How Long an Auto Accident Claim Takes, Stage by Stage

Car accident claims move through stages that may take months or longer. The vehicle 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 days

Getting medical care comes first, even if injuries seem minor at the scene, and the records made that day often become important evidence. Responding officers usually prepare 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.

The first weeks

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, along with proof of lost wages. 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 prepares a demand package for the insurer 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

A release usually ends the claim 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. Settling too early can leave those costs unpaid, while waiting too long can run into the filing deadline.

Filing suit

The adjuster may accept, reject or counter the demand. If the claim does not resolve, the next step is usually a lawsuit, which must be filed before the statute of limitations expires. Every state sets its own deadline, and claims against government agencies can require written notice much sooner. Discovery brings written interrogatories, document requests and depositions, and the defense may ask for an independent medical examination. Many courts order 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 in many states a settlement for a minor requires court approval. A motor vehicle accident attorney typically provides a written closing statement that shows the fee, the costs and the net recovery. This timeline is general information, not https://caraccidentlawyers.wiki/reference/contingency-fees-and-case-costs/ legal advice, and it cannot predict how long a particular claim will take.