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A Plaintiff's Personal Injury Law Firm

Admitting to Doing It Is Not The Same As Taking Responsibility To Make it Right

by Jessica S. Grigsby on 04/25/11

I cannot tell you how frequently I hear people tell me the following, “Oh, I don’t need an attorney because the insurance company sent me a letter saying their insured was 100% responsible for the accident.” The problem is that the insurance company and the poor person who was hit, have very different ideas and expectations as to what taking responsibility for that fault looks like. I would say that the vast majority of my cases are those where *fault is admitted*, but the insurance company refuses to pay for any of the damages.

Here is a sadly familiar scenario: In the beginning the insurance company admits fault and promises to do everything to make this a quick and painless process. The victim breaths a sigh of relief because they have been told everything will be okay and that the insurance company will take care of them. At the request of the insurance company, they send the ambulance and doctor bills and records, hopeful the insurance company will take care of it

like they promised. They are cooperative and helpful. Then it happens, the telephone call from the claims adjuster stating the following:

"We don't feel this was an injury producing accident. We are willing to pay for your ambulance bill, but only your first doctor's visit, and we'll offer you a few hundred dollars in pain and suffering. We've looked through the medical records you've sent us and we obtained your past medical records with the medical authorizations you signed. Thanks for that, by the way. We see that you complained to your doctor of back pain in 1998. We suspect you were injured previously, we suspect you have age related degeneration in your spine that is causing your pain – not this accident, we suspect you are faking it….blah, blah, blah."

This is the point where people start to get uncomfortable and realize the thing that makes me the most angry in this business: admitting to causing it, is not the same as agreeing to make it right. This trend continues throughout the case, and even at trial can be an effective tactic for defense counsel to employ. At trial, only relevant evidence is admissible. Defense counsel routinely try to argue that evidence of fault (i.e. all the details of how the accident occurred and the negligence of their client) is not relevant if fault is admitted. If they win on this point, a jury could potentially never see all the wrongs that Defendant caused Plaintiff. If this happens, all the jury sees is a Plaintiff complaining of injuries, and complaining that the Defendant refuses to pay for them. If the jury doesn't see all the harms that the Defendant caused the Plaintiff, all they see is a complainer and no one likes a complainer. This is why admitting fault is essentially worthless in a personal injury claim. The stance of most insurance companies is, "We did it, but we aren't going to do a damned thing about it."