

WHAT TO KNOW BEFORE GIVING A RECORDED STATEMENT TO INSURANCE

After an accident, be cautious and prepared when giving a recorded statement. Insurance companies are not your friends and may use anything you say to minimize liability or how much they have to pay you.

Here are some key tips when giving a recorded statement after an accident.

I Before the Statement

CONSULT AN ATTORNEY

- Why it matters: Insurance may try different tactics to shift blame for the accident to you. An experienced personal injury attorney can help you prepare or even give a statement on your behalf.
- What to do: Call The Advocates for a free consultation with one of your attorneys. We only get paid if we win you a settlement.

REVIEW THE ACCIDENT DETAILS

- Why it matters: Any inconsistencies can be used by insurance companies and their legal team to challenge your credibility and discredit your injury claim. Inconsistencies in your statement can reduce your chances of compensation, delay your claim, or possibly void your claim entirely.
- What to review:
 - What was occurring before the accident, how it happened, and what happened after
 - Time, date, and exact location of the incident
 - Traffic conditions, weather, visibility
 - Direction and speed of vehicles involved
 - What you heard, saw, and felt

KNOW WHO YOU ARE TALKING TO

- Why it matters: Legally, you only have to speak with your insurance company. Even then, you can request to delay until you are ready to give your statement.
- Tips:
 - Ask if they are from your insurance company or the other party's.
 - Insurance adjusters are there to limit their company's liability. Don't think they've got your best interest in mind.
 - Casual questions like "How are you today?" and your response of "I'm doing okay" can be used to downplay the severity of your injuries.
 - If you give the statement before hiring a personal injury attorney, give the attorney all the information from any communications between you and the insurance company.

YOU CAN DECLINE TO SPEAK WITH THE OTHER PARTY'S INSURANCE

- Why it matters: Do not be pressured into talking immediately. No is a full sentence. Speaking on the spot will make it more difficult for you to give the facts of the accident and may complicate your claim.



- What to say:
 - “Thank you for calling me, but I’m not comfortable giving a recorded statement right now. My attorney will contact you.”

DURING THE RECORDED STATEMENT

Stick to the facts

- Why it matters: Speculating or adding unnecessary detail to try to be helpful can hurt your case. Do not guess why certain things occurred or try to justify your actions.
- Examples:
 - Giving the facts: “I was driving home from work in the right lane going the speed limit. As I was going through the green light, another car t-boned me.”
 - Straying from the facts: “The other driver clearly wasn’t paying attention. Sure, I went a bit over the speed limit, but the idiot had a red light and t-boned me.”

AVOID ADMITTING FAULT

- Why it matters: Every word out of your mouth will be used against you. Don’t incriminate yourself. Even seemingly innocent statements can be used as evidence against your case.
- Subtle ways you may accidentally admit fault:
 - “I was a little distracted.”
 - “I didn’t see them until it was too late.”
 - “I had just looked at my GPS.”
 - “I made the light just as it turned red.”
 - “I might’ve been going a little fast.”

STAY CALM, POLITE, AND NEUTRAL

- Why it matters: Giving the adjuster a piece of your mind will cost you peace of mind. Don’t come in guns blazing with hostility or defensiveness. Strike a neutral tone, be polite, and stay calm.
- Tips:
 - Take your time answering questions.
 - If a question is unclear, politely ask them to rephrase it.
 - Take a deep breath before each answer to calm yourself. Keep your responses short and to the point. Don’t ramble.
 - Decline to answer any questions you’re unsure about.
 - Avoid sarcasm and jokes.
 - Even if they are a bit rude, always stick to the high road.
 - Stick to the facts, not your feelings.
 - End with a courteous goodbye.

After the Statement

REQUEST A COPY OF THE CONVERSATION

- Why it matters: You will want to keep records of everything related to your accident. Get a copy of your statement so you can review it and ensure accuracy. Give it to your lawyer.

FOLLOW UP WITH A LAWYER

- Why it matters: Experienced personal injury attorneys can help you navigate the legal system and ensure you get maximum compensation for the damages inflicted on you.

What Not to Say and Why

“I’m okay.”	Downplays your injuries and can be used to minimize your claim
“Maybe I could have...”	Sounds like you are taking partial responsibility
“I was in a rush.”	Suggests you were speeding or driving recklessly
“I should’ve.../I could’ve...”	Can be legally read as an admission of fault
“I was glancing at (insert anything that isn’t the road).”	Makes you sound like your attention was not on driving safely
“I don’t need to see a doctor.”	Implies you didn’t sustain injuries serious enough to justify a personal injury claim