

# TOUGH QUESTIONS:

## Questions the Insurance Adjustors Don't Want You to Ask

BY EDDIE E. FARAH & CHARLIE E. FARAH, ATTORNEYS AT LAW

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*...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.*

The firm of Farah & Farah has been representing accident victims against insurance companies and big corporations for almost thirty 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. 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.

**QUESTION 1:** 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 "Pain 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. The same study showed that individuals who used an attorney received 3.28 times more money after the attorney's fee is paid. 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

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*Since Florida is a comparative negligence state, every percentage of fault that the insurance company can put on you reduces your recovery...*

will likely get more money in a settlement even after deducting the attorney's fees and costs.

**QUESTION 2:** 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.

**QUESTION 3:** 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 be later 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

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percentage. For instance, if the insurance company can prove through your statement that your actions were a 20% cause of the accident, then your recovery can be reduced by that 20%.

**QUESTION 4:** 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.

**QUESTION 5:** 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 will 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.

**QUESTION 6:** 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

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*Although the claims adjustor has absolutely no medical training, nothing stops him or her from arguing that your treatment was excessive or unreasonable.*

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.

**QUESTION 7:** 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.

**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 the treatment has been appropriate and related to the accident?

**ADJUSTOR'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

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*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.*

use this as a 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! ■

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