

13 Ways to Harm Your Personal Injury Case

There can be many pitfalls in a personal injury case. Insurance companies will try many methods to deny your claim altogether or make the recovery as small as possible.

You should NOT do any of the following:

1. Admit to Any Fault at the Scene of the Collision.

Your initial thoughts on how the collision occurred may not be correct. If you admit you were partly to blame for the collision, you will likely be barred from making a recovery. This includes any statement you give. If you are unsure of the facts, you should not be making a statement about them. For instance, if you do not know what your exact speed was, you should not say that you were probably going a little over the speed limit.

The law in Virginia is such that if you are partly responsible for the collision or accident, you may not make a recovery. Even if the other person is 99% at fault for an accident, if you are 1% at fault, you lose in Virginia, unlike most states.

2. Downplay Your Injuries.

While you should never exaggerate the extent of your injuries, you should let the officer at the scene know that you are hurt. If you are having some pain, do not assume it is nothing and will get better. The investigating officer will put in his accident report whether anyone involved in the collision was injured. The insurance company, or their lawyer, will try to use it against you if you neglected to tell the officer you were hurt when he spoke with you after the accident.

3. Give a Statement to Any Insurance Company.

Insurance companies often try to quickly get you to make a recorded statement about the collision. Rarely does the statement help you in any way. While the statement will likely not be admissible in court, it will be used against you in the acceptance of liability and for settlement purposes.

4. Not Quickly Having Pictures Taken of the Vehicles Involved in the Collision.

If there is significant damage done to the cars, they will likely be moved to a salvage yard quickly. You will want to have photographs taken of all vehicles involved, if possible. Once they are moved to the salvage yard, they will either be sold or destroyed, and the opportunity to have them photographed may be lost. Insurance companies will often conveniently only take pictures of your car if there is little or no damage to the vehicle so they can use it against you at trial.

5. Not Seek Medical Treatment for an Injury.

If you are injured, you need to be seen by a medical provider as soon as possible. Do not try to “tough it out” if you are experiencing real pain. If you wait until a month after the collision, the insurance company will surely bring up that there was a gap between when you were in the collision and when you first sought medical attention. The longer you wait to see a doctor, the more difficult it is for the doctor to testify that your injury definitely was caused by the trauma from the collision. On the other hand, you should NEVER go to a doctor just to go or to run up medical bills.

6. Miss a Medical Appointment.

A sure way to cause problems with your case is to be a no-show for appointments with doctors or other medical providers. Their records will reflect that you did not show up, which will cause the insurance company (and, possibly, a jury) to look negatively on your case. If you have no ride or cannot make the appointment, you must call ahead and explain to the provider that you need to reschedule and why you cannot make the appointment. Insurance companies always assume you are not hurt if you are not willing to make it to a doctor appointment.

7. Give the Insurance Company Authorization to Contact Your Doctor.

You should not sign an authorization for the insurance company to get your medical records or contact your medical providers. They could then contact your doctor and discuss your case without you present. They could also use the authorization to request medical documents that have nothing to do with your injuries from the collision.

8. Believe that the Insurance Company Will Act in Your Best Interest.

Despite what an insurance company representative may tell you, they do not have the same goal you do. They want to resolve your case as quickly as possible for the least amount of money possible.

9. Not Tell Your Attorney about Previous Injuries or Personal Injury Cases.

You need to make your attorney aware of any and all previous injuries you have had, particularly if they are the same or similar to the ones related to the current incident. Insurance companies will eventually obtain your medical records and find out. Many companies keep a database of prior claims and will know about it, while your own attorney does not.

10. Not Follow Your Physician's Instructions.

You need to follow all of the instructions that your doctor gives you. If you are given lifting restrictions or are told not to engage in certain activities, you must adhere to those restrictions. If there is any evidence that you did not follow the doctor's orders, the insurance company will use it against you.

11. Have Your Attorney Refer You to a Doctor.

If you do not have a regular family physician, you should follow up with the doctor recommended to you by the emergency room. Ask family members or friends who they have seen and use those recommendations. It will not help your case and, in fact, will look bad if it comes out that you were sent to a certain doctor by your attorney.

12. Not Hire an Attorney Who Focuses on Helping People Who Are Injured.

There are many attorneys out there. Some focus their practices, while others handle cases in all areas. Some attorneys mistakenly believe that they can take a personal injury case and get a quick settlement. Quick settlements are not the norm in personal injury case. You want an attorney who is going to prepare your case to be tried in the

event that it becomes necessary. Attorneys that regularly handle injury cases will likely be able to identify any problem areas and address them quickly.

13. Settle Your Case before You Are Released by Your Doctor.

You can only resolve your case once. When you settle the case, you will have to sign a release that will mean you cannot later file suit against that person or entity. If you resolve the case and later need further medical treatment, you will be on your own.