

TOUGH QUESTIONS. Questions Your Insurance Adjustor Does Not Want You To Ask

BY SHELLY LEEKE, ATTORNEY

I have been representing accident victims and fighting insurance companies for nearly a decade. Dealing with insurance companies has allowed me to see firsthand, the outlandish practices employed by adjustors to encourage accident victims to settle their cases for less than they deserve, after being involved in an accident.

Although it may not be apparent when adjustor calls you right after an accident, you should keep in mind that the insurance adjustor is your highly trained opponent. The goal of the insurance company is to keep profits high. One of they make money is by carefully training claims adjustors how to settle claims for less than their value. However, the tactics that insurance companies use to make accident victims settle for less are easy to recognize, once you are aware of them and know how to combat them.

These questions are ones that the insurance companies either cannot answer or do not like to answer. Why? Because either they don't know the answer, or they don't want you to know the answer.

QUESTION 1: Is it true that if I use an attorney, then I will probably get more money in the settlement than if I settle the claim on my own?

ANSWER: In response to this question, it is not uncommon that the adjustor will lie to you and say "No." The truth is, however, that a study by the Insurance Research Council (a nonprofit group funded by major insurance companies across the nation) titled "Paying for Auto Injuries" determined that on average, attorney represented claims received 4.8 times greater the amount of money than those that settled by the victim themselves. Even *after* the attorney's fee is paid, the study showed that people still receive 3.28 times more money than those who settle without a lawyer. Most insurance companies know this is true, so they train adjustors to persuade accident victims to settle early in the claims process, before they have a chance to talk to an attorney. They think that if they can settle with the accident victim before they hire an attorney, the company saves money by paying you less.

QUESTION 2: How can the adjustor verify that the amount I am being offered by the insurance company is a fair settlement for my claim?

ANSWER: The adjustor can't and he/she won't! They may, and probably will tell you that the settlement offer is fair, and maybe even generous, but the truth is they can't verify or prove that that every-

one with similar injuries and a similar accident as yours did not receive more compensation. Again, this is why it is so important to have an experienced professional, such as a personal injury lawyer, representing you. They will have a better idea of a fair settlement amount and will be able to negotiate with the insurance company for you. You owe it to yourself to at least consult with an attorney (it's usually free) before settling your claim on your own.

QUESTION 3: Since you can get the same information about the accident from the police report, why do you want me to give a recorded statement?

ANSWER: The only reason the insur-



ance company will ask you for a recorded statement is to use what you say during the conversation against you! Sure, the adjustor will tell you it is a standard procedure, or that they are required to take a statement from you as part of the "investigation," but the truth is, it is unnecessary for you to give them a recorded statement. If you make a statement, they will do their best to find holes in your statement or any details you give that might not match up exactly with the police report. They do this so they can possibly deny your claim or pay less money in order to reach their goal of maximizing profits.

QUESTION 4: Can I get a recorded statement from the other driver if I give you a recorded statement?

ANSWER: Absolutely NOT! The insurance company will never allow you to take a recorded statement from their driver. Although it would seem reasonable for you

to ask for a statement from their driver since they want yours, but they will not allow it. Their reason is the same reason you should not give a recorded statement to the insurance company.

QUESTION 5: Why do I need to sign an unrestricted medical authorization before I can settle the claim?

ANSWER: So the adjustor can have full access in to your medical history to see if there is anything in your past that could help them to deny your claim or settle your claim for less than you deserve. Instead of signing a medical authorization, all you need to do is send your medical records and bills that are related to the accident to the adjustor once you are released from medical care by your doctor. However, unless you are represented by an attorney, the adjustor will probably insist that you sign a medical authorization. If you have an attorney, they can limit the medical information provided to the insurance company to what is relevant to the accident.

QUESTION 6: Should I wait to settle my claim after I am finished treating with my doctor for my injuries?

ANSWER: No, the insurance company would rather settle with you as soon as possible, because the quicker they settle the case, the less money they have to pay for your claim. If you settle your claim before you seek treatment for any and all of your injuries, you will not be able to receive any additional compensation for medical bills or future medical expenses you may incur as a result of the accident. Insurance companies want their adjustors to settle claims as quickly as possible, in order to save them money.

QUESTION 7: If you claim my medical treatment has been excessive or my doctor has overcharged for my treatment, will you pay my doctor to write a detailed report of why the medical treatment and my doctor's bill is appropriate?

ANSWER: Absolutely Not. Even though most adjustors have zero medical training, they will often argue that your treatment was excessive or that your doctor's bill was unreasonable. Discounting the value of your claim as much as possible helps them to encourage you to accept a much smaller settlement than you deserve. An experienced personal injury attorney can help get the settlement that you deserve by fending off these tactics.

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