

Do I Need a Personal Injury Attorney?

Article By:

Richard P. Console, Jr.

After a severe accident, it's normal to have questions. What will your recovery look like? When and how can you return to work despite your injuries? What do you need to do next?

"Do I need a personal injury attorney?" however, is one of the most important questions many people will ask following an accident. The answer, almost always, is yes. The sooner you hire one, the easier and more efficiently your personal injury lawyer can resolve your case. The answers to the following questions can help you understand why.

How Serious Are Your Injuries?

Perhaps you slipped and fell in a local store, sustaining minor scrapes or bruises, or found yourself in a minor fender-bender resulting in little more than cosmetic vehicle damage. Ordinary instances like these happen frequently, and most of us are equipped to handle them on our own.

On the other hand, a slip-and-fall onto a hard surface can break bones or cause concussions; even a "minor" rear-end accident can result in serious damages to the soft tissues of the neck and spine.

If you suffered serious injuries in your accident, you should contact an attorney as soon after the accident as possible. Severe injuries often leave the victims of those accidents with substantial medical bills, extended medical treatments, and in many cases, no or reduced income to help pay for those bills.

Any time you suffer serious injuries in an accident, including traumatic brain injury, [spinal cord injury](#), or amputation, working with an attorney is invaluable for seeking the compensation you deserve, as well as giving you a better understanding of the claims process and how much compensation you might expect. These often complex injury cases can involve large damage awards and insurance companies that don't want to pay them; an experienced personal injury attorney will know the best strategies for pursuing your case, and protect your best interests through every stage of the claims process.

Who Caused Your Accident?

A personal injury claim requires you to establish that another party caused your injuries. If you

believe that happened, or that outside factors contributed to the accident, you probably need an attorney to collect evidence and pursue your personal injury claim.

In many accidents, multiple parties may share liability. An attorney can identify all of those parties and help you seek compensation from each one.

For example, in a medical malpractice case, you may have grounds to file a claim against both the hospital where the malpractice took place and the doctor who committed malpractice, depending on what happened. Similarly, in a truck accident, you might pursue compensation from both a truck driver and the trucking company that employed him.

Have You Spoken With the Insurance Company or Liable Party?

Many accident victims do not think about speaking with an attorney until they have already connected with the insurance company—but you do not have to wait to speak with the liable party or the insurance company that covers the liable party before contacting a personal injury lawyer. In fact, you're almost always better off letting your personal injury lawyer handle those communications. Insurers are in no hurry to pay out on claims, and insurance companies may use their conversations with you to get you to compromise your claim.

If you already spoke with an insurance company representative, your initial conversation with the insurance company may have triggered your awareness of the need to contact an attorney about your claim.

For example, if:

1. The insurance company denies your claim.

Hearing that the insurance company denied your claim can cause devastation and fear in many accident victims. Not only do you have to navigate your injuries and your recovery, you may worry that you will now have to figure out how to pay your medical bills on your own.

If the insurance company that covers the liable party denies your claim, an attorney can help dispute that denial and achieve a more satisfactory resolution. The insurance company may deny the claim for one of several reasons.

The insurance company believes that the party they cover did not cause the accident. The insurance company may attempt to claim that you caused the accident, or may try to establish that another party bears liability for the accident.

An attorney can help investigate the accident and determine who bears liability. In an auto accident, for example, that might involve not only looking for video of the accident or consulting witnesses at the scene, but bringing in an expert witness who can help establish exactly how the accident occurred and who or what caused it.

Not only that, an attorney can often get access to information that you may have a harder time accessing. In the case of an accident with a commercial truck driver, for example, an attorney might get access to the trucker's logbook, which will show how long the truck driver spent behind the wheel before the accident.

An attorney might also investigate public records concerning past accidents at an intersection, or take a look at repair reports on a vehicle to determine whether the vehicle received maintenance on a reasonable schedule (or missed needed maintenance that could have prevented the accident).

For many accident victims, that investigation doesn't only turn up evidence concerning who caused the accident. It may also turn up critical information that establishes whether additional parties contributed to the accident. This knowledge can help the victim pursue a personal injury claim against each liable party.

The insurance company disputes that your injuries cause the limitations that you claim. An insurance company covering a personal injury claim may ask to see substantial evidence of the limitations caused by your injuries. The medical bills and medical records, which establish the extent of your injuries, are just the start. The insurance company will often want to know more about how those injuries affect your life, both immediately after the accident and in terms of your long-term prognosis.

The insurance company may also investigate you personally. If the company believes that you exaggerated your injuries or lied about your limitations, it may deny your claim. Often, it will check your social media accounts to see whether you engage in activities that you say your accident prevents you from doing—and it may well take your social media posts far out of context to deny your claim.

An experienced personal injury attorney can give you a better idea of what information the insurance company may need to approve your claim. More importantly, your attorney can help place you in the ideal bargaining position to maximize the odds of a favorable settlement. If the insurance company does deny your claim, an experienced personal injury attorney can appeal the denial and provide evidence to increase your odds of a successful resolution.

2. The insurance company delays responding to your claim or delays payment on your claim.

Some time has passed since your accident, but you have received no response from the insurance company that covers the liable party or from the liable party directly. Conversely, perhaps you received a fast initial communication from the insurance company, but then contact tapered off. Now you have no idea of what to expect next, or when you should expect to receive payment for your claim.

Maybe you even accepted a settlement offer from the insurance company, but the expected payment failed to arrive.

Insurance companies may use multiple tactics to delay payment on your personal injury claim. Often, they do not want to turn that money over before they have to, even though you need those funds to pay for your medical bills and manage your other expenses.

A personal injury attorney can help get the response you need from the insurance company. Often, simply retaining an attorney will let the insurance company know how seriously you plan to pursue compensation. An attorney can also provide you with information about the penalties the insurance company may face for ignoring your claim.

3. The insurance company issues a low settlement offer.

Rather than considering the needs of the victim and adhering to the letter of their policies, many insurance companies will try to minimize the compensation they pay an accident victim. Often, this begins shortly after the accident. The insurance company may contact you within days of the accident to provide a settlement offer. This offer may reflect the minimum that the insurance company thinks it can get away with paying you.

If you accept that offer, there is a good chance it is not enough to address the full extent of your injuries (both now and in the future). More importantly, accepting the initial offer usually prevents you from pursuing additional compensation at a later date, even if your actual expenses end up greatly exceeding the amount of the initial settlement.

Before accepting a settlement offer from the insurance company or the liable party in your accident, contact a personal injury attorney. Many will offer a free consultation that will give you a better idea of how much compensation you should expect, and how you should react to the terms offered in a given settlement. An attorney can provide you with valuable advice concerning how to proceed with your claim to prevent you from missing out on the funds you deserve after a serious accident.

4. The insurance company will not negotiate.

You may have chosen not to contact a personal injury attorney immediately after receiving a settlement offer. After all, one look at it told you that the offer did not reflect the funds you actually deserved, especially considering the severity of your accident. You rejected the offer, and came back with a counteroffer of your own.

Unfortunately, the insurance company continues to respond with extremely low offers that fail to reflect the true expense of your injuries.

A personal injury attorney will fight to get you the compensation you deserve. If your claim needs to go to court, an attorney can represent you. Throughout the negotiation process, the attorney will keep your needs in mind, not the needs of the insurance company. Insurance companies know it's easier to take advantage of an unrepresented claimant. By securing the services of an experienced personal injury attorney, you can show insurers that you mean business.

How Much Time Has Passed Since Your Accident?

Every state determines its own statute of limitations, or the time period in which an injured person can file a personal injury claim. This is why it's vital to contact an attorney as soon as possible—should this time period lapse, you are likely barred from presenting a claim.

If time has passed since your accident, especially if you have not communicated with the insurance company or liable party at all, immediately consult a personal injury attorney to ensure your claim is still valid. This is why the most common piece of advice to victims of personal injury is to contact an attorney as soon as possible after their injury.

Do You Have Questions About Your Rights?

Most people know little about their rights following a serious injury, whether due to an auto accident, nursing home abuse or negligence, or a slip and fall. You may not know how much compensation you deserve, how long it will take to settle your claim, or even who bears liability for a specific type of

accident.

© 2025 by Console and Associates. All rights reserved.

National Law Review, Volume X, Number 230

Source URL: <https://natlawreview.com/article/do-i-need-personal-injury-attorney>