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 attorney can explain where a given claim stands, though every claim is different.

The first hours and 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 when the other driver caused it. Photos of the vehicles, the scene and any visible injuries are easiest to take early, and dashcam files should be saved before they are overwritten.

Repairs and the first calls

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 consult a car accident attorney at this point, before a release is signed. A preservation letter can ask that video and event data recorder (EDR) data be kept.

Treatment and documentation

While treatment continues, medical records and bills are gathered, together with proof of missed work. Many claims are not valued until the injured person reaches maximum medical improvement, meaning the point at which doctors can describe the long-term outlook. An auto accident 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

Once a release is signed, the claim is usually over for good, including any future medical costs tied to the crash. If a doctor expects surgery or long-term care, those costs are usually estimated before a demand is made. A written opinion from the treating doctor can document them, and in serious cases a life care plan may be prepared. Settling too early can leave those costs unpaid, car accident lawyers near me while waiting too long can run into the filing deadline.

Lawsuit and discovery

The insurer may accept the demand, reject it or make a counteroffer. If the claim does not resolve, the next step is usually a lawsuit, which has to be filed before the statute of limitations runs. 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 resolve by settlement rather than verdict.

Resolution and payment

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. An automobile accident lawyer typically provides a written closing statement that shows the fee, the costs and the net recovery. This is general information and not legal advice, and no article can predict how long a claim will take.