

Settlement

Settlement can occur at any stage of the litigation process. In fact, the vast majority of legal disputes are settled before trial. Settlement can, and occasionally does, happen even before the lawsuit is commenced.

In personal injury situations, such as with ICBC claims, insurance companies usually assign adjusters to investigate every claim and they are often empowered to settle the action on behalf of their company. In the case of ICBC, the personal injury adjuster assigned to the file makes most of the decisions so it often doesn't matter if the action is commenced or not.

Public opinion notwithstanding, many of the ICBC adjusters prefer to see the money going to the injured parties than to the lawyers. It's not that they are inclined to pay out large sums of money (just the opposite, in fact) but most of them have little love of plaintiff's lawyers. That is probably a result of constantly fighting with them. However, sometimes it is possible, if the adjuster is experienced or knowledgeable and the plaintiff has all the ducks in a row, to get a reasonable offer of settlement at the start.

That is not to say, however, that you are better off dealing directly with the insurance company. In fact, just the opposite is true. Studies have shown that represented parties tend to get awards that are much higher than parties with similar injuries and damages who represent themselves.

That is not what the insurance companies will tell you, though, but the insurance company is no more likely to offer you more than your claim is worth than you are likely to offer more than the sticker price for your next car or stereo.

Remember, the adjuster's job is to pay out as little as possible. They don't get rewarded for paying out the maximum any more than the stereo salesman is rewarded for the lowest profit margin. The reason they want you (instead of your lawyer) to deal directly

with them is because you probably have a lower estimate of the value of your claim than they or your lawyer do.

The adjusters and your lawyer likely have a far better idea of what your claim is worth and how much it will cost to litigate the matter than you do. With knowledge, as they say, comes power. In short, if you are not represented by counsel you are far more likely to “sell your cow for three magic beans” simply because you don’t know its true value.