

You may have heard that most personal injury cases settle long before they go to trial. This happens for a variety of reasons, but it is typically because the insurance company for the at-fault party decided that (1) they could settle the case for less than what would likely be awarded at trial; and (2) they could avoid the legal fees and costs associated with trying the case, which could be significant. Getting to that point, however, requires that you submit a well-supported claim and are able to persuasively argue your case. Most non-lawyers are at a severe disadvantage in this situation and as a result, wind up settling their case for far less than it is worth. A [Durham personal injury lawyer](#) can guide you through the process and help you get the compensation you deserve.

## Gather Your Evidence

Many people don't realize that they will have to essentially prove their claim in order to receive compensation for their claim. As a result, you need to give careful consideration to what proof you will need in order to justify the compensation you are seeking. No matter what kind of accident you were injured in, you will need to submit your medical bills and documentation that demonstrate your treatment costs, what your limitations are, and when you are expected to recover.

After that, the sort of evidence you will need will depend on the nature of your accident. For example:

- For a [car accident](#) case, you may need to submit the police report that confirms the date, time, and location of the accident, as well as notes that the other driver was speeding when the accident occurred.
- In a [slip and fall accident](#), you may need to submit a copy of the incident report or security camera footage that confirms the important facts surrounding your accident.
- In a [negligent security](#) case, you may need to submit evidence that demonstrates that the property owner was aware that the area was unsafe for patrons and that additional security was necessary.

Of course, gathering the evidence you need can be extremely challenging when you are suffering and in pain. This is one of the ways that a Durham personal injury lawyer can help – they can gather the evidence you need while you focus on your recovery.

## Draft and Submit the Demand Letter

Once you have gathered enough evidence to support your claim, the next step is to draft the demand letter that you will submit to the insurance company. The demand letter will set forth the amount of compensation you are requesting and your reasons as to why you believe that this amount is reasonable and justified. There are no requirements as to what must be included or how long the demand letter should be. Every demand letter closes by informing the insurance company that if they do not respond or pay the amount demanded, you will consider filing a lawsuit.

Drafting an effective demand letter requires knowledge of the law and the ability to be persuasive. A poorly drafted demand letter can result in your claim being immediately rejected or a low-ball settlement offer. Even if you don't plan to go to court, an experienced Durham personal injury lawyer can draft a strong, well-documented demand letter to give you the best chance of prompt settlement.

## The Negotiation Process

In most cases, the insurance company will respond to your demand letter with a counter-offer. At this point, you have the following choices:

1. Accept the counter-offer;
2. Reject the counter-offer; or
3. Reject the counter-offer and make your own counter-offer.

There are advantages and disadvantages to each option, unique to your specific situation. For example, people simply do not want the case hanging over their heads and are willing to give up a potentially larger settlement in exchange for being able to move on with their lives.

Of course, if you simply reject the counter-offer, your only option would be to go to court. This could be problematic if there are legal or factual issues with your case that may be difficult to resolve.

In many cases, the victim will reject the counter-offer and make a counter-offer of their own. In this situation, the settlement process becomes a negotiation and may take quite some time to come to a conclusion. Negotiations sometimes fail, and you may need to be prepared to go to court if the insurance company is unwilling to accept your offer.

A Durham personal injury lawyer can serve in two ways:

1. **We can handle the negotiations on your behalf.** The negotiation process can take place over several weeks and months, involving multiple phone calls, emails, and other forms of communication.
2. **We can provide advice as to negotiation tactics and when is the right time to settle your claim.** Personal injury attorneys are experienced negotiators and know how to use the negotiation process to your benefit. In addition, they can help you decide whether to accept or reject the compensation being offered.

Ultimately, you need to remember that the decision to settle is yours. Your attorney is there to give you the information you need to make an informed decision.

## Acceptance or Litigation?

Sooner or later, the negotiation process ends with either both sides arriving at a mutually agreeable amount or you filing a lawsuit. Your lawyer can advise you as to whether the offer is fair and help you draft and execute the paperwork if you choose to accept it.

If you are unable to reach a settlement, our Durham personal injury attorney will be well-positioned at that point to file the lawsuit and aggressively pursue your rights.

## Talk with a Durham Personal Injury Attorney Today

At Martin & Jones, our lawyers draw on 40 years of experience in settling difficult cases so that our clients can get the compensation they need to rebuild their lives. And when settlement isn't an option, we aren't afraid to go to court to get the results you need. If you have been injured and don't know where to turn, [contact](#) a Durham Personal injury attorney at Martin & Jones. Call us today at 800-662-1234 to schedule a free consultation.