Five missteps that can damage a California car accident claim

What claimants often get wrong

Filing a claim after a car accident in California seems straightforward, but small mistakes can reduce or even destroy the compensation you receive. Even when another driver is clearly at fault, the way you handle the aftermath matters. Insurance companies and defense attorneys look for gaps, inconsistencies, and procedural errors. If they find them, they will use them to pay you less or deny the claim entirely.

The most common errors happen in the first days after the crash. People are stressed, injured, or simply not thinking about legal details. That is understandable. But knowing what those mistakes are can help you avoid them.



Giving a recorded statement too early

An insurance adjuster will often call you within 24 hours of the accident. They sound friendly and concerned. They ask for a recorded statement about what happened. Many people agree because they think it is required. It is not.

In California, you are not legally obligated to give a recorded statement to the other driver's insurance company. If you do, the adjuster will listen for anything that suggests you were even slightly at fault, or that your injuries are minor. A single phrase such as "I'm fine" or "I didn't see him" can be used to undermine your claim weeks later.

Instead, politely decline. Give only basic information: your name, policy number, and the name of your attorney or representative. Anything beyond that should go through a lawyer who knows how to handle insurance tactics.

Delaying medical treatment

Another frequent mistake is waiting to see a doctor. Some people feel no pain right after the crash. Adrenaline masks injuries. Others worry about the cost of medical care. Both reactions are natural, but they create problems for your claim.

If you delay treatment, the insurance company will argue that your injuries are not serious, or that they were caused by something else entirely. Medical records that show a gap between the accident date and your first visit are a red flag. Even a two- or three-day delay can be questioned.

Go to a doctor or an emergency room as soon as possible after the accident, even if you feel fine. Tell the doctor exactly what happened and describe every ache or discomfort. Follow the treatment plan they recommend. Consistent medical documentation is one of the strongest pieces of evidence in a personal injury case.

Not gathering evidence at the scene

California is a comparative negligence state. That means your compensation is reduced by your percentage of fault. If the other side can argue that you were 20 percent at fault, your settlement drops by 20 percent. Evidence from the accident scene is often the only way to protect yourself against that argument.

People sometimes leave the scene without taking photos, getting witness contact information, or noting the positions of the vehicles. They assume the police report will capture everything. A police report is helpful, but it is not always complete. Officers may miss details or rely on statements from only one driver.

If you can, take photos of both vehicles, the surrounding area, skid marks, traffic signs, and any visible injuries. Get the names and phone numbers of witnesses. Write down your own memory of what happened while it is fresh. That evidence becomes crucial if the other driver changes their story or if the insurance company disputes liability.

Posting about the accident on social media

Insurance companies now routinely monitor social media accounts after a claim is filed. A post that shows you at a party, exercising, or even just smiling can be used to argue that your injuries are not as bad as you claim. Defense attorneys take screenshots and present them in settlement negotiations or in court.

It does not matter that the photo was taken at a different time or that you were in pain but trying to look normal for a family event. The image speaks louder than your explanation. The safest rule is to post nothing about the accident or your recovery. If you must use social media, set your profiles to private and ask friends not to tag you in photos. Even better, stay off social platforms entirely until your case is resolved.

Accepting a quick settlement offer

Soon after the accident, the at-fault driver's insurance company may offer you a check. The amount might cover your car repairs or a few days of missed work. It will almost never cover long-term medical costs, lost wages, or pain and suffering. Once you cash that check, you give up your right to ask for more money later.



Injuries from car accidents often take weeks to fully reveal themselves. Soft tissue damage, whiplash, concussions, and back problems can become chronic. You may need physical therapy, time off work, or even surgery. A quick settlement does not account for that.

Before signing anything, talk to a lawyer who handles these cases. A car crash injury lawyer can evaluate the full value of your claim based on medical records, lost earning capacity, and the long-term impact on your life. They will handle negotiations so you do not have to face the insurance adjuster alone.

Understanding comparative negligence in California

California follows a pure comparative negligence rule. This means you can recover damages even if you are mostly at fault, but your recovery is reduced by your percentage of fault. If you are found to be 70 percent responsible, you can still collect 30 percent of the damages. That sounds fair, but it also means the defense will try to shift as much blame onto you as possible.

Common ways they do this include arguing that you were speeding, following too closely, distracted by your phone, or not wearing a seatbelt. Even something as simple as failing to use your turn signal can be used against you. The police report and witness statements become even more important here.

A knowledgeable **car crash injury lawyer** knows how to counter these arguments. They will gather evidence that shows the other driver's actions were the primary cause, and they will be ready to challenge any unfair allocation of fault.

The statute of limitations is shorter than you think

In California, you generally have two years from the date of the accident to file a personal injury lawsuit. If the claim involves a government entity, such as a city bus or a public road, the deadline can be as short as six months. Missing these deadlines means losing the right to sue forever.

Many people assume they have plenty of time, so they delay contacting a lawyer. Meanwhile, evidence can disappear, witnesses can move, and memories can fade. The best time to start the process is as soon as your medical condition is stable and you have a clear picture of your injuries.

Working without legal guidance

Some people try to handle the claim themselves to save on legal fees. They talk directly to the insurance adjuster, sign medical authorizations, and accept a settlement. They do not realize that every piece of information they give can be used to minimize their payout.

Insurance adjusters are trained to settle claims for as little as possible. They ask leading questions. They request access to your entire medical history, not just the records related to the accident. They may pressure you to accept a low offer by implying it is the only one you will get.

A lawyer levels the playing field. They know the tactics adjusters use and how to push back. They handle all communication, review every document before you sign it, and negotiate for a fair result. In most personal injury cases, the lawyer is paid from the settlement, so there is no upfront cost to you.

What to do next

If you have been in a car accident in California, focus on three things: your health, the evidence, and your legal options. See a doctor immediately. Document everything you can about the scene. Before you talk to any insurance company or sign any release, speak with an experienced attorney who understands California's fault rules and how to build a strong claim.