
TOUGH QUESTIONS

Questions The Insurance Adjustors Don't Want You
To Ask

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QUESTIONS THE INSURANCE ADJUSTORS DON'T WANT YOU TO ASK

These deadlines, and in particular a trial date, can help motivate the insurance company to make reasonable and diligent attempts to settle the case.

I have been representing accident victims against insurance companies for the past 15 years. My office has handled hundreds, if not a few thousand, accident cases during this time. By representing hundreds and hundreds of accident victims over the years, you begin to see how the insurance industry deals with victims after they begin the claim process following the accident.

I have found that most insurance adjustors are highly trained adversaries, although most people would never think this, at least not in the beginning of the claims process. Now, most people understand that the insurance company's job is to make money and that one way it does this is by settling claims for less than the claim is worth. Yet, most people are unaware of how sophisticated, yet simple, the methods the carrier will utilize to help it accomplish this goal.

Here are some questions that often will make the insurance company squirm. No, the carrier doesn't like it when you ask these questions because it either cannot answer the question or worse, the answer is one they do not like to hear.

QUESTION 1: Isn't it true that if I use an attorney, I'm likely to recover more

money in settlement than if I try to settle the claim on my own?

ANSWER: Don't be surprised if the adjustor lies to you and says "no" to this important question. How do I know that answer is false? Because a study by the Insurance Research Council (a nonprofit group funded by major insurance companies across the nation) and titled "Paying for Auto Injuries" found that the average total payout on claims that have an attorney is *4.8 times greater* than those claims where the injured victim settled on his or her own. This same study showed that individuals who use an attorney receive *3.28 times more money after the attorney's fee is paid*. Most insurance claims adjustors are very aware of this study. So, if the insurance company wants to maximize profits it will train its claims representatives to go to great efforts to dissuade people from hiring an attorney. Simply put, the insurance companies know that if you hire counsel you will likely get more money in settlement, even after deducting the lawyer's fee.

QUESTION 2: How can the insurance company verify that the settlement amount being offered to me is fair and reasonable?

ANSWER: It can't and it won't! Sure,

Why do I have to give you a recorded statement when you can get information about the accident from the police report?

the adjustor will *tell* you that settlement offer is reasonable and fair but he can't verify or prove it to you that everyone with similar injuries never receives more. Unless you are in the business of negotiating and settling injury claims there is little chance you will know whether the settlement amount that is being offered is fair. Therefore, by negotiating and settling the claim yourself without using the assistance of a professional (i.e., personal injury attorney) you run the risk of accepting a sum that may turn out to be much less than what is considered reasonable for your type of claim.

QUESTION 3: Why do I have to give you a recorded statement when you can get information about the accident from the police report?

ANSWER: Because the insurance company will try to use your own statements against you! In most accidents a police report will be filed and the insurance company has easy access to this report (it just takes a written request and a small fee). So why is a recorded statement necessary? Most companies have written policies in place which require the adjustor to get a recorded statement to see if there's any information the accident victim might reveal which could be later used to either deny the claim or pay out less money when settlement occurs.

QUESTION 4: If I give you a recorded

statement, can I then get a recorded statement from your own insured, i.e., the other driver?

ANSWER: No! This will never happen. It seems fair though doesn't it? If you have to give a statement about the accident, then why can't you also get a statement from the other driver? Yet, the insurance adjustor will never allow this for the same reasons you should never give a recorded statement to the insurance company.

QUESTION 5: Why do I have to give you an unrestricted medical authorization before I can settle the claim?

ANSWER: So the adjustor can go fishing into your past medical history and find anything about your prior health which will help the company either deny your claim or pay out as little as possible. You can just as easily collect your accident-related records and send them to the carrier for its review at time of settlement. But usually if you are not represented by counsel the carrier will never accept this. By using an attorney, the attorney can usually put limits on how much medical information needs to be disclosed.

QUESTION 6: Shouldn't I wait to settle the claim until my medical treatment concludes, or until I'm sure that I have made a full recovery?

ANSWER: No, because the insurance

If you are claiming that my medical treatment is excessive or unreasonable, will you pay my doctor to write a detailed report explaining why my treatment has been appropriate and related to the accident?

company knows that the quicker you settle the claim the less money it will have to pay out. Once you settle the claim you can't reopen the case if it turns out your injuries are more severe or if you need more treatment as recommended by your doctor. Most insurance companies have in place written directives to its claims department to settle every claim as quickly as possible so the accident victim can't reopen the case later if the person's condition gets worse.

QUESTION 7: Why hasn't anyone told me about Uninsured Motorist (UM) or Underinsured Motorist (UIM) coverage?

ANSWER: Probably because too few people know that they may have additional coverage under their own policies which will pay for the injuries and damages caused by a car accident. If the at-fault driver has no insurance, or not enough insurance to pay for your damages, then your own insurance company is responsible for paying you additional compensation under the UM/UIM portion of your policy. Many insurance companies obviously don't want you to know about this coverage because it may mean that you are entitled to more compensation!

QUESTION 8: If you are claiming that my medical treatment is excessive or unreasonable, will you pay my doctor to write a detailed report explaining

why my treatment has been appropriate and related to the accident?

ANSWER: Of course not! The insurance company will always refuse this request. And why should it? Although the claims adjuster has absolutely no medical training, nothing stops him or her from arguing that your treatment was excessive or unreasonable. This is just one way how the carrier will say anything to whittle down the value of your claim so you accept a much smaller settlement than what you're otherwise entitled to. An experienced personal injury attorney on your side will solve this problem!

IMPORTANT

In Washington State, you only have three (3) years from the date of the accident to settle your claim or file a lawsuit against the at-fault driver – also called the statute of limitations. Sometimes the insurance company will intentionally delay and drag out the settlement process. Then before you know it, the 3 year statute of limitations is right around the corner. The insurance company knows that you only have a certain amount of time to settle your claim and if you're backed up against the SOL, there is a good chance no reasonably good attorney will take your case. You will then be forced to accept a settlement that is virtually pennies on the dollar of the true value of what the claim is worth. Don't fall into this trap!!

ABOUT THE AUTHOR

CHRISTOPHER M. DAVIS

Washington attorney Christopher Michael Davis has been representing individuals in accident cases and against insurance companies since 1994.

In 2006, he was named a Rising Star Attorney by Washington Law & Politics magazine (this recognition is given only to the top 2.5% of lawyers age 40 and under in Washington State). In 2007, Washington Law & Politics named Mr. Davis a Super Lawyer (the top 5% of lawyers in Washington). Mr. Davis speaks at Continuing Legal Education seminars on topics related to personal injury. He teaches and instructs other lawyers in Washington State on topics such as jury selection, proving damages and developing winning trial techniques.

Mr. Davis has been licensed to practice law in Washington State since 1993. He has obtained millions of dollars in verdicts and settlements for his clients. Mr. Davis is a member of numerous professional organizations, including the Washington State Trial Lawyers Association, American Association for Justice, and the North American Brain Injury Society.

If you believe you or a loved one has been wronged, contact Mr. Davis today for a FREE, no obligation consultation at 206-727-4000.

Davis Law Group, P.S.

The personal injury attorneys and trial lawyers at the **Davis Law Group, P.S.** are dedicated to protecting your interests and handling your case with personal attention, aggressive advocacy, professionalism, and compassion.

We have been successfully representing injured people, car accident victims, and wrongful death cases in Washington State for almost 15 years. We understand that sustaining traumatic and life changing injuries is emotionally devastating. We strive to balance this concern with the unique and rigorous demands of the legal system. We understand that the selection of your personal injury attorney is an important decision, and which may have far reaching consequences.

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