LARSON LAW BOSTON ATTORNEYS

LARSON LAW GUIDES
MASSACHUSETTS INJURY SERIES

A MASSACHUSETTS CAR CRASH GUIDE

The First Offer Is Never the Best Offer

Protect your health, your bills and your claim before the insurance company closes the deal, in plain words with no legal jargon.



INSIDE THIS GUIDE

- What PIP pays, and the $2,000 rule
- The adjuster's playbook, decoded
- What makes a case worth more
- Deadlines that can quietly end a claim
- Proof that disappears in days
- Tear-out checklists and injury diary

> *Read this before you talk to the insurance adjuster.*

12 CHAPTERS + CHECKLISTS

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PRINCIPAL ATTORNEY · LARSON LAW

The First Offer Is Never the Best Offer

A Massachusetts Car Crash Guide

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Disclaimer

This book gives general information about Massachusetts car crash claims. It is not legal advice and does not create an attorney-client relationship between you and Larson Law. Laws change, and every case depends on its own facts. Don't act, or decide not to act, based on this book without talking to a lawyer about your situation. Information is current as of November 2026.

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Using this book

You don't need to read this book from cover to cover.

- **Just had a crash?** Read Chapter 4 (the first days) and Chapter 5 (deadlines) today.
- **Worried about bills?** Read Chapter 3.
- **Talking with an insurance adjuster?** Read Chapter 10 first.
- **Wondering what your case is worth?** Read Chapter 11.
- **Deciding whether to hire a lawyer?** Read Chapter 12.

The checklists, deadline card and injury diary in the back are meant to be torn out and used.

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A message from the author

Dear reader,

If you're holding this book, you or someone you love was probably hurt in a car crash. I'm sorry you're going through it.

Since 2017, I've heard the same questions from almost every injured person I meet. Who pays my bills? Should I talk to the insurance company? What is my case worth? I wrote this book so you have those answers now, in plain words, before you make decisions that are hard to undo.

One warning runs through every chapter: slow down before you sign anything. The first offer usually arrives before anyone knows how badly you're hurt.

This book can't replace advice about your own case, but it will help you protect your rights and ask the right questions. If you'd like to talk, my team and I are glad to listen. The call is free.

Wishing you a full recovery,

Daniel J. Larson
Principal Attorney, Larson Law

PART I: THE PEOPLE AND THE MONEY

Chapter 1: The people and companies in your claim

> **EXAMPLE**
>
> *Maria was stopped at a red light on Blue Hill Avenue when a delivery van hit the back of her car. By the end of the week she had a voicemail from her own insurance company, a letter from a company she had never heard of, a bill from the ambulance service, and a phone call from a friendly woman who said she "just needed a few minutes" to go over what happened. Maria didn't know which of these people were on her side. Most of them weren't.*

A car crash takes a few seconds. The claim that follows can involve a dozen people and companies, each with its own job and its own interest. Knowing who they are, and what each one wants, is the first step to protecting yourself.

You

You are the center of the claim, but you are also the person with the least experience in it. The insurance companies handle thousands of crash claims a year. You may be handling your first. Your job is simple to say and hard to do: get the medical care you need, keep records, and avoid giving away rights before you understand them.

The other driver

The driver who caused the crash is usually the person your claim is against, at least on paper. In practice you will almost never deal with them again. Their insurance company steps in and does the talking, the investigating and, if it comes to that, the paying.

Sometimes the driver is not the only person responsible:

- **The owner of the car**, if it is not the driver. In some situations an owner who lent the car can share responsibility.
- **The driver's employer**, if the driver was working at the time. A delivery driver, a contractor in a company truck or a salesperson driving between appointments may be covered by a business auto policy, which usually has higher limits than a personal one.
- **A rideshare company**, if the driver was logged in to an app. That situation has its own rules and its own book in this series.

The other driver's insurance company

This company provides the **bodily injury** coverage that pays for pain and suffering and for losses above your own coverage. It will assign an **adjuster**, whose job is to close your claim for as little as reasonably possible. The adjuster may be polite, patient and even sympathetic. That doesn't change the job. Chapter 10 explains what adjusters do and how to respond.

Your own insurance company

This surprises most people: in Massachusetts, your **own** insurer usually pays first, even when the crash was not your fault. That is because of **Personal Injury Protection (PIP)**, the no-fault coverage built into every Massachusetts auto policy. Your insurer may also be involved through:

- **Uninsured motorist coverage**, if the other driver had no insurance or drove away.
- **Underinsured motorist coverage**, if the other driver's insurance is too small to cover your losses.
- **Collision coverage**, for damage to your own car.

Your own insurer is still an insurance company. When you claim PIP or uninsured coverage, you are making a claim against it, and it will look at that claim carefully. Chapter 3 explains how all of this fits together.

Your health insurer, MassHealth or Medicare

If your health plan pays any crash-related bills, it will usually want that money back from your settlement. This is called a **lien**. Health insurers, MassHealth and Medicare all have repayment rights, and Medicare's are especially strict. A lien does not reduce what your case is worth, but it does affect what reaches your pocket. We cover liens in Chapter 11.

Doctors: yours and theirs

Your treating doctors, physical therapists and specialists create the records that prove your injury. Their notes matter more than almost anything you say.

There may also be a doctor chosen by the insurance company. This is called an **independent medical examination (IME)**. The name is misleading. The doctor is chosen and paid by the insurer, and the report often supports the insurer's view that you need less treatment. You may be required to attend one for PIP, but you should know what it is before you go.

The police

If police came to the scene, the officer's crash report will be one of the first documents every insurer reads. It records the drivers, vehicles, witnesses, road conditions and often the officer's view of how the crash happened. It is not the final word on fault, but it carries weight.

The Registry and the Merit Rating Board

Massachusetts tracks at-fault crashes for insurance surcharges. If your insurer decides you were more than 50% at fault, your premium can go up. You have the right to appeal that decision through the **Merit Rating Board**. This is separate from your injury claim, but people often confuse the two.

Lawyers

The other driver's insurer has lawyers on staff or on call. If a lawsuit is filed, the insurer hires and pays a lawyer to defend the driver. Having your own lawyer is your choice. Chapter 12 explains how to decide.

Which side are they on?

Person or company	Whose interest do they protect?
Other driver's adjuster	The insurance company's
Your insurer (for PIP or uninsured claims)	The insurance company's
Insurer's IME doctor	Paid by the insurer
Your treating doctors	Your health
The police officer	Neutral record of the scene
Your lawyer	Yours

What this means for you

Before you talk to anyone about the crash, ask one question: **who pays this person?** The answer tells you how careful to be. You don't need to be rude to anyone. You just need to remember that a friendly voice on the phone may belong to the company that hopes to pay you less.

Chapter 2: Deciding fault for the crash

> **EXAMPLE**
>
> *James was turning left into a shopping plaza in Brockton on a green light. An oncoming pickup ran the yellow and hit his passenger side. The pickup's insurer said James should have waited. James said the pickup was speeding. Both were partly right, and the answer decided how much James could recover.*

Fault is the heart of most injury claims. PIP pays no matter who caused the crash, but money for pain and suffering, and for losses beyond PIP, comes from proving that someone else was careless.

Negligence in plain words

Massachusetts law asks one main question: **did the other driver act the way a reasonably careful driver would have?** If not, and that carelessness caused your injuries, the driver is **negligent** and responsible for your losses.

You don't need to prove the driver meant to hurt you, or even that they knew they were doing something wrong. You need to show four things:

1. **Duty.** Every driver must drive with reasonable care. This is automatic.
2. **Breach.** The driver failed to do that, for example by speeding, texting, running a light or following too closely.
3. **Cause.** That failure caused the crash.
4. **Harm.** You were hurt and suffered real losses.

Common ways drivers break the rules

- **Following too closely.** In a rear-end crash, the rear driver is usually found at fault, because a careful driver leaves enough room to stop.
- **Failing to yield on a left turn.** A driver turning left must yield to oncoming traffic that is close enough to be a hazard.
- **Running a red light or stop sign.**
- **Using a phone.** Since 2020, Massachusetts drivers may only use phones hands-free. Holding a phone while driving is itself a violation.
- **Speeding or driving too fast for conditions**, including rain, snow and ice.
- **Driving under the influence.**
- **Unsafe lane changes and merging**, especially on highways like I-93 and Route 128.

A traffic ticket is helpful evidence but not required. Many careless drivers never get a citation, and a ticket alone doesn't settle the question.

Sharing part of the fault

This is where many people lose money without realizing it. Massachusetts uses a rule called **modified comparative negligence**:

- If you are **50% or less** at fault, you can still recover. Your award is reduced by your share of the fault.
- If you are **more than 50%** at fault, you recover nothing from the other driver.

Example. A jury finds your damages are $100,000 and decides you were 20% at fault for drifting slightly over the line. You receive

$80,000. If the jury had found you 51% at fault, you would receive nothing.

This is why insurers work so hard to shift even a small share of blame onto you. Every percentage point is money.

> **The two kinds of "fault"**
>
> Massachusetts has two separate fault systems, and people often mix them up.
>
> - **Fault for your injury claim** is decided by negligence law: by agreement, by an arbitrator or by a jury.
> - **Fault for insurance surcharges** is decided by your insurer using standard state rules, and can be appealed to the Merit Rating Board.
>
> A surcharge decision does not decide your injury claim, and an injury settlement does not decide your surcharge.

Three common crash scenarios

The rear-end crash. You are stopped in traffic and get hit from behind. The rear driver is almost always at fault. Insurers rarely dispute fault here. Instead they argue the impact was too small to cause injury (see Chapter 10).

The left-turn crash. A driver turning left hits an oncoming car, or an oncoming car hits a turning driver. Fault often turns on details: the color of the light, the speed of the oncoming car, and whether the turning driver had a clear view. Witnesses and video matter a great deal here.

The chain-reaction crash. Three or more cars collide in a row. Each driver may blame the next. Sometimes more than one driver shares fault, and more than one insurance policy may pay. These

cases need careful work to sort out who hit whom, and with what force.

More than one responsible party

Responsibility can reach beyond the other driver:

- **An employer**, when its driver was working.
- **A business that served alcohol** to a visibly intoxicated driver who then caused a crash.
- **A vehicle or parts maker**, when a defect like failed brakes or a faulty airbag caused or worsened injuries.
- **A city, town or the state**, when a dangerous road condition contributed. These claims have strict notice rules and caps (see Chapters 5 and 7).

What this means for you

Don't guess about fault and don't admit it. At the scene, saying "I'm sorry" or "I didn't see you" can be used against you later, even if you meant it only as kindness. Stick to facts, get the evidence described in Chapter 8, and let fault be decided on the full picture.

Chapter 3: Paying your bills while you recover

> EXAMPLE
>
> *Two weeks after a crash in Quincy, Kevin had $4,800 in emergency room and imaging bills, he had missed eight shifts at work, and he had received a letter saying his claim was "under review." He assumed the driver who hit him would pay. He didn't know that in Massachusetts, the first check usually comes from your own insurance company, and that he needed to fill out a form before anyone would pay anything.*

This is the most important chapter in this book for the first weeks after a crash. Massachusetts has a system of payment that is different from most states. Understanding it can keep your bills paid, your credit safe and your claim strong.

The big picture: three layers of payment

Think of payment as three layers, paid in order:

1. **Layer 1: No-fault benefits (PIP).** Paid by the insurer of the car you were in, no matter who caused the crash. Covers medical bills and part of your lost wages, up to $8,000.
2. **Layer 2: Your health insurance.** Takes over for medical bills once PIP reaches certain limits, if you have private coverage.
3. **Layer 3: The at-fault driver's insurance.** Pays for everything else, including pain and suffering, once your claim is proven and settled. If that driver has no insurance or too little, your own uninsured or underinsured coverage can step in.

The order of payment

Crash happens
→ File PIP application with the insurer of the car you were in
→ PIP pays medical bills and 75% of lost wages
→ Private health insurance? After $2,000, health insurance becomes primary for medical bills; PIP covers the remaining gaps up to $8,000
→ Medical bills over $2,000, or a fracture, scarring or other serious injury? You may claim pain and suffering against the at-fault driver
→ At-fault driver's bodily injury coverage pays the settlement or verdict, up to its limits
→ Not enough coverage, or no coverage? Your own uninsured or underinsured motorist coverage
→ Liens repaid from the settlement; the rest is yours

Layer 1: Personal Injury Protection (PIP)

What it is. PIP is required on every Massachusetts auto policy. It pays up to **$8,000 per person** for injuries from a crash, regardless of fault.

People covered.

- The driver and passengers in an insured Massachusetts car.
- Pedestrians and cyclists hit by an insured Massachusetts car.
- You and your household members, in some situations even when in another car.

Which company pays. Generally the insurer of the car you were in. If you were a pedestrian, it is usually the insurer of the car that hit you, or your own household policy.

What it pays.

- **Medical bills:** reasonable and necessary treatment related to the crash, such as ambulance, emergency room, doctor visits, imaging, physical therapy and chiropractic care.
- **Lost wages:** 75% of your lost earnings, if your doctor says you can't work and your employer confirms the time missed.
- **Replacement services:** help with tasks you can't do because of your injury, in some cases.

What it does not pay. Pain and suffering, damage to your car, or anything above $8,000.

Getting started. Ask the insurer for a PIP application and send it back promptly. Include your health insurance information. Keep a copy. Without the application, nothing gets paid.

> **The $2,000 rule if you have health insurance**
>
> If you have private health insurance, PIP pays the first $2,000 of your medical bills. After that, your bills go to your health insurer first. PIP then pays what health insurance doesn't, such as copays, deductibles and uncovered treatment, up to the $8,000 total. Lost wages continue to be paid by PIP from the same $8,000.
> If your coverage is MassHealth, different rules apply and PIP generally pays more of the medical bills itself. Ask your lawyer or the insurer to confirm how your bills will be coordinated.

Your duties under PIP. PIP is part of an insurance contract, and the contract asks you to cooperate. The insurer may require you to:

- Attend an **independent medical examination** with a doctor it chooses.

- Give an **examination under oath**, which is a formal recorded interview with a lawyer.
- Provide records, wage information and forms.

Missing a required exam can put your benefits at risk. Before attending, it is wise to understand what will be asked and how the report will be used.

The end of PIP. PIP ends when you reach $8,000, when the insurer decides further treatment isn't reasonable or necessary (often after an IME), or when bills are submitted too late. Bills generally must be submitted within two years of the crash.

If PIP refuses to pay. You or your provider can challenge the denial. Massachusetts law allows a claim against the insurer for overdue PIP benefits, and insurers that deny without good reason can be responsible for interest and attorney's fees.

Optional Medical Payments coverage (MedPay)

Some people buy extra coverage called **Medical Payments** on their own policy. It can pay medical bills beyond PIP, often in amounts like $5,000 or $10,000. Check your policy's declarations page. Many people have it and don't know.

Layer 2: Your health insurance

Once PIP's role is set, your health insurer pays as usual under your plan, subject to copays and deductibles. Use your health insurance. Some people avoid it because they think the at-fault driver should pay. That can leave bills unpaid, send accounts to collections and hurt your credit, while the claim against the driver takes months.

Your health insurer will usually want to be repaid from any settlement. That is normal and expected. Chapter 11 explains how

liens are handled and often reduced.

Lost wages beyond PIP

PIP pays 75% of lost wages, but only up to the $8,000 total, and that amount is shared with medical bills. For anyone who misses more than a few weeks of work, PIP runs out fast. The rest of your lost wages, including the 25% PIP doesn't pay, becomes part of your claim against the at-fault driver.

Other sources that may help while you wait:

- **Short-term disability** through your employer or a private policy.
- **Paid Family and Medical Leave (PFML)**, Massachusetts' state leave program, which can pay partial wages during a serious health condition.
- **Workers' compensation**, if you were driving for work. This changes the order of payment and is covered in our workers' compensation book.

Layer 3: The at-fault driver's insurance

The threshold for pain and suffering. In Massachusetts you can claim pain and suffering against the at-fault driver only if:

- Your reasonable and necessary medical bills are **more than $2,000**, or
- The crash caused a **fracture**, **permanent and serious disfigurement** (such as scarring), **loss of sight or hearing**, **loss of a body part** or **death**.

Most people injured badly enough to need ongoing care pass this threshold. But the insurer will look closely at whether your bills were reasonable and necessary.

Bodily injury coverage. The at-fault driver's policy includes bodily injury coverage. This is the money that pays your settlement. Every Massachusetts policy must carry at least the state minimum, which for policies issued or renewed since July 1, 2025 is **$25,000 per person and $50,000 per crash**. Many drivers carry more. Business vehicles often carry much more.

Why limits matter. If your losses are $150,000 and the driver has a $25,000 policy, the insurer will rarely pay more than $25,000, no matter how serious your injuries. That is why the next layer exists.

Drivers with no insurance or too little

Uninsured motorist coverage is required on every Massachusetts policy. It pays you, through your own insurer, when:

- The at-fault driver had no insurance.
- The at-fault driver fled the scene (hit-and-run) and can't be identified.

Underinsured motorist coverage is optional but very common. It pays when the at-fault driver's coverage is too small to cover your losses. For example, if your losses are $100,000, the at-fault driver's limit is $25,000 and you have $100,000 of underinsured coverage, your own policy can make up much of the difference.

Underinsured coverage can also be available from other policies in your household. Check every car's policy in your home.

Claims against your own uninsured or underinsured coverage usually go to **arbitration**, not court (see Chapter 9).

> **Check your own policy today**
>
> Find your declarations page and look for:
>
> - PIP: $8,000 (standard)
> - Medical Payments: yes or no, and the amount
> - Uninsured motorist: the amount
> - Underinsured motorist: the amount
> - Bodily injury: the amount you carry for others
>
> Write the amounts in the deadline card at the back of this book.

Your car

Property damage is a separate claim. You can claim it through the at-fault driver's property damage coverage, or through your own collision coverage, which then seeks repayment from the other insurer. A rental car may be covered by the at-fault insurer or by rental coverage on your own policy. These claims usually move faster than injury claims and settling the car does not settle your injury claim. Read any release carefully before you sign it to be sure it covers only the car.

Taxes

Money you receive for physical injuries is generally not taxed under federal law. That includes pain and suffering tied to a physical injury. Interest and certain other parts of a settlement can be treated differently. Ask a tax professional about your situation.

What this means for you

In the first week, do three things:

1. **File the PIP application.**
2. **Give your health insurance information to every provider.**
3. **Find your own policy's declarations page** and check your coverage.

These steps keep bills paid while your claim against the at-fault driver moves forward, and they protect you from the most common money problems after a crash.

PART II: TIMING AND DEADLINES

Chapter 4: Your first days after the crash

> EXAMPLE
>
> *After a crash on Route 9 in Framingham, Priya felt shaken but fine. She traded insurance information, drove home and went to bed. The next morning she couldn't turn her head. By the time she saw a doctor four days later, the other driver's insurer already had a note in its file: "Claimant did not seek treatment at the scene or the next day."*

What you do in the first hours and days shapes the rest of your claim. You don't need to get everything right. You need to get a few things right, in the right order.

At the scene

1. Get safe. If you can move your car out of traffic, do so. Turn on your hazard lights. If anyone is hurt, call 911.

2. Call the police. Even for a crash that seems minor, a police report creates an independent record. On highways, State Police usually respond. In cities and towns, local police.

3. Check on everyone, but don't discuss fault. Being kind is fine. Apologizing or guessing about what happened is not. Simple statements like "I didn't see you" can show up later in an insurer's file.

4. Exchange information. Get the other driver's:

- Name, address and phone number
- Driver's license number
- License plate number
- Insurance company and policy number
- The vehicle owner's name, if it isn't the driver
- The employer's name, if the vehicle has company markings

5. Take photos and video. Use your phone to record:

- All vehicles, from several angles, including the plates
- The positions of the cars before they are moved, if safe
- Skid marks, debris, traffic lights, signs and the road surface
- Weather and lighting
- Your visible injuries
- Any businesses nearby with cameras

6. Get witnesses. Ask for names and phone numbers. Witnesses leave fast and are very hard to find later.

7. Accept medical help if you need it. If you are offered an ambulance and you are hurt, take it. Adrenaline hides pain. Many injuries, especially to the neck, back and head, show up hours or days later.

The same day

See a doctor. If you didn't go to the hospital from the scene, go to urgent care, the emergency room or your doctor the same day or the next. Tell them it was a car crash and describe every part of your body that hurts, even a little. What goes into that first record matters.

Watch for head injury signs. Headache, dizziness, confusion, nausea, sensitivity to light, trouble sleeping or feeling "foggy" can be signs of a concussion. Get checked even if you didn't hit your head. Whiplash alone can cause brain injury.

Within five days

File a Crash Operator Report. Massachusetts requires every driver in a crash that causes injury, death or more than $1,000 in property damage to file a **Motor Vehicle Crash Operator Report** within five days. Send copies to:

- The police department of the city or town where the crash happened
- The Registry of Motor Vehicles
- Your own insurance company

Keep your statement short and factual. Describe what happened, not what you think caused it. If you have a lawyer, ask them to review it first.

Report the crash to your own insurer. Your policy requires prompt notice. Give the basic facts: when, where, who was involved. You do not have to give a recorded statement to the other driver's insurer.

Within the first week

- **File your PIP application** (see Chapter 3).
- **Give every medical provider your health insurance and PIP claim information.**
- **Start your injury diary.** Write down your pain each day, the medicine you take, the activities you can't do and the work you miss. A blank diary is in the back of this book.
- **Keep every paper.** Bills, receipts, letters, prescriptions, parking stubs at medical visits. Use one folder or envelope.
- **Stay off social media about the crash.** Insurers look. A photo of you smiling at a birthday party can be used to argue you weren't hurt.
- **Don't sign anything from the other driver's insurer** until you understand it (see Chapter 10).

The first days after a car crash

☐ Called police and got the report number

☐ Photos of cars, scene, injuries

☐ Other driver's license, plate, insurance

☐ Witness names and numbers

☐ Medical visit within 24 hours

☐ Crash Operator Report filed within 5 days

☐ My insurer notified

☐ PIP application filed

☐ Injury diary started

☐ All papers in one folder

☐ No recorded statement given to the other insurer

☐ No social media posts about the crash

What this means for you

If you've already missed some of these steps, don't panic. Very few people do everything perfectly after a crash. Most gaps can be explained or filled in. What matters most from here is that you **get care, keep records and avoid signing or saying anything** until you know where you stand.

Chapter 5: Deadlines that can end your claim

> **EXAMPLE**
>
> *Luis was hurt in a crash in Lynn and spent nearly two years in treatment. His case was strong. But by the time he called a lawyer, he had less than three months before the deadline to sue, and the other driver's insurer knew it. Its offer came in low, because it knew time was on its side.*

Deadlines are the quietest way to lose a claim. Miss one, and it may not matter how badly you were hurt or how clear the fault was. This chapter lists the deadlines that apply to most Massachusetts car crash claims.

The main deadline: three years to file a lawsuit

In Massachusetts, you generally have **three years from the date of the crash** to file a lawsuit for your injuries. This is called the **statute of limitations**.

Two things people often misunderstand:

- **Negotiating is not filing.** Talking with the insurer, sending letters or even receiving an offer does not stop the clock. Only filing a lawsuit in court does.
- **Settling usually happens before this deadline, not after.** If your case isn't settled as the deadline nears, a lawsuit must be filed to protect it.

Deadlines you can't miss in the first weeks

Deadline	What to do
5 days	File the Crash Operator Report
Promptly	Notify your own insurer
As soon as possible	File the PIP application
30 days from notice	Appeal an at-fault surcharge to the Merit Rating Board

Deadlines during your claim

Deadline	What it means
2 years	PIP generally won't pay medical bills or wage claims submitted more than two years after the crash
30 days	A written demand letter must be sent at least 30 days before suing an insurer for unfair claim handling
Policy terms	Uninsured and underinsured claims may have notice and cooperation requirements set out in your own policy

Special situations that change the clock

Children. If the injured person was under 18, the three-year clock usually doesn't start until their 18th birthday. Even so, waiting is rarely wise, because evidence and witnesses disappear.

Death. If a crash causes a death, a wrongful death claim generally must be filed within three years of the date of death, or of when the family knew or should have known the cause. These claims are brought by the executor or administrator of the estate, and have their own rules covered in our wrongful death book.

Claims against the government. If a city, town, the state or a public agency like the MBTA is responsible, for example because of a

dangerous road defect or a crash with a public vehicle, very short notice deadlines can apply:

- A **written claim** to the public employer within **two years** of the injury.
- For defects in public roads, written notice within **30 days** of the injury.

These are among the easiest deadlines to miss. If a public vehicle or public road is involved, get advice right away.

A crash outside Massachusetts. If the crash happened in another state, that state's deadline may apply, and some states have shorter ones.

> **My deadlines**
>
> Date of crash: _____
> Crash Operator Report due (5 days): _____
> Surcharge appeal due (30 days from notice): _____
> PIP bills due (2 years): _____
> Lawsuit deadline (3 years): _____
> Public road or vehicle involved? ☐ Yes ☐ No. If yes, call a lawyer now.

Why waiting hurts even before the deadline

The three-year deadline is the latest you can act, not the best time to act. Waiting causes problems long before the deadline:

- Security video is often erased within days or weeks.
- Witnesses move, change numbers and forget.
- Gaps in medical treatment let insurers argue you weren't really hurt.
- Insurers make lower offers as the deadline approaches, because they know you have less room to negotiate.

What this means for you

Write your crash date on the card above and fill in the rest today. If you are past the first few months and your claim isn't moving, it's time to get advice, not because you're out of time, but because the earlier your case is organized, the stronger it is.

Chapter 6: The timeline of a car crash claim

> **EXAMPLE**
>
> *Three weeks after a rear-end crash in Worcester, Anna got a call offering $2,500 to "wrap things up." Her neck still hurt and she had just started physical therapy. Eleven months later, after an MRI found a herniated disc and her treatment was complete, her case settled for many times that amount. The difference wasn't luck. It was timing.*

Everyone wants to know how long their case will take. The honest answer is that it depends mostly on one thing: **your recovery.** A claim can't be valued properly until the full extent of your injury is known.

The stages of a car crash claim

Stage 1: Treatment (usually 3 to 12 months). You get medical care until you are healed or your doctor says you've improved as much as you're likely to. This point is often called **maximum medical improvement**. Your claim waits for it, because before then nobody knows the full cost of your injury.

Stage 2: Gathering records (about 1 to 2 months). All medical records and bills, wage records and other proof are collected. Medical offices can be slow to send records, so this stage often takes longer than expected.

Stage 3: The demand (about 1 to 2 months). A **demand package** is sent to the at-fault driver's insurer. It explains how the crash happened, why the other driver is at fault, what your injuries

are and what you are asking for. Insurers commonly take about 30 days to review it.

Stage 4: Negotiation (weeks to a few months). The insurer makes an offer, usually lower than the demand. Offers and counteroffers go back and forth. Many cases settle here.

Stage 5: Lawsuit, if needed (often 1 to 3 years more). If the insurer won't make a fair offer, a lawsuit is filed. Most lawsuits still settle before trial, often after depositions or at mediation (see Chapter 9).

Stage 6: Payment (usually 4 to 8 weeks after settlement). You sign a release, the insurer sends the check, liens are paid and you receive your share.

> **Stages and typical time**
>
> Treatment (3–12 months) → Records (1–2 months) → Demand (1–2 months) → Negotiation (weeks to months) → Lawsuit, if needed (1–3 years) → Payment (4–8 weeks)
> *These are typical ranges, not promises. Every case is different.*

What makes a case faster or slower

Usually faster:

- Clear fault, such as a rear-end crash
- Injuries that heal fully in a few months
- Enough insurance coverage to pay the claim
- Complete, organized records

Usually slower:

- Disputed fault
- Surgery, or injuries that are still changing
- More than one insurer involved, such as chain-reaction crashes or underinsured claims
- Liens from Medicare or MassHealth
- A lawsuit

> **Why fast settlements cost you**
>
> An early offer comes before anyone knows how badly you're hurt. If you accept and sign the release, your case is closed forever. If you later need an MRI, injections or surgery, the insurer won't pay another cent. Insurers make early offers because they are cheaper. A quick check can feel like relief, but it is usually the most expensive check you'll ever cash.

Keeping the case moving

There are things you can do to avoid delay:

- Keep every medical appointment. Gaps slow your recovery and hurt your claim.
- Tell your lawyer about every new provider, test or bill.
- Respond quickly to requests for documents.
- Tell your lawyer if you change jobs, move or get a new health plan.

What this means for you

Don't measure progress by how fast you get a check. Measure it by whether your treatment is complete, your records are gathered and your losses are fully known. A case that settles at the right time is almost always worth more than one that settles early.

PART III: PLACE, PROOF AND PROCESS

Chapter 7: Why the crash location matters

> **EXAMPLE**
>
> *Two drivers were hurt on the same afternoon in Springfield. One was hit at an intersection by a private car. The other was hit by a city-owned pickup truck. Their injuries were almost the same. Their claims were not. The second driver had a shorter notice deadline, a cap on what the city could pay and a different process for making the claim.*

Where a crash happens can change who is responsible, which rules apply, how much can be recovered and which deadlines you must meet.

City streets and intersections

Most Massachusetts crashes happen on local streets and at intersections. These crashes often turn on traffic signals, stop signs, crosswalks and right-of-way rules. They also tend to have the best chance of **video evidence**, because nearby businesses, buses and traffic cameras may have recorded them. Busy intersections in cities like Boston, Worcester, Springfield and Lowell are worth checking for cameras right away (see Chapter 8).

Highways

Crashes on highways like I-93, I-90, I-495 and Route 128 happen at higher speeds, and injuries are often more serious. They also bring particular issues:

- **State Police** usually respond, and their reports are often detailed.
- **Chain-reaction crashes** are common in heavy traffic, so more than one driver may share fault.
- **Commercial trucks** are often involved, which brings federal safety rules and larger insurance policies. Our truck accident book covers these cases.
- **Road conditions** such as construction zones, potholes or missing signs may involve the state.

Business parking lots

Parking lots at stores, plazas, restaurants and offices are private property, but drivers must still drive carefully. Crashes here often happen at low speed, while backing out or cutting across lanes, and police may not always write a full report. Two things make these cases different:

- **The property owner may share responsibility** if poor design, missing signs, broken lighting or a dangerous layout contributed.
- **Business security cameras** often cover parking lots, but footage may be recorded over quickly. Ask the business to save it right away.

Drivers on the job

If the driver who hit you was making deliveries, driving a company vehicle or on the job, their employer may be responsible too. This matters because **business auto policies usually have much higher limits** than personal policies. Signs to look for: company logos on the vehicle, a uniform, a delivery in progress or the driver saying they were "on a run."

Hurt while driving for work

If you were on the job when you were hurt, a different system usually comes first: **workers' compensation**. It pays medical bills and part of your wages through your employer's insurance. You may still have a separate claim against the at-fault driver. The two claims affect each other, so get advice early. Our workers' compensation book covers this in detail.

Public vehicles and public roads

If the crash involved a **city, town or state vehicle**, an **MBTA bus** or a **dangerous condition on a public road**, special rules apply:

- **Short notice deadlines** (see Chapter 5).
- **Caps on recovery.** Under Massachusetts law, public employers generally can't be made to pay more than $100,000 per person. Road defect claims against towns have their own, much lower cap.
- **A formal written claim** must be sent to the right official before a lawsuit can be filed.

Out-of-state drivers and out-of-state crashes

- **An out-of-state driver hit you in Massachusetts.** Massachusetts law usually applies to the crash. Your own PIP coverage still pays first. The other driver's insurance may follow their home state's rules about minimum coverage.
- **You were hurt in another state.** That state's fault rules and deadlines may apply. Some states don't have PIP at all. Your Massachusetts policy may still provide some coverage. Check with your insurer and a lawyer before you assume anything.

> **Questions about the place**
>
> ☐ Was it on a public road or private property?
>
> ☐ Was a city, town, state or MBTA vehicle involved?
>
> ☐ Was the other driver working?
>
> ☐ Was I working?
>
> ☐ Are there cameras nearby (businesses, buses, traffic)?
>
> ☐ Did it happen outside Massachusetts?
> If you checked any box except the first, the rules may be different. Ask before you assume.

What this means for you

Write down exactly where the crash happened: the street names, the direction you were traveling, the nearest address or business. That one detail tells a lawyer which rules apply, which deadlines matter and where to look for evidence.

Chapter 8: Finding and keeping the proof

> **EXAMPLE**
>
> *The other driver swore the light was yellow. Daniel was sure it was green. There were no witnesses who stayed. But a convenience store on the corner had a camera aimed at the intersection, and a letter went out the day Daniel called. The store saved the footage. Without it, the case would have been one word against another.*

Proof wins claims. The problem is that much of the proof in a car crash is held by other people, and a lot of it disappears quickly.

The proof, its keeper and its shelf life

Evidence	Who has it	How fast it can disappear
Police crash report	The police department	Kept long term; request a copy
Your Crash Operator Report	You, the police, the RMV, your insurer	Kept, but you must file it within 5 days
Photos and video from the scene	You, passengers, witnesses	Phones get lost or replaced; back them up now
Business security video	Stores, gas stations, restaurants	Often recorded over within days or a few weeks
Bus, MBTA or traffic cameras	Transit agencies, cities, the state	Kept for short periods; formal requests may be needed
Dashcam footage	You or other drivers	Often recorded over in a loop
Vehicle crash data (speed, braking)	Stored in the cars' computers	Lost if a car is repaired, sold or scrapped
911 calls	The dispatch center	Kept for limited periods
Witnesses	The witnesses themselves	Memories fade; people move
Phone records	The other driver's phone carrier	Usually needs a court order in a lawsuit
Medical records and bills	Your providers	Kept, but must be requested
Pay stubs and work records	You and your employer	Kept, but gather them early
Your injury diary	You	Only exists if you keep it

The evidence that disappears first

Video. Many business camera systems record over themselves every few days to every few weeks. If the crash happened near a store, gas station or restaurant, someone needs to ask for that footage right away, ideally in writing.

The vehicles. Modern cars record data in the moments before a crash: speed, braking, steering and seat belt use. If a car is repaired or scrapped, that data may be gone. If your car is a total loss, ask the insurer not to destroy it until your lawyer says it's okay.

Witnesses. A witness who saw the crash can make or break a disputed-fault case. Get names and numbers at the scene. If you didn't, check the police report.

The preservation letter

When evidence is at risk, we send a **preservation letter**: a written notice to a business, driver, employer or insurer that a claim exists and they must save specific evidence, such as video, vehicle data, driver logs or phone records. Once a party has notice and destroys evidence, courts can hold that against them.

You can ask a business politely to save video yourself. But a formal letter carries more weight, and it creates a record.

The proof you create

Some of the most important evidence is evidence you make yourself:

Your medical care. Every visit creates a record of your injury and how it affects you. Tell each provider about every symptom, even ones that seem small. Follow treatment plans. Gaps in treatment are among the most common reasons insurers reduce offers.

Your injury diary. Once a day, write down:

- Your pain level (0 to 10) and where it hurts
- What you couldn't do today (work, sleep, lift your child, drive, exercise)
- Medicine you took
- Appointments you attended

Months later, when you're asked how the injury affected your life, the diary gives specific, believable answers.

Photos over time. Take photos of bruises, cuts, casts, braces and scars every few days. Injuries heal, and the record of how bad they were heals with them unless you capture it.

Your expenses. Keep receipts for prescriptions, braces, mileage to medical visits, parking and help you had to pay for.

What not to do

- **Don't post about the crash or your recovery online.** Insurers search social media.
- **Don't edit or delete posts** after a crash. That can look like hiding evidence.
- **Don't try to get the other driver's phone records yourself.** Those come through proper legal channels.
- **Don't repair or sell your car** before photos are taken and your lawyer agrees.

What this means for you

Today, back up your crash photos, write down the names of any businesses near the scene and start your injury diary. Those three steps protect evidence that may not exist a month from now.

Chapter 9: Settlement, mediation and court

> **EXAMPLE**
>
> *When the insurer for the driver who hit Tom in Medford refused to offer more than his medical bills, Tom was afraid that meant a long trial in front of a jury. His case did go to court, but it never reached a trial. After his deposition and a half-day mediation, it settled for a fair amount. Most cases follow a path like Tom's.*

Most people picture a courtroom when they think about an injury claim. In reality, the great majority of car crash claims are decided far from a courtroom, and many lawsuits settle before a trial begins.

The path of a car crash claim

> **The path of a claim**
>
> Insurance claim (negotiation with the adjuster)
> → Settled? Done.
> → Not settled? Mediation (optional, any time)
> → Lawsuit filed in District Court or Superior Court
> → Discovery (questions, documents, depositions)
> → Mediation or settlement talks
> → Trial before a jury
> *Uninsured and underinsured claims usually go to arbitration instead of court.*

At the insurance company: negotiation

Most claims are settled by negotiation with the at-fault driver's insurer. Your lawyer sends a demand, the adjuster responds with an offer and the two sides negotiate. No judge is involved. If the sides agree, you sign a release and the case ends.

Mediation

Mediation is a meeting, often half a day, with a neutral person called a mediator, usually an experienced lawyer or retired judge. The mediator talks with each side, often in separate rooms, and helps them find a settlement. The mediator can't force anyone to agree. Mediation can happen before or during a lawsuit, and many cases settle there.

Arbitration

Arbitration is like a short, private trial. An arbitrator hears the evidence and testimony and makes a decision, which is usually final. In Massachusetts, claims under your own **uninsured or underinsured motorist coverage** are usually decided by arbitration under the terms of your policy. Sometimes both sides agree to arbitrate other claims too.

Court: District Court or Superior Court

If negotiation fails, a lawsuit is filed in a Massachusetts trial court:

- **District Court** generally handles cases where the likely recovery is **$50,000 or less**.
- **Superior Court** generally handles cases where the likely recovery is **more than $50,000**.

The case is usually filed in the county where the crash happened or where one of the parties lives. Once the at-fault driver is served, their insurer hires a lawyer to defend them. The driver doesn't pay that lawyer. The insurer does.

What happens in a lawsuit

Discovery. Both sides exchange information:

- **Interrogatories:** written questions answered under oath.
- **Requests for documents:** records, photos, policies and reports.
- **Depositions:** recorded interviews under oath, with a court reporter, usually at a lawyer's office. You may be deposed, and so may the other driver and witnesses. A typical deposition of an injured driver lasts a few hours. Your lawyer prepares you in advance and sits beside you throughout.

Medical exam. The defense may ask for an exam by its own doctor.

Settlement talks and mediation. Most lawsuits settle during or after discovery, once both sides have seen the evidence.

Trial. If the case doesn't settle, a jury hears the evidence, the witnesses and the doctors, and decides fault and damages. Trials in car crash cases often last two to five days.

> **Do I have to go to court?**
>
> Most likely not. Most car crash claims settle without a lawsuit, and most lawsuits settle without a trial. If your case does go to trial, your lawyer will prepare you for every step, including how to answer questions on the witness stand.

Why being ready for court matters, even if you never go

Insurers look at more than your injuries. They look at whether your lawyer is ready and willing to go to trial. A claim that is fully prepared for a jury usually settles for more than one that isn't, because the insurer knows the alternative is a trial it might lose.

What this means for you

Don't let fear of a courtroom push you into a low settlement. Court is one possible step in a longer path, and you won't walk it alone. Ask any lawyer you consider how many cases they have taken to trial (see Chapter 12).

PART IV: INSURERS, VALUE AND YOUR LAWYER

Chapter 10: Dealing with the insurance company

> EXAMPLE
>
> *The adjuster who called Rosa after her crash in New Bedford was warm and patient. She asked how Rosa was feeling, said she was sorry about the crash, and asked if she could record "a quick statement so we can get things moving." Ten minutes later Rosa had said she was "okay" three times. Each one ended up in the insurer's evaluation as a reason to offer less.*

Insurance adjusters are trained professionals. Most are polite, and many are kind people. But their job is to resolve your claim for as little as the facts allow. Understanding how they work helps you protect your claim without turning every conversation into a fight.

The first phone call

The at-fault driver's adjuster often calls within days. The call may sound like a check-in. It is really the start of the insurer's investigation. Expect questions like:

- "How are you feeling?" (Any answer like "fine" or "okay" may be noted.)
- "Can you tell me what happened?"
- "Had you ever hurt your neck or back before?"
- "Who are your doctors?"

You are not required to give the other driver's insurer a recorded statement. You can politely say: "I'm not ready to give a statement. Please send any requests in writing." If you have a lawyer, give the adjuster the lawyer's contact information and stop there.

What adjusters ask you to sign

A medical authorization. This form may let the insurer collect your medical records, sometimes going back many years. Insurers use old records to argue that your injury came from something else. You don't have to sign a broad authorization. Records can be provided in a limited way that covers what is relevant.

A release. A release is a contract that ends your claim forever in exchange for money. Once you sign it, you can't ask for more, even if you later learn you need surgery. Never sign one before your treatment is complete and you understand what your case is worth.

The arguments adjusters use, and what they mean

What they say	What it really means
"There was barely any damage to the cars."	They want to suggest a small impact can't cause injury. Medical research shows people can be injured in low-speed crashes, especially neck and back injuries. The damage to a car doesn't measure the force on a body.
"You waited too long to see a doctor."	They want to suggest the injury came from something else. Delays happen for many reasons: adrenaline, work, childcare, no insurance. Your records and your explanation matter.
"There's a gap in your treatment."	Missed weeks of care are used to argue you recovered. If you had a reason, such as cost, scheduling or a family emergency, it should be explained.
"This is a pre-existing condition."	If you had an old injury, they will say the crash didn't cause your pain. In Massachusetts, a careless driver is responsible for making a pre-existing condition worse.
"You had too much treatment."	They want to cut the value of your medical bills, often by saying chiropractic or therapy went on too long.
"You had too little treatment."	They want to say your injury must be minor.
"You were partly at fault."	Each percentage of blame lowers what they pay. See Chapter 2.
"This is our final offer."	Adjusters often have room to move with a supervisor's approval. A first offer is rarely the last.
"You don't need a lawyer."	Studies of insurance claims have found that people who hire lawyers tend to receive larger settlements. The adjuster's advice serves the insurer.

Insurance software and claim values

Many insurers use software to help value injury claims. These programs weigh things like the type of injury, the treatment received, the length of treatment and the medical codes in your records. That is why the details in your medical records, and the way your claim is presented, matter so much. A demand that tells the full story of your injury, with records and proof, gives the insurer less room to undervalue it.

Unfair claim handling

Massachusetts law requires insurers to handle claims fairly. Under the state's consumer protection and insurance laws, an insurer must, among other things, make a prompt, fair and reasonable offer once fault is reasonably clear. An insurer that fails to do so can be liable for damages, and in some cases for up to three times the amount, plus attorney's fees. Before suing for unfair claim handling, a written demand must be sent at least 30 days in advance. These laws give injured people real leverage when an insurer refuses to deal fairly.

> **Three sentences to remember**
>
> 1. "I'm not ready to give a recorded statement."
> 2. "Please send any forms to me in writing so I can review them."
> 3. "My lawyer will contact you." (if you have one)

What this means for you

Be polite, be brief and be careful. You don't have to answer every question on the first call, and you don't have to sign anything on the adjuster's timetable. The less you say before you understand your claim, the less can be used against you.

Chapter 11: The value of your case

> **EXAMPLE**
>
> *After a T-bone crash in Lowell, Sam's friend told him car cases were worth "three times the medical bills." Sam's bills were about $9,000, so he expected around $27,000. But his case involved a shoulder injury that limited his work as an electrician for months, and his recovery was documented carefully. The friend's formula would have left most of Sam's losses out.*

There is no formula for the value of a car crash claim. The "three times the medical bills" rule is a myth. Every case depends on its own facts, and two people with the same injury can have very different claims.

What you can claim

Economic damages are losses with a dollar amount:

- **Medical bills**, past and future, including surgery, therapy, medication and equipment.
- **Lost wages**, including the 25% PIP doesn't cover and any wages beyond PIP's limit.
- **Lost earning capacity**, if your injury limits your ability to work in the future.
- **Out-of-pocket costs**, such as travel to appointments and help you had to hire.

Non-economic damages are real losses without a receipt:

- **Pain and suffering**, physical and emotional.
- **Loss of enjoyment of life**, such as hobbies, sports or time with family that you couldn't enjoy.
- **Scarring and disfigurement.**
- **Emotional distress**, such as anxiety about driving after the crash.

Your spouse's claim. A spouse or registered partner may have a separate claim for **loss of consortium**, the loss of companionship and support caused by your injury.

Remember the Massachusetts threshold: to claim pain and suffering you generally need more than $2,000 in reasonable medical bills, or a fracture, scarring, loss of sight or hearing, or a similar serious injury (see Chapter 3).

Factors that raise or lower value

Usually raises value	Usually lowers value
Clear fault by the other driver	Disputed or shared fault
Fractures, surgery, head injury	Soft-tissue injury only
Consistent treatment	Gaps in treatment
Lasting limits or permanent injury	Full recovery in a few weeks
Lost work, documented by employer	No lost time or poor records
Credible, consistent account	Inconsistent statements
Higher insurance limits available	Minimum coverage only

The role of insurance limits

The amount of available insurance often sets a practical limit on recovery. If the at-fault driver has the state minimum of $25,000 per person, and no other coverage applies, recovering more is often very difficult, even for a serious injury. This is why finding every policy matters: the at-fault driver's policy, an employer's policy, a vehicle owner's policy and your own underinsured coverage (see Chapter 3).

What you actually take home

The settlement amount is not the same as the amount you receive. From a settlement, these are usually paid:

1. **Attorney's fee**, a percentage agreed in writing in advance.
2. **Case costs**, such as fees for medical records, filing fees and expert reports.
3. **Liens**, amounts owed back to your health insurer, MassHealth, Medicare or PIP in some cases.
4. **Unpaid medical bills.**

The rest is yours. Liens can often be **negotiated down**, which increases what you keep.

> **Dividing a settlement (example only)**
>
> Settlement: $60,000
> Attorney's fee (one-third, example): −$20,000
> Case costs: −$800
> Health insurance lien (negotiated from $6,500): −$4,500
> **Amount to you: $34,700**
> *This is a simplified example. Fees, costs and liens vary in every case and are explained in writing before you agree to anything.*

Larson Law car accident results

Amount	Type
$125,000	Settlement: car accident, fractures
$104,000	Settlement: chain-reaction crash, neck and back injuries
$100,000	Settlement: rear-end collision, head injury
$100,000	Settlement: car accident, fractures
$100,000	Settlement: car accident
$92,500	Settlement: left-turn collision, head injury
$80,000	Recovery: T-bone collision, multiple injuries
$50,000	Settlement: rear-end collision, neck and shoulder injuries
$45,000	Settlement: highway rear-end collision, back and neck injuries
$42,500	Settlement: stop sign collision, back injury

Results disclaimer: Client names and identifying details are left out to protect their privacy. Past results do not guarantee or predict a similar outcome in any future case. Every case is different and depends on its own facts, injuries, insurance coverage and law. Amounts shown are gross recoveries before attorney's fees, case costs and medical liens were deducted. Results include settlements with insurance companies and may combine more than one source of coverage in the same case.

What this means for you

Be wary of anyone, including an adjuster, who gives you a number before your treatment is finished. The value of your claim comes from proof: your records, your losses and the story of how the crash changed your life. Build that proof first. The number follows.

Chapter 12: Choosing a lawyer and the next steps

> EXAMPLE
>
> *After his crash in Somerville, Marco called the first number he saw on a billboard. He spoke to an intake worker, signed papers by email and didn't hear from a lawyer for six weeks. When he finally asked to speak with someone about his case, he couldn't get a call back. He wished he had asked a few questions before he signed.*

You don't need a lawyer for every car crash. If you had a brief, minor injury that healed in a few weeks, PIP paid your bills and fault is clear, you may be able to handle the claim yourself. But if you have ongoing treatment, a fracture or head injury, missed work, disputed fault or an insurer that isn't treating you fairly, a lawyer can make a real difference.

What to look for

Focus on injury cases. A lawyer who handles car crash cases every day knows the PIP rules, the insurers, the local courts and the doctors. A lawyer who handles every kind of case may not.

Experience with your kind of injury. Head injuries, spinal injuries and fractures each need different medical proof. Ask about cases like yours.

Willingness to go to trial. Insurers know which lawyers will take a case to a jury and which won't. That affects offers (see Chapter 9).

The person handling your case. At some firms you may rarely speak to a lawyer. Ask who will be your main contact and how often

you'll hear from them.

Real reviews. Read reviews on Google and other sites, and look at what clients say about communication, not just results.

Fees

Most car crash lawyers work on a **contingency fee**: you pay nothing up front, and the lawyer is paid a percentage of the recovery only if there is one. In Massachusetts, a contingency fee agreement must be **in writing**, signed by you and the lawyer, and must explain:

- The percentage the lawyer will receive
- How case costs are handled, and whether they come out before or after the fee
- What happens if there is no recovery

Read it before you sign. Ask questions about anything you don't understand.

> **Questions to ask at your free consultation**
>
> 1. How many car crash cases like mine have you handled?
> 2. Who will handle my case day to day, and how do I reach them?
> 3. How often will I get updates?
> 4. What is your fee, and how are costs handled if we lose?
> 5. Have you taken car crash cases to trial?
> 6. What do you see as the strengths and weaknesses of my case?
> 7. What do you need from me?

Warning signs

- A lawyer who **promises a specific amount** before reviewing your records.
- **Pressure to sign** on the spot.
- Someone who **contacts you uninvited** at the hospital, at home or at the scene to offer legal help.
- No written fee agreement.
- Not being able to reach anyone after you sign.

You can check any Massachusetts lawyer's license and disciplinary history through the **Board of Bar Overseers** at https://www.massbbo.org.

Can I change lawyers?

Yes. You have the right to change lawyers at any time. The fee is usually divided between the lawyers based on the work each one did, and you don't usually pay twice. If you're unhappy, talk to your current lawyer first. If things don't improve, you can move your case.

Your first call to Larson Law

1. **Free case review.** You call 508-888-8888 or fill out the form at https://www.dlarsonlaw.com. We listen to what happened and answer your questions. There is no cost and no obligation.
2. **Same-day response.** We aim to respond the same day you reach out.
3. **A clear plan.** If we can help, we explain your options, the deadlines that apply and our fee, in writing, before you agree to anything.
4. **We take over the insurance calls.** Once you hire us, the adjusters deal with us, not you.
5. **We protect the evidence.** Preservation letters, police reports, video and witness contacts.
6. **You focus on getting better.** We gather records and bills, track your treatment and keep you updated.
7. **We present your claim and negotiate.** When your treatment is complete, we prepare the demand and negotiate for a fair result.
8. **We're ready for court if needed.** If the insurer won't be fair, we're prepared to file suit and take your case forward.

No fee unless we win. Offices in Boston, Dorchester and Worcester.

What this means for you

Choosing a lawyer is a big decision, and you are allowed to take it seriously. Ask questions, compare answers and choose someone who explains things clearly and treats you like a person, not a file number. Whatever you decide, you now understand the people, timing, proof and process behind your claim, and that puts you ahead of most people who have ever been hurt in a crash.

About the Author

Daniel J. Larson is the principal attorney of Larson Law, a personal injury firm with offices in Boston, Dorchester and Worcester. He represents people and families who have been hurt by someone else's negligence throughout Massachusetts, from car and pedestrian crashes to motorcycle, bus and rideshare collisions.

Dan graduated cum laude from Suffolk University Law School and was admitted to practice in Massachusetts in 2017. He has been recognized as a Super Lawyers Rising Star every year from 2021 through 2026, and he is a member of the Massachusetts Academy of Trial Attorneys and the Massachusetts Bar Association.

He built Larson Law as a boutique firm on purpose. Smaller caseloads and lower overhead mean more time on each client's case and less time lost to layers of management. Dan personally reviews every case, its injuries and its insurance coverage before it moves forward, and he builds each claim on medical proof rather than a rushed call with an adjuster.

Every client is assigned a case team that guides the claim from the first call to the final check, returns calls and texts the same day, and makes sure the client always knows where the case stands. Dan prepares each case as if it may go to trial, because insurers pay attention to lawyers who are ready to.

He wrote this guide because the questions people ask after a crash are almost always the same, and the answers shouldn't be a secret. If you have a question this book doesn't answer, Dan and his team are glad to help.

Glossary

- **Adjuster:** the insurance company employee who handles a claim.
- **Arbitration:** a private hearing where a neutral arbitrator decides the claim, usually with a final decision.
- **Bodily injury coverage:** the part of a driver's policy that pays others hurt by that driver.
- **Comparative negligence:** the rule that reduces your recovery by your share of fault, and bars it if you are more than 50% at fault.
- **Contingency fee:** a lawyer's fee paid as a percentage of the recovery, only if there is one.
- **Crash data recorder:** the computer in many vehicles that stores speed, braking and steering data from the seconds before a crash.
- **Crash Operator Report:** the report every driver must file within five days after a crash with injury or more than $1,000 in damage.
- **Damages:** the money a person can recover for losses caused by someone else's carelessness.
- **Declarations page:** the summary page of an auto policy that lists each coverage and its limits.
- **Demand package:** the written presentation of your claim sent to the insurer.
- **Deposition:** recorded testimony under oath before trial.
- **Discovery:** the exchange of information between the parties in a lawsuit.

- **Economic damages:** losses with a dollar amount, such as medical bills and lost wages.
- **Examination under oath (EUO):** a formal recorded interview the PIP insurer can require.
- **Hit-and-run:** a crash where the at-fault driver leaves the scene; usually claimed under your own uninsured motorist coverage.
- **Independent medical examination (IME):** an exam by a doctor chosen and paid by the insurer.
- **Interrogatories:** written questions in a lawsuit that must be answered under oath.
- **Lien:** a right to be repaid from your settlement, held by a health insurer, MassHealth, Medicare or others.
- **Loss of consortium:** a spouse's or partner's claim for the loss of companionship and support caused by an injury.
- **Lost earning capacity:** the reduction in a person's ability to earn money in the future because of an injury.
- **Maximum medical improvement:** the point where your doctor says you've recovered as much as you're likely to.
- **Mediation:** a meeting with a neutral mediator who helps the sides reach a settlement.
- **Medical Payments (MedPay):** optional coverage that pays medical bills beyond PIP.
- **Merit Rating Board:** the state office that hears appeals of at-fault surcharge decisions.
- **Negligence:** failing to act with reasonable care.
- **Non-economic damages:** real losses without a receipt, such as pain, suffering and loss of enjoyment of life.

- **Paid Family and Medical Leave (PFML):** the Massachusetts program that can pay part of your wages during a serious health condition.
- **Pain and suffering:** compensation for the physical pain and emotional distress caused by an injury.
- **Personal Injury Protection (PIP):** Massachusetts no-fault coverage paying up to $8,000 for medical bills and lost wages.
- **Policy limits:** the most an insurance policy will pay for a claim.
- **Pre-existing condition:** a health problem you had before the crash; a careless driver is still responsible for making it worse.
- **Preservation letter:** a written demand that a party save evidence.
- **Release:** the contract that ends your claim in exchange for payment.
- **Settlement:** an agreement that resolves a claim for an agreed amount of money.
- **Statute of limitations:** the deadline to file a lawsuit, generally three years for Massachusetts car crash injuries.
- **Surcharge:** an increase in your auto insurance premium after an at-fault crash.
- **Tort threshold:** the requirement of more than $2,000 in medical bills, or a serious injury, before claiming pain and suffering.
- **Underinsured motorist coverage:** your own coverage that pays when the at-fault driver's insurance is too small.
- **Uninsured motorist coverage:** your own coverage that pays when the at-fault driver has no insurance or flees.
- **Wrongful death claim:** a claim brought by the estate of a person who died because of someone else's carelessness.

Bibliography

The rules described in this book come from the Massachusetts laws, regulations and public sources listed below. Laws change; check the current version or ask a lawyer before relying on any of them.

Massachusetts General Laws

- Chapter 84, Sections 15 and 18: liability for defects in public ways and the notice requirement.
- Chapter 90, Section 26: duty to report a motor vehicle crash.
- Chapter 90, Sections 34A and 34M: compulsory motor vehicle insurance and Personal Injury Protection benefits.
- Chapter 93A: regulation of business practices for consumer protection.
- Chapter 175, Section 113L: uninsured and underinsured motorist coverage.
- Chapter 176D: unfair methods of competition and unfair and deceptive acts in the business of insurance.
- Chapter 229: actions for death.
- Chapter 231, Section 6D: the threshold for recovering pain and suffering in motor vehicle cases.
- Chapter 231, Section 85: comparative negligence.
- Chapter 258: the Massachusetts Tort Claims Act.
- Chapter 260, Sections 2A and 7: limitation of actions and the extension for minors.

Regulations and court rules

- 211 CMR 74.00: Standards of Fault for insurance surcharges.
- Massachusetts Rules of Civil Procedure, Rules 26 to 37: discovery.
- Massachusetts Rules of Professional Conduct, Rule 1.5: fees and written contingency fee agreements.

Federal law

- Internal Revenue Code, Section 104(a)(2): exclusion of damages received for personal physical injuries.

Government and public sources

- Massachusetts Registry of Motor Vehicles: Motor Vehicle Crash Operator Report. https://www.mass.gov/rmv
- Massachusetts Division of Insurance: consumer guides to auto insurance and PIP. https://www.mass.gov/orgs/division-of-insurance
- Merit Rating Board: surcharge appeals. https://www.mass.gov/orgs/merit-rating-board
- Massachusetts Department of Family and Medical Leave: Paid Family and Medical Leave. https://www.mass.gov/orgs/department-of-family-and-medical-leave
- Massachusetts Board of Bar Overseers: attorney records. https://www.massbbo.org
- The General Laws of Massachusetts, online. https://malegislature.gov/Laws/GeneralLaws

Research

- Insurance Research Council, *Paying for Auto Injuries: A Consumer Panel Survey of Auto Accident Victims* (1999).

Tear-outs

- First-days checklist (from Chapter 4)
- My deadlines card (from Chapter 5)
- My coverage card: PIP / MedPay / Uninsured / Underinsured / Bodily injury amounts (from Chapter 3)

Injury Diary

Date	Pain (0–10) and where	What I couldn't do today	Medicine taken	Appointments	Bills or costs

Contact

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Dan represents people and families harmed by negligence throughout Massachusetts. He personally reviews every case, its injuries and its insurance coverage, and builds each claim on medical proof rather than a rushed call with an adjuster.

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