How Long an Auto Accident Claim Takes, Stage by Stage

A car accident claim moves through stages that can take months or longer. The vehicle damage part often resolves within weeks, while the injury claim usually waits until medical treatment has run its course. A car accident attorney can explain where a given claim stands, though every claim is different.

The first days

Getting medical care comes first, even if injuries seem minor at the scene, and records from that first visit often become important evidence. Responding officers usually prepare a crash report, and the report number is used to request a copy. Most auto policies require prompt notice to the policyholder's own insurer, even when the other driver caused it. Photos of the scene, the cars and any visible injuries are easiest to get early, and dashcam files should be saved before they are overwritten.

Property damage and early contact

The vehicle is repaired or declared a total loss, and the insurer pays the repair cost or the actual cash value. Some states allow a diminished value claim. An adjuster from the other driver's insurer may ask for a recorded statement or offer an early settlement. Many people consult a car accident attorney at this point, before a release is signed. A preservation letter can ask the other driver or nearby businesses to keep video and event data recorder (EDR) data.

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, the point when doctors can describe the long-term outlook. An auto accident attorney then sends the insurer a demand package 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. When a doctor expects surgery or ongoing care, those future costs are usually estimated before a demand goes out. A written opinion from the treating doctor can document them, and in serious cases a life care plan may be prepared. An early settlement can leave those costs uncovered, while waiting too long risks missing the filing deadline.

Lawsuit and discovery

The adjuster may accept, reject or counter the demand. If the claim does not resolve, the next step is usually a lawsuit, which has to be filed before the statute of limitations runs. Each state sets its own deadline, and claims involving a government agency may require written notice much sooner. Discovery brings written interrogatories, document requests and depositions, and the defense may request an independent medical examination. Many courts order mediation before trial, and most cases resolve by settlement rather than verdict.

Settlement and closing

Settling a claim usually means signing a release. Before money is distributed, liens from health plans, Medicare or Medicaid may need to be resolved, and settlements for minors may need court approval in many states. An automobile accident lawyer should provide a written closing statement showing the fee, the costs and the net amount. This timeline is Car Accident Lawyers Wiki general information, not legal advice, and no article can predict how long a claim will take.