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Writing Demand Letters to Settle Personal Injury Claims

If you've been in an accident and you've been injured, inevitably you will have to draft a demand letter to the other party's insurance company to receive compensation for your injuries. Below are the basic elements that should be in any demand letters you create:

- **Your side of the story:** Write a brief account of the event, and refer to any notes you have, police reports, relevant laws or any other records. Keep it simple and just stick to the facts. Avoid the temptation to inject your emotions into the description (e.g., how you really feel about the other driver's abilities).
- **Why the other party was at fault:** Next, explain why it was the other party's fault. Again, keep it factual and short, but don't hold back here. If the other party rammed into you while you came to a full stop at a stop sign, make it clear that you were abiding by traffic laws and the other party obviously couldn't have been if he or she ran into you (e.g., they failed to follow laws regarding distances between cars).
- **Don't admit your own fault:** Do not admit any wrong-doing on your own part in your letter, it's the insurance company's job to discover that on their own. This letter is advocating for your position, so set forth the facts as truthfully, but favorably, as you can. If the insurance company wants to negotiate and brings up the issue of your own fault, you can respond to any potential issues then.
- **Your injuries:** Describe your injuries in great detail. Especially concentrate on any long-lasting or permanent injuries as those deserve more compensation than transient injuries. Don't lie and don't be melodramatic, but if you have chronic pain, you can't be shy about it. If possible, be as specific as you can about the particular injury and use appropriate medical terms as well.
- **Your medical expenses:** Include a complete list of your medical expenses, which means a detailed accounting of where you were treated, who treated you, and what you were charged for that treatment.
- **Your lost income:** If you missed any time at work, or your work suffered as a result of the injury, detail any such lost time. Get a letter from your employer confirming the lost time and your pay level.
- **Any other losses or expenses:** Include any other losses or expenses that have resulted from the accident. This can include things such as embarrassment, inconvenience and anxiety.
- **Your settlement demand:** Calculate the amount of money that would compensate you given what you have claimed, and then increase it considerably (up to twice as much as your calculation) to give you room to negotiate with the insurance adjuster.

Finally, any demand letters you create should always include any supporting documentation that verifies your claims (medical records, bills, police reports, etc).

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