to lose track of the other driver's information, photos of the scene, and details about the cars involved in the accident.

This information can be critical in your claim. If it's stored on your phone, make sure you have a backup somewhere.

If you don't and you lose or break your phone, you will have lost important information for your claim. We've seen this happen too many times.

If you don't back up your phone, print out the information, pictures, and important details about your accident and put them in a safe place where you can find them if needed.

You never know when that information will make all the difference in your personal injury claim.



## MISTAKE #9:

# Not having a medical provider coordinating your treatment following a car accident.

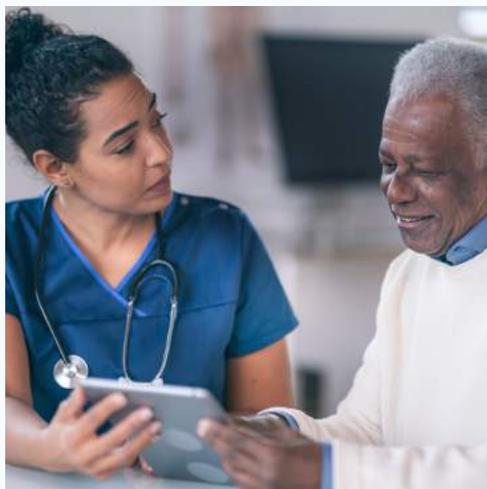
Chiropractors, Naturopaths, Acupuncturists, Massage Therapists, and Physical Therapists all can provide tremendous help in your recovery, provided one of them is overseeing your treatment.

While \$15,000 of Personal Injury Protection (PIP) benefits to pay for your medical treatment may sound like a lot of money, it can be surprising how quickly it can be spent when it comes to covering medical care and expenses. You don't want to run out of PIP money before your treatment is done.

This can happen when there is not one provider coordinating your care.

If your providers are in the same office, there is nothing to worry about. However, if you are seeing providers in different offices and they don't work together as a team, that can cause problems that you don't want in exceeding your PIP coverage.

If you're working with multiple providers, make sure you have one provider coordinating your care.



## MISTAKE #10:

# Not talking with an attorney before settling your personal injury case.

Many people we talk to who have been injured in an accident do not need an attorney to represent them.

While it doesn't always make financial sense to hire an attorney, it does make good sense to talk to an attorney before negotiating with the insurance company.

If you're going to settle your claim on your own, make sure you have the information you need to really advocate for yourself. If you haven't consulted with an attorney first, there are a lot of ways you can short-change yourself when negotiating with the insurance company.

In fact, the insurance company counts on you not getting counsel from an attorney. Remember, the adjuster is a professional negotiator, they negotiate for a living.

By talking to a personal injury attorney, before you start a conversation to settle your claim, you will understand what insurance companies do and what you can do to make sure you're on equal footing when negotiating your own claim.

Even if we don't represent you, we will always give you free advice about how to negotiate with the insurance company.



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Did you know? As part of the global B Corp movement, we are more committed than ever to balance profit with purpose and to being a force for good in business, by making a meaningful contribution to the social and environmental issues we face in our community and the world.

Our family is so grateful to Jim and his associates for taking on what could have been a hard motorcycle accident case to prove and to give our son justice, making him whole again. Forever grateful for them believing in him, making the process so incredibly smooth and always felt supported by his great team of professionals. Again ... thank you for all your hard work and diligence to see this through to the end!

- The Kerns Family



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We will help you determine if you have a case  
and if it is in your best interest to hire a lawyer.



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so you can focus on recovering from your injuries.