

## Injured in an Accident in Massachusetts: What to Do

A stage-by-stage worksheet for people hurt in a crash, fall, or other accident

After an injury, the steps you take early shape what you can recover later. What you document, who you talk to, and how soon you act all matter, and insurers move fast. This worksheet walks you through it in four stages, from the scene to the resolution of your claim. Your health comes first; the rest is here so nothing important slips. Check off each step and write in your own dates as you go.

**How to use this:** Note what you know and leave a blank where you are unsure. This is general information about Massachusetts injury claims, not legal advice for your situation. Talk to us before you give a statement to any insurance company or sign anything.

### Your key dates (fill in as you go)

Milestone	Your date
Date of the injury	_____
Reported it (police / property owner)	_____
Auto PIP application filed	_____
Spoke with an attorney	_____
Deadline to file suit	_____

### Stage I: At the scene and right after

**Typical timing:** the day it happens

Your safety and health come before anything else. Once you are safe, capture what you can.

- Get medical help.** Even if you feel okay, some injuries show up hours or days later.
- Report it.** Call the police for a crash, or tell the store, landlord, or manager for a fall, and ask for an incident report.

- Photograph everything:** vehicles, the hazard, your injuries, the scene, and the conditions, before anything is moved or cleaned up.
- Get **names and contact information** for everyone involved and any witnesses.
- For a crash, exchange **insurance, license, and registration** information.
- Do not **admit fault** or brush it off with "I'm fine." Stick to the facts.
- Write down **what happened** while it is fresh.

**Date and time:** \_\_\_\_\_ **Location:** \_\_\_\_\_

**What happened:** \_\_\_\_\_

**Police report or incident number:** \_\_\_\_\_

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## Stage 2: The first days and weeks

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**Typical timing:** the first one to four weeks

This is when you protect both your recovery and your claim.

- See a doctor** and follow the treatment plan. Gaps in care are the first thing an insurer uses against you.
- Start a **file**. Keep every bill, record, receipt, and letter in one place.
- Report the claim** to your own insurer promptly.
- For a car accident, file your **PIP application**. Massachusetts is a no-fault state, so your own Personal Injury Protection pays your first medical bills and part of your lost wages, up to a set limit, no matter who caused the crash. There is a filing deadline, so do it early.
- Keep a simple **journal** of your symptoms and the days you miss work.
- Be careful with **insurance adjusters**. You do not have to give the other side's insurer a recorded statement, and what you say can be used to shrink your claim. Talk to us first.
- Watch **social media**. Assume the insurer is looking at your posts.

**Treating provider:** \_\_\_\_\_ **Days of work missed:** \_\_\_\_\_

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## Stage 3: Building your claim

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**Typical timing:** while you are treating, often months

The goal is the full picture of what the injury cost you, not a quick low number.

- Talk to a lawyer before you accept any offer.** Early offers are usually far below what a claim is worth.
- Keep treating** until your doctor releases you. Settling before you have healed can leave you paying later bills yourself.

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- Gather your **proof**: medical records and bills, wage records, the police or incident report, photos, and witness information.
- Identify **every insurance policy** that might apply, including the **underinsured and uninsured motorist (UM/UIM)** coverage on your own auto policy that most people forget they have.
- Know the **tort threshold** for car accidents: to recover for pain and suffering, you generally need either more than a set amount in medical bills or an injury such as a broken bone or permanent scarring.
- Remember **comparative fault**. In Massachusetts you can still recover if you were partly to blame, as long as you were not more than half at fault. Your share reduces what you collect.

**Attorney consulted:** \_\_\_\_\_ **Insurers identified:** \_\_\_\_\_

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## Stage 4: Resolving your claim

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**Typical timing:** months, and longer if a lawsuit is needed

- Your lawyer sends a **demand** laying out your injuries and losses in full.
- Most claims **settle**. Some require filing a lawsuit, and a contested case can take a year or more.
- Mind the deadline**. Massachusetts generally gives you three years from the date of injury to file suit, and claims against a city, town, or state agency are shorter and require early formal notice. Miss the deadline and even a strong case can end.
- Do not sign a **release** until you understand it. A release usually ends your right to ask for anything more, even if your injury gets worse.

**Deadline to file suit:** \_\_\_\_\_ **Resolved on:** \_\_\_\_\_

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## Hurt in an accident? Call before you talk to the insurance company.

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Reach Dunn & Phillips, P.C. at **(413) 787-9955**. We prepare every case as if it will be tried, we handle the insurers so you can focus on healing, and you pay nothing unless we win. The first conversation is free.