Talking to the insurance adjuster

A plain guide for California injury claims



1. Who the adjuster works for

An adjuster is paid by an insurance company to decide what that company pays. Many are friendly and quick to call. That is part of the job, and it doesn't change who they work for.

There are two kinds of adjuster you may hear from:

- **Your own insurer's adjuster.** Your policy is a contract, and it usually says you must cooperate with your own company. Report the crash to them, and answer their questions honestly.
- **The other driver's insurer's adjuster.** You have no contract with that company. You can confirm basic facts, but you don't have to give them a recorded statement.

2. Before the first call

- Have your claim number, the police report number and the date, time and place of the crash in front of you.
- Write down, in two or three sentences, what happened. Read from it.
- Have a pen ready. Write down the adjuster's name, company, phone number, email and claim number, and the date of every call.

3. What you can give

- ☐ Your name, address and phone number.
- ☐ Your vehicle, your insurance company and your policy number.
- ☐ The date, time and place of the crash.
- ☐ Photos of the damage, for the property damage claim.

5. The first offer

- An early offer usually comes before you know how much treatment you'll need. Once you sign a release, the claim is over, even if your injuries turn out worse.
- California law presumes that a general release signed during your first hospital stay is fraudulent (Business and Professions Code 6152(b)). Don't sign anything then.
- If you may need your own uninsured or underinsured motorist coverage, don't settle with the at-fault driver's insurer without your own insurer's written consent: doing that can cost you that coverage (Insurance Code 11580.2(c)(3)).

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4. What to hold back, and how to say it

They ask	You can say
"Can I record this call?" (other driver's insurer)	"I'm not giving a recorded statement right now. I can answer questions in writing."
"How are you feeling?"	"I'm still being treated, so I don't know the full extent of my injuries yet."
"How fast were you going?"	"I'm not going to guess. The police report has the details."
"Can you sign this medical authorization?"	"Please send it to me in writing. I'll only release records about the injuries from this crash."
"Whose fault was it?"	"I've told you what happened. I'll leave fault to the investigation."
"We can settle this today."	"I'm not ready to settle while I'm still being treated."

Being polite is fine. Saying you are sorry someone was hurt is a natural thing to say. Don't say the crash was your fault, and don't guess about anything you aren't sure of.

6. Numbers worth knowing

- California's minimum auto liability coverage is $30,000 per person and $60,000 per crash for injury or death, and $15,000 for property damage, for policies issued or renewed on or after 1 January 2025 (Vehicle Code 16056). A driver with only the minimum may not be able to cover a serious injury, which is when your own uninsured or underinsured motorist coverage matters.
- An uninsured driver or vehicle owner who is hurt in a crash can't recover non-economic damages such as pain and suffering, with exceptions (Civil Code 3333.4, Prop. 213). Medical bills and lost wages are still recoverable.
- Most injury lawsuits must be filed within 2 years (Code of Civil Procedure 335.1). A claim against a public body needs a written claim within 6 months (Government Code 911.2). An open insurance claim does not stop these deadlines.

7. If the insurer stops answering

Insurers in California must follow the state's Fair Claims Settlement Practices Regulations, which include duties when they receive your communications and standards for prompt, fair settlements (California Code of Regulations, title 10, sections 2695.5 and 2695.7). If an insurer ignores you, keep copies of every letter and email, and you can file a complaint with the California Department of Insurance at insurance.ca.gov.

8. When to talk to a lawyer

Talk to a lawyer before you give a recorded statement to the other driver's insurer, before you sign any release or medical authorization, if the injury needs more than a few visits, if a city, county or transit vehicle was involved, or if the insurer says you were partly at fault. A first conversation with us is free, and there are no fees unless you get paid.

My call log

Date	Adjuster and company	What they asked	What I said	What they promised