



**QUIZ:  
IS IT TIME TO CALL A  
PERSONAL INJURY LAWYER?**

## IS IT TIME TO CALL A PERSONAL INJURY LAWYER?

**W**hen you are injured in an accident, you can pursue a claim for compensation on your own or you can enlist the help of a personal injury attorney. Several factors may impact your decision in this regard, including whether you are comfortable dealing with insurance claims adjusters and insurance company lawyers; the nature of your injuries; the financial impact of your injuries; and the amount of time that has passed since your accident.

If you are contemplating calling a personal injury attorney, take our quiz to see how these factors apply to your situation. Be sure to answer all 5 questions to get the most accurate assessment of your potential claim.

# I. YOUR INJURIES

## QUESTION 1:

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**Which of the following statements more accurately describes your situation?**

- A. My injuries were relatively minor and resolved quickly. I am now back to pre-injury levels of functioning, and I am relatively pain-free.
- B. My injuries are serious. I have painful symptoms that are likely to linger for a long time or be permanent.

### **If you answered "A," ...**

You may not need to contact a personal injury lawyer at this time. You can submit your medical bills and proof of other expenses/losses to the insurance company and try to negotiate a full and fair settlement of your claim on your own.

### **If you answered "B," ...**

It may be time to contact a personal injury lawyer.

In general, the more serious your injuries, the sooner you should reach out to a personal injury lawyer. To put it another way, the more your claim is potentially worth (i.e., the more it will cost the insurance company to settle your claim), the sooner you should reach out to a personal injury lawyer. Thus, if you have significant medical bills and you anticipate a need for ongoing treatment, you should call a personal injury lawyer now. If your doctor has indicated that any aspect of your injury is "permanent" (e.g., a permanent impairment, scarring or disfigurement), you should contact a personal injury lawyer.

Likewise, though it may seem counterintuitive, if your claim is for soft-tissue injuries -- "whiplash," or a strained back or similar injury -- you should consider contacting a personal injury lawyer. These are serious injuries that tend to be painful and to linger for a long time, but insurance companies tend to be skeptical of soft-tissue injuries because the best measure of the injury is your subjective complaints of pain. (Compare this to a broken bone, which can be proved objectively and obviously by an X-ray.) Consequently, the insurance company is likely to make you a lowball offer and engage in stall tactics and other negotiating "techniques" designed to drag out the claims process and get you to settle for less than your claim is worth. Having a personal injury attorney on your side will help to move the negotiations along and ensure you are treated fairly.

## II. YOUR LOSSES

### QUESTION 2:

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#### **Does the following scenario accurately describe your current situation?**

The medical bills are starting to pile up. Because of my injuries, I can't do the same work or work the same hours as I did before. With my income reduced, other bills are piling up too. I'm not sure when I'll be able to get back to my full-time work schedule or if my earnings will ever meet or exceed what they were prior to my being injured.

- A. Yes. That scenario closely describes my situation.
- B. No. My situation is not like that.

#### **If you answered "A," ...**

You should consider contacting a personal injury attorney.

If you are comfortable doing so, you could try to negotiate your medical bills with your providers first.

Most medical providers are sympathetic and will work with you if you are sincerely trying to pay your bills, but are suffering financial hardship, especially if you were injured as a result of someone else's negligence. If, however, you are truly unable to make any payments, then then you should call a personal injury attorney without delay. Your attorney will have many options available to protect your credit and prevent you from being harassed by unscrupulous debt collection agencies. Moreover, your attorney also can open (or continue) settlement negotiations with the insurance company. An experienced personal injury attorney will be able to accurately assess all of your losses, including potential future losses (e.g., future medical expenses; loss of future earning capacity; and the anticipated expenses that often accompany a personal injury accident, such as household help; childcare; transportation expenses; etc.).

#### **If you answered "B," ...**

You may not need a personal injury attorney at this time.

Should your situation change, do not hesitate to contact a personal injury attorney to negotiate your medical bills with your providers or take other steps necessary to protect your interests.

## III. YOUR DEALINGS WITH THE INSURANCE COMPANY

### QUESTION 3:

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**Which of the following describes your current situation:**

- A. I have not yet reported a claim.
- B. I have reported a claim and an adjuster from the at-fault party's insurance company has reached out to me for a recorded statement.

**If you answered "A," ...**

It's probably not the right time to contact a personal injury attorney.

You can file a claim with your insurance company on your own. If you plan to make a claim, however, do so without delay. You may inadvertently forfeit your rights if your claim is not timely under your policy.

**If you answered "B," ...**

Consider reaching out to a personal injury lawyer. Generally speaking, it is risky to provide a recorded statement to an at-fault party's insurance adjuster without having an attorney present or available on the phone to protect your interests.

### QUESTION 4:

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**Which of the following statements more accurately describes you:**

- A. I love shopping for a new car. I get a new car every few years because I like the challenge of the negotiation. I do my research; I know what I want, and I know the fair market value of what I want. They think they can put one over on me? Not a chance.
- B. I hate car shopping. I'll drive my car into the ground to avoid having to deal with the salesman (and his supervisor... and his supervisor's supervisor) for a whole day. Why does it always take all day?! I don't like to argue. I treat people fairly, and I expect to be treated fairly in return – always, without any posturing or game-playing.

**If you answered "A," ...**

You don't have to call a personal injury lawyer at this time.

If you are willing to do your research to determine what your claim is worth, and to gather the supporting documents the adjuster will need, then you can handle the settlement negotiations on your own, for as long as you like. There is no rule or law that requires you to retain an attorney.

**If you answered “B,” ...**

You may want to call a personal injury lawyer sooner, rather than later.

Insurance claims adjusters are well trained in the “art” of negotiation. The adjuster will put all of this training toward one goal: getting you to settle for as little as possible. The adjuster may try a number of different negotiation “tactics” to get you to agree to a settlement. He might, for example, make a lowball offer; try to get you to bid against yourself; stop returning your calls; and/or pass your claim on to a new adjuster, so that you have to start the negotiation process all over again. Another common technique is to discourage you from retaining a personal injury lawyer. The adjuster will say, “Why do you need an attorney? We can work together on your claim.” Don’t believe it. You and the adjuster are not working “together.” You are on opposite sides of a negotiation, and you have opposing goals.

Having a personal injury attorney on your side helps to level the playing field during negotiations and ensures that you have someone at the table who is looking out for your best interests.

## IV. THE PASSAGE OF TIME

### QUESTION 5:

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#### Which of the following is true?

- A. Less than 6 months have passed since I was injured.
- B. More than 6 months have passed since I was injured.

#### If you answered "A," ...

You may choose to hold off on contacting a personal injury attorney, if you are still recovering from your injuries and/or you are comfortable negotiating with the insurance claims adjuster on your own.

#### If you answered "B," ...

You should consider contacting personal injury lawyer at this time.

Under the law, you have a fixed window of time within which to file a lawsuit. If you miss this deadline, you effectively give up your right to file a lawsuit and seek compensation for your injuries through the court system. Moreover, as a general rule, the passage time tends to diminish the value of your claim. Evidence may be lost over time (e.g., skid marks get washed away; surveillance tapes get erased; repairs are made). Memories fade; witnesses move away. Plus, the longer it takes for a personal injury case to get before a jury, the lower the jury's verdict tends to be. If jurors are hearing about events that happened two or three years ago, they may find it hard to empathize with you, especially if your claim is for pain and soft-tissue injuries, which have long since resolved. Accordingly, if you were injured more than six months ago, and you have been unable to reach a satisfactory resolution with insurance company, it's in your best interests to call a lawyer now.

## BOTTOM LINE

If any of the following applies to you:

- Your injuries are severe and/or permanent;

OR

- You suffered soft-tissue injuries and the insurance company is skeptical of your claim;

OR

- You are having trouble paying your medical bills and meeting the other expenses of daily living;

OR

- The insurance company is giving you the run-around or pressuring you to settle for less than you believe your claim is worth;

OR

It has been more than six months since you were injured;

**THEN** it is time to call a personal injury lawyer.

Many personal injury lawyers offer a free, no-obligation, case evaluation. During this evaluation, the lawyer will assess the legal merits of your case; answer your questions; and provide you with the information you need to decide whether and how to proceed.

We know it can be intimidating to call a lawyer, but we are here to help if or when you need us. Please don't hesitate to call.