

3 MISTAKES TO AVOID



**WHEN HANDLING THE
INSURANCE ADJUSTER**

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INTRODUCTION

If you've been hurt in a car accident, you have a right in Texas to make a claim against the at-fault driver. They caused the wreck, so their insurance company should pay for your damages and injuries.

Unfortunately, insurance companies don't always make things easy, nor do they have your best interests at heart. Insurance companies are profit-driven businesses, and they wouldn't stay afloat if they didn't make more money than they spent on insurance claims. It's the job of the insurance adjuster to make sure that insurance companies pay as little as possible on any claim.

Insurance adjusters are trained to look out for the insurance company's bottom line, using tactics designed to pay you as little money as possible – even if you have a legitimate injury or property damage. However, with the right knowledge you can avoid common mistakes that will devalue your claim.

WHAT WE WILL COVER IN THIS GUIDE

This guide will cover three common mistakes made when talking to the insurance adjuster after a wreck. They are:

- Don't Give a Recorded Statement
- Don't Sign a Medical Release
- Don't Accept the Initial Offer

1) DON'T GIVE A RECORDED STATEMENT

It works like this: If you were hurt in an accident that was someone else's fault, you'll file a claim through their insurance company. The problem is that insurance companies lose money every time someone makes a claim. They know that the less they have to pay out in claims, the more they get to keep in profit. Unfortunately, this creates some skewed incentives.

When you file a claim against the at-fault party (the person who caused the accident), the insurance company will begin to look for ways to reduce the value of your claim or better yet, to deny your claim altogether. They might try to pin the blame of the accident on you, or they might try to dig into old medical records to show that your injuries weren't a direct result of the accident.

A recorded statement is a tactic insurance adjusters use to devalue your case. They'll ask you tricky questions to try to make you say the wrong thing, and since they have it recorded, they can use your answers against you later. Common examples of tricky questions include questions about your past medical history (preexisting injuries can hurt your case) or questions about what you said to the other person after the accident - like if you apologized (whether or not the accident was your fault).



I wish things were different, but this is the way it is. If you want to avoid potentially hurting your injury case, don't ever give a recorded statement.

2) DON'T SIGN A MEDICAL AUTHORIZATION

Insurance agents often say that they need a medical release form to get your claim resolved quickly or to help find you treatment for your injuries. They might make it seem like this form is just another piece of paperwork that needs doing. Don't believe them.

Signing a medical release can ruin your entire case. No matter what they tell you, the reason the insurance company wants your medical records is so that they can uncover evidence that might help them pay you less. They want to weasel their way out of paying for your hospital bills and medical expenses caused by the wreck.

It works like this:

1. You get hurt in a truck accident that wasn't your fault and need back surgery, for example.
2. You mistakenly sign a blanket release that allows the insurance company to look through your entire medical history.
3. They discover that you sought treatment for back pain in the past and can now argue the need for back surgery pre-existed the accident, even if it's not true.

The insurer will need to know about the injuries you sustained in the truck wreck and how you were treated in order to reimburse you, so it might seem like asking for a medical request release form is reasonable. However, be very cautious if they ask for a blanket medical release. Remember, you aren't required by law to sign a medical release from the insurance company, and you can always submit copies of the relevant records yourself.

Keep your privacy rights intact and talk to an experienced Texas truck accident attorney before signing anything from the insurance company.

3) DON'T ACCEPT THE INITIAL OFFER

Sometimes, taking the insurance company's initial offer might seem like the right decision. For example, if your car has been totaled or needs significant repairs, accepting their offer will allow you to get back on the road sooner rather than later. But will their offer also cover all your medical needs too?



If you have been badly injured, chances are you will require medical treatment. Even if you didn't go to the ER after your crash, you may begin to experience aches and other pains in the days or weeks following your accident. It is unlikely that the insurance company's initial settlement offer will cover the full cost of the medical care you will require as a result of being injured.

Furthermore, if the liable insurance company is rushing to offer you a check so soon after the accident, it is because they probably already realize that a fair settlement would be significantly more than you may yet be aware of. By getting you to accept their initial offer, however, it means the insurance company can get away without having to pay you any more money later on, once you have determined the true cost of being injured.

HOW TO KNOW WHEN IT'S TIME TO HIRE AN ATTORNEY

Let me start by saying that not everyone will benefit from hiring a lawyer. If your damages were small or you weren't hurt, for instance, then you can probably handle your claim on your own. The people who need an attorney are those who have the most to lose, particularly people who have thousands of dollars in medical bills.

The bigger your wreck was, the more trouble the insurance company will give you because the more they have to lose.

To help you determine if you should consult a professional, consider these five questions:

Does the At-Fault Party Admit that They Caused the Accident?

To explain why this matters, we'll look at an example. Let's say Bill is driving when he rear-ends Sue. Bill admits that he was tailgating and apologizes for causing the accident. They file a claim through Bill's insurance and the case is settled without a lawyer.

But what happens if Bill denies fault? What if Bill blames Sue, saying she swerved in front of his car and that's why he wrecked into her?

Now there's a dispute, which complicates things. When neither party wants to admit fault, it's up to Sue to *prove* that Bill caused the wreck. If Sue can't prove it, she'll recover nothing.

At this point, most people choose to hire an attorney. Proving negligence and providing evidence is tricky business, and there's often a lot at stake - medical bills, missed work days, pain, suffering, damage to the car, long-term



disability and the like. People in Sue's position know that it's not worth risking "going it alone." If the other side won't cooperate, you need an attorney's help.

How Much Money Is The Accident Costing You?

Look at things like your medical bills (past and future), lost income and so forth. How much money will this accident cost you? And how much money are you comfortable handling? Some people feel confident handling claims that are \$500, \$2,000 or even \$5,000 on their own. However, when doctor's bills, hospital fees and other costs continue to mount, lots of people turn to a personal injury attorney for help.

You have to decide at what level your case becomes too big to handle yourself, and how much money you're willing to risk losing should the claim not go in your favor.

How Seriously Were You Hurt?

This is a big one. If you were seriously hurt in an accident, especially if you're looking at months or even years of recovery, you should consult with a lawyer to represent you professionally.

As a general rule, the more seriously you're injured, the more money you'll need to cover medical costs. Of course, the more money you need, the more the insurance company will try to fight and deny your claim. Insurance companies do their best to minimize the amount of money they have to pay out in claims - it's the only way they'll remain profitable. And while there's nothing wrong with profits, it comes at your expense.

Sometimes, simply having a lawyer on your side will deter an insurance adjuster from offering you an unfair settlement or denying certain aspects of your claim. Even if the insurance company does try to pull some of their "tricks," a lawyer will understand how to handle them. Remember, insurance companies do this for a living, but so do lawyers. Having one on your side is your best bet if you've been seriously hurt and want a fair outcome.

Is the Insurance Company Treating You Fairly?

One of the most common reasons my clients choose to hire me is because the insurance company was treating them unfairly. Insurance adjusters are in the business of making money, and while there's nothing wrong with that, the more money they pay you the less their company gets to keep. This creates some skewed incentives.

A few of the most common complaints I hear regarding insurance companies include:

- The adjuster has refused to authorize a rental car, even though the accident is clearly their insured's fault.
- You received an extremely unfair offer on your car's repairs.



- The insurance company won't accept full responsibility for the accident.
- The adjuster is arguing that because you delayed medical treatment, you "aren't that hurt."
- The insurance company won't advance you money for your medical bills or missed wages.
- No one will return your calls.
- The adjuster is arguing that your injuries were pre-existing.

If you're struggling to get the insurance company to cooperate, it could be time to consult an attorney.

How Much Time Do You Have to Spare?

Settling a claim takes time - lots and lots of it. There's paperwork to be completed and decisions to be made, not to mention the time you'll spend learning about the claims process and preparing your case.

You can probably learn all you'll need to know about settling a routine claim in a few hours. After that, settling your own claim is doable and typically profitable, assuming you're successful. Lawyers typically charge a legal fee equal to one-third of your recovery, so if you settle your own case for \$1,000, you can keep that \$300 fee. Of course, the bigger the case, however, the more time and energy you'll need to commit, and the greater chance that the other side will try to fight you. If your case is too serious, turn it over to a lawyer. One-third is a small price to pay when the alternative is nothing!

At my firm, something my clients appreciate the most is the time, energy and stress we were able to take off their shoulders. Though clients hire me to win them compensation for accidents that weren't their fault, what they appreciate more is the peace of mind I give them. Having an attorney allows my clients to focus on what really matters - recovering.

Hurt in Dallas-Fort Worth? Contact the Anderson Law Firm today for a free, no obligation consultation on your Fort Worth car accident injury claim. Call us now at 817-294-1900

WHO AM I?

After growing up in Fort Worth and graduating from Boswell High School, Mark attended Texas Tech University and Baylor University School of Law. Mark started at Texas Tech with an interest in business, but soon met a pair of lawyers—a husband and wife—who would change the course of his life. Their stories about the people they had helped inspired Mark to pursue a career in law.

Mark went on to be the editor-in-chief of the *Baylor Law Review* and graduated law school with honors. In 1991, he was admitted to the Texas bar and over the years he has helped car accident victims, truck accident victims, bicycle accident victims, motorcycle accident victims, bus accident victims, dog bite victims, and others get the recoveries that they deserve.



Mark understands the needs of his clients and is a knowledgeable and devoted victims' advocate.

“I devote an incredible amount of time to making my law practice a place where injury victims can feel relieved from the stress of these claims,” says Mark. “Over the years, I have learned that while clients hire me to win them compensation, what they appreciate more is the personal service my staff and I aim to provide. To my clients, just knowing that someone is out there fighting for them means a ton.”



Mark Has Been Recognized for His Achievements

Mark is board-certified in personal injury law—an achievement that only two percent of all Texas lawyers can claim. He has won millions of dollars for his clients, and he is or has been:

- Recognized annually by *Fort Worth Magazine* as a Top Attorney
- Recognized as a 2014 Super Lawyer by Thompson Reuters
- Rated with the prestigious AV Rating by Martindale Hubbard
- Published by the *Texas Bar Journal*
- Rated by AVVO as 10.0 or Superb
- Rated by the Better Business Bureau as A+
- A member of the Esteemed Lawyers of America (ELOA).
- In the top one percent, according to the National Association of Distinguished Counsel (NADC).
- In the Premier 100, according to the American Academy of Trial Attorneys (AATA).
- The author of *Roadmap to Winning Your Texas Motorcycle Accident Case*, *15 Mistakes That Will Wreck Your Texas Accident Case*, *The Injury Victim's Guide to Credit Repair*, and the *Texas Property Damage Guide*.
- A frequent speaker at the state bar association and state paralegal association, where he teaches attorneys and paralegals about personal injury law.
- A guest on a numerous TV stations to discuss his cases.



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If you were hurt in an accident in Dallas-Fort Worth and you'd like to set up a free consultation, the accident attorneys at the Anderson Law Firm are here to help. During our meeting, we'll discuss the specifics of your case, advise you on the best course of action and let you know whether or not our services are a match. It costs nothing to hire us (we only get paid if we win on your behalf) and all phone calls are free.

Need help after an accident? Call today at 817-294-1900 to ask about your case.