

How well you settle your accident claim often depends on how well you start it. The sooner you get organized and begin documenting the facts of the accident, the better your chances of clearly showing an insurance company your side of the incident and receiving all the compensation to which you are entitled.

The First 72 Hours: Protecting Your Rights

Immediately after being injured in an accident, you are probably angry, in pain and maybe a little depressed. That is not the best frame of mind in which to get organized for an insurance claim. But taking some of the following simple steps in the first few days after your accident can help make the entire claim process easier on you--and increase your chances of receiving all the compensation to which you are entitled.

Write everything down. Jot down things about the accident as soon as possible after it happens, including details of your injuries and their effect on your daily life. These notes can be very useful two or six or ten months later, when you put together all the important facts into a final demand for compensation. Having notes to remind you of all the details of what happened, and what you went through, is far easier and far more accurate than relying on your memory.

Get into the habit of taking notes on anything you think might possibly affect your claim and carry it through the entire claims process. Anytime you remember something you had not thought of before--while you're in the shower, just before you fall asleep, as you're biting into a pastry--write it down and put it with your other notes.

There are several kinds of notes you should keep.

Accident notes

As soon as your head is clear enough, jot down everything you can remember about how the accident happened, beginning with what you were doing and where you were going, the people you were with, the time and weather. Include every detail of what you saw and heard and felt--twists, blows and shocks to your body immediately before, during and right after the accident. Also include anything you remember hearing anyone--a person involved in the accident or a witness--say about the accident.

Injury notes

In the first days following your accident, make daily notes of all pains and discomfort your injuries cause. You may suffer pain, discomfort, anxiety, loss of sleep or other problems which are not as visible or serious as another injury but for which you should demand additional compensation. If you don't make specific note of them immediately, you may not remember exactly what to include in your demand for settlement weeks or months later. Also, taking notes will make it easier for you later to describe to an insurance company how much and what kind of pain and discomfort you were in.

And writing down your different injuries will help you remember to report them to a doctor or other medical provider when you receive treatment. A relatively small bump on the head or snap of the neck, for example, may not seem worth mentioning, but it might help both the doctor and the insurance company understand why a bad back pain developed two or three days, or several weeks, after the accident. Also, by telling the doctor or other medical provider about all of your injuries, those injuries become part of your medical records that will provide evidence later that such injuries were caused by the accident.

Notes of economic or other losses

You may be entitled to compensation for economic loss and for family, social, educational or other losses, as well as for pain and suffering. But you will need good documentation. Begin making notes immediately after the accident about anything you have lost because of the accident and your injuries: work hours, job opportunities, meetings, classes, events, family or social gatherings, vacation or anything else which would have benefited you or which you would have enjoyed but were unable to do because of the accident.

Notes of conversations

Make written notes of the date, time, people involved and contents of every conversation you have about your accident or your claim. In-person or telephone conversations worth noting may include those with any witness, adjuster or other insurance representative, or with medical personnel.

Confirming letters

In the course of your claim, you may be told or promised something or given some information that you want to make sure is not later denied or changed. Immediately after the conversation, send a letter confirming what the person told you. The letter does not have to be elaborate, just a brief restatement of what was said. Make a copy for your own files before you send it.

Preserve Evidence of Fault and Damages

The first few days immediately following an accident are often the most important for finding and preserving evidence of what happened--and documenting your injuries.

Physical evidence

Who was at fault for an accident is sometimes shown by a piece of "physical" evidence--something you can see or touch, as opposed to a description of what happened. Examples include a worn or broken stair which caused a fall; the dent in a car showing where it was hit; an overhanging branch that blocked visibility on a bike path. Also, physical evidence can help prove the extent of an injury: damage to the car can demonstrate how hard a collision was; and torn or bloodied clothing can show your physical injuries very dramatically.

Moreover, physical evidence that is not preserved or photographed in the first few days following an accident can get lost, modified by time or weather, destroyed or repaired. So,

any physical evidence you have--your damaged car or bike, your damaged clothing, a defective product--should be preserved exactly as it was at the accident. You can later show it to an insurance company as proof of what happened.

Photographs

If you do not have a piece of physical evidence, or for any reason cannot preserve it, the next best option is to photograph it. Regular photos are better than Polaroids. Not only do they usually show greater detail and more accurate light conditions, but you will be able to give an insurance company prints while holding onto the negatives. Take a number of photos from different angles so that you can later pick out the ones that show most clearly whatever it is you want to highlight to the insurance company.

Take the photos as soon as possible so that they will accurately represent the condition of the evidence immediately after the accident. To establish the date the photos were taken, ask a friend to both watch you take the pictures and to write a short note stating that he or she observed you taking the pictures on that date. Also, get the film developed immediately and make sure the photo shop indicates the date on the back of the prints, or at least on your receipt.

Returning to the scene

If an accident occurred somewhere other than in your home, return to the scene as soon as possible to locate any evidence and photograph any conditions you believe may have caused or contributed to the accident. You may be amazed to find something you were not aware of when the accident occurred but which may help explain what happened: a worn or torn spot on which you fell, a traffic light that isn't working. And while looking around, you may also find someone who saw what happened, or who knows of other accidents which have happened in the same spot.

Take photographs of the accident scene from a number of different angles--particularly your view of things right before the accident--to keep a good picture of it in your mind and to give to the insurance company later on to indicate how well prepared you are to get the settlement you deserve. Photograph the scene at the same time of day as your accident occurred, and for vehicle accidents, the same day of the week, to show the appropriate amount of traffic.

Witnesses

A witness to an accident can be immensely valuable to you in making your case to an insurance company. Witnesses may be able to describe things in an accident that confirm what you believe happened, backing up your story. And they may provide you with information you were not aware of but which shows how the other person was at fault. Even a witness who did not actually see the accident may have seen you soon after you were injured and can confirm that you were in pain or discomfort. Or, a witness may have heard a statement made by another person involved in the accident indicating that someone other than you was at fault.

However, time is of the essence. If witnesses are not contacted and their information confirmed fairly soon after the accident, what they have to say may be lost. People's memories fade quickly, and soon their recollections may become so fuzzy that they are no longer useful. Also, a witness might no longer be around if you wait too long; people move frequently.

Documenting your injuries

The best ways to preserve evidence of your injuries are by promptly reporting all of them to a doctor or other medical provider, and by photographing any visible marks, cuts, bruises or swelling, including any casts, splints, bandages or other devices. Without an early medical record of all your injuries, and photos if possible, it will be more difficult later to convince an insurance company that you were injured in the ways and to the degree you claim you were. Visible injuries heal and will not look as serious later, and failing to seek immediate treatment can lead an insurance company to believe that your injuries were not so serious, or even that you invented or exaggerated them after the accident.

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