

# How to Handle Your Kentucky Car Accident Injury Claim Yourself

A Morrin Law Office Guide





## Introduction

What do you do after you've been in a bad car wreck in Kentucky? After the police interview, the ER visit, and the missed work, where do you go from here? Whether you hire us or not, we've got your back. Every day we help people through their medical recovery after a serious accident in Kentucky, but representation doesn't always make sense for everyone. If you can handle it on your own, then you should.

This is why I drafted the following guide to handling your own car accident injury claim with the at-fault driver's insurance company. I love getting questions about the process and helping anyway I can, even if you don't need to hire me as your attorney.

Please feel welcome to reach out if you think of any questions.

Be well,

**Rob Morrin**



# 1. Document the Accident Scene

Immediately following the accident, gather as much evidence as possible.  
This includes:

- ✓ Photos of the vehicles, damage, injuries, road conditions, and any relevant signage
- ✓ Police report: Contact law enforcement to document the accident. The police report is crucial when proving fault
- ✓ Witness statements: Collect contact information and statements from any witnesses
- ✓ Insurance and contact details of other drivers involved



## 2. Seek Medical Attention



Even if your injuries seem minor, get a medical evaluation. Not only is it important for your health, but it also documents the injuries. Keep detailed records of your treatments, diagnoses, and medical bills.

I oftentimes instruct my clients to keep an injury journal to document changes they notice, pain they experience and when, and any at-home exercises or stretches that are prescribed by a medical care provider (how long each takes to perform, how many reps, and how many times per day or week it's performed).

Insurance companies often dispute claims even if the medical documentation is thorough, so if you give an insurance company an excuse to not pay you, then they are going to use it.



# 3. Notify Your Car Insurance Company

Contact your insurance company as soon as possible to report the accident. Most insurance companies include language in their contracts that requires prompt notification of accidents and cooperation with your own insurance company. Kentucky follows a no-fault insurance system, meaning your car insurance will cover your initial medical expenses up to \$10,000 through Personal Injury Protection (PIP), regardless of who is at fault.

TIP: If the car insurance company calls you after an accident, make sure you know whether you are talking to the “liability” insurance adjuster or the “PIP” insurance adjuster. The PIP adjuster is for the policy you purchased with your insurance company. This doesn’t mean they are always on your side, but they usually work with their insureds better than the liability adjuster who represents the car insurance company for the other driver who was at fault. The liability adjuster will ask you if you will be willing to give them a recorded statement.

You won’t be willing to do that because they are trained to ask questions in a way that causes you to say things which give the car insurance company an excuse (in Kentucky, it only has to be a “reasonable basis”) to either pay you pennies on the dollar or deny your claim altogether.



# 4. Get Better!

In Kentucky, if you are badly hurt by another in a car accident caused by their negligence then you have a duty to A) seek treatment for any injuries claimed as a result of the accident, and B) follow the medical advice from your treating providers. You must get treatment if you are injured, and you want the insurance company to pay for it.

Which kind of doctor should you treat with? I routinely tell my clients A) it's ideal to have a Medical Doctor (MD) govern the care plan after a serious car wreck because of how the insurance adjusters are trained to evaluate a post car crash treatment plan, and B) to go to a trauma injury specialist because they treat trauma injuries every day. That regular practice gives those care providers an edge over general practitioners because they are in the weeds handling severe trauma injuries every day. It matters, and it can maximize your physical recovery. It's the same reason at Morrin Law Office our team of personal injury professionals handles serious car accident injury cases in Kentucky every day; it gives us an edge and allows us to maximize the value we add to the lives of our clients.

This all seems like common sense to most people, but then they have to experience the burden of multiple treatment visits each week and it wears them down. The insurance company knows this and is glad to take advantage of the situation. Don't let them. If you let them do that then you lose now and you lose later. I want you to get back to your best life. This means getting the treatment you need to feel your best. If you need to miss an appointment then be sure to call ahead and reschedule it.





TIP: “no call/no shows” at medical appointments really light up the eyes of the insurance adjuster because they can legitimately say that you are not doing everything you can to get better.

Once you reach Maximum Medical Improvement (MMI), in other words you are as good as you are going to get after an awful accident, then you are in a position to evaluate whether or not there are going to be any permanent symptoms or conditions which your doctor will state was caused by the accident “within a reasonable degree of medical probability.” Once you reach MMI, you are also in a position to place a value on the past pain and suffering, total medical bills, and how the accident disturbed your life.



# 5. Calculate Your Damages

Before sending a letter to the car insurance company demanding they pay you fair value for your injuries, you need to actually calculate the full value of your damages. This includes:

- **Medical expenses:**

Include all doctor visits, treatments, physical therapy, and prescription costs.

- **Lost wages:**

If you missed work due to your injuries, calculate your lost income.





- **Lost Earning Capacity:**

This category of damages covers the ability to earn what you had earned before the accident. If that has been adjusted downward after a serious accident, and you can't go back to work the same way as you did before, then this is a very large category of damages. This category includes other lost opportunities.

- **Property damage:**

This involves the cost to repair or replace your vehicle.

- **Pain and suffering:**

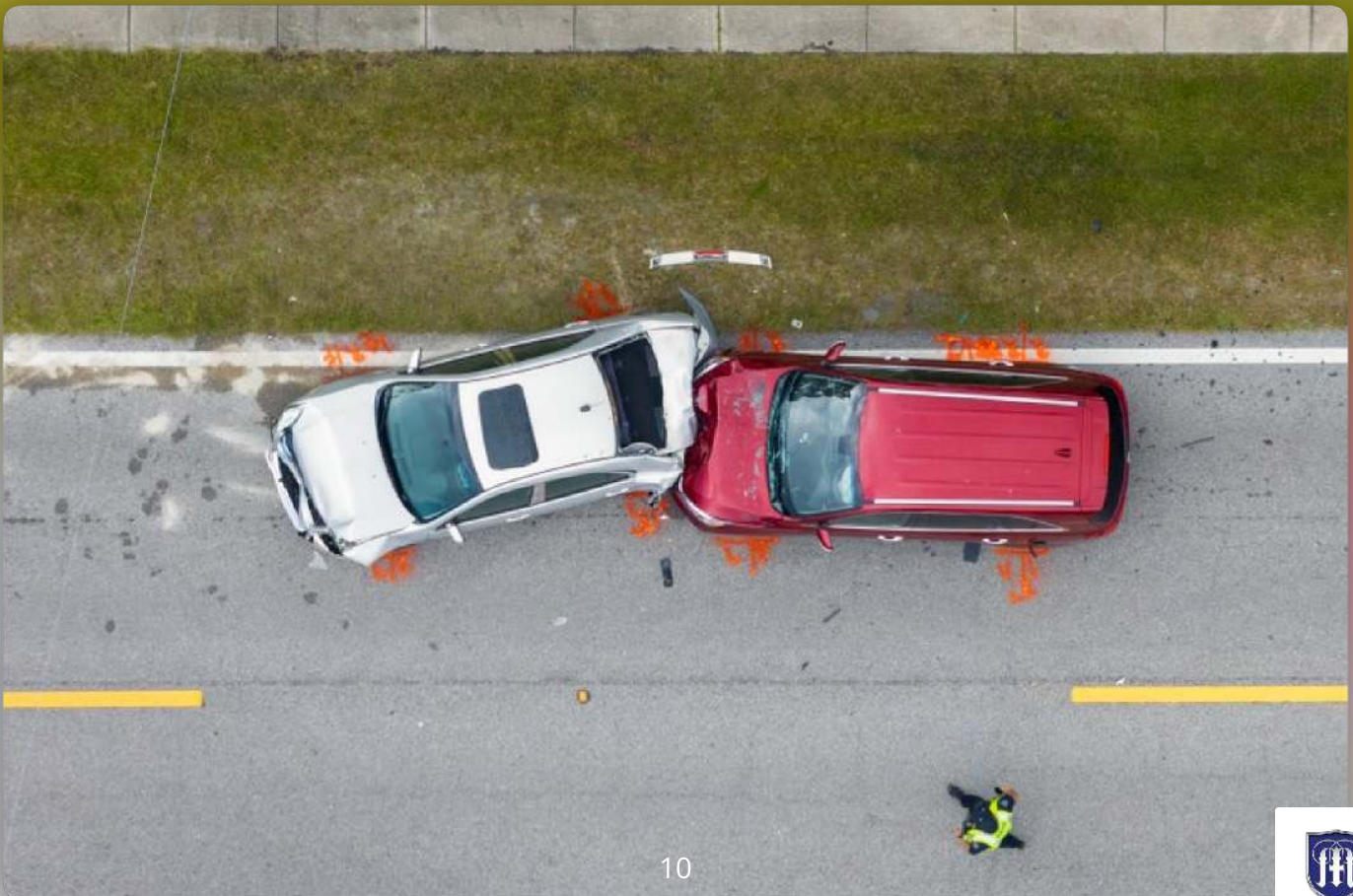
This is harder to calculate but usually depends on the severity of your injuries, recovery time, and the emotional impact of the accident. This includes inconvenience and any increased likelihood of injury you may have experienced as a result of your injuries from the accident.



# 6. Draft Your Demand:

## What to Include

In many car accident injury cases it's appropriate to draft the settlement demand after you reach Maximum Medical Improvement (MMI). The demand letter is one of the most critical components when handling your claim. Here's a breakdown of what to include in your demand to submit to the car insurance company:



## **a. Header Information**

- **Your Information:** Include your full name, address, and contact information.
- **Date of the Accident:** Clearly mention when the accident occurred.
- **Claim Number:** Include the insurance claim number if provided by the insurance company.



## **b. Introduction and Liability Statement**

Begin by summarizing the facts of the accident and assert the other party's liability. For example, "On [Date], I was involved in a car accident caused by [Driver's Name] on [Location]. The police report and witness statements confirm that [Driver] was responsible for the collision."



## **c. Description of Injuries and Medical Treatment**

- Provide a detailed account of the injuries you sustained. Include all treatment medical records, the diagnosis, and a timeline of treatments.
- Attach copies of medical bills, doctor's notes, prescriptions, and any future treatment estimates.
- Include pictures and videos of your injuries, treatment, and crushed car as well.



## d. Itemized List of Damages

- **Medical Costs:** Itemize each medical expense, including hospital visits, medication, therapy, and any long-term treatments.
- **Lost Wages:** List the amount of work you missed and calculate the wages you would have earned during that time. Include documentation such as pay stubs or letters from your employer.
- **Property Damage:** Include estimates or receipts for repairing or replacing your vehicle.
- **Pain and Suffering:** Explain the emotional and physical toll the accident has taken on you. While pain and suffering are subjective, you can increase your claim's validity by emphasizing long-term effects like chronic pain or emotional distress, documenting all conditions properly with a medical doctor. Increased likelihood of future injury is also considered part of pain and suffering.
- **Other Out of Pocket Expenses:** Any expense caused by the accident and your injuries may be claimed. Expenses such as maid services, in home aid services, lawn and homecare services should be claimed against the at fault driver's insurance company if those expenses were caused by your accident injuries.





## e. Videos & 911 Call

If possible, include videos and audio recordings that are relevant to your injury claim. Videos and recordings to consider would include any dash camera footage, police body camera footage, police dash cam footage, nearby business surveillance footage, nearby home security footage, and 911 calls reporting the accident.



## **f. Total Settlement Demand Amount**

After detailing all your losses, conclude by stating the total amount you are demanding. This should include all the calculated damages (medical costs, lost wages, property damage, pain and suffering, etc).



## g. Closing Statement

Express your expectation for a timely response, and state that you are open to negotiating but expect a fair settlement. Make sure to include the specific number you are asking for. It is best practices to check the valuation of your case with an attorney who handles personal injury claims exclusively.

Most quality personal injury attorneys will offer a free consultation to discuss the matter. The Morrin Law Office certainly offers free consultations to help anyway we can. Offer to provide any additional documentation if they determine more documentation is necessary.

### Example Closing Statement:

"I trust that the provided documentation and itemized list of damages clearly outline the full extent of my losses. I am requesting a total settlement of [\$Amount]. I look forward to receiving your timely response within 30 days. If I do not hear back by then, I will consider pursuing legal action."

Attachments to Include:

- Police report
- Medical records and bills
- Photos and videos of injuries and vehicle damage
- Before and after testimonial videos from friends and families
- Estimates for vehicle repair
- Documentation of lost wages (pay stubs, employer letters)



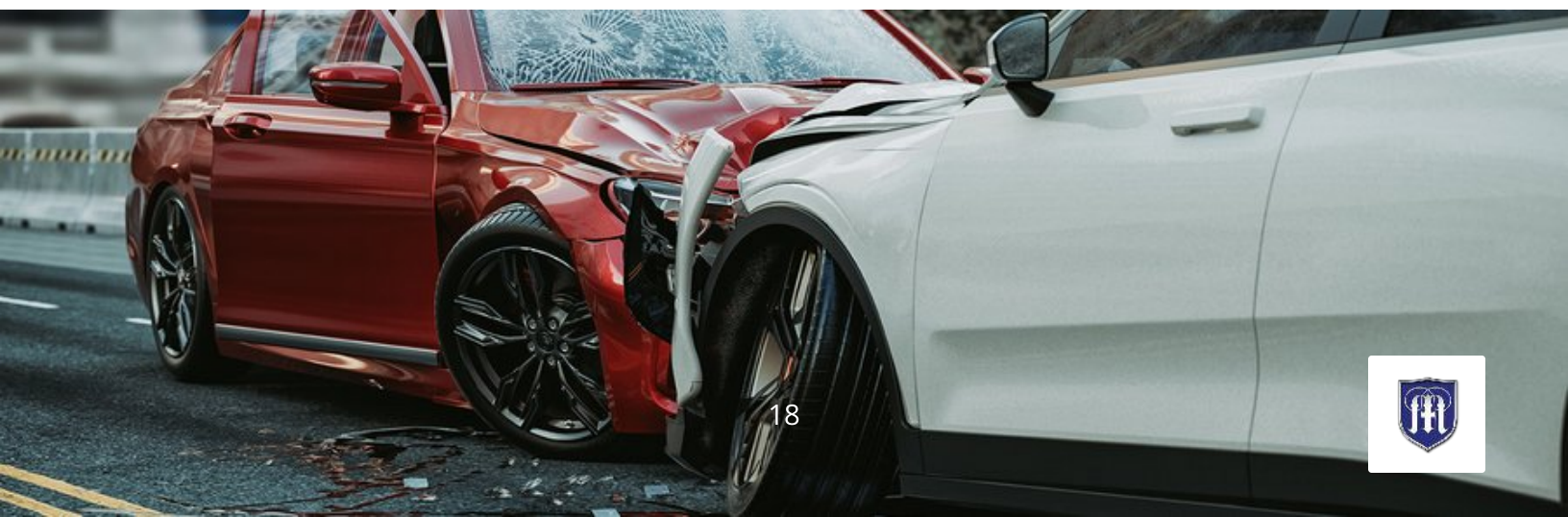
# 7. Negotiation and Follow-Up

After sending your demand letter, the insurance company will likely respond by either denying your claim or offering you a very small settlement compared to what they should pay. Be prepared to negotiate.

Keep records of all correspondences in writing, and don't accept an offer unless it fully compensates you for your losses.

How do you know if the insurance company is offering a fair settlement? The best way is to seek the opinion of a professional who handles bad car accidents every day. Once you have a "best and final" offer from the other driver's car insurance company, call the Morrin Law Office at 859-358-0300 to schedule a Free Offer Review. This is an informal conversation to discuss what has happened so far, how much the insurance company has offered to settle, and whether or not private legal representation will benefit you in this situation.

Be forewarned, insurance companies regularly take advantage of injured Kentuckians whom they know are self-represented. I suspect this will continue until our legislators step in to make insurance companies do what they should do when a personal injury attorney isn't looking.



# Conclusion

Handling your own car accident injury claim requires thorough documentation of all injury symptoms, doctor prescribed treatment and opinions, and all correspondence with insurance adjusters and their agents. Make sure you are persistent with your medical treatment by attending all appointments and seeking the guidance of all specialists to whom you've been referred. Make sure to communicate with the insurance adjuster(s) in writing and follow up with the insurance.

Following these steps will increase your chances of a successful outcome, but please understand these insurance company adjusters are incentivized to not pay if they think they can get away with it. If they think you will accept whatever they offer to you and are unlikely to speak with a professional or file the case yourself, then that attitude will be expressed in the low settlement offer they make to you.

If your injuries are severe or if negotiations stall, discussing the matter with someone who handles these kinds of cases every day is going to be your best bet to maximizing your health, wallet, and getting back to your best life.

