



OFFICE LOCATION

Ankin Law Office
162 W Grand Ave
Chicago, IL 60654

Tel: 312-346-8780
Fax: 312-346-8781

PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

Despite Pressure to Settle a Personal Injury Lawsuit, it is Important to Wait

4/9/2010

Anyone who's been **injured in an accident** is understandably eager to settle their personal injury lawsuit. The pressure to settle can be enormous, especially if you are out of a job or working reduced hours because of the injuries, while at the same time facing mounting medical bills and other expenses.

But it's very important to resist the temptation to accept a low-ball settlement offer early in a case.

Here's why.

A popular misconception is that personal injury lawsuits take too long to resolve because parties are dragging their heels and the court system is inefficient. But the fact is it typically takes one to two years for an injured person to reach their maximum medical improvement. Only then will you know the full value of your case. Ideally, you should never settle until you know the full extent of your injuries.

Not only that, **your attorney** needs time to fully develop your case by interviewing and deposing fact witnesses, obtaining expert testimony on your behalf, and gathering all of your medical records and other documents to help prove your case. A well-developed case is much more likely to settle at a fair value compared to a claim that has incomplete information.

Insurance companies usually are in no hurry to settle. They offer low settlements and continue to defend cases in an attempt to minimize their financial exposure. The goal is to pressure injured individuals into accepting settlements that don't fully compensate them for their injuries.



OFFICE LOCATION

Ankin Law Office
162 W Grand Ave
Chicago, IL 60654

Tel: 312-346-8780
Fax: 312-346-8781

PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

The party who caused the accident and who is liable for your injuries may claim to have only so much insurance coverage. However, there may be additional insurance coverage, but it often takes time for your attorney to track it down.

There are legal reasons not to rush into a settlement as well. For instance, let's say you are injured in a motor vehicle accident when a truck driver negligently crashes into you. Let's assume the truck driver is employed by a company that owns the truck. He is considered an agent of the truck company, which means the truck company is legally responsible for the driver's actions on the job. The law says that if you settle a case with an agent, you automatically settle with the master as well. Therefore, it's important to wait to settle with all responsible parties in order to maximize your recovery.

There are also tactical reasons to delay settling. Some cases involve multiple defendants, such as when you are injured by a drunk driver who has just left a tavern. The tavern can be liable for your injuries if it served alcohol to the driver while he or she was visibly intoxicated. Settling with one defendant may hurt your chances to get a fair recovery from other defendants in your case.

Multi-party lawsuits may involve contribution rights among co-defendants, where they try to minimize their liability by claiming the other defendants are more at fault for causing your injuries. This can complicate settlements. It's better to wait until a global settlement can be reached to resolve these issues.

Certain pre-trial events present good opportunities to settle, such as an important pre-trial hearing in court or a major deposition. Defendants and their insurance companies tend to focus more intently on the case at these junctures, including assessing their risks of liability and the costs of continuing to litigate the case. If you receive a fair offer at a critical stage of a case, that might be the best opportunity to settle.

Howard Ankin of Ankin Law Office LLC (www.ankinlaw.com) specializes in workers' compensation and personal injury law. Mr. Ankin can be reached at (312) 346-8780 and howard@ankinlaw.com.