

THE KEY STEPS INVOLVED IN A PERSONAL INJURY CLAIM

Two of the most commonly asked questions by those making a personal injury claim is, "What does the process look like?" and "How long will it take?" We have developed the following outline as a general guideline for cases in Alberta.



Accident occurs

You are involved in an accident that has caused you to be injured. It could be a motor vehicle accident, a slip or fall, or anything. Your injuries could be relatively minor or quite significant: having a short or long-term impact on your life.

STEP 1

Seek medical treatment

Immediately to 1 week following accident

Seek the appropriate treatment based on the nature of your injury. It may involve an immediate trip to the hospital or a visit to your family doctor, therapist and/or specialist.



STEP 2

Reach out to a personal injury lawyer

When: Typically one month after accident

Get in contact with a personal injury lawyer. This could occur anywhere from the day after the accident to a year later. Do your homework. Seek references. Then set up an initial meeting. The lawyer will request any documentation you can provide, such as:

- Medical charts
- X-rays and imaging
- Medical reports
- Accident benefit file



STEP 3



Meet with the injury lawyer (One month after accident)

This is an opportunity to explain your situation, ask questions and determine if you wish to retain the services of this particular lawyer. Once you give your approval, they are on the case – and will begin acting on your behalf.

STEP 4

Set up accident benefits (Upon hiring lawyer)

Submitting benefit claims can be confusing and overwhelming. Your lawyer will determine all existing and available coverage – and handle all claims on your behalf. This reduces your stress, facilitates faster payment/reimbursement and ensures nothing is missed. Benefits include:

- 1. Medical Expenses** (Physiotherapy, Chiropractor, Massage, TMJ, Counselling)
- 2. Disability Benefits** (Income loss)
- 3. Extended Health Care Benefits** (Including Dental & Prescription coverage)

Your lawyer should be in constant communication, providing you timely status updates throughout the process.



STEP 5

Valuate and file claim (18 to 24 months after accident)

Your lawyer will factor in all of the details of your accident, the associated costs and impacts on your life in order to set a fair and reasonable value for your claim. This claim will then be submitted to the insurance company and both parties will exchange documentation. This stage may or may not involve formal questioning.

The insurance company will either settle the claim (proceed to step 7) or dispute it (move to step 6). It will depend whether the insurance company is being reasonable and whether the injuries are still an issue.



STEP 6



Claim is settled

Once your offer has been accepted, you will receive the compensation that has been agreed upon. To close the case you will be required to sign a release and file a Discontinuance.

STEP 7

Claim is disputed

The insurance company may not agree you are entitled to the full value of your claim and will challenge it. In this case there are two options: mediation/ negotiation or going to trial. Fortunately, **98% of cases are resolved without involving the courts.**



A. Mediation/Negotiation

(18 to 24 months after accident)

Negotiation: The insurance company may negotiate directly with your lawyer and offer a counterproposal. The two parties can often arrive at a settlement that is mutually agreeable.

Mediation: If the two parties cannot agree, a mediator is an alternative way to settle the dispute without going to court. Mediators are professionals who sit down with both parties to arrive at a compromise – saving the effort and expense associated with a trial. Your lawyer will represent you in mediation.



B. Trial

(2 ½ to 5 years)



If the two parties cannot come to an agreement, the case will go to court, where it will be decided by a judge or jury. It can take a long time for a trial date to be set and the decision is final. There is also the possibility the ruling can be appealed, further extending the length of settlement. Your lawyer provides the expertise to represent you in the courtroom.



Questions? _____

PO Box 52160 RPO Garneau, Edmonton, AB T6G 2T5
mnikel@nikel.ca P. 780.423.2656 F. 780.428.2667 nikel.ca

marknikel
EXCLUSIVELY INJURY LAW