

31 Quick Tips for Handling Your Own Texas Personal Injury Car Accident Settlement

By Andrew Traub

1. Secure the correct identity of the person who hit you, as well as the proper name of their employer if they were working for someone else.
2. Get the full information of any independent witnesses to the accident, including contact information.
3. Secure the name of the defendant's (**this is the bad guy**) insurance company.
4. Determine whether the defendant had any other insurance available for the accident.
5. Contact defendant's insurance company (**they will act like they're your friend – don't fall for it**).
6. Get pictures of the vehicles and your injuries.
7. Find out how much insurance the bad guy actually carried. If he is one of those schmucks that only carries the state minimum \$30,000 of coverage, and your injuries are significant, see how much coverage your agent sold you that will protect you. (*If your agent didn't sell you under-insured coverage, and never advised you to buy more, call her up and yell at her.*)
8. Go back and take some pictures of the accident scene - the police who investigated the accident may have taken some, call them and see if they'll send you a set.
9. Make a decision as to whether you will voluntarily submit to a recorded statement requested by the bad guy's insurance company, without your lawyer being present.
10. For kicks, ask the insurance company if you can take a recorded statement from their guy. *If they let you, you'd be the first!*
11. Decide whether you will allow the bad guy's insurance company to have broad, open-ended medical release that will allow them to go fishing through your complete medical history for some unlimited time period.
12. Depending on your injuries, track down your own medical records for the last 10 years or so and read them before the bad guy's insurance company gets them and reads them.
13. Figure out which of your insurance companies (your own car insurance or your health insurance or both!) should pay your

doctors so that you don't get sued for non-payment while the bad guy's insurance company is deciding whether and when to compensate you for your injuries.

14. If Medicare or some other government entity paid your medical bills, contact them and get the information as to who they paid and how much and, using their formula, figure out what they might be owed later by you if you get a recovery.
15. Attend the bad guy's court appearance if he was charged with a traffic violation. *Hopefully, you are well enough to do this.*
16. Bring a court reporter to bad guy's court appearance so that whatever he says might be "used against him" later. (*Little surprise: most Texas traffic courts do not record what goes on in the courtroom.*)
17. If the person who hit you was working for a government agency, watch the "special time clock" that may apply to him because they are "special".
18. If the person who hit you is "immune" from a lawsuit-because of their special status in the world-check your own policy because you may have coverage there.
19. Go back and review your own health insurance policy to figure out whether they will pay the medical bills now or wait until your doctors sue you to get reimbursed out of your settlement money.
20. Review ERISA (Employee Retirement Income Security Act of 1974) and see if your health insurance company is entitled to be repaid out of your recovery. Make sure you aren't giving your money away just because they send you a form letter!
21. While you are at it, if you are receiving worker's compensation or disability payments for the injuries, figure out if THEY want to get at THAT money, too.
22. Don't over-treat...insurance companies for bad guys hate overtreatment and they won't pay for it. But don't under-treat either, or they'll claim you weren't really hurt.
23. When all of your treatment is done, get a disability or prognosis report from your health care providers.
24. Track down wage and salary information from your employer and get those tax returns together from the last 3-5 years.

25. When treatment is over, make sure you have all of the medical records and bills (not those "explanation of benefit forms the insurance company sends you) so that you can submit them with the "demand package" you are going to create.

26. Figure out what amount the bad guy's insurance will really have to pay in a court under the new tort "reform" rules (*which are designed to save the bad guy's insurance tons of money.*)
27. Keep all receipts.
28. Research and figure out what the reasonable settlement value of your case is in the jurisdiction where the accident happened. The value will vary by county and whether the verdicts you find are before or after tort "reform."
29. Make an appropriate demand on the insurance company for the bad guy...one that's not so "wacky" that they just ignore you completely.
30. If the insurance company responds to your demand, and you like what they are offering, take it...but FIRST read the general release of liability that they sent you to make sure you are not waiving important rights.
31. If you don't like what the insurance company for the bad guy offers you, call us...we'll tell you whether it's actually a good offer or not. But...don't wait too long. We don't accept "stale" cases.



****This isn't legal advice. Its just fun information. In fact trying to actually handle a case on your own is something like trying to take out your own appendix, or doing a root canal. It's possible, we suppose, but that's not what MOST sane people do. Obviously, we can't do three years of law school and 10 years of experience on one little piece of paper, so take the above for what it's worth. We offer free books, reports and a ton of videos at AustinAccidentLawyer.com. Drop by and visit-but ...don't wait too long. Believe it or not, there are actually time limits on when you can begin your legal claim. Each case is different, so we can't list them her, but you get the drift.**