

A close-up photograph of a person's hand holding a silver pen, pointing at a calendar grid. The calendar is open to a page showing dates from 1 to 31. The hand is positioned over the date 24. The calendar grid is white with blue lines and numbers. The background is a dark blue gradient.

PERSONAL INJURY SUIT TIMELINE

If you or a loved one was injured in an accident, you may be wondering what happens next: What should you do (or not do)? Are you entitled to compensation and, if so, when and how does that happen? The timeline below provides a brief overview of what to expect and what steps to take in the hours, days, weeks and months after an injury accident:

WHAT TO DO AND WHY?

48
HOURS

SEEK MEDICAL TREATMENT

Don't delay treatment. The longer you wait to seek medical care, the more likely the insurance adjuster or potential adversaries will be to assume your claimed injury is fabricated or was caused by something other than the accident. When you do seek treatment, be sure to report to your attending physician that you were in an accident.

72
HOURS

REPORT ACCIDENT TO INSURANCE COMPANY

Most policies require that you report the accident immediately; otherwise, you waive your right to benefits under your policy, including the right to look to your own insurance company for compensation if the at-fault party is uninsured or underinsured.

1
WEEK

GATHER INFORMATION

Photos. Take photographs of the accident scene and your injuries to preserve

this potential evidence. Over time, bruises and cuts will heal; skid marks will fade; the place where you slipped and fell may be cleaned or repaired. Photographs will show the scene and the severity of your injuries at and immediately after the accident.

Witnesses. Obtain contact information for any witnesses. They can then be questioned at a later date.

Documents. Obtain a copy of the police or incident report, if any.

CONTINUE MEDICAL TREATMENT

Follow your doctor's orders. Do not skip appointments. Any gaps in treatment may suggest that your injuries are not as severe as you claim or had healed when you initially stopped treatment.

MAINTAIN RECORDS

Keep all receipts, incident reports or police reports, and other documents related to your accident and injuries. For example, keep your receipts for out-of-pocket medical expenses, medical equipment, home maintenance for services you can no longer perform due to your injuries; repair or replacement of damaged property, etc. Keeping your empty prescription bottles is an easy way to keep a record of your medication use and expenses.

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KEEP A SYMPTOM DIARY

A symptom diary is a written record of how your symptoms impact your daily life. For example, your diary could include notes re: pain level (on a scale of 1- 10); where it hurts; what exacerbates and/or eases the pain; days you had to take a day off work or leave work early. Keep a record even on days when you have little pain; if you only record the “bad” days it may not seem realistic. A symptom diary will be important if you need to file for disability (short-term, long-term, ERISA, or Social Security) and to provide added support for your insurance claim or lawsuit.

6
MONTHS

CONSULT WITH PERSONAL INJURY ATTORNEY

An experienced personal injury attorney can review your situation and help you decide whether you have a case against the other parties involved in the accident. There is no “best” time for this consultation, but don’t wait too long after your accident, as potential evidence may be lost or destroyed. Moreover, you only have a limited time within which to file a lawsuit (typically one-to-three years from the date of the accident, though it may be much shorter than that); if that time period expires, your claim will be barred.

1
YEAR

NEGOTIATE SETTLEMENT

You may negotiate a settlement of your injuries with the insurance company at any time, but it is recommended that you wait until your injuries have resolved or you have an idea of your long-term prognosis, so that you may more accurately estimate any future medical expenses or loss of income. Your settlement should include compensation for economic harm (e.g. medical expenses, loss of income, out-of-pocket expenses) and non-economic harm (e.g. pain & suffering). Caution: Insurance adjusters are skilled and crafty negotiators; having an experienced personal injury attorney on your side will help to level the playing field and protect your interests.

3
YEARS

FILE LAWSUIT (1-3 YEARS)

If you cannot reach a settlement or you have an oral agreement for settlement, you should file your personal injury lawsuit if the deadline to file suit is approaching. This will preserve your right to sue other at-fault parties and to sue the party you expect to settle with if the settlement process breaks down. An experienced personal injury lawyer can ensure that your lawsuit names all the potentially responsible parties, is timely, and is filed in the proper jurisdiction and venue.