The firm of Farah & Farah has been representing accident victims against insurance companies and big corporations for forty years. Our office has handled thousands of accident cases during this period of time. By representing thousands of accident victims over the years, you begin to understand how the insurance industry deals with victims after they begin their claims process following the accident.

...the average total payout on claims that have an attorney is 3-1/2 times greater than those claims where the injured victim settled on his or her own.

We 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 one way they increase their profits is by settling claims for less than what the claim is worth. Although these claims adjustors may claim they’re your "good neighbor" or "you’re in good hands", their job is to save money for the insurance company, which brings more money to their bottom line. Most people are unaware of how sophisticated, yet simple the methods are that a carrier will utilize to help it accomplish this goal. Here are some questions that an insurance company doesn’t want to hear. You know, the insurance company doesn’t like it when you ask these questions because either it cannot answer the questions, or worse - the answer is one they do not like to hear.

Is it true that if I use an attorney I'm likely to recover more money in a settlement than if I'm trying to settle the claim on my own?

Adjustor's Answer: Don't be surprised, if the adjustor says "No" to this important question. How do you know the answer is false? Because a study by the insurance Research Council (a non-profit group funded by major insurance companies across the nation) titled "Paying for Auto Injuries" found that the average total payout on claims that have an attorney is 3-1/2 times more money before legal fees* when they hire a lawyer to defend their rights. Insurance 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, insurance companies know that if you hire counsel, you will likely get more money in a settlement even after deducting the attorney’s fees and costs.

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

Adjustor's Answer: It can't and it won't. Sure, the adjustor will tell you the settlement is reasonable and fair, but he can't verify or prove 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., a 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.
Don’t ever forget that the amount that the
adjustor says is reasonable is coming from the
person who is trying to pay you the least
amount possible and the adjustor’s employer
reaps the benefit from your loss.

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

Adjustor’s Answer: Because the insurance
company will try to use your own statement
against you! The accident or 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 is any information the accident victim
might reveal that could later be used to either
deny the claim or pay out less money when
settlement occurs. In addition, once the
insurance company has a recorded statement
from you and then a lawsuit is filed later on,
the insurance company has another chance to
take a statement from you and inevitably they
will try to show an inconsistency between the
first statement that you gave to the insurance
adjustor and the statement you gave during
the course of the lawsuit. They can use this
inconsistency to attack your credibility and
the genuineness of your claim. Since Florida is
a comparative negligence state, every
percentage of fault that the insurance
company can put on you reduces your recovery
by a percentage. For instance, if the insurance
company can prove through your statement
that your actions were a 20% cause of the
accident, then your recover can be reduced by
that 20%.

If you give a recorded
statement, can you get
a recorded statement
from their insured - i.e.
the other driver?

Adjustor’s Answer: No. (This will never
happen. It doesn’t seem fair does it?) If you
have to give a statement about the accident,
why can’t you get a statement from the at-
fault driver? Yet, the insurance adjustor will
never allow this for the same reasons you
should never give a recorded statement to the
insurance company.

Why do I have to give
them an unrestricted
medical authorization
before I can settle the
claim?

Adjustor’s Answer: So the adjustor can go
fishing through your past medical history and
find anything about your prior health which
can help the company either deny the claim or
Reduce the value of your claim. If you provide the insurance adjustor with a signed medical authorization, there is nothing to stop that adjustor from contacting any of your previous physicians as far back as they can find the records and they can find everything out about your medical history which they will use against you to reduce the value of your claim. You can just as easily collect your accident-related records and send them to the carrier for review at the time of the settlement. 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. For instance, you may have sensitive medical information in your past history which is not relevant to the case and it is not the insurance company's business to know about. This is why they want you to sign a medical authorization so they can find out everything they can about you to defeat your claim.

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

Adjustor's Answer: The adjustor will tell you "No." because the insurance company knows that the quicker you settle the claim, the less money they will have to pay out. Some insurance companies go directly to the scene of the accident or go to your house shortly after the accident and offer to pay you a small sum of money in exchange for a release when no one has any idea as to the extent of your injuries. Once you settle a claim, you can't reopen the case if it turns out your injuries are far more severe or if you need more treatment as recommended by your doctor. Most insurance companies have written instructions to their claims department to settle every claim as quickly as possible so the accident victim cannot reopen the case if the person's condition gets worse.

Why hasn't anyone told me about uninsured motorist, UM or underinsured motorist UIM coverage?

Adjustor's Answer: Because too few people know that they can have additional coverage under their own policies that will pay for injuries and damages caused by an accident if the at-fault driver has no insurance or not enough insurance to pay for your damages. In this case, 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 you are entitled to more compensation! Additionally, in the State of Florida, if you accept a settlement from the at-fault driver without obtaining permission from your own UM or UIM insurance carrier, then you will jeopardize your ability to obtain additional compensation from your insurance company under your UM/UIM policy.
If you are claiming that my medical treatment is excessive or unreasonable, will you pay my doctor to write a detailed report explaining why the treatment has been appropriate and related to the accident.

**Adjuster’s Answer:** Of course not! The insurance company will never approve this request, and why should it? Although the claims adjustor has absolutely no medical training, nothing stops him or her from arguing that your treatment was excessive or unreasonable. This is just one way the carrier will say anything to whittle down the value of your claim so you will accept a much smaller settlement than what you are entitled to and they can also use this as means to explain why they do not wish to pay your medical bills.

Important: In the State of Florida, you only have four years from the date of the accident to settle your claim or file a lawsuit against the at-fault driver. This is called the Statute of Limitations. Sometimes the insurance company will intentionally delay or drag out the process and before you know it, the four year Statute of Limitations is just around the corner. The insurance company knows that you only have a certain amount of time to settle your claim and, backed up against the Statute of Limitations, there is a good chance no reasonable and good attorney will take your case. You will then be forced to accept a settlement that is probably much less than the true value of what the claim is worth. Don’t let this happen to you!

**CAR ACCIDENTS NEVER REST, SO NEITHER DO WE.**

At Farah & Farah, we work together in groups to give your case the resources and dedication it deserves. Our legal team is comprised of respected and experienced attorneys, case managers, investigators, and legal assistants, all of whom are available to personally meet with you and discuss your case.

Our personal injury attorneys make your one shot at compensation count, representing working people and families in matters involving: auto accident, personal injury, medical malpractice, workers’ compensation, social security, slip & fall, trucking accidents, maritime law, boating accidents, nursing home abuse and animal attacks.
Eddie Farah is a founding partner of Farah & Farah. Born in Jacksonville, FL, he received an undergraduate degree from University of Florida and his law degree at Samford University’s Cumberland School of Law. Eddie is a member of the Jacksonville Bar Association, the Florida Bar, Academy of Florida Trial Lawyers, and the Association of Trial Lawyers of America.

Chuck Farah is a partner of Farah & Farah. Born in Jacksonville, FL, Chuck was educated at the University of Georgia, the University of North Florida, and Samford University’s Cumberland School of Law. He is a member of the Jacksonville Bar Association, the Florida Bar, the Academy of Florida Trial Lawyers, and the Association of Trial Lawyers in America.